



Governance and Human Resources
Town Hall, Upper Street, London, N1 2UD

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on, **24 November 2015 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 16 November 2015

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk**

Committee Membership

Councillor Klute (Chair)
Councillor Nicholls (Vice-Chair)
Councillor Convery
Councillor Gantly
Vacancy
;

Wards


- St Peter's;
- Junction;
- Caledonian;
- Highbury East;

Substitute Members

Councillor Chowdhury
Councillor Diner
Councillor Donovan
Councillor Fletcher
Councillor Kay
Councillor Khan
Councillor A Perry
Councillor Picknell
Councillor Poyser
Councillor Spall
Councillor Wayne

- Barnsbury;
- Canonbury;
- Clerkenwell;
- St George's;
- Mildmay;
- Bunhill;
- St Peter's;
- St Mary's;
- Hillrise;
- Hillrise;
- Canonbury;

Quorum: 3 councillors



A. Formal Matters	Page
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

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6.	Playground between 92 and 94 Bride Street, N7	151 - 168

C. Consideration of other planning matters **Page**

D. Urgent non-exempt items

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining items on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

F. Confidential/exempt items **Page**

G. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Sub Committee B, 17 December 2015

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Crane/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk

London Borough of Islington

Planning Sub Committee B - 8 October 2015

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 8 October 2015 at 7.30 pm.

Present: **Councillors:** Martin Klute (Chair), Tim Nicholls (Vice-Chair), Paul Convery, Osh Gantly and Rakhia Ismail

Councillor Martin Klute in the Chair

- 139** **INTRODUCTIONS (Item A1)**
Councillor Klute welcomed everyone to the meeting. Members of the Sub-Committee and officers introduced themselves. The Chair explained that the Sub-Committee would deal with the determination of planning applications and outlined the procedures for the meeting.
- 140** **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 141** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 142** **DECLARATIONS OF INTEREST (Item A4)**
Councillor Convery declared a prejudicial interest in Item B3, Archway Bridge and left the room during the discussion of this item. Councillor Convery declared a personal interest in Item B5, Elizabeth Garrett Anderson School as his wife was a school governor.
- 143** **ORDER OF BUSINESS (Item A5)**
The order of the business would be B4, B7, B8, B2, B5, B1, B3 and B6.
- 144** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED
That the minutes of the meeting held on the 3 September 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 145** **18 CROWFIELD HOUSE, 125 Highbury New Park, N5 2DU (Item B1)**
Installation of new domestic fire protection system. The works include the installation of a water storage tank, fire booster pumps, controllers and appropriate pipework being situated at the rear of the block of flats at Crowfield House.
(Planning application P2015/2430/FUL)
RESOLVED that planning permission be granted subject to the conditions and informatives set out in the report.
- 146** **627-635 Holloway Road, N19 5SS (Item B2)**
Installation of air conditioning plant at the rear of the site.
(Planning application P2015/2002/FUL).

In the discussion the following points were made:-

- The noise survey had been taken from a proxy position location that had not been agreed with Council officers prior to the survey being undertaken.

Planning Sub Committee B - 8 October 2015

- It was considered that the proxy position was a very different environment from the area where noise levels would have normally been taken.
- It was noted that version 1.1 of the noise survey had been uploaded to the website following the first consultation and a further consultation should have been issued.

RESOLVED that this item be deferred for a further acoustic survey to be undertaken in the immediate environment where the plant is proposed to be located and for reconsultation to take place following the survey.

147 **ARCHWAY BRIDGE, ARCHWAY ROAD, N19 (Item B3)**

Listed Building Consent application in connection with proposed anti-suicide measures by installation of fencing to bridge parapet.
(Planning application P2015/5109/LBC)

Councillor Paul Convery declared a prejudicial interest in this item and left the room during the discussion.

In the discussion the following points were made:-

- It was noted that the proposals would cause some visual harm to the heritage asset but this was considered less than substantial and outweighed by the public benefit.

RESOLVED that planning permission be granted subject to the conditions in the report.

148 **CHADWELL STREET CAR PARK, CHADWELL STREET, EC1R 1YE (Item B4)**

Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements. (FUL). Listed Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars (LBC).
(Planning application P2015/2406/FUL & P2015/2398/LBC).

In the discussion the following points were made:-

- A maximum 45m distance was required for fire brigade access. The furthest distance on the site was approximately 47-50m. Alternative solutions would need to be provided.
- It was noted that concerns expressed regarding works to the party wall at 11 Chadwell Street would be covered under the Party Wall Act.
- The concerns raised that the design had an unsuccessful visual appearance and was not considered to be well proportioned.
- The concern raised that the entrance to the development was through a gate, which was considered contrary to the Urban Design guide and required justification.

Councillor Martin Klute proposed a motion that was seconded by Councillor Osh Gantly.

RESOLVED that planning permission be refused for reasons of design and the gating of the development in a conservation area.

149 **ELIZABETH GARRETT ANDERSON SCHOOL, DONEGAL STREET,, N1 9QG (Item B5)**

Erection of a single storey classroom pod for use as additional teaching space.
(Planning application P2015/1780/FUL)

RESOLVED that planning permission be granted subject to the conditions and informatives set out in the report.

- 150** **MARGARET MCMILLAN NURSERY SCHOOL, 31 HORNSEY RISE, N19 3SF (Item B6)**
Conversion of the loft space and erection of a dormer roof extension to the rear (western) roof slope of the nursery school and Children's Centre buildings for use as a meeting/training room in association with the nursery and children's centre.
(Planning application P2015/2452/FUL)

RESOLVED that planning permission be granted subject to the conditions and informatives set out in the report

- 151** **4, 9, 10-37 LEGION CLOSE, N1 1PJ (Item B7)**
Replacement of existing single glazed windows and doors with UPVC double glazed windows.
(Planning application P2014/3189/FUL).

The planning officer reported the addition of two further plans numbers:- LEG 01A and 01B.

RESOLVED that planning permission be granted subject to the conditions and informatives in the report.

- 152** **UNIT 2, WELLS HOUSE, 5-7 WELLS TERRACE, N4 3JU (Item B8)**
Change of use from retail use (Use class A1) to drinking establishment (Use class A4) together with alterations to shopfront.
(Planning application P2015/2662/FUL)

In the discussion the following points were made:-

- Policy DM 4.5 B (iii) required that two years of marketing information was to be provided to demonstrated that there was no realistic prospect of the unit being used for an A1 retail purpose.
- The marketing information, provided by the applicant was deficient in respect of four requirements.

RESOLVED that the application be refused for the reasons set out in the report.

The meeting ended at 9.45 pm

CHAIR

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COMMITTEE AGENDA

1 1-2A Hermes Street and 116 - 118 Pentonville Road, London, N1 9JD

2 55 Carleton Road London N7 0ET

3 Chadwell Street Car Park Chadwell Street London EC1R 1XD

4 Flat B 60 Beversbrook Road London N19 4QH

5 Land At Spa Green Estate, Ball Court Between Tunbridge House and Wells House, St John Street, London EC1R 4TT

**6 Playground Between 92 And 94
Bride Street [Westbourne Estate Pitch]
London
N7**

1 1-2A Hermes Street and 116 - 118 Pentonville Road, London, N1 9JD

Ward: Barnsbury

Proposed Development: RECONSULTATION-AMENDED DESCRIPTION. Expansion of basement area for B1 office space, alterations to existing ground floor office (B1) floor space, demolition of two buildings within the site, conversion of second floor office floor space to residential (C3), erection of new two storey building and construction of single storey extensions at first, third and fourth floor level to accommodate an additional six (6) residential units with associated amenity, cycle parking, waste storage and photovoltaic panels.

This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73.

Application Number: P2014/4558/FUL

Application Type: Full Planning Application

Case Officer: Duncan Ayles

Name of Applicant: Ellora Enterprises and Adria Services Ltd

Recommendation:

2 55 Carleton Road London N7 0ET

Ward: St. Georges

Proposed Development: Erection of Sedum Clad Office Pod in Rear Garden.

Application Number: P2015/2288/FUL

Application Type: Full Planning (Householder)

Case Officer: Joe Aggar

Name of Applicant: Mr Ben Gravill

Recommendation:

3 Chadwell Street Car Park Chadwell Street London EC1R 1XD

Ward: Clerkenwell

Proposed Development: Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements.

Application Number: P2015/2406/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Phil Clark for Petchey Islington Ltd

Recommendation:

Ward: Clerkenwell

Proposed Development: Listed ~Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars.

Application Number: P2015/2398/LBC

Application Type: Listed Building

Case Officer: Emily Benedek

Name of Applicant: Mr Phil Clark for Petchey Islington Ltd

Recommendation:

4 Flat B 60 Beversbrook Road London N19 4QH

Ward: St. Georges

Proposed Development: Creation of a rear roof terrace on existing flat roof area at 2nd floor level, lowering of existing window cill to create access door and installation of a 1.8m high opaque glazed privacy screen and 1.1 metre screen. (Reconsultation following a reduction in the proposed size of the roof terrace, increased set back off the side elevation and alterations to the proposed screening height).

Application Number: P2015/2343/FUL

Application Type: Full Planning Application

Case Officer: Thomas Broomhall

Name of Applicant: Mr Kieran Fitzgerald

Recommendation:

5 Land At Spa Green Estate, Ball Court Between Tunbridge House and Wells House, St John Street, London EC1R 4TT

Ward: Clerkenwell

Proposed Development: Alterations to existing multi use games area including resurfacing of games area, provision of new 3.57 metre fencing to outside of games area, alteration of the layout of games area, provision of new entrance into the games area and associated landscaping works (Council's Own Application)

Application Number: P2015/3194/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Duncan Ayles

Name of Applicant: LBI

Recommendation:

**6 Playground Between 92 And 94
Bride Street [Westbourne Estate Pitch]
London
N7**

Ward: Caledonian

Proposed Development: Refurbishment of pitch to include artificial turf pitch, plus new entrance with ramp, cycle stands, associated fencing, lighting and safety surfaces.

Application Number: P2015/3442/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Joe Aggar

Name of Applicant: London Borough of Islington - Alex Sarson

Recommendation:

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PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	24 th November 2015	NON-EXEMPT

Application number	P2015/4558/FUL
Application type	Full Application
Ward	Barnsbury
Listed Building	Not Listed
Development Plan Context	Kings Cross and Pentonville Key Area, Chapel Market Conservation Area, Central Activities Zone, Employment Growth Area, Rail Safeguarding Area, Local View from Archway Road, Local View from Archway bridge
Conservation Area	Chapel Market/Penton Street Conservation Area
Licensing Implications Proposal	None
Site Address	1-2A Hermes Street and 116-188 Pentonville Road
Proposal	Expansion of basement area for B1 office space, alterations to existing ground floor office (B1) floor space, demolition of two buildings within the site, conversion of part of first and second floor office floor space to residential (C3) and construction of rear extensions at first, third and fourth floor level to accommodate an additional six (6) residential units with associated amenity, cycle parking, waste storage and photovoltaic panels.

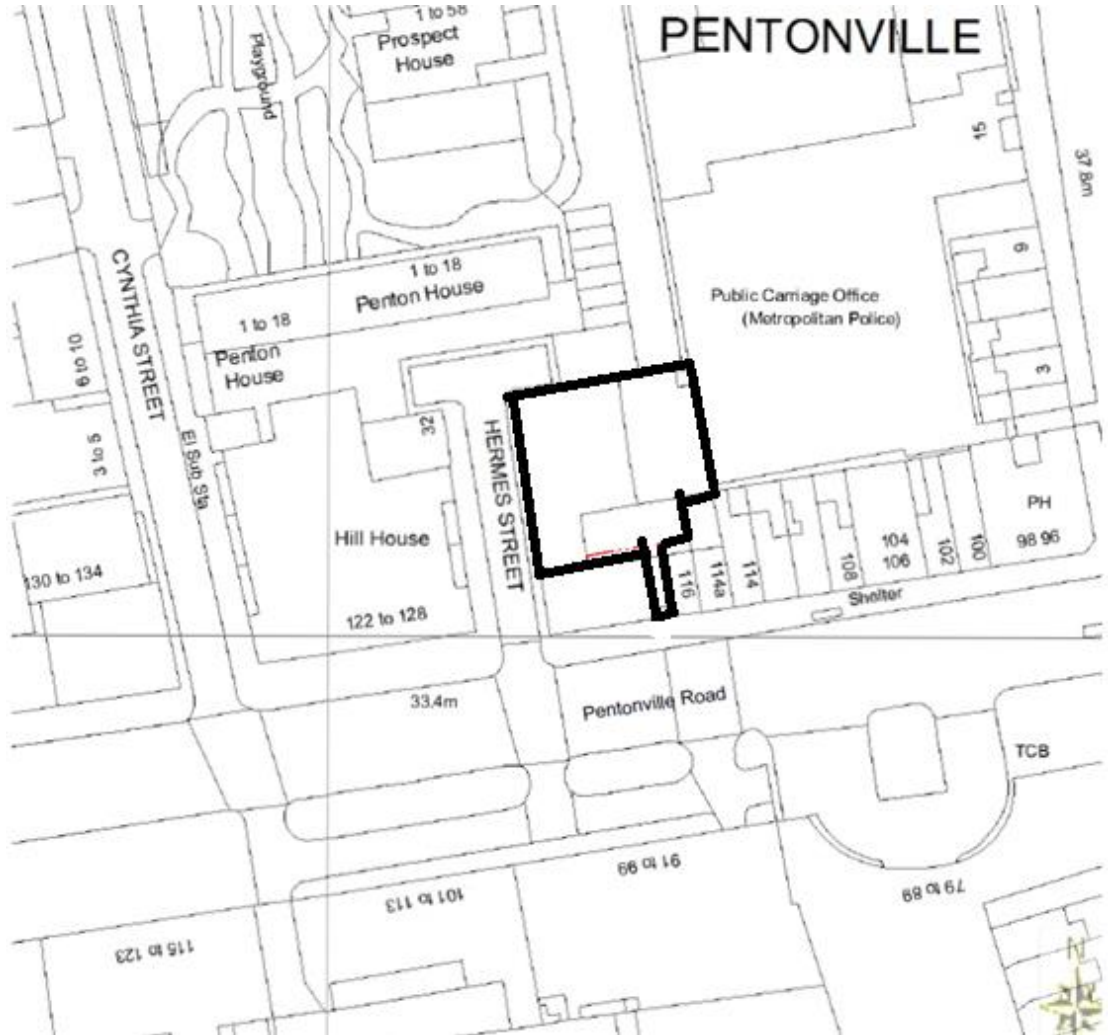
Case Officer	Duncan Ayles
Applicant	Ellora Enterprises and Adria Services Ltd
Agent	DP9

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1 and
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: View of the site from Pentonville Road



Image 2: View of the North side of the Site from Hermes Street



Image 3: Photo showing hill house opposite the site.



Image 4: Photo showing the north side of the site from the Penton House Car Park



Image 5: View of the interior of the site from the first floor of 114a Pentonville Road

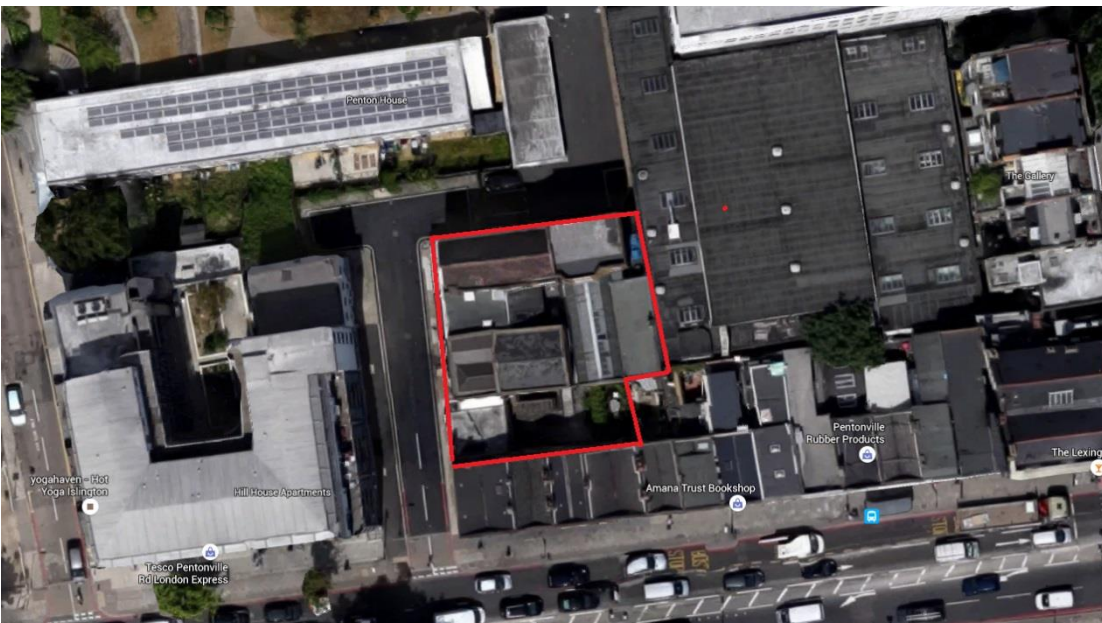


Image 6: Aerial View of the Site, with the site outlined in red

4 SUMMARY

- 4.1 The revised application seeks approval for the conversion and extension of the existing buildings at 1-2A Hermes Street into 6 units of residential accommodation and the creation of 937 square metres of business floor space, including the formation of a basement for office space. The business floorspace will be situated within the basement, ground and first floors, while the residential use will be situated within the second, third and fourth floors.
- 4.2 The application has been revised during the lifetime of the application to address concerns raised in respect of the proposed land use. The application originally proposed 8 residential units and 637 square metres of B1 floorspace. This has been amended by removing the two first floor residential units and replacing them with additional B1 office space.
- 4.3 The application proposes the demolition of two existing buildings within the site and the erection of two new buildings for office space; one lightweight glazed building and one contemporary masonry building. An existing Georgian pastiche building will also be reclad to give it a contemporary design. The application also proposes the erection of Mansard Roof extensions facing toward Hermes Street and on a Georgian Townhouse building in the north-east corner of the site.
- 4.3 The principle of an office-led mixed use scheme is considered to be acceptable in this location, and the applicants have provided a viability report which demonstrates that the proposal provides the maximum viable office space in accordance with policies CS6 and DM 5.1.
- 4.4 With the exception of flat 4, the flats are dual aspect, and all units benefit from a good standard of outlook, ventilation, size and layout. Three of the four units also include external amenity space. The units are therefore considered to provide a high standard of internal accommodation in accordance with policy DM 3.4. The non-provision of external amenity space within 3 of the eight units, while contrary to DM 3.5, is considered to be justified given the design and amenity constraints to the site and its location within a Conservation Area.
- 4.5 Objections have been received in relation to the amenity impact of the proposed roof extensions, including in through the loss of light, outlook and privacy. The applicant has submitted a daylight report that demonstrates that the loss of daylight is negligible. The relationship between existing and new buildings is such that no adverse loss of privacy will occur. The proposal is therefore in accordance with policy DM 2.1
- 4.6 An objection has also been received from the Council's inclusive design officer, as one of the flats does not contain a bathroom on the same level as the bedroom. This is considered to be a minor area of non-compliance, and the current layout is justified by the constraints to the site, specifically the difficulties in working with the existing buildings.
- 4.7 Concerns have also been raised by local residents in relation to the non-provision of any on-site parking, and the effect that the scheme might have on levels of on street parking within the area. However, the site is located in a highly accessible location by public transport, and the new housing will be car free in accordance with policy DM

5 SITE AND SURROUNDING

- 5.1 The application site is located on the eastern side of Hermes Street, which is a short cul-de-sac road off Pentonville Road, between Kings Cross and Angel. The buildings fronting Pentonville Road generally contain retail uses at ground level with residential above. No. 116a Pentonville Road is used for residential purposes only, although the property contains a roller shutter on its front elevation. The western side of Hermes Street, opposite the application site contains a mid-rise residential block Hill House, and an office building. Penton House, a post-war housing block is situated to the north of the application site. The buildings to the east of the application site are used for garage space by the London Carriage Office.
- 5.2 The buildings currently within the site range in date from the late-Georgian period to the 1980s. The buildings have been used for a variety of purposes, most recently as the headquarters for a publishing company including ancillary storage and distribution space. The buildings are currently vacant, and are in a poor state of repair internally to the extent that they are not inhabitable in their current condition. The current lawful use of the site is for a B1 commercial use.

6 Proposal (in Detail)

- 6.1 The proposed development is for the extension and alteration of the buildings to form 6 residential units and to expand and alter B1 office space including at basement level. The application proposes five two-bedroom flats, and one one-bedroom flat.
- 6.2 The applicant proposes to form additional business floor space through the expansions of the basement, ensuring there is no net loss of B1 office space. The proposal includes 299 square metres of B1 floorspace at basement level, 314 square metres of B1 floorspace at ground level and 324 square metres at first floor level, giving a total floor space of 937 square metres of B1 floorspace. New shopfronts will be installed facing toward Hermes Street. The existing space between the main buildings and the Pentonville entrance will be opened up to for a new courtyard space, which will also include cycle and bin storage. Further bin and cycle storage will be provided to the entrance on Hermes Street on the northern side of the site.
- 6.3 The existing buildings on the western side of the site will be extended through the erection on traditional Mansard Roof extension. The Mansard Roof Extensions will be clad in lead, and will include fenestration that matches the windows of the building below. The mansard roof extension proposed for 116a Pentonville Road will be clad in traditional slate. The roof of the scheme will include a number of solar panels toward the centre of the site. A lift over run is also proposed.
- 6.4 The application also proposes to alter the buildings within the site, including through the construction of contemporary, highly glazed buildings. A 1980s Georgian pastiche building will be reclad in brick. The late 18th Century building in the north-east corner of the site will be extended by way of a roof extension and will be altered internally.

- 6.6 The application proposes to demolish a number of poor quality buildings within the centre of the site, and to erect a fully glazed infill building and a new two storey masonry building.
- 6.7 The application has been amended during the lifetime of the application to take account of concerns in relation to the outlook of some of the residential units. Windows on the northern, western and southern elevation which had previously been shown as obscure glazing are now formed from clear glazing. Two flats have also been removed from the scheme, and replaced by additional B1 office space.
- 6.8 The 6 residential units are comprised of 5 two bedroom units and one one-bedroom unit. With the exception of unit 5, all of the units are dual aspect. Unit 5 contains a rooflight that provides an outlook from the bedroom to the property.
- 6.9 The application has been amended during the lifetime of the application following concerns raised by officers. The first amendments made were in response to comments from the Council's inclusive design officers, and related to the internal layout of residential units. The second set of amendments related to the treatment of external windows, which were original shown as part obscure glazed. The windows were altered to be completely clear glazed.
- 6.10 The final set of amendments were made following concerns raised in respect of the land use. Two of the residential units were removed and replaced with additional B1 office space at first floor level. Furthermore, the layout of the office space at basement level was altered, to remove storage previously shown, to address concerns regarding the amount of B1 storage space.

7. RELEVANT HISTORY

Planning Applications:

- 7.1 **P2014/2420/FUL and P2014/4558/FUL:** Two applications for the redevelopment of the site were withdrawn prior to determination.

Enforcement: None

Pre-application Advice:

- 7.3 The current scheme has been subject to extensive pre-application under reference Q2013/0233/SM. Advice was given on a range of issues. Following this the proportion of residential floor space has been reduced and the proportion of business floor space increased.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 191 adjoining and nearby properties on the 18th November 2014. A site notice was also displayed. Two re-consultations were undertaken, firstly after the submission of a daylight and sunlight report, and after the submission of amended plans showing the replacement of obscure glazed windows with standard clear glass windows. The second re-consultation expired on the 3rd June. A final reconsultation was undertaken on

the 28th July, following the alteration of the scheme to remove two of the flats from the scheme at first floor level and to increase the amount of B1 floorspace. One comment was received in response to the last consultation, reiterating previous comments.

8.2 At the time of the writing of this report, 7 objections had been received and 2 letters of support received. The objections can be summarised as follows (with the relevant paragraph numbers that provide responses to those issues indicated in brackets):

- Concerns raised in relation to the amenity impact of the extension in relation to the loss of light , outlook, light spillage, odour and noise pollution (10.19-10.35)
- Increase in off-Street Parking (10.44-10.47)
- Design and Impact on the Conservation Area (10.11-10.18)

The letters of support can be summarised as follows.

- Positive Benefits Including Bringing the Site Back into Use (10.7-10.10)

Internal Consultees

8.3 **Inclusive Design Officer:** My original comment recommended refusal on the grounds that 4 of the units were neither visitable nor adaptable. The revised plans show a real improvement, as all but one of the flats are single storey and none are split level-this is welcome. However, the duplex has no bathroom on the upper floor, where the bedrooms are located. It is essential that the nominally accessible bathroom and main bedroom are located on the same floor.

8.4 I would advise that the residential units are subject to a condition requiring the property to be constructed to category 2 of the National Standard for Housing Design. The split level property should be subject to a condition requiring compliance with category 1 (Flat 5)

8.5 I am concerned that the lift within the commercial premises is undersized-the structural opening is just 1600 x 1500 mm. On the first floor, the nominally accessible WV has an inward opening door-this will not work. The minimum size cubicle is 1500 x 120 mm with an outward opening door.

8.6 **Design and Conservation Officer:** The scheme was the subject of pre-application advice. In general the proposed re-use and refurbishment of the buildings on the site are welcome. They are supported by the CA guidance under section 33.5 which seeks to retain all 18th and 19th century buildings in the area. The refurbishment of the ground floor frontages along Hermes Street and reuse for commercial purposes will reintroduce an active frontage and improve the street scene. Opening up the interior of the courtyard will help to reveal the period property within.

8.7 The guidance for the Conservation Area recognises that the properties in Hermes Street are ones where Mansard roof extensions, using traditional materials, may be permitted. Following negotiation at pre-application stage the scheme was revised to include a more traditional approach to the roof alterations. The scheme as submitted is considered an appropriate form of development for the site. It would appear that the lift overrun and PV cells are

located so as not to be visible from the street. All materials should be conditions for subsequent approval.

- 8.8 **Acoustic Officer:** The main issue is the mixed use nature of the site leading to potential noise transmission between the commercial and residential. A condition is required for the submission of a scheme of sound insulation between the commercial and residential units.
- 8.9 **Planning Policy Officer:** According to the planning statement, the latest proposal would result in no net loss of office floor space. This would remove the requirement for marketing and vacancy evidence to demonstrate a lack of demand. The main issue remaining from the last application was that the amount of floor space proposed was not justified to be maximum reasonable amount in light of the requirement for office mixed use development in this location. The report submitted should be scrutinised to ensure that it is the maximum reasonable floor space possible.
- 8.10 I have no further comments to make based on the amended floor plans. However, the revised FVA will need to be assessed to ensure that the scheme is delivering the maximum amount of floorspace required.
- 8.11 **Internal Viability Officer:** Adams Integra have provided three separate viability appraisals of the scheme. The first report, February 2015, determined that the 8 unit proposal was delivering the maximum amount of employment floor space. However, this report contained an error which led to the office value being underestimated. This error was corrected in August 2015, and the report then showed a surplus of £386,210.
- 8.12 The conclusions of the latest AI report shows that the scheme has a surplus of £163,000. However, it is considered that even with the surplus, taking into account some of the sensitivities in the assumptions, Adams Integra used yields for example; the scheme is delivering the maximum amount of employment floorspace.

The scheme has been discussed with Adams Integra and their conclusions are agreed.

- 8.13 **Refuse and Recycling:** The proposed refuse and recycling arrangements are acceptable.

