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## AGENDA FOR THE PLANNING SUB COMMITTEE A

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **21 September 2015 at 7.30 pm.**

**John Lynch**  
**Head of Democratic Services**

Enquiries to : Zoe Crane  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 11 September 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](mailto:enquiriesplanning@islington.gov.uk).**

| <u>Committee Membership</u>    | <u>Wards</u>   | <u>Substitute Members</u> |                  |
|--------------------------------|----------------|---------------------------|------------------|
| Councillor Fletcher (Chair)    | - St George's; | Councillor Convery        | - Caledonian;    |
| Councillor Poyser (Vice-Chair) | - Hillrise;    | Councillor Diner          | - Canonbury;     |
| Councillor Chowdhury           | - Barnsbury;   | Councillor Gantly         | - Highbury East; |
| Councillor Khan                | - Bunhill;     | Councillor Ismail         | - Holloway;      |
| Councillor Spall               | - Hillrise;    | Councillor Kay            | - Mildmay;       |
|                                |                | Councillor Klute          | - St Peter's;    |
|                                |                | Councillor Nicholls       | - Junction;      |
|                                |                | Councillor A Perry        | - St Peter's;    |
|                                |                | Councillor Picknell       | - St Mary's;     |
|                                |                | Councillor Wayne          | - 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.

5. Order of Business
6. Minutes of Previous Meeting

## B. Consideration of Planning Applications

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1. 15 Crinan Street, London, N1 9SQ

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| 2. | 2 Tremlett Grove, London, N19 5JX                                 | 25 - 48      |
| 3. | 55 Whitehall Park, London, N19 3TW                                | 49 - 74      |
| 4. | 68 Halliford Street, London, N1 3HF                               | 75 - 98      |
| 5. | 98 Mercers Road, London, N19 4PU                                  | 99 - 114     |
| 6. | Garages to the rear of Parkhurst Court, Warlters Road, London, N7 | 115 -<br>140 |
| 7. | Parking Spaces, Ewe Close, Islington, N7 9TL                      | 141 -<br>166 |
| 8. | Zinc House, 19-25 Cowcross Street, London, EC1M 6DU               | 167 -<br>182 |

**C. Urgent non-exempt items (if any)**

Any non-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.

**D. Exclusion of press and public**

To consider whether, in view of the nature of the remaining item 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.

**E. Confidential/exempt items**

**F. 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 A, 22 October 2015

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

[www.democracy.islington.gov.uk](http://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](mailto:enquiriesplanning@islington.gov.uk).**

#### COMMITTEE AGENDA

1 15 Crinan Street London N1 9SQ

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2 2 Tremlett Grove, London, N19 5JX

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3 55 Whitehall Park London N19 3TW

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4 68 Halliford Street London N1 3HF

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5 98 Mercers Road, London N19 4PU

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6 Garages to the rear of Parkhurst Court, Warlters Road, London, N7

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7 Parking Spaces, Ewe Close Islington N7 9TL

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8 Zinc House, 19-25 Cowcross Street, London, EC1M 6DU

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1 15 Crinan Street London N1 9SQ

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**Ward:** Caledonian

**Proposed Development:** Construction of a roof extension to provide an additional floor of B1(a) office space and associated roof terrace, with a plant area and associated air conditioning equipment; and replacement of existing windows with double glazed timber sash windows and a new entrance at ground floor level

**Application Number:** P2015/2193/FUL

**Application Type:** Full Planning Application

**Case Officer:** Emily Benedek

**Name of Applicant:** PZR Ltd

**Recommendation:**

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2 2 Tremlett Grove, London, N19 5JX

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**Ward:** Junction

**Proposed Development:** Substantial demolition of existing residential dwelling with retention of street façade and construction of 3 dwellings comprising 1 no. 5 bedroom townhouse with rear garden and 2 x 2 bedroom residential flats.

**Application Number:** P2015/2564/FUL

**Application Type:** Full Planning Application

**Case Officer:** Thomas Broomhall

**Name of Applicant:** Ms Gina Roberts

**Recommendation:**

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### 3 55 Whitehall Park London N19 3TW

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**Ward:** Hillrise

**Proposed Development:** Erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens. The removal of existing tree(s) is also proposed together with replacement tree and shrub planting.

