



PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE		AGENDA ITEM NO:
Date:	10 December 2013	

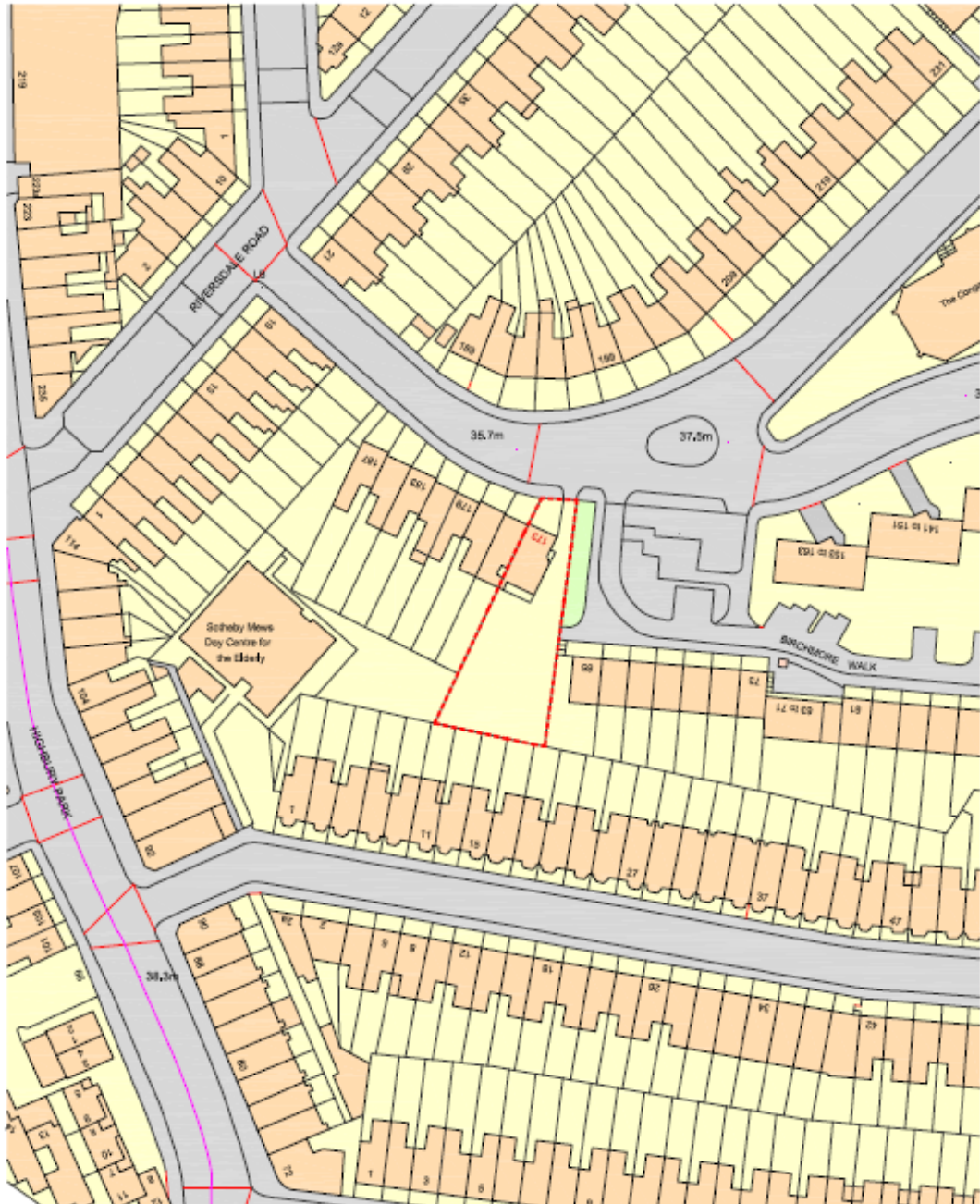
Application number	P2013/2676/FUL
Application type	Full Planning Application
Ward	Highbury East
Listed building	Not a Listed Building
Conservation area	Not within a Conservation Area
Development Plan Context	No Designations
Licensing Implications	None
Site Address	173 Highbury Quadrant and Land Adjacent, Islington, London, N5 2TG
Proposal	Erection of a 3 storey building adjoining the flank elevation of 173 Highbury Quadrant, providing a 3 bedroom unit. Also connected to works refurbishment and conversion of 173 Highbury Quadrant from 4 residential units to 3 units. Other associated works proposed.

Case Officer	Joe Wilson
Applicant	LBI Housing and Adult Social Services, Nick Gore
Agent	Bere Architects, Diana Dina

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission:
 1. subject to the conditions set out in Appendix 1;
 2. conditional upon the prior completion of a directors agreement securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET

Image 1 : 173 Highbury Quadrant and Wider Surroundings.



Image 2 : 173 Highbury Quadrant and Surroundings



Image 3 : Side Elevation of 173 Highbury Quadrant and Garden Wall.