External Consultees:

Transport for London: This proposal is located on the A501 Pentoville Road which forms part of the Transport for London Road Network (TLRN). TfL is the Highway Authority for the TLRN and therefore concerned about any proposal which may affect the safety or performance of this road. TfL has reviewed the above mentioned application and has the following comments to make: Due the location and size of the site, TfL requires an outline Construction Logistics Plan and a Site Management Plan. Information is required on the allocation of the 23 cycle spaces. The 2015 Further Alterations to the London Plan have now been adopted and the requested information must be in accordance with, and make reference to the cycle parking policy.

Adams Integra: The new appraisals produce a surplus of £163,000. However, if the yield on the commercial element is returned to the previous level of 7% then the appraisal shows a small deficit of £54,200. It is our opinion that this demonstrates that the scheme is delivering the maximum amount of commercial floorspace while remaining viable. The main difference between our appraisal and the applicant's appraisal is in the sales values and the value attributed to the Existing Use Value.

The Council's internal viability team agree with this assessment.

9 RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 The National Planning Practice Guidance 2014 is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 On the 28th November 2014, a Ministerial Statement and revision to the Planning Practice Guidance (PPG) were published, which seeks to offer a vacant building credit (VBC) whereby the developer would be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution which would be sought. The applicant has not sought to apply VCB to this scheme.
- 9.4 In considering the relevance of the changes to the PPG in light of the NPPF requirement to meet the full objectively assessed needs for market and affordable housing, the Council is mindful that the NPPF sets out the government's national planning policy.
- 9.5 Furthermore, planning legislation (Section 70 of the Town and Country Planning Act 1990 and section 38 of the Planning and Compulsory Purchase Act 2004) provides that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle of the development
- Design, Heritage and Impact of the development on the Character and Appearance of the Conservation Area
- Land Use, including proposed mix of residential and business floor space.
- Housing Standards and Quality of Residential Accommodation Proposed
- Amenity Impact
- Inclusive Design
- Highways and Transportation Impacts

Principle of the development Including Proposed Land Use

- 10.2 Core strategy policy CS6 aims to protect existing business floor space from changes of use, and confirms that the King's Cross area will be subject to accommodate significant office-led Mixed Use development, to deliver approximately 3,200 additional jobs over the plan period. The site is also situated within an employment growth area, and policy DM 5.1 requires schemes for the redevelopment of business floorspace to maximise the amount of business floorspace on the site as far as reasonably possible, whilst complying with other relevant planning considerations.
- 10.3 The existing buildings have a B1 use, as it was used as an office with ancillary storage and distribution space. However, the existing buildings are in a poor state of repair and could not be occupied without significant investment. The existing floor area equates to 670 square metres of business floor space. The amended proposal provides 937 square meters of B1 floorspace over the basement, ground and first floors, and 521 square meters of residential floorspace. This equates to 64% B1 to 36% C3 residential.
- 10.4 The applicant has submitted a viability assessment, which has been assessed by the Council's viability surveyors Adams Integra and the Council's Internal Viability Officer. This report aims to demonstrate that the scheme provides the maximum amount of business floor space viable on the site, according with the requirements of policy DM 5.1.
- 10.5 The applicant has provided a viability assessment of the proposal, which found that the scheme is in deficit relative to the site's existing value. Adams Integra have produced three separate appraisals of the scheme in February , August and October 2015. The first report, based on the 8 unit scheme, found that the proposal was delivering the maximum amount of B1 floorspace. However, Adams Integra calculated the office value incorrectly, and when this was amended Adams Integra found the scheme provided a surplus of £386,210.

- 10.6 Adams Integra's final report, based on the 6 unit scheme, concludes that the proposal creates a surplus of £163,000, which supports the view that the scheme is delivering the maximum amount of B1 floorspace. The Council's Internal Viability Office has assessed both the applicant FVA and Adams Integra's report, and has discussed the scheme with Adams Integra. The conclusion is that Adams Integra final report is correct, and the scheme is delivering the maximum amount of viable floor space.
- 10.7 In addition to the viability constraints to additional B1 office space being provided, there are also planning policy constraint which support the view that the site is delivering the maximum amount of B1 floorspace. Policy DM 5.1 A requires all new proposals for the development or change of use of existing B1 floorspace to provide the maximum amount of business floorspace reasonably possible, whilst complying with other relevant planning considerations. DM 5.1 part F (ii) states that mixed use schemes need to provide a full separation of residential and business uses. In the current scheme, this separation is provided as the basement, ground and first floors are comprised wholly of B1 floorspace, with residential units covering the whole of the second, third and fourth floor levels. The replacement of further C3 floorspace with B1 floorspace at second floor level would create a scheme where the uses would not be fully separated, contrary to DM 5.1.
- 10.8 Furthermore, it is considered that the proposed office accommodation is of a far higher quality than the existing accommodation, which is in a poor state of repair. The proposed units are flexible, and are of a range of sizes suitable for small and medium enterprises, in accordance with policy DM 5.1.
- 10.9 Concerns were previously raised by planning policy officers in respect of the quality of the basement accommodation, and whether this can be considered a like for like replacement of the existing B1 floorspace. However, the applicant has confirmed that the basement floorspace will meet the British Council for Offices Guide to Specification, which provides a number of standards in respect of ceiling height, access and and daylighting. Consequently it is considered that the basement floorspace is high quality, and can be considered a replacement of the existing floorspace, especially given that the existing floorspace is not of the highest quality.
- 10.10 The principle of the residential element in this location is considered to be acceptable. Policy CS6 and DM5.1 promote office led mixed use development, which may include residential uses, and in this instance the applicant has demonstrated the residential uses are no greater than is necessary to support the viability of the scheme as a whole. The surrounding area contains a mix of uses including residential floor space.

Design Impact of the development on the Character and Appearance of the existing building and Conservation Area

- 10.11 The application proposes to retain the majority of the buildings on the site, including all of the historic buildings in line with the Conservation Area Design Guidelines. The buildings have been subject to extensive alteration and extension over the years, to the point that little original fabric remains within the buildings. The buildings are not locally or nationally listed, and are not of listable quality.

- 10.12 The most significant piece of historic fabric that is proposed for removal is an internal stair within the oldest Georgian Townhouse. While the loss of this feature is regrettable, it is considered that it is justified, as the retention of this feature would lead to the formation of a very large four bedroom unit. Given the constraints to the site and the lack of any external amenity space available to the unit, the removal of the internal stair case is considered to be justified.
- 10.13 The application includes the erection of a number of traditional mansard roof extensions facing toward Hermes Street. The mansard roof extensions comply with the guidance set out within the Islington Urban Design Guide SPD, and the Conservation Area Design Guidelines confirms that the properties fronting Hermes Street are suitable for traditional roof extensions. These mansard extensions have been designed to articulate the individual buildings and ensure that they are still read as such.
- 10.14 The design of elements of the scheme that face the courtyard is more contemporary. A contemporary infill structure is proposed within the site, which will provide additional business floor space, and the roof extensions are not traditional mansard extension. An existing Georgian pastiche building dating from the 1980s will also be re-clad to give it a more contemporary design. These parts of the proposal will not be visible from public vantage points, and will not therefore give rise to any adverse impact on the character of the Conservation Area. However, the design of these buildings is considered to be innovative and of a high quality.
- 10.15 The application includes a number of solar PV cells on the roof of the scheme. These will not be visible from street level, and consequently will not give rise to any impact on the character and appearance of the Conservation Area. Similarly, the lift overrun, while contrary to policy 2.6.4 of the IUDG, will not be visible from any public vantage points outside of the site.
- 10.16 The scheme proposes to open up a courtyard within the middle of the site, which will provide high quality outdoor space for the commercial uses. Similarly the proposal opens up a space adjacent to the most significant historic buildings within the site, which will improve the setting of this building.
- 10.17 The application proposes to reinstate the historic shop fronts facing toward Hermes Street. This is welcome as it will introduce an active frontage at ground level in accordance with the Islington Urban Design Guide. The appearance of this part of the building in particular would markedly improve, as the existing frontage to Hermes Street is in a poor state of repair and includes external roller shutters and barbed wire.
- 10.18 Taken together the proposal would improve the overall appearance of the buildings within the site, and would improve the character of the Conservation Area. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2015, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

Impact of the Proposed Development on the Amenity of Neighbouring Properties

10.19 Policy DM 2.1 aims to protect the amenity of residential properties from overlooking, loss of daylight and sunlight, over dominance, sense of enclosure and outlook. This policy is full in compliance with the NPPF, which seeks to provide a good standard of amenity for all current and future occupiers of the land.

Privacy and Overlooking

10.20 The scheme introduces a number of residential units which face all four sides of the site. However, it is not considered that any part of the scheme gives rise to any significant impact on the privacy of neighbouring buildings.

10.21 The new residential windows introduced onto the western side elevation of the scheme face toward Hill house, a six storey residential building that is located 11 metres away from the site. An office building is also located on the western side of Hermes Street. While it is noted that the separation distance between Hill House and the development is less than the 18 metre separation distance required by policy DM 2.1, this policy also confirms that overlooking across a public highway does not give rise to an unacceptable loss of privacy. Consequently, it is not considered that the amenity of the residential units at Hill House or the adjacent office building on the western side of Hermes Street would be unacceptably harmed through the loss of privacy.

10.22 The application includes a number of additional windows on the north elevation which serve the residential uses. The applicant has submitted a drawing showing the relationship between these windows and Penton House to the north. This confirms that the new windows are located to the east of the residential units at Penton House, and overlook a car park and garage block. Consequently these windows will not give rise to any overlooking or loss of privacy to the units at Penton House.

10.23 The proposal is also not considered to give rise to any overlooking to windows to the south of the application site. The nearest residential units to the south of the application site are at 114 and 114a Pentonville Road. These units are located to the east of the new residential units, and given the oblique angle, it is not considered that any loss of privacy would occur to these properties. The other units at 120 and 116 are either vacant or in an A1 retail use, with no residential use above. However, it is considered reasonable to impose a condition requiring that the glazed building is formed of obscure glazing, and that privacy screens are provided to the residential balconies.

10.24 The buildings to the east of the site are in use as a depot for the London Carriage Office. Overlooking from the new residential uses to these buildings is not considered to give rise to any material harm in planning terms.

10.25 The proposal is therefore considered to be acceptable in relation to privacy and overlooking, and it is not considered necessary to require the use of obscure glazing to any windows within the scheme. The proposal is in accordance with policy DM 2.1 in this respect.

Privacy, Outlook, Daylight, Sunlight and Overshadowing

- 10.26 Following concerns raised by objectors and officers with regard to possible sunlight and daylight impacts, the applicant has supplied a daylight and sunlight report. This has assessed the impact of the proposed development on nearby properties at Hill House, which are the only properties that could be affected through the loss of daylight and sunlight.
- 10.27 The properties to the north of the site within Penton House will not experience any loss of daylight or sunlight, as no roof extensions are proposed to the north-western building within the site. The buildings to the east of the site are used as a depot by the London Carriage Office. The nearest residential unit within the terrace to the south is at 114a Pentonville Road. Given that the alterations to buildings within the south-east part of the site do not significantly increase the height of these buildings; it is considered that no adverse impact will occur to 114a Pentonville Road through the loss of daylight. Furthermore, as no 114a is immediately to the south of the altered buildings, no loss of direct sunlight will occur.
- 10.28 The plans submitted show an increased height of the boundary wall with 114a Pentonville Road, giving the wall an approximate height of 2.5 metres. It is recommended that a condition is imposed to limit the total height of the boundary to 2 metres, to ensure no adverse overshadowing or sense of enclosure, as 2.5 metres is considered to be excessively large for a boundary next to a domestic garden.
- 10.29 The applicant's daylight and sunlight report provides an assessment of the impact in terms of vertical skylight component (vsc). This refers to the amount of daylight that the midpoint of a window on the outside plan will receive, as a percentage relative to a totally unobstructed sky.
- 10.30 18 windows have been tested within Hill House to the west of the application site. In each instance the amount of daylight received is no less than 0.8 times (20%) its previous figure for daylight, a loss of that is within the amount allowed by the BRE guidance. The report also takes account of the possibility for a cumulative loss of light based on the development and the existing residential balconies.
- 10.31 The report has also modelled the daylight impact without the external balconies in place (the figures referred to within 10.30 above relate to the modelling with balconies in place). In this case, the vsc reduction is also no greater than 20%, according with the BRE guidance. The report also addresses the possible impact in terms of loss of sunlight, and confirms that the scheme will not give rise to any overshadowing of amenity errors, including the balcony spaces at Hill House to the west.
- 10.32 The impact of the proposal on the daylight and sunlight received by neighbouring properties is therefore considered to be acceptable, and is in compliance with BRE guidance and policy DM 2.1.
- 10.33 Objections have been received from the properties at Hill House to the west in relation to the amenity impact of the proposed extension in relation to the loss of privacy and outlook. However, the properties are separated by a road, and

the supporting text to policy DM 2.1 confirms that overlooking across a road does not lead to the loss of privacy.

- 10.34 The impact of the proposal on the daylight and sunlight received by neighbouring properties is therefore considered to be acceptable, and within the guidance set out within the BRE guidance. Consequently the proposal is in compliance with policy DM 2.1 in this respect.
- 10.35 Concerns have been raised by neighbours in relation to the location of the proposed bin store. The bins for the commercial floor space are situated within the internal courtyard. The siting of bins does not require planning permission, and bins could be stored within this area in association with the existing lawful use without the benefit of planning permission.

Inclusive Design

- 10.36 The Council's Accessibility Officer previously objected to the scheme on the basis that a number of the units provided did not accord with the requirements of the Inclusive Design SPD and the Lifetime Homes Standard, as a number of the unit contained internal level changes within each flat. Since the application has been submitted, the lifetime homes standard has been revoked and replaced with National Standards for Housing Design, set out within the Building Regulations.
- 10.37 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015
- 10.38 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards
- 10.39 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.40 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of the need for such housing across London. In this regard, as

part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

- 10.41 Five out of the six units now accord with the category 2 standard within the National Standards for Housing design, and a condition is proposed to secure this. Flat 5 does not meet category 2 standard, as it does not contain a bathroom at the same level as the two bedrooms. As unit 5 is the only non-compliant unit, and because the design of this unit is contained by the existing buildings, the failure to provide a bathroom at the same level as the bedrooms is considered to be acceptable in this instance.
- 10.42 The applicant has also addressed the concerns raised by the inclusive design officer in respect of the commercial floorspace, by confirming that the lift car will comply with the standard required by the Inclusive Design SPD, and by providing the accessible toilet with an outwardly opening door.
- 10.43 Consequently, it is considered that the scheme is acceptable and strikes an appropriate balance between inclusive design and heritage conservation requirements, in accordance with policy DM 2.2 and DM 2.3.

Quality and Mix of Residential Accommodation Proposed

- 10.44 The application has proposed a dwelling mix that includes 5 two bed units and one one-bed unit. This dwelling mix is not strictly in compliance with the guidance set out within table 3.1, as it does not contain sufficient larger three and four bed units. However, the supporting text to policy DM 3.1 confirms that the table is to inform minor schemes only, and that the dwelling mix will also be influenced by factors such as the site's location. Given that the site is located within a dense, urban location, and that design constraints mean that it is not possible to provide external amenity space for all of the units; it is considered that a dwelling mix that provides a greater percentage of small units is acceptable in this instance.
- 10.45 The quality of accommodation proposed is also considered to be acceptable. With the exception of flat 4, all of the flats are dual aspect in accordance with policy DM 3.4. The proposal has also been amended during the application to remove obscure glazing, which had previously been proposed to some habitable room windows, thus making the quality and outlook of the proposed units acceptable.
- 10.46 Flat 5 contains a large roof light on its northern side, which provides the light and ventilation required for this unit. The applicant has provided a section drawing of this unit, which confirms that the roof light will provide a good level of outlook, light and ventilation to the property from the north. The flats also meet the floor area requirements set out within policy DM 3.4. The table below provides a comparison of the floor areas to the space standards within policy DM 3.4

Unit	Number of Bedrooms and Occupants	Size Required Policy DM 3.4	Actual Size
1	2b4p	70	70
2	2b3p	61	64
3	2b4p	70	70
4	1b2p	50	55
5	2b3p	61	67
6	2b3p	61	65

10.47 Only three of the five units proposed contain outdoor amenity space, as required by policy DM 3.5. However, this is considered to be justified by the location of the site within a conservation area, which effectively rules out the erection of balconies on the external elevations of the scheme. In addition, the application does not contain family sized units, and is located close to areas of outdoor amenity space at Joseph Grimaldi Park. The non-compliance with policy DM 3.5 is therefore considered to be acceptable in this instance.

Sustainability, Energy Efficiency and Renewable Energy

10.48 The applicant had committed to construct the scheme to code for sustainable homes level four and BREAM domestic refurbishment rating of excellent. As the code for sustainable homes has now been abolished, it is recommended that a condition is imposed requiring the construction of the scheme to BREAM excellent level. The scheme includes pv Solar cells on its roof, contributing to renewable energy and carbon reduction in accordance with policies 5.1; 5.2; 5.3; and 5.9 of the London Plan 2015 and policy CS10B of the Islington Core Strategy 2015, and Development Management policies 2013 DM7.1, DM7.2 and DM7.4.

Highways and Transportation Impacts

10.49 The application site is located in a highly accessible location, and has a ptal level of 6b. Policy DM 8.5 confirms that all new homes will be car free, and that non-residential uses will be car free unless there is an essential operational requirement.

10.50 An objection has been received which states that the proposed lack of onsite car parking is likely to lead to on street parking in the area. The site is located within a highly accessible location, and has a ptal level of 6b, which is the highest possible level. Consequently it is considered that the vast majority of trips to the proposed office units will be by public transport, and that the offices will not generate any significant increase in on street parking on Hermes Street.

10.51 The six residential units will be car-free, which is secured within the unilateral undertaking, and will also be provided with sufficient bicycle parking to accord with the requirements of the London Plan and policy DM 8.4. It is not considered, therefore, that the new residential units will give rise to any significant increase in on street parking. A condition is recommended to ensure that the new business floor space is also car free.

- 10.52 Transport for London have requested the submission of a construction logistics and site management plan. This is considered to be justified to ensure no adverse impact on the public highway during construction, and it is recommended that a condition is imposed to secure this prior to the commencement of development.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.53 The proposal will be subject to Islington's Community Infrastructure Levy. The applicant has agreed to pay the full contribution of £300,000 toward affordable housing required policy CS 12 part 6. This contribution has been reduced from £400,000 as a result of the removal of two residential units from the scheme, and the unilateral undertaking has subsequently been amended.
- 10.54 DM 7.2 relates to energy efficiency and carbon off setting in minor new building residential developments. As the new residential floorspace is situated within existing buildings on the site, it is not considered that the proposal is a 'new-build' development, and therefore policy DM 7.2 does not apply in this instance.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development redevelops a brownfields site to provide six units of residential accommodation and high quality business floor space suitable for small and medium sized business. The design of the proposal respects the character of the conservation area, and does not give rise to unacceptable adverse impacts on neighbouring properties through the loss of light, outlook or privacy. In addition, while it is noted that the proposal is not wholly in compliance with the Council's policies with respect to inclusive design, this is considered to be justified by the constraints of the site as a heritage asset.
- 11.2 The applicant has provided viability information that has been assessed by Adams Integra and the Council's internal viability officer, who have concluded that the scheme is providing the maximum amount of B1 floorspace viable.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions and unilateral undertaking as set out in Appendix 1 – RECOMMENDATION A.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior complete of a unilateral undertaking of a unilateral undertaking in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Direction, Planning and Development/Head of Service-Development Management or in their absence the deputy head of Service:

1. Provision of a contribution of £300,000 toward affordable housing within the borough.

RECOMMENDATION B

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

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[1315-PL-099J, 1315-PL-100-L, 1315-PL-101K, 1315-PL-102H, 1315-PL-103H, 1315-PL-204C,1315-PL200C, 1315-PL-203E, 1315-E-100,1315-E-099A, 1315-E-102, 1315-E-103A, 1315-E-131, 1315-PL-200E 1315-E-201, 1315-E-202B, 1315-E-200, 1315-PL-104F, 1315-PL-105B, 1315-PL-202D, 1315-PL-054, 1315-PL-201F, 1315-PL-203D, 1315-E-104, 1315-PL-056A, 1315-058A, 1315-PL-059A,1315-PL-051A, 1315-PL-052A, 1315-PL053A, Design and Access Statement, Planning Statement, BREEAM/Sustainability Statement, Inclusive Design/Lifetime Homes Statement, Site Waste Management Plan, Market Report and Evidence, Statement of Historic Significant]</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Materials
3	<p>MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials;

	<p>e) balustrading treatment (including sections);</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
	Cycle Parking
4	<p>CYCLE PARKING PROVISION (COMPLIANCE): The bicycle storage area(s) hereby approved bicycle spaces shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
	Obscure Glazing
5	<p>WINDOWS OBSCURED AND FIXED SHUT / ANGLED AS SHOWN ON PLANS (COMPLIANCE): All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
	Sound Insulation
6	<p>Prior to the commencement of development a scheme for the installation of sound insulation shall be submitted for approval. The proposed development shall then be completed in accordance with the approved details.</p> <p>REASON: To safeguard the amenity of future occupiers of the site.</p>
	Car Free Housing
7	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an 'on street residents parking permit' except:</p> <p>i) In the case of disabled persons, ii) In the case of units designated in this planning permission as 'non car free', Or iii) In the case of the resident who is an existing holder of a residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
	BREEAM
8	<p>CONDITION: The development shall achieve a BREEAM [Office/ multi-residential] rating (2008) of no less than 'very good'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
	Boundary Treatment Height
9	<p>Notwithstanding the approved drawings, the height of the boundary wall to rear garden</p>

	<p>of 114a Pentonville Road shall not exceed 2 metres.</p> <p>REASON: To ensure no adverse loss of light or sense of enclosure to this property, and to accord with policy DM 2.1</p>
	Obscure Glazing to Infill Building
10	<p>Notwithstanding the approved drawings, the south elevation of the glazed infill building shown on drawing 1315-PL-201D shall include obscure glazing at first floor level.</p> <p>REASON: To ensure no adverse loss of privacy to neighbouring properties, and to accord with policy DM 2.1.</p>
	Privacy Screening to Residential Units 03 and 06
11	<p>Notwithstanding the approved plans, details of privacy screens on the southern side of the residential balconies of Unit 03 and Unit 06 shall be submitted for approval prior to the commencement of development.</p> <p>The approved privacy screens shall be implanted prior to the first use of the residential units hereby approved and shall be retained as such thereafter.</p> <p>REASON: To ensure no adverse loss of privacy to neighbouring properties, and to accord with policy DM2.1</p>
	Construction Logistics Plan and a Site Management Plan
12	<p>Prior to the commencement of development a detailed construction logistics and site management plan shall be submitted for approval. The development hereby approved shall be constructed in strict accordance with the approved details.</p> <p>REASON: In the interests of highway safety and to ensure no adverse impact on the TLRN in accordance with policy DM 8.2.</p>
	Inclusive Design
13	<p>“Notwithstanding the plans hereby approved, all residential units (except unit 5) which, having no bathroom at the same level as the nominally accessible bedroom, shall be constructed to Category 1) shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 ‘Accessible and adaptable dwellings’ M4 (2).</p> <p>“Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>“The development shall be constructed strictly in accordance with the details so approved.</p> <p>Reason – To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs”</p>

List of Informatives:

	Positive statement
1.	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn’t taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p>

	<p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	<p>CIL Informative (Granted)</p>
2.	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
	<p>Definitions</p>
3.	<p>(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.</p>
	<p>Foundations</p>
4.	<p>The foundations of the new buildings must comply with the National House Building Council's Guidance NHBC Standards 2007, part 4.</p>
	<p>Construction hours</p>
5.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </div>

	Section 106 Agreement
6.	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.
	Party Walls
7.	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & the Party Wall etc. Act 1996 ("the Act"). Environmental Legislations and the Equality Act.
	Roller Shutters
8	The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.

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.

The NPPG is also a material consideration in the determination of this application.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

Policy 2.14 Areas for regeneration

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

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

6 London's transport

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 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
site environs

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 Kings Cross
Policy CS 12 Meeting the Housing Challenge
Policy CS13 Employment Space

Strategic Policies

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
Housing
DM3.1 Mix of housing sizes
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.7 Noise and vibration (residential uses)

Employment

DM5.1 New business floor space
DM5.2 Loss of existing business floor space
DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development
DM6.6 Flood prevention

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

Transport

DM8.4 Walking and cycling
DM8.5 Vehicle parking

Infrastructure

DM9.2 Planning obligations

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

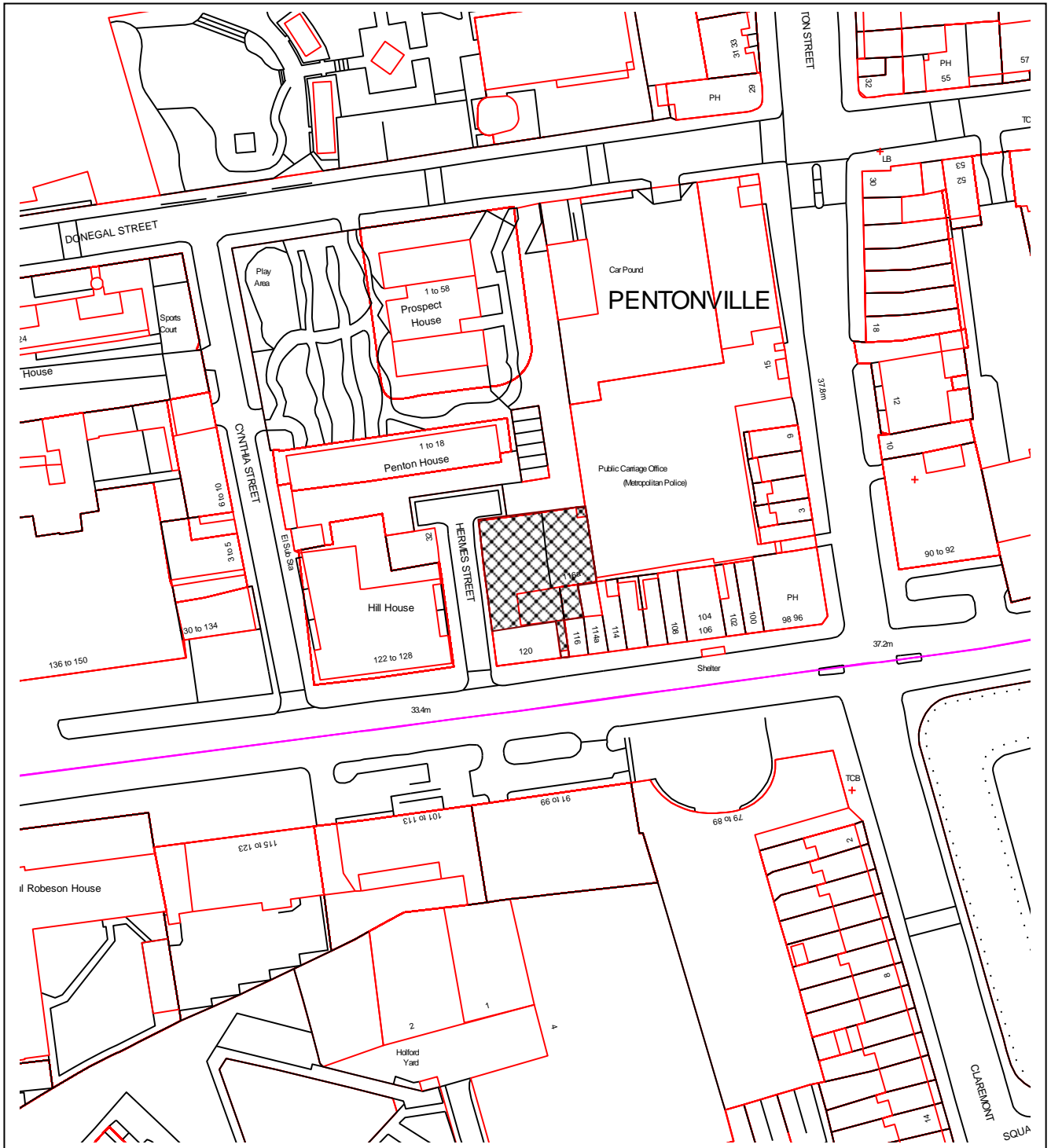
Environmental Design
Small Sites Contribution
Accessible Housing in Islington
Inclusive Landscape Design
Planning Obligations and S106
Urban Design Guide

London Plan

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

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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		
Date:	24 th November 2015	NON-EXEMPT

Application number	P2015/2288/FUL
Application type	Full Planning Application
Ward	St Georges
Listed building	No
Conservation Area	Tufnell Park
Development Plan Context	Conservation Area
Licensing Implications	None
Site Address	Flat 1, 55 Carleton Road London, N7 0ET
Proposal	Erection of single storey garden room (office pod in rear garden)

Case Officer	Joe Aggar
Applicant	Mr Ben Gravill
Agent	Mr Adam Knibb

1 RECOMMENDATION

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

- 1 The conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

55 Carleton Road



Image 1: Aerial photograph showing the rear garden of 55 Carleton Road.