**Application Number:** P2015/2281/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Mr Richard South

**Recommendation:**

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### 4 68 Halliford Street London N1 3HF

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**Ward:** Canonbury

**Proposed Development:** Extension to the existing building comprising a single storey extension above roof and 4-storey, stepped side extension with lower ground floor to create 8 no. residential units (7 x 2 bed, 1 x 4 bed). Provision of cycle storage and refuse facilities.

**Application Number:** P2015/0362/FUL

**Application Type:** Full Planning Application

**Case Officer:** Emily Benedek

**Name of Applicant:** Mr Simcha Green

**Recommendation:**

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### 5 98 Mercers Road, London N19 4PU

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**Ward:** St. Georges

**Proposed Development:** Basement enlargement with front and rear light wells.

**Application Number:** P2015/1904/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Duncan Ayles

**Name of Applicant:** Mr Alexis Besse

**Recommendation:**

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### 6 Garages to the rear of Parkhurst Court, Warlters Road, London, N7

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**Ward:** Holloway

**Proposed Development:** The erection of seven residential units: three 2-storey courtyard houses, one 2-storey semi-detached pair of houses, and 2 two-storey units bridging over the entrance to the mews, all with private garden areas. Retention of one lock up garage and one parking space. This is a re-consultation as the previous letter circulation omitted a number of properties adjacent to the site.

**Application Number:** P2015/0040/FUL

**Application Type:** Full Planning Application

**Case Officer:** Ashley Niman

**Name of Applicant:** Mr Leon Faust

**Recommendation:**

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### 7 Parking Spaces, Ewe Close Islington N7 9TL

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**Ward:** Holloway

**Proposed Development:** Erection of a terrace of four three storey houses with associated garden areas and cycle parking.

**Application Number:** P2015/2147/FUL

**Application Type:** Full Planning (Council's Own)

**Case Officer:** Nathaniel Baker

**Name of Applicant:** Islington Council

**Recommendation:**

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## 8 Zinc House, 19-25 Cowcross Street, London, EC1M 6DU

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**Ward:** Clerkenwell

**Proposed Development:** Installation of 12 Heat Pump Units at Roof Level, One Heat Pump Unit at Fifth Floor Balcony Level, Two Heat Pumps at Fourth Floor Balcony Level and Associated Visual/Acoustic Screening

**Application Number:** P2015/0634/FUL

**Application Type:** Full Planning Application

**Case Officer:** Duncan Ayles

**Name of Applicant:** City Apartments Ltd

**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

|                                 |                                 |            |
|---------------------------------|---------------------------------|------------|
| <b>PLANNING SUB-COMMITTEE A</b> |                                 |            |
| Date:                           | 21 <sup>st</sup> September 2015 | NON-EXEMPT |

|                          |  |
|--------------------------|--|
| Application number       | P2015/2193/FUL   |
| Application type         | Full Planning  |
| Ward                     | Caledonian Ward  |
| Listed building          | Not listed   |
| Conservation area        | King's Cross Conservation Area   |
| Development Plan Context | <ul style="list-style-type: none"> <li>- Central Activities Zone (CAZ)</li> <li>- King's Cross and Pentonville Core Strategy Key Area</li> <li>- Employment Growth Area – Development Management Policies DM5.1, DM5.2 &amp; DM5.4</li> <li>- Mayors Protected Vista – Kenwood viewing gazebo to St. Pauls Cathedral</li> <li>- Local Cycle Route</li> <li>- Within 100m of a SRN Road</li> <li>- Within 50m of Regent's Canal West Conservation Area</li> </ul> |
| Site Address             | 15 Crinian Street, London, N1 9SQ  |
| Proposal                 | Construction of a roof extension to provide an additional floor of B1 (a) office space, roof terrace and associated glazed screen, with a plant area, air conditioning equipment, replacement of existing windows with double glazed timber sash windows and a new entrance at ground floor level.   |