Image 4 : Rear Elevation of 173 Highbury Quadrant



4.0 SUMMARY

- 4.1 The proposal utilises existing housing stock and development of Council land to provide affordable social rent accommodation suitable for large families with private gardens. Two 1 bedroom private units are provided in part in a cross subsidy purpose to support the new development.
- 4.2 The works provide high quality, affordable, accessible and family residential accommodation which together with the design of the buildings and the landscape works proposed are considered to be positive and are supported as identified in the officer's recommendation.

5.0 SITE AND SURROUNDING

- 5.1 The site is located on Highbury Quadrant Road in the Highbury East ward of the borough. The site is occupied by an existing 4 storey residential end of terrace property which forms part of a terrace of 8 properties (all other buildings 3 storeys in height). To the east of the site is the start of the wider Highbury Quadrant Housing Estate. The site also includes a small entrance front garden, a garden to the eastern flank elevation of the property (mostly hard surfaces and a very small green area) and a large rear garden.
- 5.2 The site is approximately 770 sq metres in area. The site does not include any listed buildings and is not located within a conservation area, though the Sotherby Road Conservation Area bounds the site to the south. There are a number of mature trees within the rear garden of the property, these are not statutory protected by a TPO or conservation area status but are not considered under threat by Council ownership.

6.0 PROPOSAL (IN DETAIL)

- 6.1 The proposal follows a decision of the Council (taken at Executive meeting of the 16/06/11) to dispose, along with other properties, of the existing Council owned residential building at 173 Highbury Quadrant which contained 4 x 1 bedroom flats due to major structural problems which were considered uneconomic to repair and bring the building to decent homes standard. This proposal though subsequently has been developed which seeks to retain and provide family sized Council Social Rent housing with an element of private housing to cross subsidize the delivery of this and repairs to existing building.
- 6.2 The proposal is for the erection of a new residential dwelling on the site and also physical alterations to the existing building 173 Highbury Quadrant. The works are proposed to provide residential accommodation to meet housing needs and refurbish the existing building and provide the new dwelling as Passivehaus (high energy efficiency standard) design standard compliant.
- 6.3 The new residential dwelling will be provided through the construction of a 3 storey, 3 bedroom dwelling on a triangular shaped piece of land adjoining the flank elevation of 173 Highbury Quadrant and an existing garden boundary wall. The proposed building is of a contemporary design featuring a parapet roof and being constructed in brick. The new build is set back slightly from

the front elevation building line of the existing building 173 Highbury Quadrant and has its own entrance and garden.

- 6.5 Within the existing dwelling 173 Highbury Quadrant it is proposed to reconfigure the dwelling from its current arrangement providing 4 x 1 bedroom units to 1 x 3 bedroom maisonette and 2 x 1 bedroom flats. This element (conversion of 4 to 3 units) has been considered as an intrinsic element of the overall development and therefore being part of the proposals planning permission is required for, this is further discussed and explained within the land use section of this report. If the development proposals were solely for the conversion of the dwellings through internal alterations from 4 to 3 units and no other works were proposed on the site or adjoining it, it is unlikely that the Council would consider this as requiring planning permission.
- 6.6 The new build 3 bedroom dwelling and 3 bedroom maisonette within 173 Highbury Quadrant will be provided as Social Rent housing. The 2x1 bedroom units are open market private housing.

REVISION 1

- 6.7 In response to officer comments the applicant has made some non material amendments to the proposal around the following aspects:
- External changes to the new build in terms of detail and arrangement of brickwork and windows together with reveal detail to provide an improved visual appearance to the building.
 - Reduction of the proposed rear external stair to only serve upper ground floor level.

7.0 RELEVANT HISTORY:

7.1 PLANNING APPLICATIONS

7.2 None

7.3 PRE-APPLICATION ADVICE:

- 7.4 Proposal was subject to pre-application advice from Council Planning and Energy officers. LBI Housing officers and appointed consultants were keen to deliver a scheme that addressed housing needs and was had a high level of energy performance for both the new build and the existing building, 173 Highbury Quadrant. The discussions centred on the following main points.
- Planning Officers supportive of the desire to address housing needs providing additional family sized housing and improving the quality of the residential accommodation on the site.
 - Officers supportive of the proposals for a high level of energy performance for environmental and financial benefits.

- Principle of development acceptable subject to a building of acceptable scale and massing. Need for quality and interest in the architectural design of the new build which picks up (within a contemporary design) some of the key elements of the terrace in terms of proportions and fenestration. There have been many amendments at pre-application stage to respond to these comments.

- Supportive of application of external insulation system. Need to balance this with protecting the visual character and appearance of the area.