55 Carleton Road



Image 2: Aerial photograph showing the rear of 55 Carleton Road



Image 3: View looking at the rear garden of 55 Carleton Road



Image 4: View looking to the rear façade of 55 Carleton Road

4. SUMMARY

- 4.1 The application seeks permission for the erection of an outbuilding located to the rear of the garden at 55 Carleton Road. The outbuilding is proposed to be ancillary for the use as an office to the lower ground floor residential unit. The out building would have a green roof and green walls to cover the rear and side elevations. The height of the office pod has been reduced by 120mm to make the overall height of the building 2800mm rather than original proposed 2920mm. The width of the office pod has been reduced by 300mm in order to increase the distance from the boundary line from 200mm to 350mm.
- 4.2 The area is residential in character and the site is located within the Tufnell Park Conservation Area.
- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The external appearance of the outbuilding is considered acceptable and would not detract from the character and appearance of the conservation area.
- 4.4 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013
- 4.5 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

5. SITE AND SURROUNDING

- 5.1 The site is located on the western side of Carleton Road. The site comprises residential property which is split into flats. The application site relates to the lower ground floor flat which has direct access to the rear garden.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing building at the site is not statutorily listed nor is it locally listed. The site is also located within the Tufnell Park Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the erection of an outbuilding, ancillary to the main use of the lower ground floor self-contained residential unit. The outbuilding would be located to the rear of the garden and would have a green roof and green walls. The outbuilding would measure 2800mm in height and 5150mm in width.
- 6.3 **Revisions** have been received which have reduced the height and width of the proposed outbuilding by 120mm in height and 150mm from the boundary walls.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Planning application re: P2013/0686/FUL for the '*Ground floor front/side extension with refurbishment of the existing basement addition and alterations to front boundary*' was GRANTED 02/05/2013.
- 7.2 Planning application re: P2014/3045/AOD for the '*Approval of details pursuant to conditions 3 (part) (details of materials, windows and bin storage) and 4 (sample panel) pursuant to planning permission P2013/0686 dated 02/05/2013*' was GRANTED 07/01/2015.

ENFORCEMENT:

- 7.3 None

PRE-APPLICATION ADVICE

- 7.4 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 108 adjoining and nearby properties at Carleton Road and Dalmeny Road.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 28th July. A further period of consultation was carried out which commenced on the 21/10/2015 due to revisions to the proposed scheme. This consultation period expired on the 6/11/2015. It is the Council's practice to continue to consider

representations made up until the date of a decision. Members will be updated at committee of any additional responses received.

8.3 At the time of writing this report 12 objections have been received from the public with regard to the application. The issues raised so far can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Conflicts with the Tufnell Park CADG (10.5 – 10.8)
- Causes harm to the setting of the building and neighbouring properties (10.5 – 10.8)
- Proposals do not contribute to supply of housing (10.2)
- Sets a precedent for further non-residential buildings (10.17)
- Reduction in green space (10.15)
- Add to carbon emission (10.18)
- Alter uninterrupted views of open space (10.11)
- Overlooking (10.10)
- Light pollution (10.19)
- Overbearing and increased sense of enclosure (10.12)
- Loss of sunlight and daylight (10.10-10.11)
- Impact on adjacent tree (10.12 -10.14)

Internal Consultees

8.4 **Design and Conservation:** no objection to the principle of the rear outbuilding. Following revisions there are concerns over the distance to the boundary walls and the resulting impact on the spatial character in the conservation area.

8.5 **Tree Preservation Officer:** no objection to the proposed garden room. An appropriate arboricultural report has been commissioned to minimise the impact of construction on the tree and the design is relatively low impact with the foundation solution.

External Consultees

8.8 None

9. RELEVANT POLICIES

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

National Guidance

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

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

Development Plan

9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management

Policies 2013, Site Allocations Document (2013) and Finsbury Local Plan (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.4 The site has is located in the Tufnell Park Conservation Area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Design and Appearance
- Neighbouring Amenity
- Trees

Land Use

- 10.2 The proposed outbuilding would be used as ancillary accommodation to the lower ground floor flat at 55 Carleton Road as an office. A condition is recommended to ensure this remains the case and the outbuilding cannot be used for an alternative use. It is considered the applicant intends to use the outbuilding as an office. The land use is not proposed to be altered and as such is acceptable.

Design and Appearance

- 10.3 The Tufnell Park Conservation Area is a large, predominantly residential area. It consists mainly of spacious detached and semi-detached villas and also terraces of three and four storeys. The application site is a semi-detached, three storey property with lower ground floor level. The adjoining properties are of similar design and also consist of semidetached villas. The rear gardens of properties on Carleton Road are relatively deep. The subject property's garden runs to the grounds of Fairlie Court located off Dalmeny Road and backs onto the garden land of Failie Court.
- 10.4 Policy CS9 of Islington's Core Strategy sets general principles for protecting and enhancing the Borough's historic environment and these are developed in Development Management Policies DM2.1 and 2.3 which deal with general design and heritage issues respectively. These are supplemented by an adopted Urban Design Guide and Design Guidelines for the Tufnell Park Conservation Area.
- 10.5 The openness of rear gardens makes a substantial positive contribution to conservation areas. All these gardens are separated by relatively low brick walls, some with trellises and vegetation above the walls. These modest forms of boundary enclosure provide an open character to this group of gardens. In the immediate vicinity there are no sheds or other outbuildings visible from no. 55 Carleton Road. In this sensitive setting it is particularly important to assess the overall visual effects of the building resulting from its size, siting and appearance.
- 10.6 No. 55 Carleton Road has a garden length of approximately 30m. The rear of the garden is at an elevated level to the ground level of the main dwellings. The outbuilding would be located along the rear boundary of the property's back garden

following the line to the rear boundary and set in from the low garden walls. In terms of floor area the outbuilding shed does not cover a disproportionate amount of the rear garden, given the amount that remains open.

- 10.7 The outbuilding would be timber clad with green walls and a green roof. This is considered an appropriate design as it reflects the general characteristic of garden outbuildings. Similarly, the proposed green roof would add a more naturalistic appearance to the building and would have biodiversity benefits.
- 10.8 One of the statutory requirements for decision makers is to have special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area. Based on the relative size of the garden and the modest appearance of the outbuilding and appropriate design the proposal would not have an unacceptably harmful effect on the on the Tufnell Park Conservation Area and so would preserve its character and appearance. As such, the proposal is not considered is contrary to policies: 7.4, 7.6 and 7.8 of The London Plan 2015, concerning the quality of design, and the effect of development on local character and heritage assets; CS9 of the Islington Core Strategy, which concerns the protection and enhancement of the built and historic environment; and DM2.1, DM2.3 and DM6.3 which, respectively, address design, conservation and enhancement of the historic environment, and development on private spaces.

Neighbouring Amenity

- 10.9 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 10.10 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway. The rear outbuilding would be situated in excess of the required distance. As such no undue overlooking would occur.
- 10.11 The shed would rise above the boundary walls by approximately 1.75m There would be no direct interference with views out into the back garden due to the distance that the outbuilding located relative to the main dwellings on Carleton Road. In any case the loss of a view is not a material consideration within the assessment of a planning application. The overall design of the proposal, its single-storey form and the relative separation distances involved, it is consider that it would not be unacceptably overbearing or have a detrimental effect on the privacy of neighbouring occupiers in terms of overlooking, loss of light, or increased sense of enclosure or loss of outlook

Trees

- 10.12 The impact on the adjacent tree has been reviewed by the Tree Preservation Officer No objection was raised to the proposed garden room. The construction and impact of this design is similar to putting a shed under the tree.
- 10.13 An appropriate arboricultural report has been commissioned to minimise the impact of construction on the tree and the design is relatively low impact with the foundation solution adequately considering the adjacent trees roots. The type of foundation sits directly on top the surface. As such there would be no adverse impact on the adjacents trees root system.

- 10.14 Concerns was raised for post development pressure for tree pruning as the seasonal nuisance (leaf litter, branch shedding and conkers growing) may impact upon the function of the green roof and walls but as the tree is in a conservation area control over future tree pruning works is retained.

Sustainability

- 10.15 The site is not allocated as open space or an area a site of importance for nature conservation. Policy DM6.3 of the Development Management Policies principally with the protection of open spaces. It seeks to prevent the loss of private open spaces where there would be a significant individual or cumulative loss of open space/open aspect. The existing garden to 55 Carleton Road is large, approximately 28m deep and 7m wide. It is acknowledged the garden room would materially reduce the size of the existing garden. However based on the size of the modest footprint of the proposal relative to the size of the garden, it would not have a significant or cumulative loss of private open space as to warrant refusal.
- 10.16 The garden shed would also consist of a green roof and green walls which is welcomed in terms of sustainability.

Other Matters

- 10.17 Each planning application is assessed on its own merits. Any approval would not result in the precedent for further outbuildings and these would be assessed against the local development framework and the individual merits of each proposal.
- 10.18 The increase in carbon emissions of a small outbuilding which exhibits sustainable features would not warrant refusal of the application.
- 10.19 Based on the nature of the space proposed as ancillary to the lower ground floor flat, the distance from the proposed rear outbuilding to the rear façade of the properties on 55 Carleton Road the outbuilding is not considered to emit harmful levels of light as to warrant refusal of the application.

11 SUMMARY AND CONCLUSION

Summary

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

Conclusion

- 12.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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>Site Location Plan; Block Plan; Heritage Statement dated March 2013; Arboricultural method statement date 20.07.15; 0119-250 revision D; 0119-100 revision B.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Ancillary to dwelling
	<p>CONDITION: The rear outbuilding hereby approved shall be ancillary to the lower ground floor flat (C3 Use) and for no other purpose.</p> <p>REASON: To ensure that the rear outbuilding is not used for any other use without proper planning permission.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	Surface Water Drainage
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.</p>

	When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
3	Hours of Working
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.
4	Building Regulations and Party Wall
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.

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 and NPPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

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

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and
archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's
Character)

Strategic Policies
Policy CS9 (Protecting and Enhancing
Islington's Built and Historic
Environment)

C) Development Management Policies June 2013

Design and Heritage

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

Health and Open Space

DM 6.3 Protecting Open Space

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Conservation Area

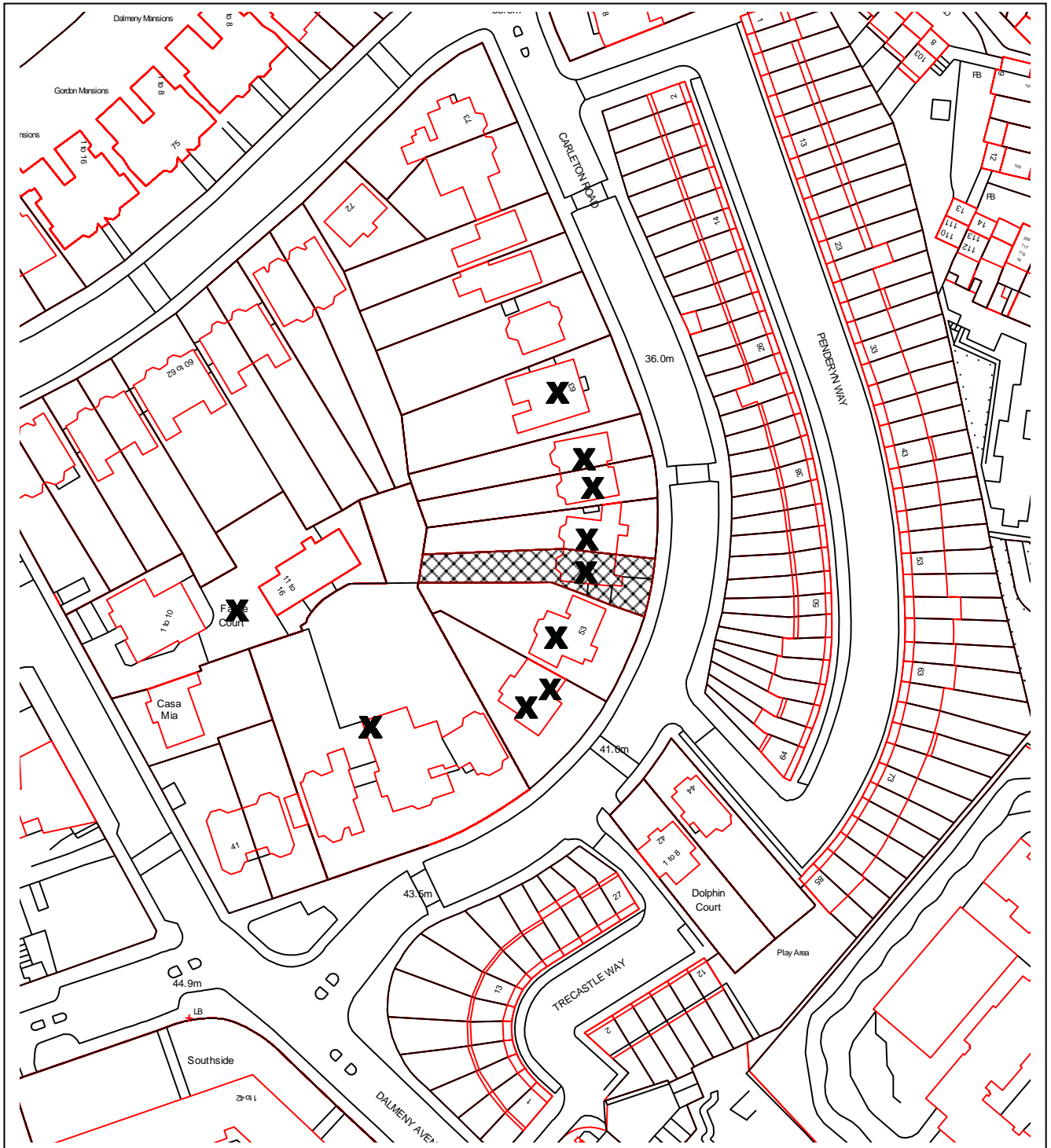
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines (2002)
- Urban Design Guide (2006)

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P2015/2288/FUL

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Agenda Item B3

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

PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		
Date:	24 November 2015	NON-EXEMPT

Application number	P2015/2406/FUL & P2015/2398/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	Clerkenwell Ward
Listed building	Grade II Listed (wall adjacent to the site)
Conservation area	New River Conservation Area
Development Plan Context	<ul style="list-style-type: none">- Article 4.2 Area- Angel & Upper Street Core Strategy Key Area- Central Activities Zone- Within 100m of Strategic Road Network- Major Cycle Route
Licensing Implications	none
Site Address	Chadwell Street Car Park, Chadwell Street, London, EC1R 1YE
Proposal	Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (FUL). Listed Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars (LBC).

Case Officer	Emily Benedek
Applicant	Mr Phil Clark – Galliard Homes
Agent	Mrs Philippa Dalton

1. RECOMMENDATION

- A) The committee us asked to resolve to REFUSE listed building consent for the reason as set out in paragraph 7.

- B) To review the second reason for refusal in respect of planning application for the gates located on Chadwell street frontage
- C) To note the reason for refusal in respect of the planning permission for the design issues as agreed by the Chair.

2. BACKGROUND

- 2. This report follows the refusal of the item at Planning Sub-B Committee on 8th October 2015.
- 3. Following the committee meeting on 8 October 2015 it was noted that the committee only voted (and refused) the application for full planning permission. No decision was made on the listed building consent application which relates to 'the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars.' The application for listed building consent is therefore brought back to this committee for determination.
- 4. The committee determined the planning application and refused the application on two grounds – design and the gated development. The design reason for refusal as agreed in conjunction with the chair is set out below for completeness.
- 5. Reason For Refusal – Design:

“The proposed dwellings 2-6 to the rear part of the site, by reason of the complex plan-form, design, siting and form would appear to be an incongruous addition to the townscape out of keeping with the character and appearance of the New River Head conservation area and having a harmful material impact upon the setting of the adjacent listed buildings. As such the proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013), the Conservation Area Design Guidelines (2002) and the Islington Urban Design Guide (2006).”

Listed Building Assessment:

- 6. At the previous committee meeting, Members had concerns regarding the size, design and layout of the proposed residential units, which formed part of the application for full planning permission, as well as the principle of the gates. It was proposed that the listed wall and brick pillars would be replaced by a new front boundary treatment, which was refused planning permission as part of the wider application. The Inspector's decision letter in relation to the previous appeal on this site states in paragraph 18, “viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area.” In the absence of an approved replacement scheme, Members are therefore recommended to refuse the application for listed building consent.

7. The reason for refusal for Listed Building Consent is recommended as follows: “In the absence of any approved plans to redevelop the site, the removal of the listed dwarf wall and brick pillars will be harmful to the setting of the listed buildings. This is contrary to policies CS8 and CS9 of the Adopted Islington Core Strategy (2011) and policy DM2.3 of the Adopted Development Management Policies 2013.

Assessment of Gates

8. A second reason for refusal relating to the principle of entrance gates was proposed at the meeting. Following the committee meeting, the second reason for refusal was drafted as follows: “The proposed dwellings by reason of their location on a back land site to the rear of Chadwell Street, would result in the creation of a gated residential development. The creation of such a community would isolate future residents from the surrounding area without access to a through route, and failing to meet the requirements of inclusive design principles. The proposal is therefore contrary to policy CS9 of the Islington Core Strategy (2011) and policy DM2.2 of the Islington Development Management Policies (2013).” This has not been agreed.
9. Officers consider this reason for refusal cannot be reasonably substantiated on its planning merits for the following reasons. Firstly, the inclusion of a gate fronting Chadwell Street to provide access to the rear of the site was included as part of the previous development (Planning reference P121042) which was dismissed on appeal. The reasons for refusal for this previous application did not make any reference to the introduction of a gate, or the principle of a gated community, nor was it mentioned as an issue in the Inspector’s decision letter.
10. It is also noted that the site currently has a gate to provide access to the site. It is therefore considered unreasonable to introduce this as a new reason for refusal, given the planning history and it would be difficult to substantiate on planning merits.
11. Officers also consider that the provision of gates in this instance would not be contrary to planning policy. Policy CS9 ‘Protecting and enhancing Islington’s built and historic environment’ of the Adopted Islington Core Strategy (2011) states in part D that ‘Housing developments should not isolate their residents from the surrounding area in ‘gated’ communities.’ Whilst in isolation it appears that Policy CS9 rejects the principle of gated communities, this policy needs to be considered in conjunction with the Development Management Policies, Islington Urban Design Guide and site specific circumstances as set out below.
12. Development Management Policy DM2.1 A part vii notes that development proposals are required to “respect and respond positively to existing buildings, the street scape and wider context, including local architectural language and character, surrounding heritage assets and locally distinctive patterns of development and landscape.” At the same time, the reasoned justification for this policy states in paragraph 2.10 that “gated development is generally unacceptable, other than for backland developments where there is no possibility of creating a through-route.”

13. Development Management Policy DM2.2 'Inclusive Design' requires all developments to "produce places and spaces that are convenient and enjoyable to use for everyone." This is explained in the reasoned justification to mean that barriers are designed out and flexibility built in. Whilst the proposed gate may appear as a barrier, its existence (as discussed below) is for aesthetic purposes rather than to create an exclusive environment. The site benefits from a gate as existing and it is considered that the inclusion of an appropriately designed gate in this setting is an important part of the heritage landscape.
14. Furthermore, the Islington Urban Design Guide (page 85) states that "gates or fortress-style developments will normally be resisted. They will only be considered in backland schemes where there is no potential for creating a through route." The proposed development in Chadwell Street would offer no opportunity for permeability through the site and given that the site is fully enclosed by neighbouring residential buildings, it would not be possible to create a through route.
15. The Council's Design and Conservation officers have always been supportive of gates in this location. The agent has been consistently advised by Design and Conservation officers to copy the front boundary treatment of the properties on the opposite side of Chadwell Street. Gates and railings are a characteristic of this part of the New River Conservation Area. The removal of the gate in this location would undermine the consistent front boundary treatment, which is an important part of the conservation area and a gap in the front boundary treatment as a result of not allowing the gate would be detrimental to the character and appearance of the conservation area.
16. It is therefore considered that taking into account local site context, namely the importance of consistent front boundary treatment in this part of the New River Conservation Area and the lack of permeability through the site, the proposal by reason of the provision of front access gates would not result in the creation of a community which would isolate residents from the surrounding area. The proposal would comply with the requirements of the inclusive design principles.

Conclusion

17. The application is therefore re-presented to Members of the Planning Sub-Committee, in order to make a decision on the Listed Building Consent, note the first reason for refusal in respect of design for the full planning application and decide if a second reason for refusal should be included as part of the decision.

Other Matters

18. At the previous planning sub-committee meeting on 8th October it was noted that on 1st October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via

- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
 - Deregulation Bill received Royal Assent 26th March 2015
19. As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.
20. The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
21. Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.
22. Therefore, if Members had approved the application the following condition would have been added to the permission:
CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, all residential units (except units 1 and 7 as detailed on drawing numbers E14-042/P002 RevP1,P104 RevP1, E001.1 RevP2, P002 RevP2, P001 RevP1 and P100 RevP1 , which shall be constructed to Category 1) shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 ‘Accessible and adaptable dwellings’ M4 (2).

Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8

PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		
Date:	8 October 2015	NON-EXEMPT
Application number	P2015/2406/FUL & P2015/2398/LBC	
Application type	Full Planning Application and Listed Building Consent	
Ward	Clerkenwell Ward	
Listed building	Grade II Listed (wall adjacent to the site)	
Conservation area	New River Conservation Area	
Development Plan Context	<ul style="list-style-type: none">- Article 4.2 Area- Angel & Upper Street Core Strategy Key Area- Central Activities Zone- Within 100m of Strategic Road Network- Major Cycle Route	
Licensing Implications	none	
Site Address	Chadwell Street Car Park, Chadwell Street, London, EC1R 1YE	
Proposal	Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (FUL). Listed Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars (LBC).	
Case Officer	Emily Benedek	
Applicant	Mr Phil Clark	
Agent	Mrs Philippa Dalton	

1 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1.
2. subject to the completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site



Image 2: Photo of the site from Chadwell Street



Image 3: View of the site



Image 4: View of the site



Image 5: View of the site

4 SUMMARY

- 4.1 Planning permission is sought for the redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements.
- 4.2 Listed Building Consent is also sought for the removal of the front boundary wall fronting onto Chadwell Street comprising of a dwarf wall and brick pillars.
- 4.3 The proposed residential units would provide a good level of amenity for future occupiers and proposed dwellings would not detract from the character and appearance of the surrounding properties or the conservation area and would not detrimentally impact upon neighbour amenity. Furthermore, the removal of the dwarf wall and brick pillars would not harm the setting of the adjacent Grade II Listed Buildings, nor the surrounding conservation area.

- 4.4 The application is therefore recommended for approval subject to conditions and completion of a S106 Agreement.

5 SITE AND SURROUNDING

- 5.1 The site is an irregular shaped triangular piece of land comprising 0.0835 hectares, located on the south side of Chadwell Street and surrounded by residential dwellings. It is located within both the New River Conservation Area and the Angel and Upper Street key area.
- 5.2 The site is currently vacant and covered in hardstanding. There is one tree within the site, a Lime, which is located on the eastern boundary and is not covered by a TPO and there are a number of other trees on land adjacent to the site. The site slopes downwards from north to south.
- 5.3 The immediate area is defined by the large, formally planned streets and squares of the New River company estate and is residential in character. There are numerous listed buildings abutting and close to the site.
- 5.4 Bounding the site to the north lie the rear gardens of the residential properties at 8-11 Chadwell Street, a grade II listed Georgian residential terrace which steps down in height from five storeys to three storeys moving from west to east and has accommodation at basement level. To the west of the site lie the rear gardens of the residential properties at 22-30 Myddleton Square, a Georgian Grade II listed residential terrace over four storeys with accommodation at basement level.
- 5.5 Bounding the site to the south and east lie the post war residential blocks of flats known as Arlington House which comprise a three storey block and a smaller two storey block, both set back from the shared boundary. Adjacent to the shared boundary to the rear of Arlington House is an ancillary service yard and car park with lock up garages.
- 5.6 On the northern boundary of the site fronting Chadwell Street is a dwarf wall, upon which a timber fence is mounted. There are brick pillars with timber gates at the entrance, which provide vehicular access to the site. This front boundary treatment is grade II listed, as is the boundary treatment around the site to the rear, which comprises a mixture of brick wall, concrete wall and timber fencing.
- 5.7 The site is located within the New River Conservation Area. The front wall adjacent to the site fronting Chadwell Street is Grade II Listed.

6 PROPOSAL (in Detail)

- 6.1 The proposal comprises the demolition of the listed boundary wall and pillars fronting Chadwell Street and the erection of 7 residential units - a Gatehouse

- fronting Chadwell Street and a further six units within the site itself. Each property would have accommodation at basement level.
- 6.2 Unit 1, the Gatehouse, would have one storey above ground level and would be set back slightly from the neighbouring properties on Chadwell Street. There would be basement level amenity space to the front of the property with a gate to the west providing pedestrian access to the site.
- 6.3 The existing listed wall fronting Chadwell Street would be replaced by brick wall and railings. Other listed boundary treatments to the rear of the site would be replaced with reclaimed stock brick walls.
- 6.4 Five of the proposed properties to the rear would be 2 storeys in height above ground level, with the exception of unit 7 which would be located at basement level only.
- 6.5 Unit 7 would be accessed via steps to basement level. All other properties would be accessed at ground level. All private amenity space for the units would be at basement level.
- 6.6 The table below, compiled from the submitted drawings, provides a breakdown of accommodation the development would provided:
- Unit 1 'Gatehouse'-1 storey above ground level- 2 double bedrooms.
 - Unit 2- 2 storeys above ground level- 2 double, 1 single bedrooms
 - Unit 3 - 2 storeys above ground level- 4 double bedrooms
 - Unit 4- 2 storeys above ground level- 4 double bedrooms
 - Unit 5- 2 storeys above ground level- 3 double, 1 single bedrooms
 - Unit 6- 2 storeys above ground level- 2 double bedrooms
 - Unit 7- basement only- 2 double bedrooms
- 6.7 Units 2-6 would be modern in design with flat roofs, stepped front and rear elevations and straight edges. The external walls of the units would be London stock brick and reconstituted stone. The basement levels of these units would be made from glazed brick.
- 6.8 The Lime tree on the site would be removed during the construction period. This tree is not covered by a TPO.
- 6.9 In terms of landscaping, a hard surfaced courtyard of stone and cobbles would mark the centre of the site. Soft landscaping would be provided in the form of trees and planting boxes in the courtyard and to the western boundary of the site.
- 6.10 There would be no windows on the east elevation facing the rear gardens of properties along Myddelton Square or the north elevation facing Chadwell

Street. There would be windows facing south, looking towards Arlington House, although these will be an angle to Arlington House and there will be a minimum of 10 metres between the two properties.