7.5 ENFORCEMENT

7.6 None

8.0 CONSULTATION

8.1 Public Consultation

8.2 Letters were sent to occupants of 40 adjoining and nearby properties at Sotherby Road, Highbury Quadrant and Birchmore Walk on 12/08/13. A site notice and press advert were displayed on 15/08/13. The public consultation of the application therefore expired on 05/09/13, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.3 At the time of the writing of this report a total of 5 responses had been received from the public with regard to the application. The comments received were a mix between supporting the scheme, objecting to the scheme and raising concerns with specific elements. The issues raised can be summarised as follows (with the paragraph that provides responses to each matter of objection indicated within brackets):

- Two responses stated their objection to the proposal but made no other comments.

- One response stated their support for the scheme but made no other comments.

- Delighted with principle of proposals to refurbish 173 Highbury Quadrant which consider beneficial to the street as a whole is carried out professionally and with due care.

- Concern over the construction of metal staircase and impact of this on amenities and health of adjoining occupiers from noise disturbance associated with use of metal stair and view provided. Consider that the metal staircase will make the building susceptible to burglary in an area which experiences high levels of such crime. Could not an alternative solution be found to provide upper floor flats with access to the garden. (10.35-37)

- Consider the proposed new build to be out of character with the rest of the buildings in the Quadrant and will cause harm to the character and appearance of the terrace. (10.9-10.15)

- Welcome the provision of green roofs but require confirmation that these will not be used as external terraces for amenity purposes. (10.32)
- Understand the need for external staircase but would require that external landings are kept to a minimum size and it be as sympathetic to the character and appearance of the area as possible. (10.35-37)
- Note retention of trees on the site would request that ongoing protection is provided in any future lease or equivalent agreement for the property. (10.30)
- Wish to see commitments to the hours of operation for construction works, the period of time when works will take place, the security measures that will be in place and that photographic evidence is taken of neighbouring properties to monitor/record any damage occurring as a result of the development. (10.70-72)

8.4 **Internal Consultees**

- 8.5 Access Officer – Accepted that while encouraged not necessary in planning policy terms and difficult to retrofit existing residential property 173 Highbury Quadrant to attain lifetime homes or accessible homes standards. Requirement for new build unit to attain these standards. Officer has commented and required amendments to the proposed design to achieve these requirements.
- 8.6 Design and Conservation Officer – Revisions have been made to the design to take on board some of the concerns of the officer. Amendments were made to the front elevation and ground floor of the building to better reflect the prominent entrances found along the terrace and are considered beneficial to the scheme overall. The officer has suggested conditions that should be attached to any recommendation for approval.
- 8.7 Energy Conservation and Sustainability Officer – Welcomed Passivehaus energy efficiency measures to existing and proposed buildings and attainment of code level 4 of the Code for Sustainable Homes. Welcomed biodiversity measures proposed across the site.
- 8.8 Tree Preservation / Landscape Officer – Raises no objection subject to compliance with conditions. Officer welcomed the provision of additional landscaping across the site as part of the development proposals.

9.0 **RELEVANT POLICIES**

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

9.2 **NATIONAL GUIDANCE**

- 9.3 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material

consideration and has been taken into account as part of the assessment of these proposals.

9.4 Development Plan

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

9.6 Designations

9.7 The site has no designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

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

9.9 The following SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10.0 **ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Trees and Landscape
- Neighbouring Amenities
- Quality of Residential Accommodation
- Density
- Dwelling Mix
- Affordable Housing
- Energy Conservation and Sustainability
-

10.2 **Land-use**

10.3 The site is currently in residential use (planning use class C3) including the living accommodation within 173 Highbury Quadrant and the ancillary external areas and gardens within the site boundary.

10.4 The proposal involves the alteration of the internal layout of 173 Highbury Quadrant (existing) from its current arrangement providing 4 x 1 bedroom units to 1 x 3 bedroom maisonette and 2 x 1 bedroom flats. There is a debate in the application of planning legislation as to whether such a proposal which involves the reduction of the number of units requires planning permission.

10.5 Section 55 of the Town and County Planning Act establishes that the making of a material change of use of a building represents development. There is a debate as to what constitutes a 'material' change of use and whether this is

applicable to changes of residential unit numbers within the same use class. Whilst the Act specifically identifies that a change from one unit to two or more units constitutes a material change of use it provides no similar guidance with regard to the change of use from two or more units to a lesser number of units.