- 6.11 There would be storage for seven cycles on the boundary with properties along Myddelton Square and to the rear of house 1. Communal refuse and recycling would be sited close to the boundary with Chadwell Street, behind the low rendered wall in front of the entrance gate.
- 6.12 Unit 6 would sit 1m from the shared boundary with the rear gardens of properties along Chadwell Street. Unit 5 would be set 1m further back from this boundary.
- 6.13 The rear walls of units 4, 5 and 6 would abut or sit very close to the boundary with Arlington House. Units 2 and 7 would sit close to the boundaries with properties along Myddelton Square.
- 6.14 In summary, the proposal is considered to be acceptable and is broadly in accordance with the Development Plan policies.

7 RELEVANT HISTORY

PLANNING APPLICATIONS

- 7.1 P121042 – Demolition of existing front boundary treatment and erection of seven dwelling homes including excavation to create accommodation at basement level, with associated hard and soft landscaping. Refused (21/05/2013).
Reasons for Refusal:
 - 1) The proposed development would cause substantial harm to the significance of the designated heritage assets that comprise the listed front boundary wall with gate piers and the New River Conservation Area, and would substantially harm the setting of the listed terraces on Chadwell Street and Myddelton Square, adversely affecting their special architectural and historic interest. Therefore, the proposal would be contrary to policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS5 (Angel and Upper Street) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, policies D4 (Designing in Context), D5 (Townscape), D11 (Alterations and Extensions), D21 (Control Over Demolition) and D31 (Boundaries) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design) and DM3 (Heritage) of the Islington Development Management Policies (EiP Submission 2012), and the relevant guidance contained in the Islington Urban Design Guide SPD and Islington Conservation Area Design Guidelines SPG. In the absence of the provision of any significant public benefits to weigh against the harm to the significance of the designated heritage assets and their setting the development is also contrary to paragraphs 131, 132, 133 and 134 of policy 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.
 - 2) The proposal would have an unacceptable detrimental impact on the amenity of neighbouring residential occupiers as a result of increased sense of enclosure, loss of outlook and loss of light. Therefore, the proposal is contrary to policy 7.6 (Architecture) of the London Plan 2011, policies H3 (New Housing and Changes of Use to Residential) and D3 (Site Planning) of the Islington Unitary Development

- Plan 2002, and emerging policy DM1 (Design) of the Islington Development Management Policies (EiP Submission 2012).
- 3) The proposal fails to provide an appropriate mix of unit sizes as required by the Local Housing Needs Assessment and consequently is contrary to emerging policy DM9 (Mix of housing sizes) of the Islington Development Management Policies (EiP Submission 2012).
 - 4) The proposed development would fail to provide an adequate level of inclusive access and associated future adaptability within the new residential units. Furthermore, units 1 and 7 would suffer from a lack of natural light and poor outlook from habitable rooms. Consequently, the proposal would provide unacceptable substandard residential accommodation, which would fail to provide an adequate standard of amenity for future occupiers. Therefore, the proposed development is contrary to policies 3.5 (Quality and design of housing developments), 7.2 (An inclusive environment) and 7.6 (Architecture) of the London Plan 2011, policy CS12 (Meeting the housing challenge of the Islington) of the Islington Core Strategy 2011, policies H3 (New Housing and Changes of Use to Residential) and H10 (New Development) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design), DM2 (Inclusive Design) and DM12 (Housing standards) of the Islington Development Management Policies (EiP Submission 2012).
 - 5) The proposed development fails to make adequate provision for cycle parking and is therefore contrary to emerging policy DM48 (Walking and cycling) of the Islington Development Management Policies (EiP Submission 2012).

The application was dismissed on appeal on 21/02/2014 following a public inquiry. In his statement the Inspector concluded that “the proposal would cause harm to the special architectural and historic interest of a listed building, the character and appearance of the conservation area, and the setting of listed buildings.” However, in his report the Inspector rebutted the Council’s other reasons for refusal. An award for costs was granted against the Council. Copies of both the appeal statement and the award for costs are attached at the end of this report.

7.2 P122468 – Listed building consent for demolition of the front boundary treatment, comprising dwarf wall and brick pillars, and demolition of boundary walls to the rear of site, in associated with the development of the site to provide seven residential units proposed under full planning application P121042. Refused (24/05/2013). Reason for Refusal:

- 1) The proposed development would cause substantial harm to the significance of the designated heritage assets that comprise the listed front boundary wall with gate piers and the New River Conservation Area, and would substantially harm the setting of the listed terraces on Chadwell Street and Myddleton Square, adversely affecting their special architectural and historic interest. Therefore, the proposal would be contrary to policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS5 (Angel and Upper Street) and CS9 (Protecting and enhancing Islington’s built and historic environment) of the Islington Core Strategy 2011, policies D4 (Designing in Context), D5 (Townscape), D11 (Alterations and Extensions), D21 (Control Over Demolition) and D31 (Boundaries) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design) and DM3 (Heritage) of the Islington Development Management Policies (EiP Submission 2012), and the relevant guidance contained in the Islington Urban Design Guide SPD and Islington Conservation Area Design Guidelines SPG. In the absence of the provision of any significant public benefits to weigh against the harm to the significance of the designated heritage assets and their setting the development is also contrary to paragraphs 131, 132, 133 and 134 of policy 12 (Conserving and enhancing the

historic environment) of the National Planning Policy Framework. Dismissed on Appeal (21/02/2014) for the reasons listed in paragraph 7.1.

- 7.3 P111928 – Erection of 7 x houses on vacant carpark site behind Chadwell Street and Myddleton Square. Removal of existing gates and boundary wall fronting Chadwell Street and redevelopment of land to the south of Chadwell Street to provide seven new houses together with associated access, amenity space and landscaping. Withdrawn (22/11/11)

ENFORCEMENT:

- 7.4 None

PRE APPLICATION ADVICE:

- 7.5 Q2014/4152/MIN - Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (13/02/15)

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 98 adjoining and nearby properties at Chadwell Street, Myddleton Square and Arlington Way on 30 June 2015. A site notice was placed at the site and the application advertised in the Islington Gazette on 9 July 2015. The public consultation of the application therefore expired on 30 July 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report nine (9) objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Lack of clarity in the plans because no 3D images have been provided (para 8.3)
- Application site is previously undeveloped greenfield land (paras 10.12)
- Frontage to Chadwell Street does not reflect the rest of the street (paras 10.19-10.20)
- The footprint of the proposed development is the same as the previously rejected proposals (10.21-10.22)
- Overcrowding and loss of amenity to neighbouring properties is the same as before (10.36-10.37)
- Loss of outlook from the basements (10.36)
- Houses 2-6 are very close to the western boundary (10.21-10.22)
- No consideration given to boundary issues with neighbouring properties (8.3)
- Concerns about damage to trees and run-off as a result of the proposed basements (para 10.27-10.29)
- Working hours should be restricted to avoid evenings and weekends (para 10.18-8.3)
- There should be secure, effective protection for early 19th Century neighbouring properties (8.3)
- Need for affective traffic management during construction works (10.41)
- Impact on protected trees (10.29)
- Density of the development (10.21)
- Loss of light and loss of outlook to 22, 23 and 24 Myddleton Square (10.36)

- No attempt at community consultation (8.3)
- New pastiche elements such as railings and brick lintels clash with the conservation area creating incongruous additions to the properties and are ugly and inconsistent with the conservation area (10.19-10.20)
- Windows in house 1 are badly designed (10.20)
- Detrimental to character of the area (10.14-10.25)
- Increased sense of enclosure (10.35)
- Concerns about width of pedestrian entrance way (10.24)
- Green roofs if not properly maintained could be an eyesore (10.29)
- Noise and disturbance from construction works (8.3)
- Impact of basement on neighbouring basement at 11 Chadwell Street (10.28)
- Party wall issues (8.3)
- New development should not be gated – associated safety impacts (10.24)
- Proposal contrary to Islington Urban Design Guide regarding backland developments and gated communities (10.24)

8.3 It must be noted that matters relating to noise and disturbance from the building works including hours of working and party wall matters are not material considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act and the Environment Protection Act. There is no requirement to consult neighbours prior to submitting an application or provide 3D images of the site in order to validate an application, although sometimes they provide a useful visual tool.

Internal Consultees

8.4 **Design and Conservation Officer:** Raised some concerns about the initial plans for the following reasons:

- 1) the units too closely following the profile of the site resulting in an excessively stepped / staggered development which would remain 'incongruous' (to use the Inspector's wording) and that again 'the alien presence of block housing units 2-6' would cause some harm.
- 2) the single storey brick projections have an unsuccessful visual appearance with the corners of the main massing appearing to have been simply 'cut off'. These single storey brick projections should be omitted.
- 3) Wide square windows at first floor level are not successful with the narrower ground floor windows (with a more contextual vertical emphasis). All windows should be as per those at ground floor with a contextual vertical emphasis, they should be paired and aligned to front elevations as per properties to the conservation area.

However, the officer did note that the detailing of the housing units has improved the new scheme has flat roofs, straight edges and is constructed from yellow stock brick leading to a more traditional and contextual appearance. In addition, the appearance of the building fronting the street and the boundary treatment has substantially improved. However, the detail of the window frames (there should be no transom) and entrance gate (utilitarian style flat top) must be revised subject to condition of any approval.

Following the Design and Conservation Officer's comments changes were made to the windows of houses 2-6, the transom was removed from House 1 and the railings to the entrance gates were altered. The Conservation Officer welcomed these changes.

8.5 **Sustainability Officer:** Raised the following points:

- 1) The proposed drainage run off rates meet the quantity standards required by policy DM6.6, and the proposed SuDS strategy for green roofs, rainwater

harvesting planters and geocellular storage meet the quality SuDS standards of the policy, subject to detail via condition.

- 2) Given the proximity of the basement to Listed Building terraces on two sides (Myddleton Square and Chadwell Street), I would recommend these concerns (structural and hydrogeological) be further addressed by the applicant through a condition.

8.6 **Planning Policy Officer:** No objection

8.7 **Inclusive Design Officer:** Objects to the proposal because of the use of narrow spiral staircases on several properties and the split floor plan to House 1 makes it impossible to provide a lift link between the entrance accommodation and other essential living accommodation ie a bedroom and a bathroom,

8.8 **Acoustics Officer:** No objection subject to condition

8.9 **Waste Management and Recycling Officer:** No objection

8.10 **Trees and Landscaping Officer:** No objection

8.11 **Highways Officer:** No objection

External Consultees

8.12 **Amwell Society** – Object to the proposal for the following reasons:

- Overdevelopment of the site
- Virtually the entire space will be built up and built down as the whole site is excavated as basement
- Basement will exacerbate run-off problems
- No objection if fewer units on the site

8.13 **London Fire Brigade:** Response awaited

8.14 **Crime Prevention Officer:** No comments

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 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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 2015, 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Planning History and the Previous Appeal
- Design Conservation
- Landscaping and Basement
- Amenity for Future Occupiers
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Access
- Refuse
- Affordable Housing

Planning History and the Previous Appeal

- 10.2 Planning permission and listed building consent were refused in May 2013 and subsequently dismissed at appeal in February 2014 for ‘the redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space and landscaping arrangements.’
- 10.3 The full planning application was refused for five reasons. These related to the harm the proposed development would cause to the heritage assets including the listed front boundary wall and gates, the New River Conservation Area and the setting neighbouring terrace of listed buildings; the impact on neighbouring amenity including the increased sense of enclosure, loss of light and loss out outlook; the inappropriate mix of unit sizes; inadequate levels of inclusive access and future adaptability and inadequate provision of cycle parking spaces.
- 10.4 The application for Listed Building Consent was refused because of the harm the proposed development would cause to the heritage assets including the listed front boundary wall and gates, the New River Conservation Area and the setting neighbouring terrace of listed buildings.
- 10.5 Both appeals were subsequently dismissed due to the impact the proposal would have on the significance of the heritage assets. The report will discuss this aspect of the proposal and subsequent amendments to the current scheme in the next section of this report ‘Design and Impact on the Conservation Area.’
- 10.6 The Inspector addressed (in his appeal letter) the second reason for refusal, namely the harm to the amenity of the surrounding occupiers including loss of privacy, overshadowing, daylight, sunlight, over-dominance of the scheme, sense of enclosure and outlook. He noted that it was important to ensure new developments provide a good standard of living for existing and future occupiers adjoining the site in order to comply with Development Management Policy, DM2.1.

- 10.7 A daylight/sunlight analysis was submitted with the appeal and the Inspector confirmed that
“the largely uncontested, technical evidence provided by the appellant...demonstrates that there would be no easily discernible loss of light to any adjoining property. Moreover, while the development would be visible from adjoining properties, and their gardens, from what I saw at my site visits, it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.”
- 10.8 It was therefore concluded from the above statement that the appeal scheme would not have a detrimental impact on the amenities of the adjoining occupiers.
- 10.9 Turning to the third and fifth reasons for refusal, namely in the inappropriate mix of unit sizes and the provision of adequate cycle parking spaces, the Council removed these reasons for refusal prior to the start of the appeal. The Inspector therefore did not address these reasons in his report.
- 10.10 The final reason for refusal concerned inadequate levels of inclusive access and future adaptability, especially the lack of level access to Unit 7 (the basement unit). Having reviewed Islington’s Development Management Policies the Inspector stated that the requirement for Inclusive Design
“is a demonstration that the design of any new dwelling is flexible, and able to adapt to the changing needs to those who live in it. In that context, it seems to me sufficient for the appellant to show that level access, through the vehicle of a lift, could be provided in the future, if required. It would be disproportionate to require one at the outset when those who choose to live in Unit 7 might not need it, at that stage.”
- 10.11 As such, this reason for refusal was dismissed by the Inspector and the proposal was considered to accord with Islington’s Development Management Policies in terms of Inclusive Design.

Land Use

- 10.12 In terms of land use the proposal would introduce seven new dwellings (including six above ground and one entirely at the basement level) on the site which was previously used as a car park. The application site is surrounded by residential units on all three sides and therefore residential use would be most appropriate for the area. In addition, in his report the Inspector stated (paragraph 21) that
“I see no reason, in principle, why redevelopment of the appeal site would necessarily cause harm to the designated heritage assets affected and there does appear to be the potential for redevelopment to bring a degree of enhancement.”
- 10.13 Given the above, it is considered that the principle of the proposed residential use was accepted under the previous application and was established at the appeal by the Planning Inspector and the proposal is considered acceptable in terms of land use.

Design and Conservation

- 10.14 The application site is located in the New River Conservation Area adjacent to a Grade II listed terraced properties on Myddelton Terrace. The front boundary wall and entrance gates of the application site are also Grade II listed. These form the heritage assets against which any application on this site is assessed. Both the full

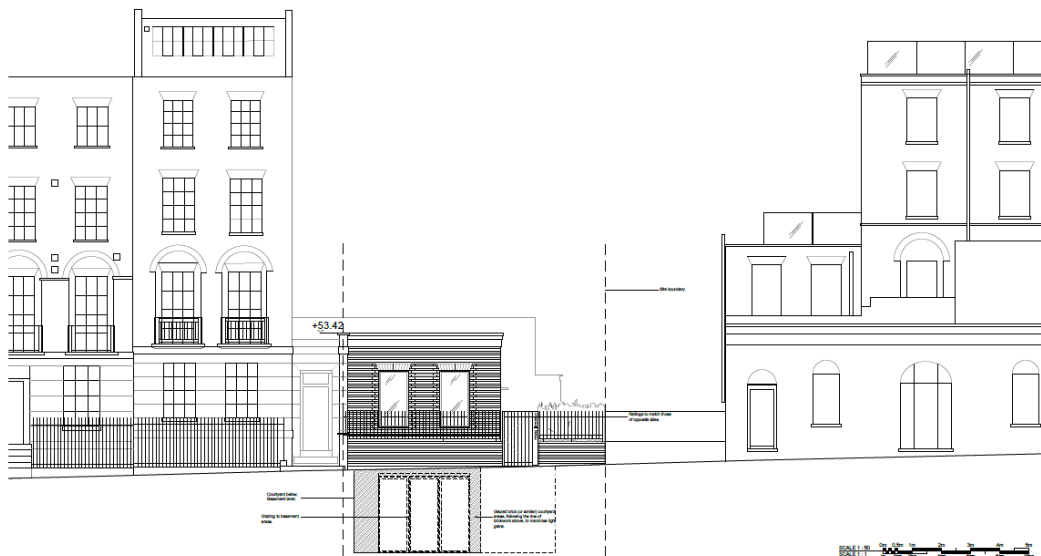
planning application and the listed building consents for the previous appeal scheme were dismissed by the Inspector because of the impact the proposals would have on the significance of these heritage assets. Therefore any new development on this site needs to ensure it has overcome the Inspector's previous concerns, which will be discussed below.

- 10.15 Development Management Policies DM2.1 deals with the importance of good quality design whilst policy DM2.3 relates to heritage and ensures that all new development continues to preserve and enhance the character and appearance the significance of the heritage assets. Development which causes substantial harm to, or results in the loss of a listed building is likely to be refused without clear justification for the proposal.
- 10.16 The front part of the wall on Chadwell Street adjacent to 30 Myddelton Square is a Grade II listed asset which forms an important part of the historic fabric of the site. The Inspector stated in his report that "viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area."
- 10.17 The Inspector also had concerns about the block housing units 2-6 which "too closely followed the profile of the site...The translation of that plan form into three dimensions has resulted in a building that would lack discipline in its form, with various angles and shapes that would appear highly incongruous against the much more rigid architectural treatment of the adjoining terraces." The Inspector's comments have been interpreted to mean that the previous design of units 2-6 which took a more curved approach to the buildings appeared at odds with the adjoining terraces with their much more rigid plan form.
- 10.18 The Inspector concluded that the previous scheme would cause less than substantial harm to the heritage assets. This is because the listed wall only represents a small part of the listed building, which would remain mostly intact and the proposal would only affect a small part of a relatively large conservation area. However the previous scheme did result in "some harm caused to the listed buildings and their settings, and the character and appearance of the conservation area."
- 10.19 Minor amendments have been made to the replacement front boundary treatment in front of Unit 1, from the appeal plans. The application for listed building consent relates to the demolition of the existing listed wall, however it is important to consider the replacement wall in order to ascertain whether or not the application for listed building consent is acceptable. The proposed replacement brick wall and railings will match those immediately opposite the site in terms of height, proportions and design and are therefore considered to be of high quality to justify the loss of the listed front boundary wall. As such, the proposed front boundary treatment is considered to preserve and enhance the character and appearance of the conservation area and the demolition of the listed wall is therefore considered acceptable.
- 10.20 The design of unit 1 'The Gate House' has been significantly amended since the previous scheme and the boundary treatment has substantially improved. The plans for the appeal scheme and the current application have been included below to highlight the significance of the changes on the Chadwell Street elevation in design terms. The design is now for a more contextual yellow stock brick building with two ground floor windows with a contextual vertical emphasis. Minor amendments have been made to the windows fronting Chadwell Street to remove the transoms and ensure they are more appropriate for the setting of the conservation area. The new

railings replicate the historic railings opposite and help screen the lightwell and glazed opening. This substantial enhancement to the most sensitive part of the site fronting the street could be weighed against harm to the rear of the site, which would not be visible from the public domain.



Picture 1: Previous appeal scheme (proposed elevation – ‘Gate House’)



Picture 2: Current scheme (proposed elevation – ‘Gate House’)

10.21 The most significant changes to the design in comparison to the previous appeal schemes relate to units 2-6, the mews houses to the rear of the site, which are only visible from the rear gardens of the adjoining residential properties. While the dismissed scheme was marginally lower than the current proposal, with hipped roofs, the new scheme has flat roofs, straight edges and is constructed from yellow stock brick leading to a more traditional and contextual appearance. In addition, the proposed basements will be constructed from glazed bricks to maximise light gain to the basements. The proposed windows have also been altered in design terms to ensure both the proposed windows and the blind windows are of the same size and scale on the front and rear elevations at the ground and first floor levels. As amended, the windows provide a contextual vertical emphasis, and are paired and aligned to front elevations as per properties to the conservation area.



Picture 3: Previous appeal scheme (units 2-6 proposed courtyard elevation)



Picture 4: Current scheme (units 2-6 proposed courtyard elevation)

- 10.22 As previously stated, units 2-6 would not be visible from the street elevation. However, the significant improvements to the design, in comparison to the previous scheme ensures the development, as amended, is much more appropriate to the design of the adjoining residential properties and is therefore in keeping with the character and appearance of the New River Conservation Area. Whilst the layout of the scheme remains largely unaltered, the improvements to the design ensure the proposal no longer appears incongruous against the much more rigid architectural treatment of the adjoining terraces.
- 10.23 The Inspector raised no concerns with unit 7 (the underground house) and the design therefore remains largely unchanged from the previous appeal scheme.
- 10.24 Concerns have been raised by neighbours regarding the principle of a gated development and the proposal being against the Islington Urban Design Guide policies as well as the impact on safety. However, historically there was always a gate on this site and the proposal is a reinstatement of the historic frontage rather than a dominant or high barrier to permeability through the site and therefore should be seen as an aesthetic feature reflecting local context. Furthermore, the Islington Urban Design Guide advises that gates (page 85) “will only be considered to backland schemes where there is no potential for creating a through route.” It is also noted that the Council never objected to this aspect of the scheme at the appeal and the Inspector did not raise an issue with the gates.
- 10.25 As such, it is considered that the proposed development would integrate with the surrounding properties and would not cause harm to the setting of the heritage assets. The proposed development is not considered to result in harm to the conservation area and is in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

Landscaping and Basement

- 10.26 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 10.27 The proposal will involve the full excavation of the site to provide basement levels for each of the new houses including Unit 7 which will be entirely at the basement level. Identically sized basements were proposed as part of the previously refused (and subsequently dismissed at appeal) scheme and in his report the Inspector stated that “given that the terraces bounding the site have basements, I see nothing in the inclusion of basements in the scheme proposed that creates difficulty in design terms.” The Inspector therefore had no issue with the distinctive basements in the Conservation Area and the principle of providing basements to the same size as the appeal scheme is therefore established.
- 10.28 As part of the current proposal, and given the emergence of a Supplementary Planning Document on basements, the applicants have provided a Basement Impact Assessment. This statement asserts that as the neighbouring properties are at least 10 metres away from the site boundaries the construction of the basements will not have any significant impact on the neighbouring listed buildings. However, in order to confirm this, and to satisfy any potential concerns, a condition has been proposed regarding a structural engineers report which is to be submitted to the Local Planning Authority prior to the commencement of works. In addition, a condition has been recommended relating to sustainable urban drainage in order to mitigate the surface runoff.
- 10.29 It is noted that given the provision of basements, the proposed hard and soft landscaping will take place at the lower ground floor level. In addition, the roofs of all the proposed houses (with the exception of the basement unit) will contain green roofs which will soften the appearance of the dwellings. It is proposed as part of the scheme that only one category U tree (a lime tree) will be removed and 7 small trees will be planted on site. Conditions have been recommended to ensure that details of the proposed landscaping and green roofs are submitted to the Local Planning Authority prior to the commencement of works to ensure the details submitted are satisfactory.
- 10.30 Given the improvements to the hard and soft landscaping listed above, the addition of green roofs to the development and the provision of a structural engineers report prior to the commencement of basement works, the proposal is considered to be in accordance with policy DM6.5 of the Development Management Policies.

Amenity for Future Occupiers

- 10.31 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Garden Space	Minimum Required Garden Space	Storage	Minimum Storage Required
1	2/4	113.74	79	12.6	17	3.19	2
2	3/5	130.05	99	40.5	30	8.24	2.5
3	4/8	156.75	130	40.25	30	3.87	3
4	4/8	167.66	130	26.36	30	4.66	3
5	3/5	156.83	121	23.71	30	4.49	3
6	2/4	99.51	79	18.91	17	2.74	2
7	2/4	111.14	70	27.78	17	3.85	2

10.32 The proposed residential units would meet/exceed the minimum required floor space as set out in the London Plan and the Development Management Policies and are therefore acceptable in terms of size. All the units would be dual aspect and would allow acceptable levels of light into the properties. Minor amendments have been made during the course of the application to houses 4 and 5 to ensure that windows on the flank elevation are obscurely glazed in order to prevent overlooking between bedroom windows of the neighbouring residential units.

10.33 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 15 square metres on ground floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre. 3 bedroom family sized units should provide 30 square metres of amenity space.

10.34 The majority of units (4 out of 7) would exceed the minimum floor space requirements providing generous outdoor amenity space. The remaining 3 units which fail to meet the requirements would still provide a satisfactory amount (at least 75% of the minimum requirement) of amenity space and given the existing site constraints and dense urban environment it would be considered unreasonable to refuse the application for this reason.

Neighbour Amenity

10.35 The proposal would introduce seven new dwellings to the site (including one at basement level). The proposed dwelling fronting Chadwell Street would be two storeys in height, with one storey above ground level. Five of the properties to the rear would be three storeys in height with two storeys above ground level. Development Management Policy DM2.1 seeks to ensure developments provide a good level of amenity including consideration of overlooking, privacy, over-dominance, sense of enclosure and outlook. The dwellings have been designed so that they do not have any windows facing onto Myddelton Square and Arlington House. In addition, there is a minimum distance of 14 metres at first floor level of facing habitable room windows between the new properties and the existing residential dwellings in Chadwell Street. As such, the proposal is not considered to result in loss of privacy to the occupiers of the neighbouring residential properties. Furthermore, given the dense urban context of the site and the borough as a whole as well as the generous 12 metre deep rear gardens afforded to the properties in Myddelton Square, the proposal is not untypical of a situation for a backland development throughout the borough to justify refusal on the basis of overlooking.

The proposed distances are the same as the appeal scheme and the Inspector stated with regards to amenity that

“while the development would be visible from adjoining properties, and their gardens...it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.”

- 10.36 Concerns have also been raised with regards to loss of daylight. A daylight/sunlight analysis has been submitted with the application and demonstrated that all windows in neighbouring properties pass the ADF and VSC tests and will maintain acceptable levels of daylight/sunlight if this development is constructed. The proposal is therefore considered acceptable for this reason and the proposal would comply with Development Management Policy DM2.1.

Highways and Transportation

- 10.37 The site has a PTAL of 5, which is 'Good', with Angel Underground Station and a number of major bus routes in close proximity to the site.
- 10.38 A total of 15no. cycle storage spaces will be provided on site (2 cycle per dwelling) in accordance with the requirements stated in Development Management policy DM8.4 These spaces will be located to the side and rear of Unit 1. A condition is attached to ensure these are provided in accordance with the proposed plans.
- 10.39 All new dwellings are required to be car-free in accordance with Development Management policy DM8.5. A condition has been attached restricting the occupiers from applying for a parking permit in accordance with the Council's Car Free Housing policy. Therefore, it is not considered that the proposal will give rise to increase on-street parking congestion.