- 10.6 As a reduction in the number of units usually represents no material increase in activity or significant external changes, it is often accepted that this does not represent a material change of use and require planning permission. However a number of planning appeal decisions (outside of LBI) relating to conversions of a larger number of flats in the cases 7, 5 and 4 flats to a single dwellinghouse have considered to constitute development and require planning permission by the Inspectorate. The Inspector's in these cases found these changes material on account of relevant policies protecting smaller units and ensuring a range of housing types to meet needs. The impact or materiality of these examples is though much greater than the proposed change in this application of the conversion of 173 Highbury Quadrant from 4 to 3 dwellings.
- 10.7 Ultimately there is not a clear consensus in legislation or case law that can be easily applied to this element of the proposal to confirm if planning permission is required for the conversion from 4 to 3 dwellings. Consideration needs to be given to the fact that this element is part of a wider proposal for the site involving external works and creation of a new dwelling within a new building adjoining 173 Highbury Quadrant. In evaluation the officer has considered that this element of the proposal should be included and listed within the development proposals for which planning permission is being sought for but that significant weight would need to be given to the fact that this is lawful residential accommodation is the assessment of this application. This element of the proposals (conversion of 173 Highbury Quadrant from 4 to 3 dwellings) has been listed within the description of development and on all public consultation information as being part of the proposal and providing an opportunity for persons to comment on this aspect.
- 10.8 **Design, Conservation and Heritage Considerations (including Archaeology)**
- 10.9 The main visual change to the area as a result of these proposals will relate to the erection of the new 3 storey house to be constructed between the flank elevation of 173 Highbury Quadrant and an existing side boundary wall to the site.
- 10.10 The new building has been designed with a relatively modest contemporary appearance. The building is faced in brick on upper floors which is considered appropriate. Revisions have been made to the proposal including the use of stone to face the ground floor level of the building. This picks up on the prominent ground floor level detailing within the wider terrace and is a contemporary reflection of this. This together with other revisions made in consultation with officers have provided the scheme with a greater degree of visual interest and individuality that was previously considered lacking.

- 10.11 Discussion has focused on both the principle of developing this space, the scale and massing and the architectural detailing of any proposed new build. In terms of scale and massing the buildings relationship with both 173 Highbury Quadrant and the wider terrace was considered key. All of the terrace buildings with the exception of 173 Highbury Quadrant are 3 storeys in height, 173 Highbury Quadrant is a storey higher than the rest of the terrace. The terrace is on a natural slope which exacerbates the height difference between 173 Highbury Quadrant at the eastern end of the terrace and 187 Highbury Quadrant at the western end of the terrace.
- 10.12 The proposed scale of the new build, when viewed from the front elevation, is considered appropriate in this arrangement matching the predominant 3 storey height of buildings of the terrace. The building has been set back at the front from the existing building line of 173 Highbury Quadrant to contribute to providing a building which has subservience to the larger building which is necessary and appropriate.
- 10.13 The buildings proposed to develop up to and on the line of the existing side boundary wall. Initial thought was that it would be prudent for the building to sit back from this wall. However after considering visual images of this and the impact on internal accommodation on a constrained site of such a requirement officers have been satisfied that this relationship is acceptable.
- 10.14 The massing of the rear elevation of the building has been discussed through the pre-application stage. The applicant was keen to expand the massing in order to provide a viable larger family unit, officers are keen that this does not harm the character and appearance of the terrace. The massing has been drawn back at ground floor level during the application in response to officer comment on the effect on neighbouring amenity, this is also considered beneficial in visual terms in the wider area. The terrace which the new build is part of does have a rhythm of rear extensions. The proposed massing of the new build takes a different form as does the architecture. The massing and appearance of the rear of the new 3 storey building is considered on balance acceptable and would not cause undue harm to the character and appearance of the area.
- 10.15 Windows, in their design and arrangement of the new 3 storey building have been designed as to respond to the proportions and detailing of the rest of the terrace. Windows have also been installed within the side elevation of the new build to provide visual interest to the elevation. In response to the comments of the conservation and design officer amendments have been carried out to provide stone surrounds to the windows on the front elevation of the building which is considered to effectively tie in to the terrace without being pastiche and also provide additional visual interest to the proposed new build.
- 10.16 A key element of the proposals which contribute to the new and existing residential accommodation to meet Passivehaus (energy efficiency) standards is the installation of external insulation render system to parts of the existing building. Considerable discussion took place at pre-application stage about this element of the scheme in terms of balancing the protection of

the character and appearance of this area and the gains from such external render in terms of result energy performance and efficiency of the building from heat retention and reducing energy costs for occupiers in the context of current and future likely general energy cost increases.

- 10.17 The balance struck was to retain the brickwork to the front elevation of 173 Highbury Quadrant and allow external render insulation to be applied to the rear and side elevation (where visible). A necessary downpipe is utilised to address the point where these two materials join. Where external insulation is not proposed for the existing front elevation of 173 Highbury Quadrant internal wall insulation is proposed. This, while still extremely beneficial, does in relative terms have a drawback of not having as high levels of energy efficiency performance as externally applied insulation and reducing the size and affecting the internal accommodation.
- 10.18 The proposed new build (3 storey dwelling) does not require external insulation to be applied to achieve high levels of energy performance with this being dealt with in its external wall engineering and construction.
- 10.19 The development also features, in relation to environmental and sustainability objectives, solar thermal panels at roof level on the rear south facing roofslope and a small flat area of the roof of 173 Highbury Quadrant and the flat roof of the new build. The panels on the new build will be set below the perimeter parapet wall and will therefore not be visible to surrounding views as will the panel to the existing flat roof of 173 Highbury Quadrant. The panels on the south facing rear roof slope of 173 Highbury Quadrant will not be prominent in surrounding public views and certainly will not cause harm to the character and appearance of the area.