Noise and Vibration

- 10.40 The Council's Acoustics Officer has reviewed the plans in terms of noise and vibration and has also assessed the site with regards to land contamination. He concluded that as the site history has no previously potential polluting uses listed and is described as having been used for residential gardens, it would be unreasonable to attach a condition relating to contaminated land investigation. In addition, the site is screened by the surrounding buildings from traffic noise and therefore no noise conditions are required.
- 10.41 However, given that Chadwell Street is a quiet residential street and there is potential for disruption to the neighbouring residential units as a result of the basement excavation and construction phase. A condition has therefore been recommended regarding a Construction Environmental Management Plan in order to identify and mitigate any potential impacts from the construction works to neighbours prior to the commencement of works.

Access

- 10.42 The Council's Inclusive Design officer has raised concerns about the development, with regards to access and inclusive design, especially with regards to the use of spiral staircases, the use of half levels on 'House 1' and bathroom doors not opening outwards. Development Management Policy DM2.2 requires all developments to ensure they provide ease and versatility of use, deliver safe, logical and legible environments and provide spaces and places that are enjoyable for everyone. The Inspector stated in his report (with regards to House 6) that it is sufficient to show

level access through a possible lift (which does not need to be provided at this stage) in order to demonstrate future adaptability of the site. The proposed plans outline the position of a future lift if needed for this unit, in order to provide future adaptability. The remaining 6no. units have level access and provide living space and bedrooms on the ground floor. The internal layout has not fundamentally changed from the previously refused scheme and given the points raised by the Inspector with regards to access and inclusive design, no objections are raised to this aspect of the scheme.

Refuse

- 10.43 It is proposed that new refuse storage containers will be provided to the front of the property just behind the entrance. The size of the refuse storage containers are in accordance with Core Strategy policy CS11. This will be immediately adjacent to the highway and is therefore considered acceptable. A condition has been proposed to ensure the refuse and recycling facilities (as well as the cycle storage spaces) are provided prior to the first occupation of the development and permanently maintained on site in accordance with the proposed plans.

Affordable Housing and Carbon Offsetting

- 10.44 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.45 The applicant has agreed to pay the full amount of £420,000 towards affordable housing in the borough and £10,500 towards carbon offsetting. These contributions have been secured in a Unilateral Undertaking which has been signed by the applicant.

Community Infrastructure Levy (CIL)

- 10.46 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 (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. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development is considered to be acceptable with regards to the land use, design, amenity, neighbour amenity, highways and transportation, noise levels, access, refuse and affordable housing provision. The reasons that the previous scheme was dismissed at appeal have been overcome with regards to the design of

the scheme, and the proposal is no longer considered to have a detrimental impact on the New River Conservation Area or the setting of the adjacent listed buildings.

- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions and S106 agreement as set out in Appendix 1 - RECOMMENDATION.

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:

1. A contribution of £420,000 towards affordable housing within the Borough.
2. A contribution of £10,500 towards carbon offsetting

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 officer.

RECOMMENDATION B

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

List of Conditions for P2015/2406/FUL:

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 permitted shall be carried out in accordance with the following approved plans: Planning Statement - PC Dalton Planning - (June 2015), Design & Access Statement - OSEL Architects - (June 2015) Revision P2, Heritage Statement - Montagu Evans - (June 2015), Daylight and Sunlight Assessment - Anstey Horne - (June 2015), Arboricultural Statement (updated) - Dr Frank Hope - (May 2015), Lifetime Homes Assessment - OSEL Architects - (May 2015), Sustainable Design and Construction Statement - Metropolis Green (June 2015), Landscape Design Statement - Justin Davis - (August 2015), Basement Impact Assessment - Packman Lucas - (May 2015), Flood Risk Assessment - Cole Easdon - (August 2015), Transport Statement - Cole Easdon - (July 2011), E14-042/DP001 Revision P1, E14-042/E001.1 Revision P2, E14-042/P001 Revision P1, E14-042/P002 Revision P2, E14-042/P003 Revision P1, E14-042/P100 Revision P1, E14-042/P101 Revision P2, E14-042/P102 Revision P2, E14-042/P103 Revision P1, E14-042/P104 Revision P1, E14-042/S001 Revision P1, E14-042/S002 Revision P1, E14-042/S003 Revision P2.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

3	Cycle Parking Provision Compliance
	<p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
4	Sustainable Design and Construction Statement
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
5	Green/Brown Biodiversity Roof (Details)
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> d) biodiversity based with extensive substrate base (depth 80-150mm); e) laid out in accordance with plan E14-042/P003 REV:P1 hereby approved; and f) planted/seeded with an agreed 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>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
6	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) existing and proposed underground services and their relationship to both hard and soft landscaping; c) proposed trees: their location, species and size; tree pit details and soil volumes. d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types. Where possible, in areas to be vegetated, at least 1m of permeable soil should

	<p>be provided above the top of the basement, to allow a variety of plants to be supported.</p> <p>f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>h) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
7	Windows Obscured
	<p>CONDITION: All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
8	Defensible Space (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, an area of defensible space no less than 1.5m deep shall be provided outside the ground floor south facing residential window at proposed unit 1. The details of the proposed delineation of the defensible space, through the use of low railings, walls and/or soft planting, shall be submitted to and agreed in writing by the Local Planning Authority. The space shall be provided prior to the first occupation of the dwelling it would serve.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: The habitable room window does not benefit from any defensible space that would adequately divorce them from the communal courtyard; the arrangement would result in an undue loss of privacy and security to those future residential</p>

	<p>dwellings.</p>
9	Boundary Treatment
	<p>CONDITION: Details of all 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.</p> <p>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.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure.</p>
10	Car Permits (Compliance)
	<p>CONDITION: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of units designated in this planning permission as "non-car free"; or</p> <p>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.</p>
11	Construction Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
12	Archaeology
	<p>CONDITION: No development shall take place unless and until the applicant, or their agent or successors in title, has submitted a desk based archaeological assessment which has been approved in writing by the Local Planning Authority (in consultation with English Heritage). Should such an assessment indicate the potential for significant archaeology then a written scheme for investigation shall be submitted and a programme of archaeological work implemented subject to approval in writing by the Local Planning Authority (in consultation with English Heritage).</p>

	<p>REASON: Important archaeological remains may exist on this site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p>
13	<p>No Amalgamation/Subdivision</p>
	<p>CONDITION: The residential units hereby approved shall be laid out / divided as shown on drawings and shall not be amalgamated or further subdivided.</p> <p>REASON: The amalgamation or further subdivision of the units may have operational, transportation, security and amenity implications, which should be the subject of consultation and a full planning application.</p>
14	<p>Materials (Details)</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) 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>
15	<p>Wheel Washing Facilities</p>
	<p>CONDITION: No works shall commence unless and until details of construction vehicle wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. Any vehicle carrying mud, dust or other debris on its wheels must use the facilities before leaving the site.</p> <p>The wheel washing facilities shall be provided in accordance with the details so approved and installed at the site preparation stage and maintained in working order at all times during the construction phase.</p> <p>REASON: To ensure that construction traffic does not result in pollution of the surrounding street environments</p>
16	<p>Sustainable Urban Drainage</p>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity, and biodiversity benefits. The submitted details shall include the scheme's peak runoff</p>

	<p>rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>REASON: To ensure the sustainable drainage of water.</p>
17	Structural Engineers Report
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring listed buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>
18	Removal of Permitted Development Rights
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order), no additional windows, extensions, alterations or satellite dishes shall be carried out or constructed to the dwellinghouses hereby approved 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>
19	Listed Wall
	<p>CONDITION: The distance between House 6 and the Listed Boundary Wall should be a minimum of 0.85 metres along the full length of the wall and maintained as such. Any changes to the proposed layout of this unit will need to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on site.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>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.</p> <p>The LPA delivered the decision in a timely manner in accordance with the</p>

	requirements of the NPPF.
2	Unilateral undertaking
	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	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
4	Boundary Walls
	The applicant is reminded that all works to the boundary walls to the rear of properties along Chadwell Street, Myddelton Square and Arlington House which bound the site require the benefit of listed building consent and planning permission.
5	Definitions
	INFORMATIVE: (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.
6	Hours of Working
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

List of conditions for P20152398/LBC:

1	Commencement
	<p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Recording
	<p>CONDITION: No works shall take place unless and until the applicant has submitted a written scheme of investigation (to include a photographic survey and measured drawings) which records the front boundary wall, including its architectural detail and archaeological evidence.</p> <p>REASON: The Local Planning Authority wishes to secure the provision of recording of the historic structures prior to demolition.</p>

List of Informatives:

1	Boundary Walls
	<p>The applicant is reminded that all works to the boundary walls to the rear of properties along Chadwell Street, Myddelton Square and Arlington House which bound the site require the benefit of listed building consent and planning permission.</p>

APPENDIX 2: RELEVANT POLICIES

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

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.

Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London

3 London's people:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice

6 London's transport:

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking

7 London's living places and spaces:

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review:

- 8.2 Planning obligations
- 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

CS8 (Enhancing Islington's Character)

Strategic Policies

CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM3.3 Residential Conversions and Extensions

DM3.4 Housing standards

DM3.5 Private Outdoor Space

DM3.7 Noise and Vibration

DM7.1 Sustainable Design and Construction

DM7.2 Energy Efficiency and Carbon Reduction in Minor Schemes

DM8.2 Managing Transport Impacts

DM8.4 Walking and Cycling

DM8.5 Vehicle Parking

DM9.2 Planning Obligations

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington

- Accessible Housing in Islington
- Car Free Housing
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD
- Conservation Area Design Guidelines
- Inclusive Design

London Plan

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

APPENDIX 3 - APPEAL DECISION

APP/V5570/A/13/2199042 & APP/V5570/E/13/2199043

APPENDIX 4 – COSTS DECISION

Appeal Decisions

Inquiry opened on 19 November 2013

Site visits made on 19 and 21 November 2013

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 21 February 2014

Appeal A: APP/V5570/A/13/2199042

Land to the South of Chadwell Street, London EC1R 1YE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Petchey (Islington) Ltd [formerly Galliard (Islington) Ltd] against the decision of the Council of the London Borough of Islington.
 - The application Ref.P121042, dated 13 April 2012, was refused by notice dated 21 May 2013.
 - The development proposed is redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space, and landscaping arrangements.
-

Appeal B: APP/V5570/E/13/2199043

Land to the South of Chadwell Street, London EC1R 1YE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Petchey (Islington) Ltd [formerly Galliard (Islington) Ltd] against the decision of the Council of the London Borough of Islington.
 - The application Ref.P122468, dated 17 October 2012, was refused by notice dated 24 May 2013.
 - The works proposed are the removal of the existing boundary treatment fronting Chadwell Street (wall, hoarding and brick piers).
-

Preliminary Matters

1. The Inquiry opened on 19 November 2013 and also sat on 20 and 21 before closing on 22 November 2013. I carried out an unaccompanied visit to the vicinity of the site on 19 November followed by an accompanied visit on 21 November 2013 that took in the site itself, and several properties bounding it.
2. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decisions

Appeal A

3. The appeal is dismissed.

Appeal B

4. The appeal is dismissed.

Main Issues

5. The Council refused planning permission for five reasons which can be summarised as the unacceptable effects of the proposal on the significance of designated heritage assets; the living conditions of existing residents through visual impact and loss of light; the failure of the proposal to provide an appropriate mix of unit sizes; an adequate level of access and future adaptability in relation to Units 1 and 7; and cycle parking. In the lead up to, and during, the Inquiry, the Council modified its position in response to amended drawings submitted, and matters clarified, by the appellant. This was reflected in the closing statement to the Inquiry made on behalf of the Council.
6. Based on that revised position, and the points raised by local residents, the main issues to be considered are the effect of the proposal on (1) the significance of designated heritage assets; (2) the living conditions of local residents through visual impact and potential loss of light, in particular, and (3) whether the proposal, and in particular Unit 7, would provide an acceptable living environment for prospective occupiers. There are other matters that require analysis too, notably the potential for structural damage to existing properties, and any benefits associated with the scheme.

Reasons

Designated Heritage Assets

7. The appeal site lies on the south side of Chadwell Street. It is enclosed to the north by Nos.6-11 Chadwell Street. This terrace dates from 1828-1829 and, along with the attached railings, is a Grade II listed building. To the west, the appeal site is bounded by a terrace of houses that front Myddleton Square. Nos.12A to G, 12 to 30 (consecutive), and the attached railings, date from 1824-1827, and together, make up a Grade II listed building. To the south-east of the appeal site is Arlington House, a relatively modern block of flats that fronts Arlington Way.
8. All lie within the New River Conservation Area which encompasses a wide area south of Pentonville Road including Myddleton Square, Great Percy Street and Lloyd Baker Street. This conservation area is said by the Council to have outstanding architectural and historic significance by virtue of its high quality late-Georgian and early-Victorian residential development containing one of the few true circuses in London and some of its finest squares and terraces.
9. Against that contextual background, it is necessary to set out the policy approach to development and works. At the top of the scale are the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990¹.
10. In terms of works, s.16(2) of the Act requires, in considering whether to grant listed building consent, the decision-maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S.66(1) of the Act takes a similar approach to development which affects a listed building, or its setting. S.72(1) of the Act sets out the general duty as respects conservation areas in exercise of planning functions: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

¹ Referred to hereafter as the Act

11. A range of development plan policies have been drawn to my attention. Of primary relevance in terms of the designated heritage assets set out, LP² Policy 7.4 looks for high-quality design responses that, amongst other things, have regard to the pattern and grain of existing spaces and streets, and are informed by the surrounding historic environment. LP Policy 7.6 seeks to ensure that buildings and structures are of the highest architectural quality, comprise details and materials that complement, not necessarily replicate, the local architectural character, and optimise the potential of sites. LP Policy 7.8 requires development to identify, value, conserve, restore and incorporate heritage assets, where appropriate, and where development affects heritage assets and their settings, it should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
12. CS³ Policy CS 5 deals with Angel and Upper Street and sets out to protect and enhance the historic character of the area, encouraging high-quality design that respects local context. CS Policy CS 9 seeks to enhance and protect the built and historic environments of Islington. The policy looks to achieve that by, amongst other things, securing high-quality architecture and urban design, preserving historic urban fabric with new buildings sympathetic in scale and appearance, and conserving and enhancing heritage assets. Moreover, new buildings should make efficient use of sites and the policy acknowledges that high-quality contemporary design can respond to these challenges as well as traditional approaches, with innovative designs welcomed.
13. DMP⁴ Policy DM2.1 takes a broadly similar approach to design. DMP Policy DM2.3 deals with heritage and, as a principle, sets out to conserve and enhance heritage assets in a manner appropriate to their significance. In terms of conservation areas, the policy requires new development within them to be of high-quality contextual design that conserves or enhances significance. Harm to the significance of a conservation area will not be permitted without clear and convincing justification and substantial harm to the significance of a conservation area is strongly resisted. It is also pointed out that the significance of a conservation area can be substantially harmed over time by the cumulative impact arising from the demolition of buildings which may, individually, make a limited contribution to that significance.
14. With regard to listed buildings, the policy seeks to conserve and enhance significance. Proposals to alter listed buildings in a way that harms significance will not be permitted without clear and convincing justification and substantial harm to, or loss of, a listed building is strongly resisted. New development affecting the setting of a listed building is required to be of good quality, contextual design. Where new development harms the setting, and thereby the significance, of a listed building, clear and convincing justification is required, and substantial harm, again, strongly resisted.
15. The DMP policies in particular, mirror in many ways, the approach of the Framework⁵ two of the core principles of which are first, to always seek to secure high-quality design and second, conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

² The London Plan 2011

³ Islington's Core Strategy of February 2011

⁴ Islington's Local Plan: Development Management Policies of June 2013

⁵ The National Planning Policy Framework

16. This latter approach is expanded upon in paragraphs 126 to 141 but at this juncture, the most important principles are enshrined in paragraph 132. This sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, of relevance here, a Grade II listed building, should be exceptional.
17. The appeal site originally formed the rear gardens of terraced houses to the west, fronting Myddleton Square and to the north, fronting Chadwell Street and there was a single-storey gate or carriage house adjacent to No.11 Chadwell Street. Sometime between 1966 and 1981, this building was removed, the rear gardens shortened, and new boundary walls erected, in order to allow the appeal site to be used as a car park.
18. Part of the wall connected to No.30 Myddleton Square, fronting Chadwell Street, is proposed to be removed. This wall has been altered and added to over time but despite its current appearance, contains historic fabric, and provides an indication of how the original boundary to Chadwell Street would have worked. It makes a positive contribution to the significance of the listed building it forms part of⁶, and the wider conservation area, therefore. Viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area.
19. However, the removal of part of the wall is not proposed in isolation, but as part of the redevelopment of the appeal site for housing. There was some discussion at the Inquiry about the contribution the appeal site, in its open state, makes to the conservation area and the setting of the listed buildings that bound it. As the appeal site stands, it is relatively easy to appreciate that it must once have been subdivided to form part of the rear gardens of the surrounding terraces and in that sense, it has some resonance as a vestige of the historical layout.
20. Against that, the appeal site has been divorced from the terraces it once served and there seems to be no realistic prospect of reunion. That divorce involved some rather unfortunate boundary treatments. Public views into the site may be limited but nonetheless, it has the air of a derelict, leftover space, bereft of discernible function. In that sense, it does have a harmful impact on the character and appearance of the conservation area and the setting of the adjacent listed buildings.
21. In that overall context, like the main parties, I see no reason, in principle, why redevelopment of the appeal site would necessarily cause harm to the designated heritage assets affected and there does appear to be the potential for redevelopment to bring a degree of enhancement. The presence of schemes on similar sites bounding listed buildings in the conservation area, approved by the Council, and in some cases built out, amply demonstrates that.

⁶ Nos.12A to G, 12 to 30 (consecutive) Myddleton Square and the attached railings

22. Central to consideration of this issue then is the nature and quality of the scheme for redevelopment. There are certainly positive aspects to it. Unit 1 would address the Chadwell Street frontage in a manner reminiscent of the gate or carriage house that once stood in a similar position, mirroring the garage, traditional in appearance, which has been inserted on the opposite side of the street. While clearly contemporary in derivation, Unit 1 would reflect the width of the terraced houses alongside and form a respectful relationship with them. Considering the quality of the frontage the existing site presents to Chadwell Street, this element of the proposal would enhance the street-scene.
23. Given that the terraces bounding the site have basements, I see nothing in the inclusion of basements in the scheme proposed that creates difficulty in design terms. I am also conscious of the potential for boundary treatments to be improved as part of the proposals. However, the treatment of the dwellings proposed in the body of the site is an area of concern. Where similar sites have been developed in the conservation area⁷, notwithstanding the contemporary approach to design, the layout of the dwellings, in plan, and elevation, has a distinct discipline that reflects strongly, and therefore relates well, to the form of adjoining terraces.
24. I accept that the shape of the appeal site makes such an approach more of a challenge and appreciate the policy requirement to make best use of the facility the site offers. Moreover, there is policy support for innovative and contemporary designs. However, all that must be balanced against the need to pay proper respect to context.
25. It appears to me that in seeking to maximise site coverage the block housing Units 2-6 has too closely followed the profile of the site. This has led to a relatively complex plan-form, lacking the discipline evident in the adjoining terraces. The translation of that plan form into three dimensions has resulted in a building that would lack discipline in its form, with various angles and shapes that would appear highly incongruous against the much more rigid architectural treatment of the adjoining terraces.
26. The alien presence of the block housing Units 2-6 means that the proposal, viewed in its entirety, would cause a degree of harm not only to the special architectural and historic interest of the listed building affected, but also to both the character and the appearance of the conservation area, and the setting of adjacent listed buildings.
27. There was much debate at the Inquiry about whether the harm caused to the significance of the designated heritage assets affected should be defined as substantial or less than substantial.
28. Paragraph 133 of the Framework sets out that where a proposed development will lead to substantial harm to or loss of a designated heritage asset, consent⁸ should be refused unless, of relevance here, it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against, of relevance in this case, the public benefits of the proposal.

⁷ The developments at Ingle Mews and River Street in particular

⁸ And I take that term to include permission

29. The Framework does not explain the difference between substantial and less than substantial harm but as outlined at the Inquiry, the decision of the High Court in the case of *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin) is useful in this regard. Paragraph 25 sets out that in terms of substantial harm, one is looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced. On top of and consistent with that, according to the recently published (in Beta mode) National Planning Practice Guidance, substantial (or serious) harm is defined as a degree of harm that goes to the heart of the reason for designation.
30. Applying that to the proposals, the element of the boundary wall proposed for removal is but one small part of the listed building⁹ it must be considered part of¹⁰. The listed building, and its overall significance as a designated heritage asset, would remain predominantly intact. Similarly, the proposal would harmfully affect a small part of what is a relatively large conservation area. Much of the significance of the conservation area would be unaffected. While there would be some harm caused to the settings of the adjoining terraces and other listed buildings in the vicinity, these derive only part of their significance from their settings. The fabric and format of these listed buildings, where their significance largely lies, would remain completely, or largely, untouched.
31. In that overall context, the harm that would be caused by the proposals to the significance of the designated heritage assets affected would, in all cases, be less than substantial. In such a situation, the Framework requires that less than substantial harm to be weighed against public benefits. However, as set out above, the Act requires special regard to be had to the desirability of preserving (that is not harming) listed buildings and their settings, and special attention to be paid to the desirability of preserving or enhancing (again, not harming) the character or appearance of conservation areas. Moreover, that there would be some harm caused to the listed buildings and their settings, and the character and appearance of the conservation area, brings the proposals into conflict with LP Policies 7.4, 7.6 and 7.8, CS Policies CS 5 and CS 9, and DMP Policies DM2.1 and DM2.3.

Living Conditions of Existing Occupiers

32. In this regard, LP Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles of the Framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
33. There are two strands to the concerns that have been expressed on this issue. Given the difference between the basement levels of the adjoining terraces and the appeal site, and the constrained nature of their gardens, I can understand why neighbouring residents are concerned by the potential for loss of light, and any increase in the sense of enclosure, that might result from the proposals.

⁹ Nos.12A to G, 12 to 30 (consecutive) Myddleton Square and the attached railings

¹⁰ By dint of Section 1(5) of the Act

34. However, the largely uncontested, technical evidence provided by the appellant in the lead-up to, and at, the Inquiry demonstrates that there would be no easily discernible loss of light to any adjoining property. Moreover, while the development would be visible from adjoining properties, and their gardens, from what I saw at my site visits, it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.
35. On that basis, I conclude that the proposal would have no detrimental impact of any significance on the living conditions of existing occupiers. As such, there is compliance with LP Policy 7.6, DMP Policy 2.1, and the Framework.

Living Conditions of Prospective Occupiers

36. In relation to this particular issue, LP Policy 3.5 requires the design of new dwellings to have adequately sized rooms and convenient and efficient room layouts, and meet the needs of Londoners over their lifetimes. LP Policy 7.6 requires buildings and structures to provide high-quality indoor and outdoor spaces and meet the principles of inclusive design. LP Policy 7.2 requires development to follow those principles, and to show how the specific needs of older and disabled people have been integrated into proposals.
37. CS Policy CS 12 requires all new housing to comply with 'flexible homes' standards. DMP Policy DM2.1 requires development to be sustainable, durable, adaptable, safe and inclusive and DMP Policy DM2.2 requires all development to demonstrate that it provides for ease and versatility in use; deliver safe, legible and logical environments; and produce places and spaces that are convenient and enjoyable for everyone. DMP Policy DM3.4 requires new housing to provide accommodation of adequate size with acceptable shapes and layouts of rooms, with consideration to aspect and outlook in particular.
38. As set out, the original, more wide-ranging, objections of the Council, on this count, have been distilled into two particular and distinct aspects relating to the design of Unit 7. This provides accommodation at basement level set around a courtyard located against the wall that forms the western boundary of the site. This has led to criticism of the outlook provided for future occupiers. However, basement level accommodation is not unusual in the area or London generally. Being set so low down, the courtyard would receive little in the way of direct sunlight but it would be of a size that would allow daylight to penetrate and, with careful design and finishes, it could provide a reasonable facility for the occupiers, and an acceptable outlook from the rooms opening out into it.
39. The Council has also raised issues about the lack of level access to Unit 7. The scheme proposes a staircase from ground floor level down to the accommodation in the basement. The standards set out in the Council SPD: *Accessible Housing in Islington* build upon those that define Lifetime Homes and set out the 'flexible homes standards' referred to in policy. Criterion 3 of the Lifetime Home Revised Criteria provides that 'the approach to all entrances should preferably be level or gently sloping' to 'enable as far as practicable, convenient movement along other approach routes to dwellings'.
40. To achieve that laudable aim, Unit 7 would need to be provided with a lift. There is no dispute between the parties that such a lift could be accommodated within Unit 7; the dispute is whether it needs to be provided at the outset, or whether it is sufficient to show that one could easily be accommodated in the future, if required.

41. Looking at the development plan, it appears to me that what is required for the provision of housing, in general terms, is a demonstration that the design of any new dwelling is flexible, and able to adapt to the changing needs of those who live in it. In that context, it seems to me sufficient for the appellant to show that level access, through the vehicle of a lift, could be provided in the future, if required. It would be disproportionate to require one at the outset when those who choose to live in Unit 7 might not need it, at that stage.
42. On that overall basis, I am content that the proposal would provide an acceptable living environment for prospective occupiers and it accords, therefore, with LP Policies 3.5, 7.2 and 7.6, CS Policy CS 12 and DMP Policies DM2.1, DM2.2 and DM3.4.

Other Matters

43. Local residents raised understandable concerns about the potential impact that the excavation involved in the proposal, in particular, might have on the structural stability of adjoining properties. The technical evidence of the appellant on this matter is that the development, if carefully controlled, need cause no great difficulty in this regard. Those controls could be applied by condition in the event that planning permission was granted. Moreover, the appellant helpfully volunteered a report on the structural condition of any adjoining property, prior to any work commencing, in order to assess the baseline position. In that overall context, I am content that these concerns expressed by local residents do not weigh against the scheme.
44. The appellant drew attention to the benefits of the proposal. The Framework talks of the importance of boosting significantly the supply of housing. CS Policy CS 12 sets out the aim of the Council to provide more high quality, inclusive, and affordable homes. In line with the general approach of CS Policy CS 12, the proposal would provide 7 open-market houses of a size, demonstrated by the appellant's evidence to be in short supply¹¹. Moreover, through the vehicle of a Planning Obligation, a financial contribution of £420,000 would be made towards the provision of affordable housing off-site, in line with criterion G of CS Policy CS 12. Taken together, those represent considerable, public benefits.

Final Conclusion

45. As set out above, the proposal would provide considerable benefits in terms of the provision of market housing and a financial contribution towards the off-site provision of affordable housing. This would be achieved without any significant detrimental impact on the living conditions of adjoining residents and residents of the proposal would be provided with an acceptable living environment.
46. Against that, the proposal would cause harm to the special architectural and historic interest of a listed building, the character and appearance of the conservation area, and the setting of listed buildings. While, in the parlance of the Framework, that harm would be less than substantial, the desirability of avoiding any harm requires special regard, or special attention, by dint of the statutory provisions of the Act. Moreover, that there would be some harm caused to a listed building, the conservation area, and the settings of listed buildings, renders the proposal contrary to the development plan.

¹¹ With reference to the North London Strategic Housing Market Assessment of March 2011

47. On my analysis, the public benefits outlined, while considerable, are not sufficient to outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets affected. I reach that conclusion largely because it seems to me entirely possible for a scheme to be brought forward that secured much the same benefits, without causing the same degree of harm.
48. For the reasons given above I conclude that the appeals should be dismissed.