10.20 **Density**

- 10.21 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The site has a public transport accessibility levels (PTAL) of 4 (good). In terms of character of the area this would be defined as urban by the London Plan definition. The London Plan for areas of the PTAL rating identifies the suggested residential density range of 200-700hrh.
- 10.24 The proposed development has a residential density of 168hr/ha falling within the relevant density range of the London Plan policy. While the density range falls below the range identified this is a reflection of the untypically large rear garden that the site benefits from particularly in comparison to adjoining terraced residential properties. A development of a greater density is unlikely to be acceptable on this site in relation to other planning considerations.

10.25 **Landscaping and Trees**

- 10.26 The site currently benefits in biodiversity and amenity terms from a large rear garden and a large number of trees. An arboricultural report has been submitted with the application which surveyed 13 trees, and 2 groups of trees. 3 of these trees lay outside the site perimeters, but within the

ownership and management of LB Islington and could feasibly be affected by development of this site hence them being surveyed.

- 10.27 Tree works including pruning have been recently been carried out to trees in the site. The application proposes the retention of all trees within the exception of one relatively smaller eucalyptus tree to enable the proposed works to take place. The proposal does include the lifting and replanting of two recently planted (planted and stalked within the last 2 years) flowering cherry trees.
- 10.28 Details of tree protection measures during construction have been provided. The arboricultural report has been considered by the tree preservation officer working within the planning service who has raised no objection to the proposed tree works.
- 10.29 The proposal includes new landscaping works to the front of both the new build house and 173 Highbury Quadrant. This will incorporate plant, shrubs and trees. Biodiversity (Green) roofs are also proposed to the roofs of the new 3 storey building proposed. The proposals are considered to preserve and enhance the biodiversity value of the site and have a positive effect on the visual amenity of the surrounding area.
- 10.30 Public representations received have requested that long term protection is provided to the trees on the site with it suggested this should be included within any lease/sale agreement for the property. Such a provision cannot be required in any planning permission for the site and will be for the applicant LBI Housing to consider.

10.31 **Neighbouring Amenity**

- 10.32 The proposed development will not lead to any additional or undue overlooking to neighbouring residential properties or between the units proposed on account of the layout of building and placement of windows. A condition is attached to the officer recommendation identifying that external roofs including the proposed green roofs are not to be used as a terrace/amenity space to address concerns raised in public representations.
- 10.33 An element of concern has been the effect of the new build in terms of its massing at the rear on the amenities of the neighbouring 3 bedroom unit within the lower ground floors of 173 Highbury Quadrant. This is in respect to sunlight/daylight provision and sense of enclosure resulting of the internal residential accommodation and to a lesser degree the immediate rear external amenity areas used by this unit.
- 10.34 To address this concern the proposal has been amended during the application stage to draw the neighbouring massing of the new build in this area back from its original position. This is considered to provide sufficient relief to ensure that adequate sunlight and daylight and an acceptable degree of outlook is provided to the internal and external areas of the 3 bedroom unit within 173 Highbury Quadrant.

- 10.35 Concerns have been raised in the public representations received in relation to the impact on the provision of the external metal stair which provides access from the upper 1 bedroom units to the rear garden. The concern relates to the use of this stair in terms of noise and privacy with views into neighbouring As a result of alterations to the internal layout of the building it has been possible during the consideration of the application to reduce the height of the external stair to largely address these concerns.
- 10.36 A condition requires thought to the finish of steps to reduce the potential for the stairs to be source of noise, something which the applicant has confirmed they will consider.
- 10.37 It is not considered that views will be provided from the external stairs that give direct views into neighbouring habitable rooms to potentially contravene Council policy.

10.38 **Quality of Resulting Residential Accommodation**

- 10.39 The Council has adopted within policy DM3.4 (Housing Standards) and DM3.5 (Private Outdoor Space) of the Development Management Policies Document 2013 policy standards for new housing.
- 10.40 The large social rented proposed dwellings at approximately 120 and 91 square metres internal area comfortably exceed the minimum space standards for the particular type of units. Both of the private 1 bed 2 person units are unchanged from their existing lawful size and footprint within the building as 1 bed 2 person units. The unit sizes at 46.6 and 43.4 square metres fall marginally short of the 50 square metre standard for these size of units. However as identified the units are lawful in this arrangement and are of a usable and rationale layout. There is not considered to be adequate justification to require these units to be combined to make a larger unit in planning terms giving their existing lawful arrangement and it is noted that such a requirement would undermine the viability of the new family social housing delivery and passivehaus measures given the reduction in sales receipts which have an important cross subsidy purpose.
- 10.41 In terms of external outdoor space it is noted that the flats and houses are provided with external private amenity space and have independent access. Details of the means of separation of the large garden have not been provided and this is to be dealt with by condition but given the existing size of the rear garden (approximately 500 square metres) it is apparent that adequate provision exists for all 4 units. The means of separation of the garden will need to be of a high standard in visual terms, sensibly and rationally laid out and also protect the amenity and health of existing trees.
- 10.42 All of the proposed units are dual aspect flats and will and do benefit from good sunlight and daylight provision.
- 10.43 **Accessibility** The existing residential units within 173 Highbury Quadrant do not provide accessible accommodation in terms of attaining relevant lifetime

homes or accessible homes standards. Given that this accommodation is existing it is not considered reasonable and there are understood practical obstacles to requiring the building and residential units within no.173 to meet these standards.

10.44 It is though considered important that the new build development meets Islington Accessible homes standard. In this respect there has been amendments to the design and layout of the unit to respond to these standards. One area of concern has been in relation to the gradient of the approach ramp to the dwelling from the street. There is a constraint in terms of limiting the excavation works within the root protection area of an adjoining street tree of significant amenity value. The gradient with an understanding of this constraint is considered acceptable

10.45 Permitted Development Rights The scheme includes the creation of single dwelling house and in accordance with the General Permitted Development Order, under normal circumstances, this dwellinghouses would be eligible for alteration and extension under Permitted Development (PD) rights – meaning certain alterations/extensions would not need planning permission. Given the location of this building, and that alterations and extension may have significant impacts on the amenity of future residents within the development and residents in the locality a condition is attached which removes all PD rights and therefore has the effect of necessitating planning permission for any such changes

10.46 **Dwelling Mix**

10.47 The proposed mix of dwellings on the site currently and in the proposed situation is shown in the below table alongside the dwelling mix targets for social rented and private accommodation as expressed within the Development Management Policies Document 2013.

Dwelling Type	Existing Social Rent (No / %)	Proposed Social Rent	DM3.1 Target Mix for Social Rent	Proposed Private	DM3.1 Target Mix for Social Rent
One Bedroom	4 / 100%	0 / 0 %	0%	2 / 100 %	10%
Two Bedroom	0 / 0%	0 / 0%	20%	0 / 0%	75%
Three Bedroom	0 / 0%	2 / 100%	30%	0 / 0%	15%
Four Bedroom	0 / 0%	0 / 0	50%	0 / 0	0%
TOTAL	4	2		2	

10.48 The proposed mix has been put forward by housing as responding to the housing needs and the need for larger sized units within the social rent tenure

and the constraints of the existing building. Council policy supports the provision of larger units as expressed within the Islington Core Strategy CS12 policy that seeks to maximise the provision of family accommodation in both the affordable and market housing sectors.

- 10.49 There could be an argument that the retained 1 bedroom units should have been combined as well to provide a larger unit with a greater demand identified for these type of units within the private housing market.
- 10.50 The applicant has identified that the private housing provision is proposed to cross subsidise the delivery of other aspects of the scheme including the provision of large social rent dwellings through conversion and new build. Two 1 bed private residential units have a greater value and provide more support to the scheme than a single 2/3 bedroom unit.
- 10.51 **Affordable Housing and Financial Viability**
- 10.52 The existing 4 one bedroom residential units on the site provide affordable social rented accommodation. This application follows a pre-existing Council decision to dispose of the existing building 173 Highbury Quadrant because it has major structural problems and was considered uneconomic to repair. The proposed 4 residential units provide a mix of affordable social rented and private housing. The private housing is considered necessary to cross subsidize the schemes delivery including the affordable social rent accommodation.
- 10.53 The justification put forward by LBI housing is that as expressed within the previous Council decision (non planning) there is a recognition that the property is currently unsuitable in its current arrangement and therefore the proposed situation is beneficial overall in terms of providing larger sized units of improved quality to respond to housing needs. The provision of private housing is necessary to support the provision of the large sized social rent units. The alternative to this option is for the existing building 173 Highbury Quadrant to be disposed in line with previous Council decision (non planning) and all 4 units to be lost as Council housing.
- 10.54 The retention and provision of social rented accommodation accords with Council policy to provide affordable housing accommodation of a type that helps address current and pressing needs. While the reduction of 2 units of social rented accommodation is regrettable the reasons for this and the provision of private housing has been explained and is understood. Added to this the provision of high quality family sized affordable social rented accommodation is of significant merit. The scheme is considered to accord with policy CS12 of the Islington Core Strategy that seeks to increase delivery of affordable housing by building affordable homes on the Council's own land.
- 10.55 Given the onsite provision and retention of family sized affordable housing there is no requirement for an affordable housing contribution which is applicable from minor all private residential development to facilitate development of affordable housing elsewhere.

10.56 **Sustainability, Energy Efficiency and Renewable Energy**

10.57 As identified in the proposal description of this report the development has come forward with two key aims. The first related to addressing housing need and quality objectives, the second was the desire to retrofit the existing building and ensure that the new 2 storey dwelling meet Passivehaus standards to deliver exemplar performance for energy efficiency.