Paul Griffiths

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Katie Helmore of Counsel	Instructed by the Council of the London Borough of Islington
She called	
Kristian Kamiński	Deputy Manager of the Design and Conservation Team, LB Islington
MA	
Sally Fraser	Principal Planning Officer, LB Islington
BSc (Hons) MA	

FOR THE APPELLANT:

Thomas Hill QC	Instructed by Asserson Law Offices
He called	
Michael Taylor	
RIBA	
Lance Harris	Anstey Horne
MRICS	
Ronald Packman	Packman Lucas
BSc (Eng) CEng ACGI	
FIStructE FRSA	
Dr Chris Miele	Montagu Evans
IHBC MRTPI FRHS FSA	
Phillipa Dalton	
BSc (Hons) DipTP MRTPI	

INTERESTED PERSONS:

Martin Edwards of Counsel	Representing Dr & Mrs Lyons, Local Residents
Rob Hull	Local Resident
Paul Keene	Local Resident
David Plume	Local Resident
Dr Timothy Lyons	Local Resident

DOCUMENTS

- 1 Council's Letters of Notification
- 2 Adjustment to the evidence of Mr Harris
- 3 Statement of Common Ground (SoCG)
- 4 Copy of Distant Neighbours: Poverty and Inequality in Islington published by The Cripplegate Foundation and nef
- 5 Lifetime Homes (July 2010)
- 6 Copy of *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin)
- 7 Draft s.106 Agreement
- 8 Council's Draft Conditions with suggested amendments from the Appellant
- 9 SoCG: Timeline of Correspondence
- 10 Completed s.106 Agreement
- 11 Closing Statement on behalf of the Council
- 12 Closing Statement on behalf of the Appellant

PLANS

- A 617-P-01: Existing Site Plan
- B 617-P-102: Southern Site – Proposed Site Plan
- C 617-P-103 Revision B: Southern Site – Proposed Ground Floor Plan
- D 617-P-104: Southern Site – Proposed Basement Floor Plan
- E 617-P-105: Southern Site – Proposed Upper Floor Plan
- F 617-P-106 Revision A: Southern Site – Proposed Roof Plan
- G 617-P-107 Revision A: Southern Site – Proposed Sections A and B
- H 617-P-108: Southern Site – Proposed Sections C and D
- I 617-P-09 Revision B: Southern Site – Proposed Elevations
- J 617-P-110: Southern Site – Proposed Elevation
- K 617-P-111 Revision A: Southern Site – Proposed House 1 Plans
- L 617-P-112 Southern Site – Proposed Houses 2+3 Plans
- M 617-P-113: Southern Site – Proposed Houses 4+5 Plans
- N 617-P-14: Southern Site – Proposed House 6 Plans
- O 617-P-115: Southern Site – Proposed House 7 Plans
- P 617-P-116: Southern Site – Proposed Elevation Comparison
- Q 617-P-117 Revision A: Southern Site – Proposed Elevations East and West
- R 617-P-118: Southern Site – Proposed Demolition Plan
- S 617-P-119: Southern Site – Proposed Demolition Elevations
- T 617-P-119 Revision A: Southern Site – Proposed Cycle Storage

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Costs Decisions

Inquiry opened on 19 November 2013

Site visits made on 19 and 21 November 2013

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 21 February 2014

Costs application in relation to Appeal A: APP/V5570/A/13/2199042 Land to the South of Chadwell Street, London EC1R 1YE

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Petchey (Islington) Ltd [formerly Gaillard (Islington) Ltd] for a partial award of costs against the Council of the London Borough of Islington.
 - The inquiry was in connection with an appeal against the refusal of planning permission for redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space, and landscaping arrangements.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for the Appellant

2. Amongst other things, paragraph A3 of Circular 03/2009¹ outlines that the costs regime is aimed at ensuring as far as possible that planning authorities properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason.
3. In the light of advice in paragraph A19 of the Circular, the appellant seeks a partial award of costs relating to reason for refusal no.2, in part, reason for refusal no.3, in full, and reason for refusal no.4, in part. The Council has behaved unreasonably in relation to these aspects of its case and this has led to the appellant incurring unnecessary or wasted expense.
4. Paragraph B3 of the Circular stresses the importance of discussion and agreement, about outstanding issues, between the principal parties, in order to avoid, where possible, confrontation at appeal stage.
5. Paragraph B4 gives examples of unreasonable behaviour which include resistance to, or lack of co-operation with the other party in providing information, or discussing the appeal, thereby extending the duration of the appeal and associated expense; and withdrawal of a reason for refusal resulting in wasted preparatory work and/or attendance of a witness or representative person who proves not to have been required.

¹ Circular 03/2009: *Costs Awards in Appeals and Other Planning Procedures*

6. Paragraph B16 sets out that authorities will be expected to produce evidence to show clearly why the development cannot be permitted. The decision notice should be framed and reasons should be complete, precise, specific and relevant to the application. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If they cannot do so, costs may be awarded against them.
7. Paragraph B25 outlines that whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. A planning authority refusing planning permission on a planning ground capable of being dealt with by condition risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.
8. The Council's third reason for refusal, relating to the housing mix, was withdrawn on the Friday before the Inquiry started, despite the decision not to pursue it having been taken some time earlier, it seems. The reason for refusal is notable for its failure to cite CS Policy CS 12 which promotes the provision of family-size housing units. Indeed, the Council's planning witness seemed unaware of the North London Strategic Housing Market Assessment of March 2011 until receipt of the appellant's evidence.
9. By the time the appellant heard of the Council's intention to withdraw, evidence to address this reason for refusal had been prepared. The unreasonable action of the Council, in relation to reason for refusal no.3, has caused the appellant to incur unnecessary and wasted expense.
10. In terms of the Council's second reason for refusal, the appellant takes issue with the element that relates to issues around loss of light affecting neighbouring residential occupiers. A report on this matter was submitted with the originating application but it is clear that the Council misread it. The appellant offered to meet with the Council to discuss the subject as far back as September 2013 but this was not taken up. As a consequence, the appellant prepared additional evidence for the Inquiry, to bolster that prepared for the application, only to find that on the Friday before the Inquiry started, the parts of reason for refusal no.2 relating to loss of light had been withdrawn. Again this unreasonable conduct caused the appellant to incur unnecessary and wasted expense.
11. The Council's fourth reason for refusal which deals with the living conditions of prospective occupiers of the development was withdrawn on the Friday before the Inquiry with the exception of the references to Unit 7. The appellant had already addressed this fully in evidence and it is clear that, in any event, any concerns about access could be dealt with by condition. This all had to be spelt out at the Inquiry. Again, the Council's unreasonable actions have caused the appellant to incur unnecessary and wasted expense.

The response by the Council

12. The Council has sought to adopt a reasonable and proportionate approach, has no 'in principle' objections to the application but does question the scope. In terms of reason for refusal no.2, it is clear from the Officers' report that only sunlight was at issue. The extent to which the appellant has sought to address daylight is not a cost that should be borne by the Council.

13. Indeed the evidence dealt with the impact on 23 Myddleton Square where there was a breach of the standards that the initial report had failed to properly address. Those costs should not fall on the Council because this shortfall would have had to have been addressed in any event. The appellant's witness was cross-examined by the representative of Dr and Mrs Lyons on this matter. Furthermore, the Council's part withdrawal of reason for refusal no.2 did not lengthen the duration of the Inquiry to any significant degree.
14. In terms of reason for refusal no.3, the council has no objection in principle but withdrawing on the Friday prior to the Inquiry is better than on the eve, or on the day. In terms of the scope of costs, the appellant's witness had to attend the Inquiry, present evidence, and be cross-examined, on the claimed benefits of the proposals, in particular, in any event. The issue of housing mix is central to the consideration of benefits.
15. Reason for refusal no.4 was not withdrawn in its entirety – Unit 7 remained a live issue and the appellant's witness still had to address the points raised about it in evidence and at the Inquiry.

Further Comments by the Appellant

16. In terms of reason for refusal no.2, the Council cannot avoid the fact that it refers specifically to loss of light. If, as the appellant is entitled to expect, the reason is precise and specific, then both daylight and sunlight had to be addressed. It is not the case that there was a breach of standards in relation to 23 Myddleton Square. A more detailed assessment was carried out but the result was the same as the initial assessment.
17. As far as reason for refusal no.3 is concerned, it is better for the Council to have withdrawn than to have pursued it, but it would have been better not to have imposed it in the first place. Then, it would not have been necessary to address it in evidence – it could have been agreed and an assessment of benefits included in a Statement of Common Ground. Instead, it was a matter that had to be dealt with at some length.
18. The appellant's witness was required to deal with reason for refusal no.4. Notwithstanding communications that took place, the proposal was always able to meet the required standards.

Reasons

19. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
20. Having regard to the specific paragraphs of the Circular referred to by the appellant, the Council is correct not to question the principle of an award. It is clear to me that the Council has behaved unreasonably and that this has led to the appellant incurring unnecessary and wasted expense. What is at issue is the scope of the award and it is with that in mind that I turn to the specific points raised by the appellant.
21. In terms of reason for refusal no.3, it is fair to say that the appellant would have had to make some reference to housing mix in order to properly calibrate the benefits the proposal brings forward.

22. However, the failure to withdraw reason for refusal no.3 earlier in the appeal process meant that the appellant had no alternative but to address the issue in evidence, in full. If the Council had withdrawn it earlier, or indeed not imposed it at all, some discretion would have been possible in terms of the level of detailed evidence necessary. That possibility was removed by the Council's unreasonable initial imposition, and subsequent withdrawal after evidence had been prepared.
23. I take a similar stance in relation to the elements of reasons for refusal nos.2 and 4. Matters around sunlight and daylight would have needed to have been addressed anyway, in response to interested persons, or my own questions. I may well have had questions too about the nature of the proposal in terms of the living environment they would provide for prospective occupiers.
24. However, the late withdrawal of elements of the Council's reason for refusal nos.2 and 4 meant that the appellant had little alternative but to address them in full on the basis that the Council would be pursuing these reasons for refusal at the Inquiry. The ability of the appellant to approach these aspects of the proposals in a more proportionate manner was taken away by the Council's actions. Moreover, even if I had agreed with the Council that a lift was required to make the access to Unit 7 acceptable in policy terms, this was a matter that could have been dealt with very simply, by condition.
25. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has been demonstrated and that a partial award of costs is justified.
26. In terms of scope, this is the difference in costs to the appellant in addressing reason for refusal no.2, in part, no.3, in full, and no.4, in part, in the manner rendered necessary by the Council's adherence to those reasons for refusal, in full, up to a point just before the Inquiry opened, and what costs would have been incurred had the Council not imposed the reasons for refusal in that form in the first place, or withdrawn their objections in this regard earlier in the appeal process, before the preparation of evidence.

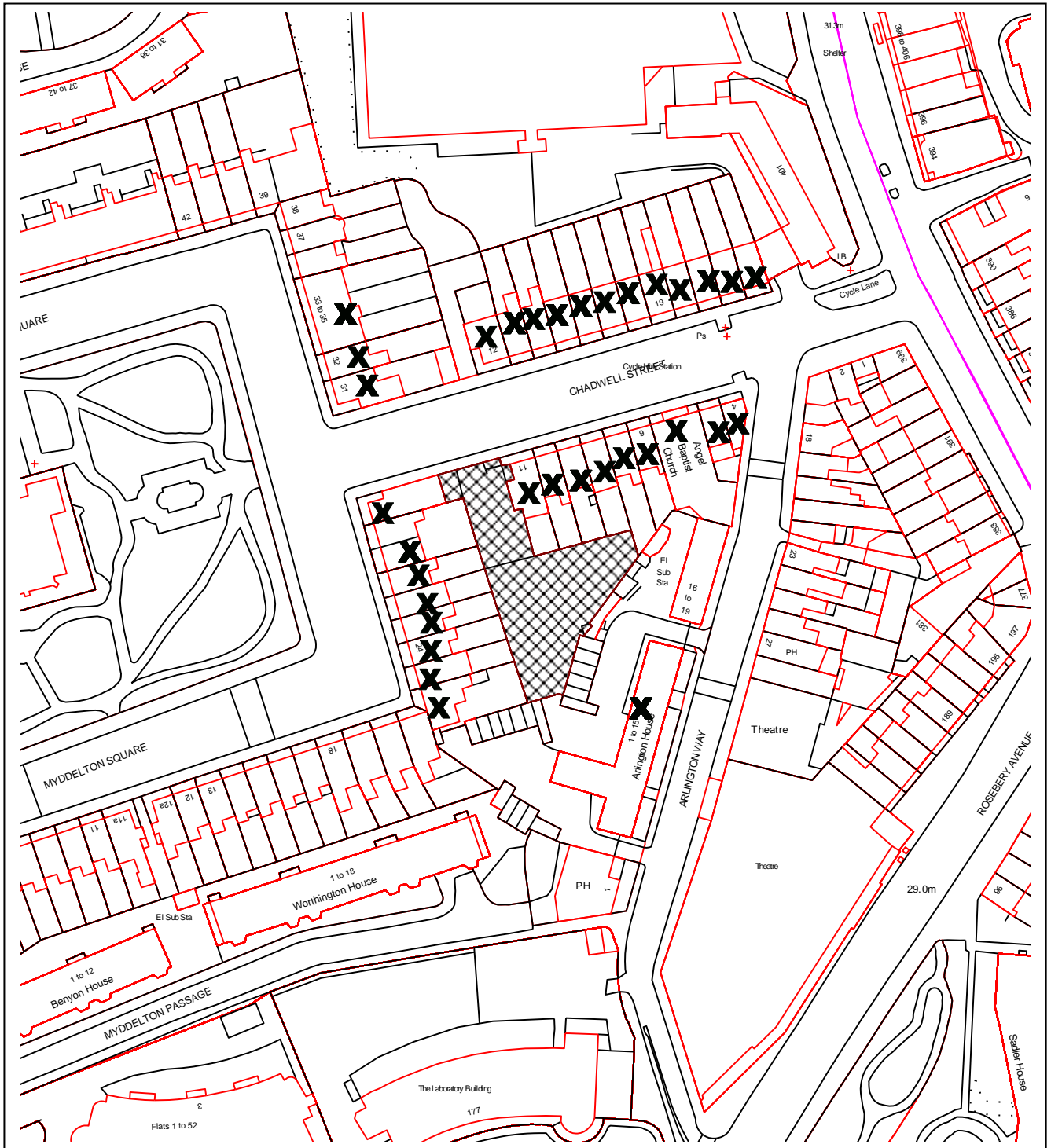
Costs Order

27. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Islington shall pay to Petchey (Islington) Ltd [formerly Gaillard (Islington) Ltd], the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in addressing reason for refusal no.2, in part, reason for refusal no.3, in full, and reason for refusal no.4, in part, on the basis set out above.
28. The applicant is now invited to submit to the Council of the London Borough of Islington, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Paul Griffiths

INSPECTOR

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P2015/2406/FUL

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PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		
Date:	24 th November 2015	NON-EXEMPT

Application number	P2015/2343/FUL
Application type	Full Planning Application
Ward	St. George's Ward
Listed building	Not listed
Conservation area	Not within a conservation area
Development Plan Context	- Within 50m of a Conservation Area – 24 – Mercers Road/Tavistock Terrace
Licensing Implications	None
Site Address	Flat B, 60 Beversbrook Road
Proposal	Creation of a rear roof terrace on existing flat roof area at 2 nd floor level through the installation of decking set in by 0.4m from side elevation and 2.8 metres from the rear elevation. Lowering of existing window cill and installation of access door and installation of a 1.6m high opaque glazed privacy screen and a 1.1m glazed screen.

Case Officer	Thomas Broomhall
Applicant	Mr Kieran Fitzgerald
Agent	Mr Niall N Sheehan

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1. Aerial view of the site



Image 2. – Bird's eye view of the site



Image 3. – View of existing flat roof



Image 4. – View of existing flat roof



Image 5 – View from flat roof



Image 6 – View towards no. 62 Beversbrook Road

4. SUMMARY

- 4.1 Planning permission is sought for the creation of a rear roof terrace on top of an existing flat roof area at 2nd floor level through the installation of decking set in by 0.4m from side elevation and 2.8 metres from the rear elevation; lowering of existing window cill; installation of access door, a 1.6m high opaque glazed privacy screen and a 1.1m glazed screen.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the impact of the proposed roof terrace and associated structures on the character and appearance of the host building and surrounding area; and the impact on the amenities of the adjoining and surrounding residential properties.
- 4.4 The impact of the proposal on the character and appearance of the host building and surrounding area is considered to be acceptable. The impact on amenities of the adjoining and surrounding properties is considered to be acceptable.

5. SITE AND SURROUNDING

- 5.1 The application site comprises the first and second floor flat within a three storey mid-terrace residential property converted into two flats. The property fronts on to Beversbrook Road. The rear boundary of the property adjoins the rear gardens of properties fronting Yerbury Road.
- 5.2 The property has an existing large two storey half width rear projection and is paired with a matching two storey rear projection on the adjoining property at no. 58. A large bricked sloping boundary wall sits on top of the pair of rear projections running down from the chimney breast. These pairs of two storey rear projections with flat roofs separated by bricked boundary wall, are a characteristic which is repeated along the rear of the terrace of adjoining properties fronting Beversbrook Road, which forms a striking feature, breaking up the visibility of each pair of properties in the rear of the terrace due to the massing and bulk which exists.
- 5.3 The site is not within a Conservation Area, nor is it listed.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the creation of a rear roof terrace on an existing flat roof area at 2nd floor level through the installation of decking set in by 0.4m from side elevation and 2.8 metres from the rear elevation to align with the edge of the original boundary wall with no. 58. The application also proposes the lowering of an existing window cill and installation of access door and installation of a 1.6m high opaque glazed privacy screen and a 1.1m glazed screen.

- 6.2 The application follows a complaint made to the Planning Enforcement Team in 2014 regarding unauthorised works to the flat roof of the property at 2nd floor level to the rear.
- 6.3 On a recent site visit decking had been installed to the full extent of the flat roof, a white rendered boundary wall had been erected adjoining and extending the original rear boundary wall with no. 58, the cill height of the original second floor window on the rear elevation had been lowered and an access door had been installed. A tubular steel railing has been attached to the side and rear elevation of the flat roof. It considered that the unauthorised works which have taken place do not prejudice the assessment of the submitted planning application. The works proposed by the application vary significantly from those which have taken place, and the predominant structure proposed by the application has not been installed. Therefore whilst some works have already taken place, it is not considered necessary to present the application as retention of the existing works.
- 6.4 During the course of the assessment of the application two sets of revisions have been made. The proposal has been revised to reduce the extent of the roof terrace bounded by screens, to align with the edge of the original boundary wall. As part of the implementation of the application, the applicant has stated their intention, to remove the decking and white rendered boundary wall beyond the extent of the proposed roof terrace, and also remove the tubular steel railing.
- 6.5 A further set of revisions were made to the application, the size of the terrace has been reduced by repositioning the screen 0.4 metres away from the side elevation facing towards no.62 and the height of the privacy screen has been reduced from 1.8 metres to 1.6 metres. This was in response to the visual impact of the screen on the surrounding area.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 June 2012 Planning Permission (ref: P112114) granted for creation of new terrace at rear first floor level. Erection of opaque glazed guarding; timber decking and new access door at rear first floor level plus associated works and alterations at First Floor Flat, 8, Yerbury Road, Islington, London, N19 4RL.
- 7.2 August 2013 Planning Application (ref: P2013/1908/FUL) refused for erection of a rear roof extension and associated terrace including insertion of three no. rooflights to the front roofslope and 1 no rooflight at rear roof level at 33 Yerbury Road, London N19 4RN.

REASON: The proposed roof extension and associated terrace by reason of their form, design and appearance would be harmful to the architectural character of the original building. In addition, the positioning of the roof terrace at this high level would appear as incongruous addition and would disrupt the rhythm and unity of the wider terrace. The proposal would therefore be

contrary to the NPPF; policy DM2.1 of the Development Management Policies 2013; policies CS8 and CS9 of the Core Strategy 2011 and the requirements of the Islington Urban Design Guide 2006.

ENFORCEMENT:

- 7.3 July 2014 Enforcement Case (Ref: E/2014/0510) regarding unauthorised roof terrace at 60 Beversbrook Road. Applicant advised that planning permission is required for works to create a roof terrace and associated screening. Enforcement case remains open awaiting outcome of this planning application.

PRE-APPLICATION ADVICE:

- 7.4 None.

8. CONSULTATION

Public Consultation

- 8.1 An initial round of public consultation took place which saw letters sent to 9 occupants of adjoining and nearby properties on Beversbrook Road and Yerbury Road on 9th July 2015. The initial period of public consultation of the application therefore expired on 30th July 2015. A total of 8 no. objections were received from the public in response to the initially submitted application
- 8.2 Following receipt of revised drawings on 12th August 2015, a second period of public consultation took place which expired on 26th August 2015. In response to the revised application a further 5 objections were received from those properties who initially commented.
- 8.3 Following receipt of a second set of revised drawings, a further 14 day public consultation then took place which expired on 20 October 2015. In response to the latest revisions to the application, a further 2 objections have been received from those who have previously commented. It is the Council's practice to continue to consider all representations made up until the date of a decision.
- 8.4 In total 15 objections have been received, the issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Proposed materials of glass screen are out of character with Victorian property and street (See paragraph 10.5)
 - Proposal sets a precedent (See paragraph 10.6)
 - Loss of privacy (See paragraph 10.14)
 - Increase in overlooking (See paragraph 10.15)
 - Increase in noise pollution (See paragraph 10.16)
 - Increase in light pollution (See paragraph 10.17)
 - Application should be retrospective (See paragraph 10.18)

- Effects from dust and smoking during construction and use of the roof terrace (See paragraph 10.19)

Internal Consultees

8.5 None.

External Consultees

8.6 None.

9. RELEVANT POLICIES

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

National Guidance

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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 2015, 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and appearance
- Neighbouring amenity

Design and Appearance

10.2 The application proposes the installation of decking on a flat roof to create a second floor rear roof terrace and the installation of a 1.6 metre high opaque

glazed privacy screen and a 1.1 metre high clear glazed screen which aligns with the end of the boundary wall. The application also includes works which have already taken place to lower the cill of the rear window and install an access door. The extent of the already installed decking is to be reduced to be set 0.4 metres away from the side elevation and 2.8 metres from the rear elevation.

- 10.3 The Islington Urban Design Guide (IUDG) sets out that there is sometimes scope for roof terraces above flat topped rear additions. The key design criteria, is the impact of the design and massing of the balustrading upon the rear elevation. Their suitability will therefore normally be considered in terms of the above criteria as well as the proposed roof terrace's impact upon adjacent residential amenity. A contemporary designed balustrade can sometimes be appropriate if it is consistent with an extension immediately below.
- 10.4 The rear of the terrace of which this property is a part, is characterised by pairs of original two storey rear projections which extend 6.5 metres from the principal rear elevation. Original boundary walls sit atop each pair of rear projections, sloping down from the eaves with a large depth measuring several brick courses. It is acknowledged that the proposed glazed privacy screen, as the first such structure on the rear of the terrace would be likely to establish the principle that glazed balustrades are acceptable on the rear of the terrace. The proposed glazed structure is a modest addition in comparison to the depth, scale and massing of the rear projections and appearance of original boundary walls. As a result the proposed balustrade with set-back remains subservient in relation to the original building, continuing to preserve the character and appearance of the host building and surrounding area and is therefore acceptable.
- 10.5 Objections were received expressing concern over the impact of the appearance of the proposed glazed structure on the Victorian property. The proposed works and associated structures will remain subservient to the original property, with any additional visual clutter associated with the use of the terrace largely hidden from view by the extent of the original boundary wall. The proposed glazed structure, although not strictly in keeping, is a material which is lighter and more subservient when set against traditional London Stock Brick and as such will be read as a lightweight addition. Glass is commonly used for screening to roof terraces as it is a translucent material and therefore does not create a significant overshadowing effect to the extent that a more solid non-porous material would. Therefore the proposal will not cause unacceptable harm to the character and appearance of the original Victorian property and is acceptable.
- 10.6 Objections were received expressing concern that the proposed roof terrace would be the first such addition in this particular terrace and set an unwelcome precedent for further roof terraces. The proposal represents the first such rear roof terrace in this terrace of properties fronting on to Beversbrook Road. Although no other roof terraces exist, this does not present grounds for refusal of the principle of a roof terrace on this site. It is noted that 9 existing roof terraces are visible on the rear of the Yerbury Road terrace, facing towards the

site and provide an established context for the site. Furthermore a significant number roof terraces have been granted consent on similar style Victorian properties in the wider area around the application site including at no. 8 Yerbury Road in 2012. The refusal of a roof extension and associated roof terrace at no. 33 Yerbury Road in 2013 related to works to the main roof slope at third floor level and does not provide a relevant context for the application. The application is assessed on its own merits, in accordance with the relevant planning policies, based on an assessment of the impact of each proposal and the constraints of each site.

Neighbouring Amenity

- 10.7 The proposed rear roof terrace will sit at second floor level, covering an area of 8.5 square metres and has been amended to be set away from the side elevation adjacent no. 62 Beversbrook Road by 0.4 metres. This extent of the proposed roof terrace is to be demarcated by the extent of the decking and an opaque glazed privacy screen of 1.6 metres in height on the side elevation and a 1.1 metre clear glazed screen set back 2.8 metres from the rear elevation.
- 10.8 Part x of policy DM2.1 sets out that development should provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.9 The proposed roof terrace will be used for domestic residential purposes in connection with the use of the flat on the upper floors of the building. The extent of the terrace is considered modest in its extent for a domestic residential property and the resultant intensity of the use is considered in proportion with the size and use of the host property. The materials used in the decking and glazed screening are considered typical for a domestic residential roof terrace and reasonable for their intended purpose
- 10.10 The proposed opaque glazed screen is required to prevent an unacceptable increase in overlooking towards the habitable rooms on the rear elevation of the adjoining properties and in particular no. 62.
- 10.11 The closest windows to the proposed screen provide daylight to the rear habitable rooms of the application site at no. 60. The windows on the rear and side elevations of no. 62 sit directly adjacent to these windows. The windows on the upper floors are likely to provide daylight to the rear bedrooms of this property and a living room at ground floor level. Consideration is given to the impact of the screen on the amenities of these rear habitable rooms of no. 62 as a result of the separation distance, height, position and use of materials. The impact of the privacy screen on the levels of daylight, sunlight, outlook, overshadowing and enclosure the rear of no. 62 is considered to be acceptable given the particular circumstances of the site.

- 10.12 Paragraph 2.14 of the Development Management Policies requires there to be a minimum distance of 18 metres between windows of habitable rooms to protect privacy for residential developments and existing residential properties. It is acknowledged that the 1.1 metre glazed screen to the rear will not prevent overlooking from the roof terrace to the properties to the rear of the application site. The separation distance between the proposed roof terrace and the rear of the properties facing Yerbury Road exceeds 18 metres. Given the existence of windows of habitable rooms on the rear elevation of the application site, there is not considered to be an unacceptable increase in overlooking in this regard.
- 10.13 Therefore the impact of the proposal on the amenities of the adjoining and neighbouring residential properties is considered to be acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.
- 10.14 Objections were received concerning a loss of privacy to the adjoining properties and in particular to the rear habitable rooms of no. 62 Beversbrook Road. As set out in paragraph 10.10 the proposed privacy screen will prevent an unacceptable increase in overlooking. The separation distance from the terrace to the habitable windows of no. 62 is considered reasonable for a domestic use in a dense residential area. Therefore there is not considered to be unacceptable loss of privacy of the amenities of the adjoining and neighbouring properties as to sustain a refusal of the application on this basis.
- 10.15 Objections were received concerning an increase in overlooking towards the rear garden of no. 62 Beversbrook Road. Given the presence of existing habitable windows on the side and rear elevation of the application site facing towards the rear garden of no. 62, there is not considered to be an unacceptable increase in overlooking as to sustain the refusal of the application on this basis.
- 10.16 Objections were received concerning an increase in noise and light pollution from the use of the proposed roof terrace. No lighting is proposed to the rear elevation to which the roof terraces attaches. The extent of the proposed roof terrace is considered modest in its extent for a domestic residential property, and remains subservient to the host building. The separation distance between the terrace and the habitable windows of no. 62 is considered typical of that found in a densely populated and urban residential area. As such, although an increase in sound levels is inevitable from the proposed roof terrace, there is not considered to be an unacceptable increase in noise or light pollution generated by a typical residential use of the roof terrace as to sustain a refusal of the application on this basis.
- 10.17 Should noise or light levels in connection with the use of the proposed roof terrace, exceed those generated by a typical domestic use this would fall under separate legislation outside of planning control and as such is not a material planning consideration and would be unreasonable to refuse the application on this basis. This would be more likely to be covered by Environmental Health legislation.