10.58 The Council in policy terms does not require Passivehaus compliance but is supportive of attainment of such standards. The Council does require compliance with Code for Sustainable Homes and the attainment of Code Level 4. The two standards have similarities; Passivehaus is primarily concerned with and requires relative higher levels of energy efficiency. Code Level 4 for Sustainable Homes can be seen to be a more holistic standard looking at sustainability and biodiversity measures as well as energy efficiency.

10.59 The application has been submitted with a Code for Sustainable Homes pre-assessment which shows compliance with code level 4 in accordance with policy. This performance is a result of various design features including thermal performance measures such as choice of glazing and insulation, specification of heating systems and additional landscaping and green roofs biodiversity value. The scheme will deliver carbon reductions for the new build and existing refurbished 173 Highbury Quadrant of significantly greater than 25% in comparison to 2010 Building Control compliant property.

10.60 The Council typically requires a contribution of £1500 for new houses (minor schemes) to offset all remaining unregulated CO₂ emissions. While the scheme does not propose any additional residential units there is a strong argument that this should in principle apply to the new build 3 storey dwelling. It is felt though that the energy efficiency measures retrofitted to the existing building (173 Highbury Quadrant) can be accepted and taken in lieu of any such contribution. The predicted CO₂ emissions saved from the energy efficiency measures to 173 Highbury Quadrant exceed those which the new 3 storey dwelling will emit (beyond its own identified CO₂ savings). Effectively an on-site offset has been provided through works to the existing building (173 Highbury Quadrant) which is considered preferable to collecting monies to be spent elsewhere on similar savings measures.

10.61 **Highways and Transportation**

10.62 All of the 4 proposed residential units will be eligible for onstreet parking permits. The Council policy identifies that all additional units will be car free when considering development proposals. While this scheme will result in larger units, this scheme replaces 4 units with 4 units in total across the site.

10.63 There are not any other concerns in relation highways or transportation considerations.

10.64 **Planning Obligations and CIL**

- 10.65 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 10.66 Council policy for minor development of this scale proposing residential units typically requires two planning obligations, the first to secure a contribution towards the delivery of affordable housing, the second a contribution to be used to offset CO2 emissions from the development not addressed in the design and operation of the building.
- 10.67 In this case as discussed above these obligations are not considered necessary. An obligation is attached to this recommendation to secure the delivery of social rent affordable housing. This will be secured within a directors agreement between Director of Housing and Adult Social Services and the Director of Planning Services as it is not possible for the Council to bind itself via a S106 Agreement.
- 10.68 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) may be chargeable on this application on grant of planning permission. Affordable housing such as that proposed is subject to relief for CIL liability. It is for the developer/affordable housing provider to claim for "social housing relief". An informative is attached to the recommendation regarding this matter.
- 10.69 **Other Matters**
- 10.70 Residents in areas adjoining the development have raised a concern in relation to the construction of the development including hours of operation, the duration of works, the security of the site during these works and a requirements for pre-commencement photographic surveys of neighbouring buildings to be undertaken.
- 10.71 In planning terms there is not considered to be a robust justification for requiring an applicant to provide this information or undertake this work. The Council has a code of construction practice that it would be required to accord with in terms of hours of operation and works. Any applicant has a three year window in which to implement a planning permission. If a development progresses in a timely manner from the point of implementation there is no concern or control from a planning perspective. In addition the scale of the development would not typically warrant the need for a photographic survey.
- 10.72 However in this case LBI housing as the applicant have agreed in consultation with residents and planning officers to provide such detail in response to a planning condition. A planning condition has been attached to the recommendation to secure this.

11.0 SUMMARY AND CONCLUSION

11.1 SUMMARY

11.2 The proposed development provides affordable, accessible residential accommodation suitable for families and is considered acceptable. The development is considered to utilise and make efficient use of existing Council housing stock and land to meet strategic objectives. The development is considered to achieve this without compromising neighbouring residential amenities. The energy conservation and sustainability measures which are a key element and driver for the proposals are strongly supported. p

11.3 CONCLUSION

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Director level agreement between the Service Director of the Council’s Housing and Adult Services department and relevant officers in the local planning authority in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or in their absence the Deputy Head of Service or Area Team Leader:

1. Provision of the 2x3 bedroom residential units as social rented housing.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement Rev H; Sustainable Design and Construction Statement Dated 18/07/13; Arboricultural Impact Assessment Dated 10/07/13; 0417.B3.G10.P00 Rev B; 0417.B3.G20.E01 Rev C; 0417.B3.G20.E02 Rev C; 0417.B3.G20.S01 Rev B; 0417.B3.G20.S02 Rev B; 0417.B3.G20.P00 Rev B; 0417.B3.G20.P01 Rev B; 0417.B3.G20.P02 Rev B; 0417.B3.G20.P03 Rev B; 0417.B3.G20.P04 Rev B; 0417.B3.G20.P05 Rev B; 0417.B5.G20.P00 Rev L; 0417.B5.G20.P01 Rev U 0417.B5.G20.P02 Rev R; 0417.B5.G20.P03 Rev Q; 0417.B5.G20.P04 Rev R; 0417.B5.G20.P05 Rev L; 0417.B5.G20.S01 Rev J; 0417.B5.G20.S02 Rev M; 0417.B5.G20.S03 Rev I; 0417.B5.G20.S04 Rev K; 0417.B5.G20.E01 Rev P; 0417.B5.G20.E02 Rev T; 0417.B5.G20.E03 Rev Q.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	* Materials and Samples (Details)

	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site in relation to the new build element of the scheme. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Windows, doors and window reveal treatment (including sections and reveals); b) panel of proposed brickwork showing the colour, texture, facebond and pointing (Full bricks shall be used and unless otherwise approved by the Local Planning Authority, bricks shall be laid in Flemish bond and pointing shall be flush or slightly recessed.) c) panel of proposed stonework showing the colour, texture, facebond and pointing d) External Stair including finish to address noise attenuation. e) parapet f) boundary wall e) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	No plumbing or pipes (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the elevations of residential building hereby approved without the prior written consent of the local planning authority.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building. .</p>
5	Sound Insulation (Compliance)
	<p>CONDITION: The residential units hereby approved shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq}, and 45 dB L_{max} (fast) Living Rooms (07.00-23.00 hrs) 30 dB L_{Aeq}, Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq}</p> <p>REASON: To secure an appropriate internal residential environment.</p>
6	Accessible Homes Standard Compliant (Compliant)
	<p>CONDITION: The 3 storey, 3 bedroom dwelling hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. .</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
7	Green Roofs/Non Amenityspace (Compliance)

	<p>CONDITION: The green roofs to be installed as set out within the approved plans and shall be installed in accordance with the following details:</p> <p>a) biodiversity based with extensive substrate base (minimum depth 80-150mm); b) green/brown roofs would be planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum);</p> <p>The biodiversity roofs or other flat roofs hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details above prior to the first occupation of any part of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
8	Code for Sustainable Homes (compliance)
	<p>CONDITION: The development shall achieve a Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
9	Removal of Permitted Development Rights (Compliance)
	<p>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 dwellinghouse(s) hereby approved or erection of other outbuildings or means of enclosures shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(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.</p>
10	Landscaping works (Compliance)
	<p>CONDITION: The landscaping works hereby approved including tree/shrub planting shall be carried out and completed within by the end of the first planting season following the first occupation of the 3 storey new build dwelling hereby approved and shall be maintained at all times thereafter.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and biodiversity measures delivered and maintained.</p>
11	Tree Protection (Compliance)
	<p>CONDITION: All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work and protection measures</p>

	<p>as shown in the hereby approved plans to be in place prior to and for the duration of works. In addition: No fires shall be lit within [10] metres of the nearest point of the canopy of any retained tree. No equipment, machinery or structure shall be attached to or supported by a retained tree. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
12	<p>Garden – Means of Separation (Details)</p> <p>CONDITION: Details of any proposed means of separation of the existing large rear garden as shown on the approved plans between the 4 residential units shall be submitted to and approved in writing by the Local Planning Authority prior to any such works commencing.</p> <p>Consideration in their design will need to be given to quality and durability, the protection of trees long term health and the visual amenity of the area.</p> <p>Works shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of ensuring a satisfactory standard of residential accommodation is provided and protecting the visual amenity of the area.</p>
13	<p>Code of Construction Practice Compliance Report (Details)</p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii. Details of hours of operation in conformity with relevant legislation. ix. Details on intended dates and duration of works. x. Pre-Commencement Photographic Structural Survey of neighbouring residential properties <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
14	<p>Energy Efficiency Measures (Compliance)</p>

	<p>CONDITION: The energy efficiency measures hereby approved including but not limited to thermal insulation measures and solar panels shall be installed and operational prior to the first occupation of the development and maintained thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features are met.</p>
15	Lighting (Compliance)
	<p>CONDITION: No lighting shall be located/fixed to any elevation of the building hereby approved without prior written consent from the local planning authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

List of Informatives:

1	Memorandum of Understanding
	You are advised that this permission has been granted subject to completion of a memorandum of understanding.
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>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.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development may be liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>It is apparent that an exemption exists for Social Housing provision and that this</p>

	should be explored with collecting CIL Council officers,
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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, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

3 London's people

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 facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.13 Affordable housing thresholds
Policy 3.14 Existing housing

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
Policy 5.4 Retrofitting

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity
Policy 6.8 Coaches
Policy 6.9 Cycling
Policy 6.13 Parking

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 7.5 Public realm
Policy 7.6 Architecture
Policy 7.13 Safety, security and resilience to emergency
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste self-sufficiency
Policy 5.18 Construction, excavation and demolition waste

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS15 (Open Space and Green Infrastructure)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes
DM3.2 Existing housing
DM3.3 Residential conversions and extensions
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.4 Walking and cycling
DM8.5 Vehicle parking

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

3. Designations

The site has the no designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013.

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

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

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London