Other matters

- 10.18 Residents have raised comments that the proposal should be presented as a retrospective application as some unauthorised works have already taken place. On a recent site visit, decking had been laid to the full extent of the flat roof, the cill to the original rear window at second floor had been lowered and an access door had been installed. The extent of the decking in connection with the application is reduced from that which has been laid. The tubular rail appeared to be a temporary measure for safety purposes. The glazed screen has not been installed. Whilst it is acknowledged that elements related to the proposal have already been undertaken, it is understood that once the applicant became aware that planning consent was required, no further works were undertaken and that the flat roof has not been used as a roof terrace. During the application process the applicant has amended the application to ensure its acceptability in accordance with planning policy. The applicant has stated that should the proposal be granted, the additional decking, white rendered wall and the safety railing shall be removed. A condition has been suggested to ensure this. Therefore it is considered that the application should be assessed as a new proposal and has been correctly advertised as such.
- 10.19 Comments were received concerning potential effects from dust and smoking during construction and in use of the roof terrace. However, in this instance, this is not a material planning consideration and therefore it would be unreasonable to refuse the application on this basis. This is more likely to be covered by Environmental Health legislation or a matter for the Health and Safety Executive.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed rear roof terrace including the installation of decking, access door, opaque glazed privacy screen and glazed screen are acceptable. The impact of the proposal on the character and appearance of the host building and surrounding area is considered to be acceptable. The impact of the proposal on the amenities of the adjoining and surrounding properties is considered to be acceptable.
- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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 permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, Existing Elevation 01 Version 01, Existing Elevation 02 Version 01, Existing Plan Version 01, Proposed Rear Elevation Version 07, Proposed Side Elevation Version 07, Proposed Plan Version 07, Proposed Plan Viewing Angle Version 07, Letter from Niall Sheehan dated 02-10-2015, Images, Design & Access Statement, Letter from Kieran Fitzgerald dated Monday 8th June 2015, Appendix A Aerial Image Detailing Roof Terraces in Immediate Area, Supporting Information No. 2: Aerial View of Neighbourhood in the Vicinity of 60 Beversbrook Road to Highlight Properties with Roof Terraces, Appendix B Aerial Image Detailing Roof Terraces in Immediate Area Granted Planning Permission, Supporting Information No. 2: Aerial View of Neighbourhood in the Vicinity of 60 Beversbrook Road to Highlight Properties with Roof Terraces with Planning Permission, Appendix C Panoramic Photograph Taken from Proposed Roof Terrace Looking out at Existing Roof Terraces across Rear Gardens, Supporting Information No. 1: View from Proposed 2nd Floor Terrace at 60 Beversbrook Road to Neighbouring Properties in Yerbury Road with Roof Terraces Appendix D Schedule of Approved Planning Applications for Roof Terraces in Immediate Area with Reference Information, Schedule Detailing Approved Planning Application for Roof Terraces in the Vicinity of Beversbrook Road N19</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Privacy Screen
	<p>CONDITION: The opaque glazed privacy screen 1.6 metres in height hereby approved shall be erected prior to use of the roof terrace and retained as such in perpetuity.</p>

	REASON: For the protection of neighbouring residential amenity.
4	MATERIALS (DETAILS):
	<p>CONDITION: Detailed drawings and samples of the proposed opaque glazed screen and plinth, and method of attachment and construction, shall be submitted to and approved in writing by the Local Planning Authority prior to any further work commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
5	REMOVE UNAUTHORISED STRUCTURES
	<p>CONDITION: All unauthorised structures including white rendered boundary wall on the boundary with no. 58 and the tubular steel railings shall be removed prior to first use of the roof terrace.</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>
6	MATERIALS (COMPLIANCE):
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the submitted documents and within the Design and Access Statement. 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>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, in accordance with the NPPF.</p>

2	Hours of construction
	The applicant is advised that building works should not take place outside the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays. Building work should not take place at any time on Sundays or Bank Holidays.

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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s
built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM7.1 - Sustainable design and construction
Policy DM7.2 - Energy efficiency and carbon reduction in minor
schemes
Policy DM7.4 – Sustainable Design Standards

3. Designations

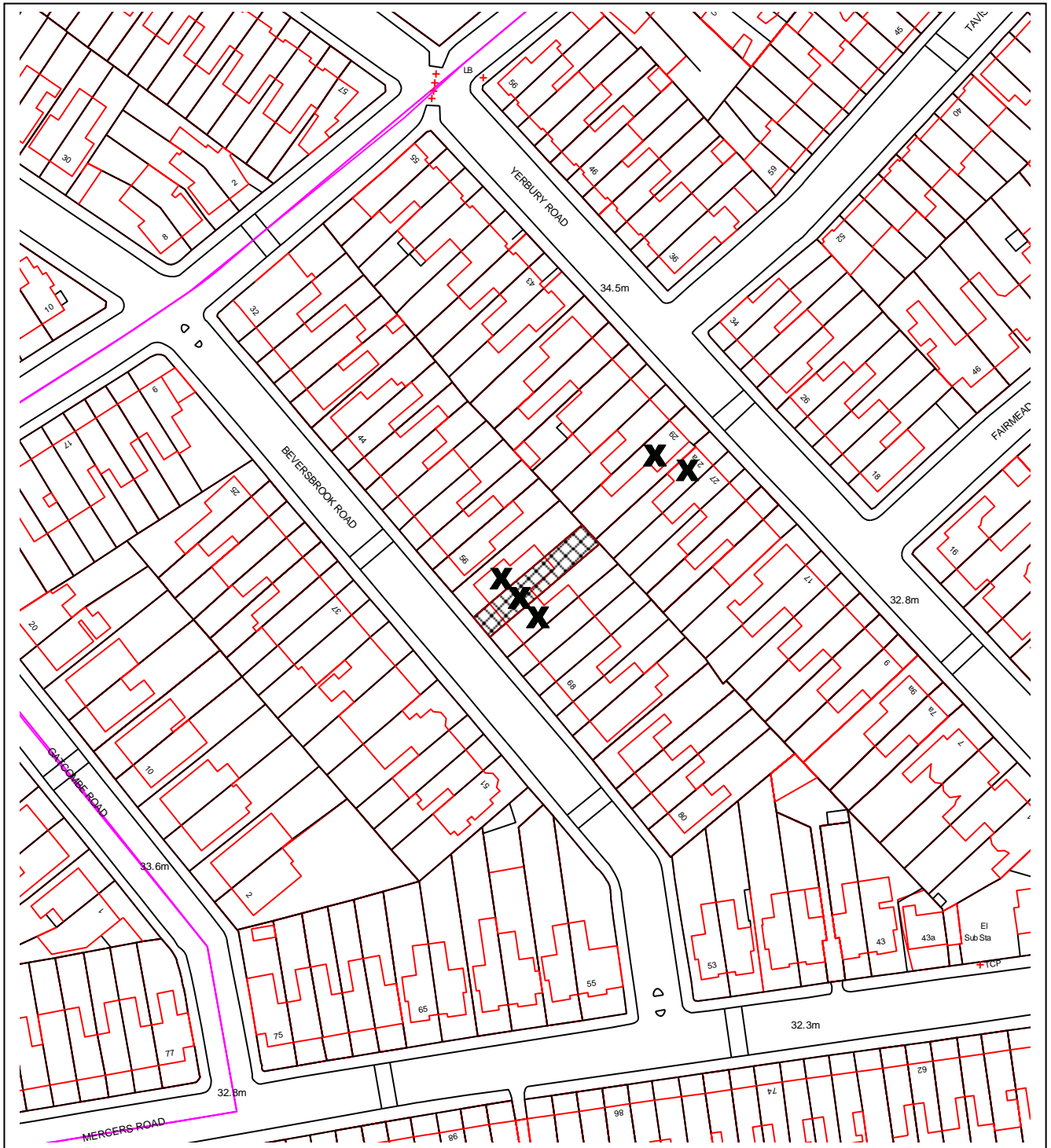
None

4. SPD/SPGS

Islington Urban Design Guidelines
Small Sites Affordable Housing SPD
Environmental Design SPD

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PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	24 th November 2015	NON-EXEMPT

Application number	P2015/3194/FUL
Application type	Full Application
Ward	Clerkenwell
Listed Building	Grade II*
Conservation Area	New River
Development Plan Context	New River Conservation Area Finsbury Local Plan Bunhill and Clerkenwell Core Strategy Key Area Central Activities Zone With Mayor's Protected Views
Licensing Implications Proposal	None
Site Address	Land at Spa Green Estate, Ball Court Between Turnbridge House and Wells House, St John Street, London EC1R 4TT
Proposal	Alterations to existing multi use games area including resurfacing of games area, provision of new 3.57 metre fencing to outside of games area, alteration of the layout of games area, provision of new entrance into the games area and associated landscaping works (Council's Own Application)

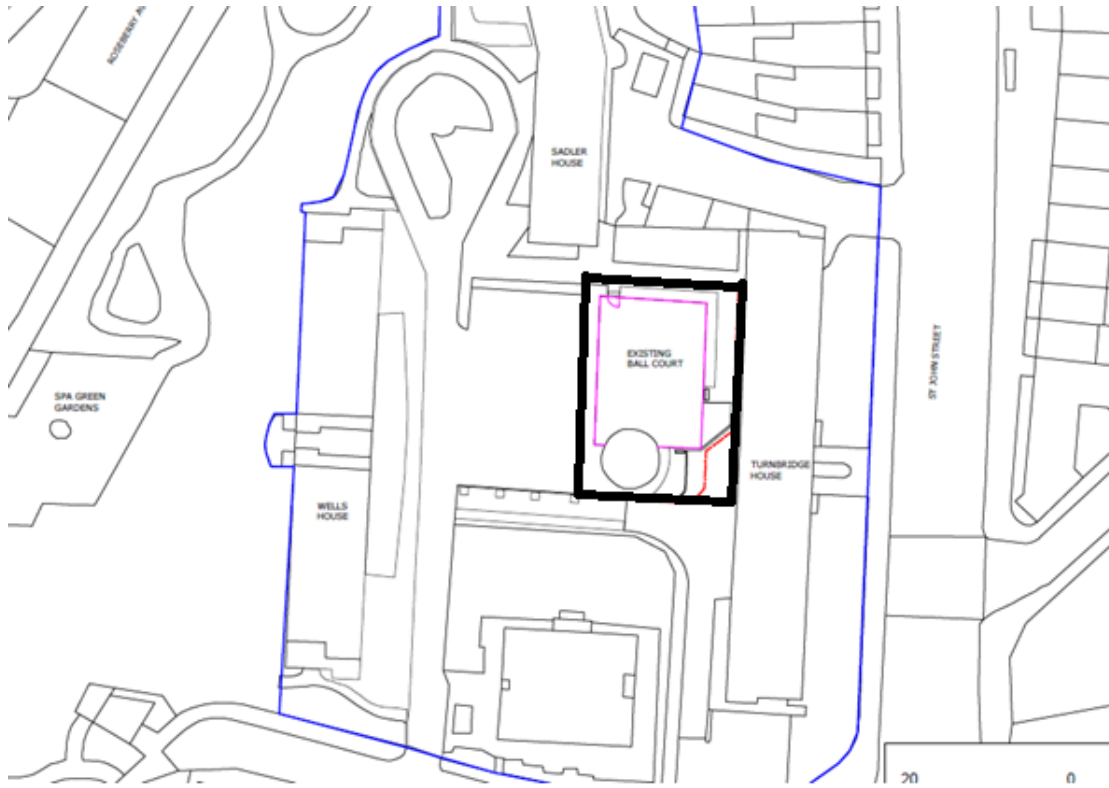
Case Officer	Duncan Ayles
Applicant	Islington Council Housing Department
Agent	Ben Dewhirst (Groundwork)

1. **RECOMMENDATION**

The Committee is asked to resolve to planning permission:

1. Subject to the conditions in recommendation A and conditional upon the prior completion of
2. A Directors' Level Agreement securing the heads of terms as set out in Appendix 1

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET

The Site



Image 1: Aerial view of the site

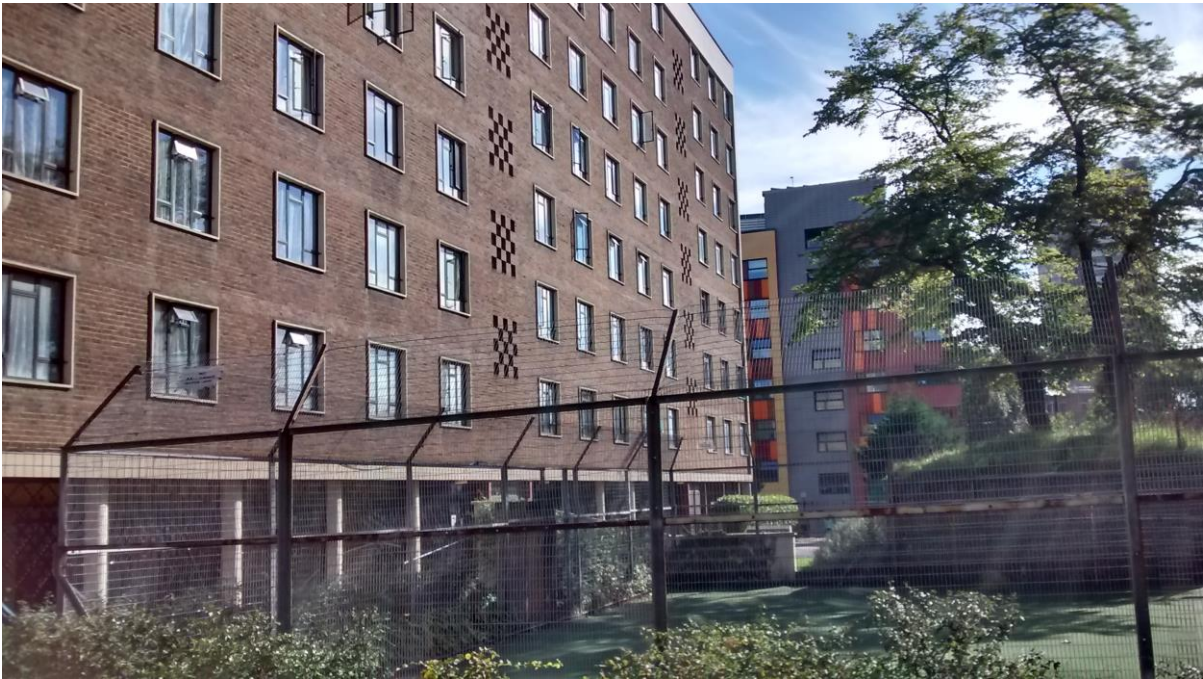


Image 2: View of the northern side of the MUGA



Image 3: View of existing MUGA from the west



Image 4: View of the south-western corner of the site including Tree

4 SUMMARY

- 4.1 The application is for the alteration of an existing multi use games area (MUGA) located within the Spa Green Estate, between Wells House and Turnbridge House. The application proposes to alter the design of the games area by creating a shorter, squarer pitch, and to replace the existing fencing with higher fencing. The application also proposes to landscape the area immediately adjacent to the south of the pitch, and to provide a new entrance into the games area from the east.
- 4.3 The spa Green estate is Grade II* listed, and was designed by Berhold Lubetkin, an important modern movement architect. The site is also located within the New River Conservation Area. The alterations proposed are not considered to harm the setting or character of the listed building or lead to any impact on neighbour amenity. The application does not require listed building consent, as it is not physically attached to the listed building. However, it is within the setting of the listed buildings.
- 4.4 Furthermore, the existing tree pit will not be altered. It is not considered that the health or amenity value of the tree would be reduced. The proposed alterations are not considered harmful to neighbouring amenity, including in terms of daylight and outlook, and also in respect of noise emission. No objections or comments have been received from the public consultation.

5 SITE AND SURROUNDING

- 5.1 The application relates to a MUGA situated within the Spa Green Estate between Wells House and Turnbridge House, to the west of St John Street. The court is located approximately 5 metres to the west of Turnbridge House, and is surrounded by 3.47 metre high metal fencing. The court is rectilinear, although the existing tree pit to south of the court cuts into the court area. The MUGA is one of a number of structures located within the estate between the Turnbridge House and Wells House, including a car park, estate office and nursery.
- 5.2 Although the existing MUGA is a prominent feature within the estate, due to its location between Wells House and Turnbridge House, the MUGA is not visible from outside of the estate itself from St John Street.

6 PROPOSAL (in Detail)

- 6.1 The application seeks approval for the shortening of the existing pitch by 3.3 metres to create a shorter pitch of the same width. The new area would exclude the existing tree pit. The application proposes to replace the existing fencing with 3.57 metre high dark green metal mesh fencing, and to create second entrance into the court on the eastern side of the pitch. The application proposes the erection of anti-vibration fencing surrounding the pitch. When a ball is kicked against this specialist fencing it does not make a loud noise.

6.2 The application also proposes to renew the existing surface with a synthetic turf and to install basketball hoops to the court, in addition to the existing football goals. The area immediately to the south of the MUGA will be landscaped with a new turf area and new shrub planting. The area to the south of the court will include hopscotch markings.

6.3 The height of the boundary fencing has been reduced following concerns raised by conservation officers regarding the impact on the setting of the listed buildings. The original height of fencing proposed was 3.85 metres and this has been reduced by approximately 30 centimetres to the current proposal of 3.5 metres.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 **871444:** Planning permission was granted for the erection of paladine storey, laying out of a car park and other landscaping alterations.

ENFORCEMENT:

7.5 None

PRE-APPLICATION:

7.6 None

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 130 nearby and neighbouring porpties at Sadler house, Turnbirdge House and Wells House. A site notice was also displayed. A reconsultation was undertaken on the 24th August, due to an inaccuracy in the original address, which referred to the Spa Field estate rather than the Spa Green Estate. The final reconsultation expired on the 1st October 2015. However, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 No objections, comments or letters of supports were received in response to the consultation.

Internal Consultees

8.3 **Design and Conservation:** The proposal is located on a sensitive site, as it is Grade II* listed. Therefore, the fencing surrounding the pitch should be kept as low as possible so that it does not impinge on views of the listed buildings.

8.4 **Tree Protection:** The trees on the site are located in a 2 metre high planter which will have restricted root ingress into the site and means that any

impacts from the re-landscaping will be minimal. I have no arboricultural objection to the application.

- 8.5 **Acoustic Officer:** The application is for the replacement of an existing pitch, and while it is appreciated that the sports pitch is currently in use, there have been a number of issues with refurbished MUGA and sport pitches, where this has led to an intensification of use.
- 8.6 On a recent application at New River College, hours of 0900 to 2030 and 1000 to 1800 Sunday were agreed. It is advised that the same hours of operation are imposed on this permission. It is also advised that a condition is imposed requiring the submission of a noise management plan is agreed prior to the improvement works occurring.

9 REVELANT POLICIES

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

National Guidance

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

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015, 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

10 ASSESSMENT

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

- Design and impact on the special historic and architectural interest of the listed buildings and conservation area
- Impact on the amenity of neighbouring properties.

Principle of Development

- 10.2 Policy DM 6.4 supports applications which provide improved outdoor sport and recreation facilities. The proposal is in general conformity with this policy, as it will modernise the existing games area, improving the facilities available to residents and therefore increase the potential for sport and recreation. The proposal seeks to reduce the size of the pitch to allow the existing tree pit to be removed from the playing surface, as this currently impedes the use of the pitch. The alterations will allow the court to be used for basketball as well as football, and will also provide a hopscotch facility for younger residents in the estate.
- 10.3 The application is situated within a residential estate, and policy DM 2.1 seeks to protect the amenity of neighbouring properties in respect of the loss of light, outlook and privacy. Furthermore, DM 6.1 requires new development to contribute to the provision of healthy environments, including by limiting the emission of noise to noise sensitive locations such as residential properties.
- 10.4 The proposal is situated within the New River Conservation Area, and is situated within the Spa Green Estate, which is grade II* listed. Policy DM 2.3 and CS 8 requires new development to make a positive contribution to the preservation of heritage assets, including listed buildings and Conservation Areas. Specific guidance is provided within the New River Conservation Area guidance, and within the Spa Green Estate Management Plan, which

Design and Impact on the Character and Appearance of the Area

- 10.5 The proposal is situated within the Spa Green Estate, grade II* listed since 1998, as it is one of the most significant examples of post-war social housing development within London, and was designed by a leading architect and practice, Berthold Lubetkin and Tecton respectively. The area which is currently occupied by the MUGA was originally open landscaping until the 1980s, when the car parking and MUGA were installed.
- 10.6 The Council, as Local Planning Authority and freeholder of the site has adopted a management plan for the Spa Green Estate in conjunction with English Heritage. This provides specific criteria for alterations to the estate, including in respect of the landscaping within the site. The management plan describes the changes to the landscaping that occurred during the 1980s as 'quite damaging' and states that any strategy for improvement should seek to address this issue.
- 10.7 The proposal will reduce the floor area of the ball games area, which will increase the openness of the estate between Wells House and Turnbridge House and therefore reverse some of the damaging alterations to the

landscaping. This alteration is considered to be welcome on design and heritage grounds, as it improves the setting of the surrounding listed buildings.

- 10.8 The proposal will also require a slight increase in the height of the fencing from 3.47 metres to 3.57 metres, an increase of 10 centimetres, which equates to a 3% increase in height from the existing. The increase in height has been reduced from 3.85 metres to 3.57 metres following concerns raised by conservation officers regarding the impact on the setting of the listed buildings. This alteration is considered to be so small that it will not be noticeable from ground level, and will not materially reduce the open character of the existing site.
- 10.9 The impact on ground level views of the listed buildings themselves from within the estate will similarly not change in character. Furthermore, it is noted that the Management Plan confirms that the loss of landscaping has been harmful, the existing structures within the estate, such as the MUGA, have not detracted significantly from views of the listed buildings themselves.
- 10.10 The Council's Design and Conservation team have been consulted with respect to the application and have confirmed that the minor increase in the height of the boundary fencing is acceptable, and will not harm the setting of the listed buildings, or the Conservation Area.
- 10.11 Taken together, the proposals are considered to be acceptable on the grounds of the impact on the, setting of the listed buildings and the character and appearance of the New River Conservation Area. The proposal is therefore considered to be in accordance with policies DM 2.1 and 2.3 of the Development Management Policies 2013, CS8 and CS9 of the Core Strategy 2011 and the Spa Green Estate Management Plan.

Impact on the Amenity of Neighbouring Properties

- 10.12 The existing MUGA has been in situ for a number of years, and there are no planning conditions which limit the use of the court, including by limiting the times that the pitch can be used. The proposed works will improve the quality of the MUGA by providing a better playing surface and a more useable pitch.
- 10.13 The council's acoustic officer has stated that the improvement of similar pitches in the borough has led to intensification in the use of the pitches, and this has led to neighbour complaints regarding noise. The most recent complaint regarding the mis-use of the existing pitch dates from July 2013, when a gang of youth played football within the playground after midnight.
- 10.14 Given that the improvements to the quality of the MUGA are likely to result in the intensification of the use of the pitch and this could lead to increased impacts on the amenity of neighbouring properties, specifically in respect of noise through increased shouting, whistles and other noises associated with the pitch, it is considered reasonable to mitigate the impacts through the imposition of planning conditions, even though similar controls do not apply to the existing MUGA.

- 10.15 The acoustic officer has recommended that the hours of use are limited to between 0900-2030 Monday to Friday, 1000 and 1800 Saturday and not at all on a Sunday. An identical condition was imposed on a similar application at New River College (P2015/1136/FUL). The noise officer has also recommended that a condition is imposed requiring the approval of a Noise Management Plan. Furthermore, condition 8 requires anti-vibration fencing to be installed, which will assist in reducing noise impacts to the surrounding area.
- 10.16 The boundary fencing to the court is located 5 metres from the western elevation of Turnbridge House, and the ground floor of this block is recessed slightly. The proposed increase in the height of the fence is not considered to be sufficient to lead to any adverse impact on the amenity of the properties at Turnbridge House in respect of the loss of daylight, sunlight, outlook or increase sense of enclosure. Unlike other MUGA applications, such as New River College and Bride Street, the application does not propose to install new floodlighting and therefore there is no concern with regard to light pollution.
- 10.17 The proposed works are therefore considered to lead to an acceptable impact on the amenity of neighbouring properties, provided that appropriate planning conditions are imposed, and are considered to be in accordance with policies DM 2.1 and DM 6.1 of the Development Management Policies 2013.

Trees and Landscaping

- 10.18 The tree pit adjacent to the games area contains a large tree. Although the tree is not protected by a Tree Preservation Order, it is protected by virtue of being situated within a conservation area.
- 10.19 The proposal does not require the alteration of the existing tree pit, although it will be removed from the pitch. The Council's Tree Preservation Officer has been consulted with respect to the application, and has confirmed that the existing tree pit would have limited the root growth of the tree, and therefore the works outside of the tree pit would not lead to any adverse impact on the health of the tree. The proposal is therefore considered to be in accordance with policy DM 6.5 of the Development Management Policies 2013.
- 10.20 The proposal includes a landscaping scheme around the court, including details of shrub planting. The landscaping scheme is considered to be acceptable, and will contribute to an improvement in biodiversity within the area in accordance with policy DM 6.5 of the Development Management Policies 2013.

Surface Drainage

- 10.21 The proposals entail the addition of new soft landscaping within some parts of the existing ball court. Therefore, the proposal will reduce the overall quantum of hard landscaping within the area, and will increase the extent of ground infiltration by water. The proposal is therefore considered to be acceptable,

and in accordance with policy DM 6.6 (Flood Prevention) of the Development Management Policies 2013.

Directors' Service Level Agreement

- 10.22 The new sports pitch would be subject to a Community Use and management agreement to ensure that the space is suitably managed. This safeguard would protect neighbour amenity, and secure the long term use at an appropriate intensity. This is approved by a Directors' Agreement which operates in a similar way to a section 106 legal agreement.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal would not result in any adverse impact on the setting or special architectural interest of the listed buildings, and conservation area. The proposal would also not harm the amenity of neighbouring properties including in terms of the loss of light, outlook or through increased noise emission.

Conclusion

- 11.2 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 Directors' Service Level Agreement between the Director of Children's Services and the Director of Environment and Regeneration 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:

1. A Community Use and Management Agreement to ensure suitable management and community use.

RECOMMENDATION B

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

List of Conditions

1	Commencement CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: [Design and Access Statement, IS060_006, IS060_001 Location Plan, IS060_003, IS060_002, IS060_005, Photograph Sheet] REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
3	Materials CONDITION: The development shall be constructed in accordance with the schedule of materials noted in part 9 of the application form and on the drawings. 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.

	Trees
4	<p>TREE RETENTION AND REMOVAL (COMPLIANCE): No consent is hereby granted for the removal of any trees within the site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
	Landscaping
5	<p>LANDSCAPING: Prior to the first use of the new ball court hereby approved, the landscaping scheme shown on the drawings IS060_003 and described within the Plant Schedule shall be implemented.</p> <p>REASON: In order to safeguard the character and appearance of the area.</p>
6	Hours of Operation
	<p>CONDITION: The proposed all weather football pitch shall operate only between the hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
7	Noise Control Measures
	<p>CONDITION: A Noise Management Plan assessing the impact of the Multi Use Games Area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The report shall assess impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified impacts. The ball court shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that existing residential amenity is maintained.</p>
	Anti-Vibration Fencing
8	<p>CONDITION: The fencing hereby approved surrounding the MUGA shall be anti-vibration fencing.</p> <p>REASON: In order to ensure that existing residential amenity is maintained.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>

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 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations 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 2015, 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 2015 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 (Delivering the strategic vision and objectives for London)

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

Policy 7.8 (Heritage Assets and archaeology)

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

Policy CS9 (Protecting and Enhancing Islington's built and historic environment)

C) Development Management Policies June 2013

Policy DM 2.1 (Design)

Policy DM 2.3 (Heritage)

Policy DM 6.1 (Healthy Development)

Policy DM 6.4 (Sport and Recreation)

Policy DM 6.5 (Landscaping, trees and biodiversity)

Policy DM 6.6 (Flood Prevention)

3. Designations

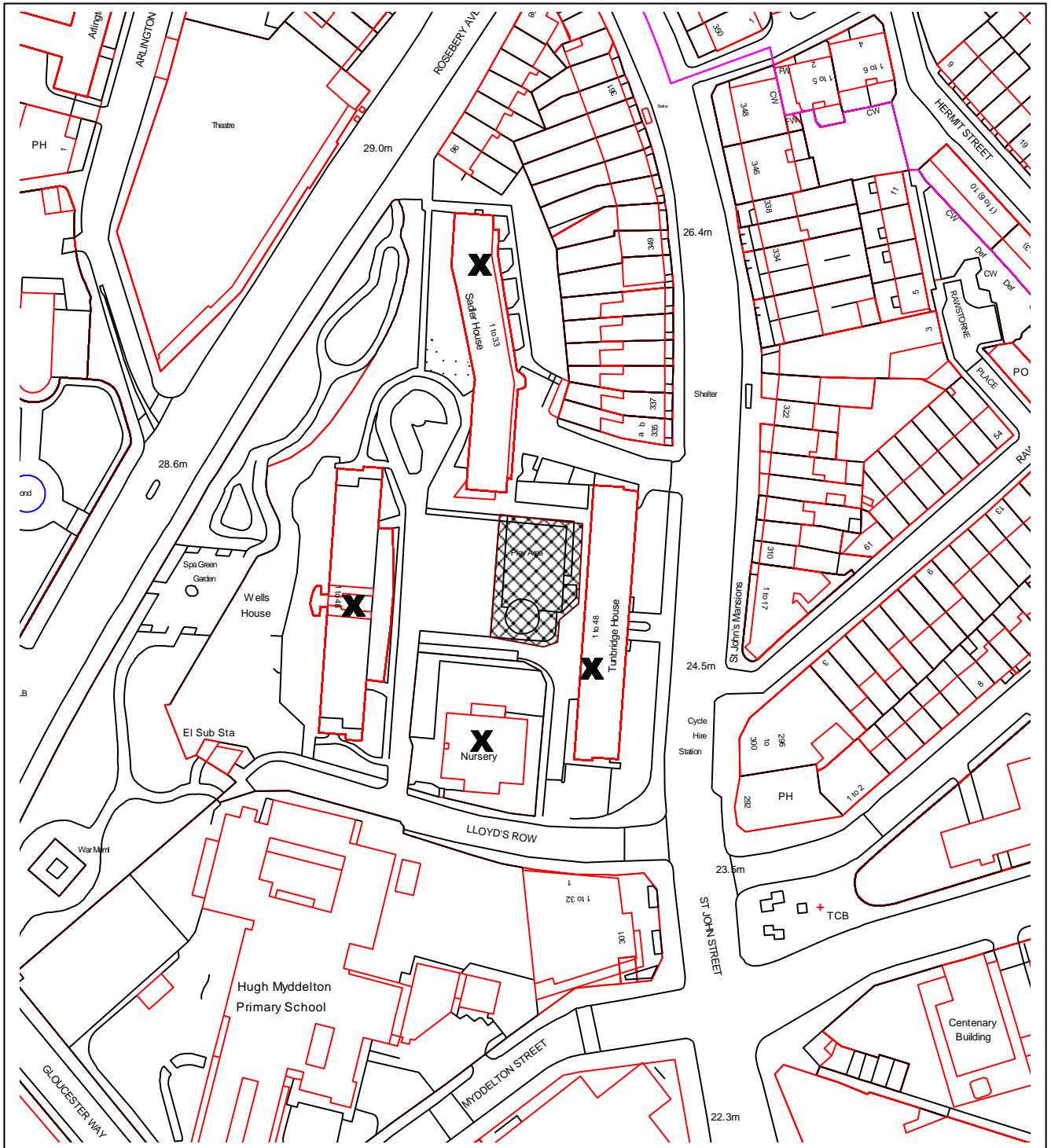
New River Conservation Area
Grade II* Listed

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

The following SPGs and/or SPDs are relevant:

- Spa Green Estate Management Plan
- New River Conservation Area Design Guidelines

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P2015/3194/FUL

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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		
Date:	24 th November 2015	NON-EXEMPT

Application number	P20153442//FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	No
Conservation area	No
Development Plan Context	Within 50m of Conservation Area
Licensing Implications	None
Site Address	Playground Between 92 And 94 Bride Street [Westbourne Estate Pitch], London, N7
Proposal	Refurbishment of pitch to include artificial turf pitch, plus new entrance with ramp, cycle stands, associated fencing, lighting and renewal of safety surfaces to playground area.

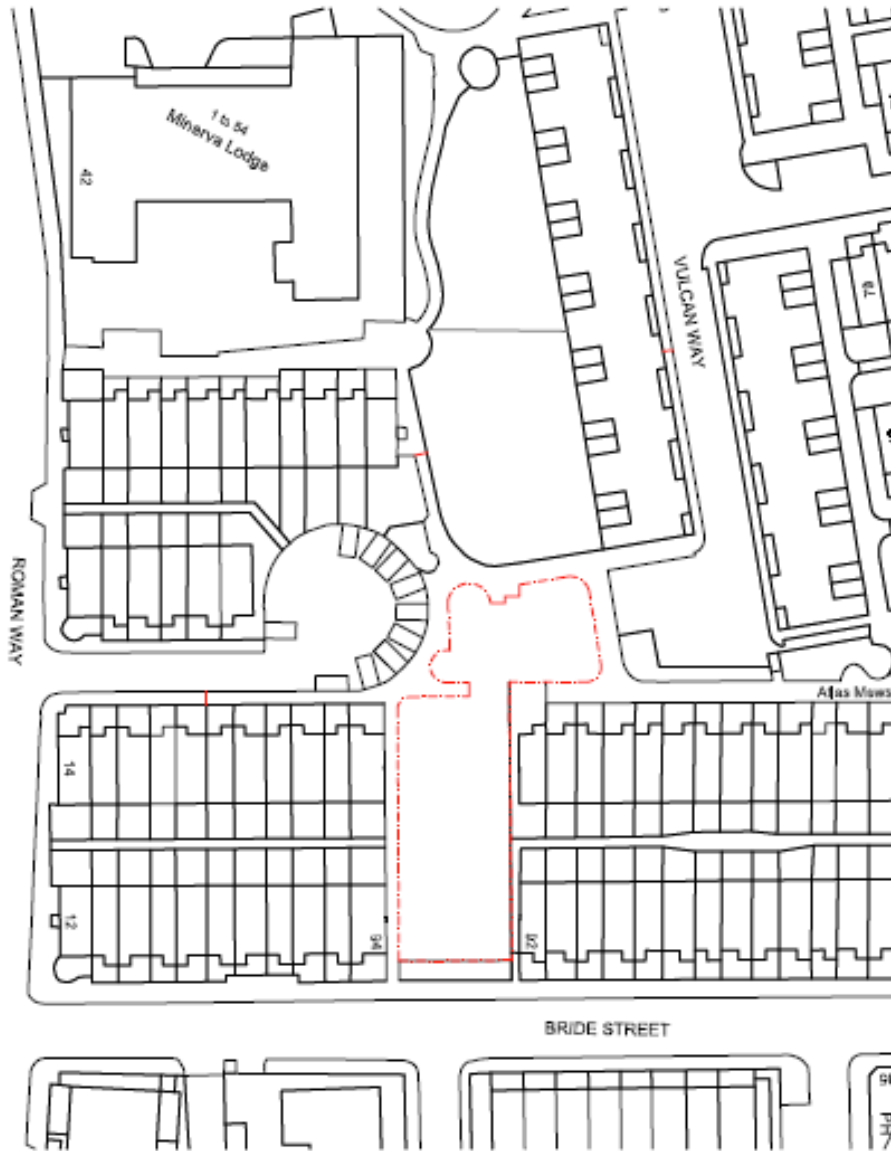
Case Officer	Joe Aggar
Applicant	London Borough of Islington - Alex Sarson
Agent	Paul Ruse

1 RECOMMENDATION

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

- i) subject to the conditions set out in Appendix 1
- ii) and conditional upon the completion of a Director's Service Level Agreement securing the heads of terms set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial photograph showing the playground between 92 and 94 Bride Street.

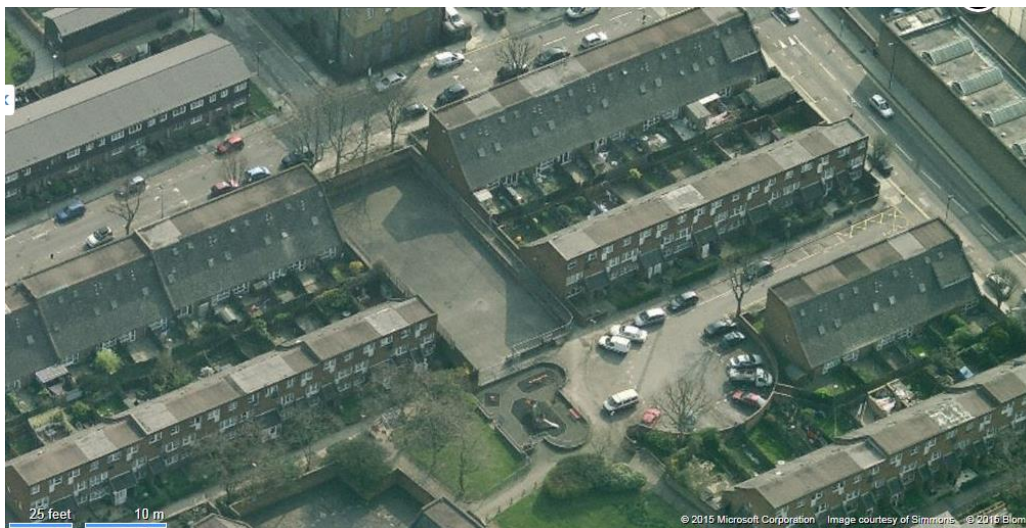


Image 2: Aerial photograph showing the playground between 92 and 94 Bride Street.



Image 3: View looking south towards Bride Street



Image 4: View looking north from Bride Street

4. SUMMARY

- 4.1 The proposal seeks planning permission for refurbishment works to the existing pitch and playground. The proposals include a new access ramp and hand rail, a new artificial 3G pitch, four 8m high lighting columns and Sheffield cycle hoops. The existing steel mesh fencing would be removed and specialist sport rebound fencing to a height of 4m plus two gates would be installed to the pitch area.
- 4.2 The existing bitumen and safety surfaces to the playground area would be replaced throughout and existing equipment cleaned and upgraded.
- 4.3 The main issues arising for the application relate to design and appearance; neighbouring amenity; landscaping, and trees.
- 4.4 The design layout and scale of the proposed development is considered acceptable and would not detract from the appearance of the streetscape.
- 4.5 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013 and the proposal is car free.
- 4.6 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

5. SITE AND SURROUNDING

- 5.1 The site is located on what is known as the Westbourne Estate. The pitch fronts onto to north side of Bridge Street and is located between two, back to back, residential terraces. The site includes a playground area to the north which is used in conjunction with the pitch. The pitch consists of a bitmac pitch surface and masonry walls with metal mesh fencing located above. There is a passage way located to the east of the pitch which allows pedestrian access north.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing site is not statutorily listed nor is it located in a conservation area.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks planning permission for refurbishment works to the existing pitch and adjacent playground. The proposals include a new access ramp and hand rail, a new artificial 3G pitch, four 8m high lighting columns. The surface area of the pitch would be reduced to accommodate step free access and new cycle stands. The existing steel mesh fencing would be removed and specialist sport rebound fencing 4m high, plus two gates installed to the pitch area.
- 6.2 The existing bitumen and safety surfaces to the playground area would be replaced throughout.
- 6.3 The existing play equipment and bench would be cleaned. The surrounding fencing would be painted green. These elements are not considered to require planning permission.
- 6.3 Revisions have been received which to improve access to the proposed pitch level.

6.4 The application has been referred to the planning sub-committee as this is a council own application.

7. **RELEVANT HISTORY:**

PLANNING APPLICATIONS:

7.1 None

ENFORCEMENT:

7.2 None

PRE-APPLICATION ADVICE

7.3 Pre-application Duty Meeting for 'proposed refurbishment of games pitch.'

7.4 In principle, the upgrading of the football pitch was considered acceptable. The issue that upgrading the facility would make it more attractive was raised and therefore will be more intensively used. This may have implications for adjacent residents, and their amenity will need to be safe guarded.

7.5 There was no objection to the relocation of the light column, and an additional light columns may be acceptable subject to these not affecting residents from light pollution. Details of the surfaces and the alterations to the fencing and walls surrounding the pitch were required. Also, details of times of uses and security measures when the pitch is not being used were required.

8. **CONSULTATION**

Public Consultation

8.1 Letters were sent to occupants of 260 adjoining and nearby properties at Bride Street, Roman Way, Vulcan Way, Atlas Mews and Davey Close.

8.2 A site notice displayed. Consultation expired on the 17th September 2015 however it is the Council's practice to continue to consider representations made up until the date of a decision. Members will be updated at committee of any additional responses received.

8.3 At the time of writing this report no objections have been received from the public with regard to the application.

Internal Consultees

8.4 **Tree Preservation Officer:** satisfied that the impact to the adjacent trees is minimal. There are no arboricultural reasons to object to the application.

8.5 **Environmental Health Officer:** no objection to new pitch lighting subject to relevant condition.

8.6 **Access Officer:** Raised concerns over regarding the single step which runs the length of the approach to the entrance to the pitch. Single steps are not acceptable under Building Regulations as they are considered to be a trip hazard – rather than the ramp would it not be possible to grade the whole of the approach to the pitch to

provide a gently sloping approach. Route widths should be a minimum of 1500mm but preferably 1800mm which allows wheelchair users to pass each other – can the applicant please confirm route widths.

External Consultees

8.8 None

9. RELEVANT POLICIES

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

National Guidance

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

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

Development Plan

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

Designations

9.4 The site has is located within 50m of a conservation area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and Appearance
- Neighbouring Amenity
- Accessibility
- Trees
- Highways
- Directors Level Service Agreement

Design and Appearance

10.2 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive

contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.

- 10.3 The main external alterations would include the creation of an entrance area to allow ramped access and the installation of a handrail. The existing steel mesh fencing would be removed and a sports rebound fence fitted at pitch level. The overall height of this would reach 4m. However this would be installed at pitch level. As such this would reduce the overall impact of the fencing in terms of its visual impact. Moreover the top 1m is pointed inwards for practical reasons and would assist in reducing the sense of the overall height.
- 10.4 Moreover the pitch would be resurfaced and four new lighting columns added. The playground surfaces would be replaced with a new coloured safety surface. The works would refurbish the area and the alterations are considered appropriate giving the existing use of the site and would not cause undue harm to the surrounding streetscape or terrace.
- 10.5 Given the above improvements to this aspect of the estate, the proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

Neighbouring Amenity

- 10.6 The existing metal mesh fencing rises approximately 1.4m above the masonry wall on the west elevation. The new sports fencing would rise to a total height of 4m. However due to the change in the level of land, the pitch level at Bride Street end is set below ground level with a surrounding masonry wall. As a result, the fencing would read as 1.4m high including a 1m cranked top. The top 1m of the fencing would point inwards towards the pitch to deter balls from going over the fencing.
- 10.7 Bearing in mind the open nature of the proposed fencing and its overall height, it is not considered that the development would give rise to any material adverse impacts on adjoining resident's amenity levels in terms of loss of daylight/sunlight, increased enclosure or privacy concerns.
- 10.8 The overall design and scale of the proposed fencing and pitch itself are not considered to be excessive nor visually harmful. Therefore the view will inevitably change from these properties but it is not considered that these views will be harmed and it is considered that there will be no material loss of outlook to any adjoining properties in relation to the proposed development.
- 10.9 The site is considered to be in a more active use due to the refurbishment. However it is considered that the use of the area would not give rise to any substantial overlooking or loss of privacy of adjoining properties windows in this case.
- 10.10 The pitch is surrounded by residential properties, albeit the two terraced blocks have blank end walls facing the pitch. The proposal sets out a closing time of 21:30. However, the Council's Noise Officer raised concerns regarding the proposed hours of use, bearing in mind the proximity to residential dwellings, and the likely intensified usage of the pitch giving rise to noise such as shouting, ball impacts and whistles could have a detrimental impact on neighbouring amenity. It is therefore proposed to overcome this issue, subject to a condition, that the hours of use are restricted to 09:00-20:30 Monday to Friday, 10:00 to 18:00 Saturday and the site is not used at all

on Sundays and public holidays. On a recent similar application at New River College (P2015/1336/FUL) the same hours of operation were applied. In addition, a condition has also been proposed regarding a Noise Management Plan. This will ensure the applicant's consider the impact on neighbouring amenity and include measures for mitigating any identified impacts. Furthermore, the proposed fencing is specialist rebound fencing which reduces noise when a ball hits against it. This is secured by condition 9.

- 10.11 The light pollution from the proposed floodlights has also been assessed. The application includes a diagram from the lighting supplier with the Lux levels. This is a generic layout which doesn't include the residential nearby and the impact upon them. A condition is therefore proposed to review and resubmit the lighting assessment including these details and the predicted lux levels.
- 10.12 In addition, the times of the floodlights has also been reduced (by virtue of the new hours of operation). It is also noted that the restriction in the hours of operation until 20:30 all year round will mean the floodlights are mainly required during the winter months as during the summer period it will still be light during this time and the floodlights will therefore not be required.

Trees

- 10.13 The Tree Officer has reviewed the detail provided and is satisfied that the impact on the adjacent trees will be minimal. There are no arboricultural reasons to withholding planning permission.

Accessibility

- 10.14 All developments are required to demonstrate that they provide for ease of and versatility in use; deliver safe, legible and logical environments; produce places and spaces that are convenient and enjoyable to use for everyone, and bring together the design and management of a development from the outset and over time. Planning applications need to meet the above criteria in order to be consistent with Policy DM2.2 of Islington's Development Management Policies.
- 10.15 The proposal has been designed, with amendments received, to show level access and sufficient width around the perimeter of the court to provide ease of use for people with mobility impairments ensuring the sports pitch is fully accessible and therefore complies with Development Management policy DM2.2.

Highways

- 10.16 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. No parking is proposed and this will be ensured by condition.
- 10.17 The pitch is already in situ within the estate and the proposal is mainly for its refurbishment. The refurbishment works have been designed to meet the needs of the local community within the Westbourne Estate. In this regard it is expected that the vast majority of the users of the space will be from the immediate vicinity of the site and would come to the site on foot.

- 10.18 In any event there is the provision of four Sheffield cycle stands with the capacity for 8 bikes. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and the provision of secure and appropriately located cycle parking facilities in this instance is considered to facilitate this.

Directors' Level Service Agreement

- 10.19 The refurbished sports pitch would be subject to a Community Use and Management agreement to ensure that the space is suitably managed and public access is guaranteed. This safeguard would also secure the appropriate management and long term use and intensity of the use of the sports space. It is considered that this agreement to provide these details coupled with controls on light levels and hours of operation would ensure that close by adjoining residents amenity levels would be safeguarded to an acceptable degree. This is secured through a Directors' Level Service Agreement which operates in a similar manner to a S106 Agreement.

11 SUMMARY AND CONCLUSION

Summary

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

Conclusion

- 12.2 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 Directors' Service Level Agreement between the Director of Children's Services and the Director of Environment and Regeneration 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:

1. A Community Use and Management Agreement to ensure suitable management and community use.

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>IS065-LOC_001; Westbourne Estate MUGA Section Elevation A; Westbourne Estate MUGA Section Elevation C & D; Westbourne Estate MUGA Section Elevation B; Westbourne Estate MUGA Existing Site; IS065-GA-005; IS065_EAS_010.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none">a) Samples of all boundary treatmentb) Paving details;c) Details of proposed lighting;d) 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	Hours of Operation
	<p>CONDITION: The proposed all weather football pitch shall operate only between</p>

	<p>the hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
5	Lighting Hours
	<p>CONDITION: The Multi Use Games Area floodlighting shall be operated during the hours of 09:00-20:30 Monday to Friday and 10:00-18:00 Saturdays only. Usage within these hours shall be controlled by a photocell detector and timer switch.</p> <p>REASON: To ensure that any resulting general or security lighting does not adversely impact neighbouring residential amenity</p>
6	Lighting
	<p>CONDITION: No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.</p> <p>REASON: To ensure that any resulting general or security lighting does not adversely impact neighbouring residential amenity.</p>
7	Noise Management Plan
	<p>CONDITION: A Noise Management Plan assessing the impact of the Multi Use Games Area shall be submitted to and approved in writing by the Local Planning Authority prior to the ball court use commencing on site. The report shall assess impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified impacts. The ball court shall be operated strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the proposal does not adversely impact on neighbouring residential amenity.</p>
8	Drainage Strategy
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The Drainage Strategy shall include the following details:</p> <p>a) A drainage plan detailing the proposed method for disposing of surface water by means of appropriate sustainable drainage systems. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainability.</p>
9	Fencing
	<p>CONDITION: The rebound fencing shall be installed and carried out in accordance with the details so approved and maintained as such thereafter.</p>

	REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.
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List of Informatives:

1	Positive statement
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.
2	Surface Water Drainage
	It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
3	Signage
	Please note that separate advertisement consent application may be required for the display of signage at the site.
4	Service Level agreement
	Your attention is drawn to the fact that this grant of permission is subject to a Service Level agreement.
5	Highways
	<ul style="list-style-type: none"> - Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing. - Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. - Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

	<ul style="list-style-type: none"> - Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place. - Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980. - Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months' notice to meet the requirements of the Traffic Management Act, 2004. - Development will ensure that all new statutory services are complete prior to footway
6	Hours of Working
	<p>The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>
7	Building Regulations and Party Wall
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

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

5 London's response to climate change

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.10 Walking

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 7.11 London View Management Framework

Policy 7.15 Reducing noise and enhancing soundscapes use

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

B) Islington Core Strategy 2011 Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage
DM2.1 Design
DM2.2 Inclusive Design

Housing
DM3.6 Play space
DM3.7 Noise and vibration

Health and Open space
DM6.1 Healthy development
DM6.2 New and improved public open space
DM6.4 Sport and recreation
DM6.6 Flood prevention

Energy and Environmental Standards
DM7.4 Sustainable design standards

Transport
DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Within 50m of a Conservation Area

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

The following SPGs and/or SPDs are relevant:

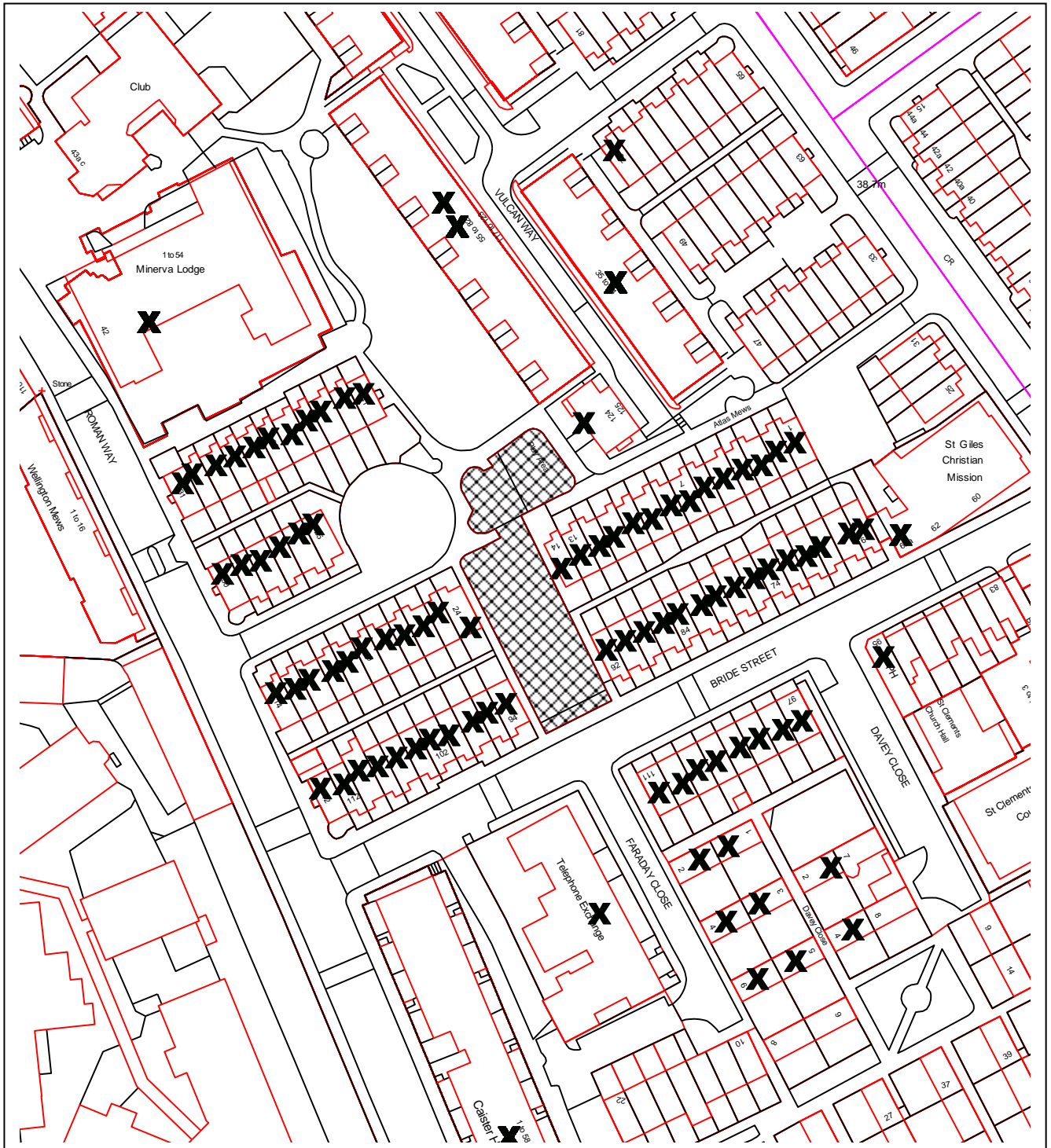
Islington Local Plan

- Environmental Design
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

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

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