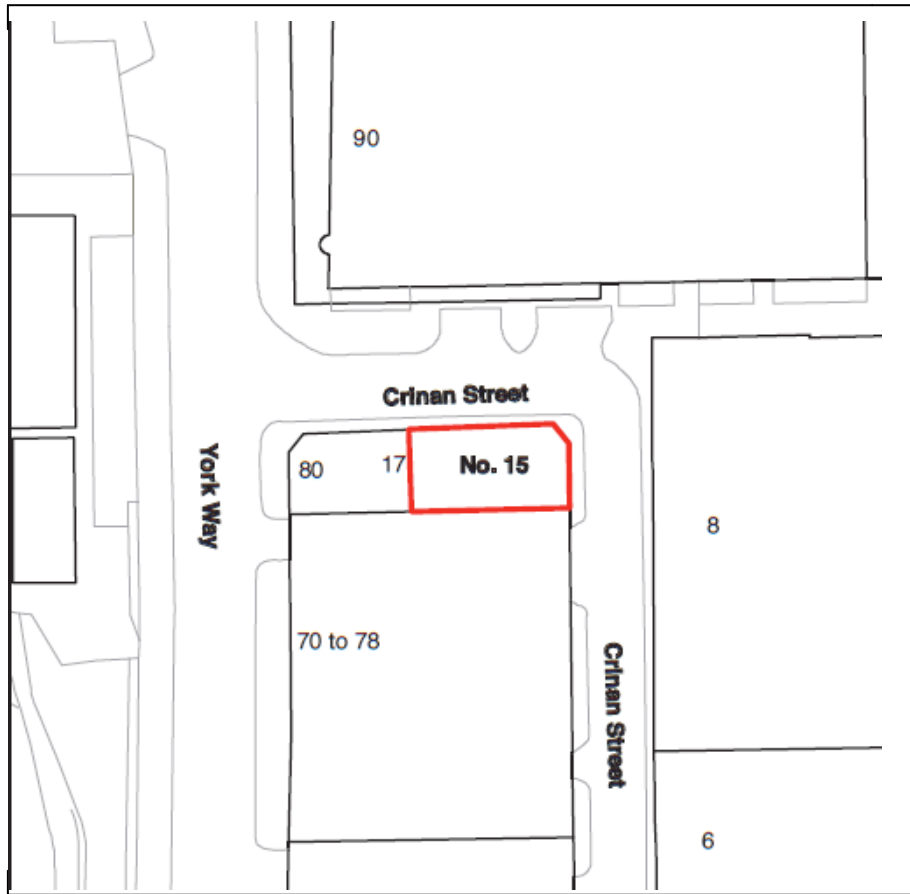
|              |                                 |
|--------------|---------------------------------|
| Case Officer | Emily Benedek                   |
| Applicant    | PZR Ltd                         |
| Agent        | Craig Slack – Turley Associates |

### 1.0 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;

**2.0 SITE PLAN (site outlined in black)**



3.0 PHOTOS OF SITE/STREET

Application site

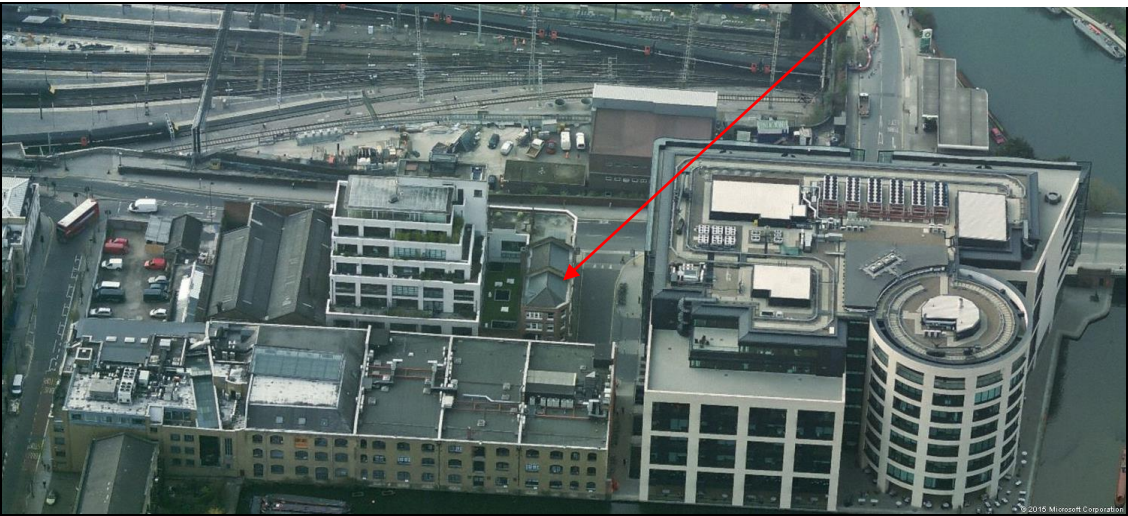


Image 1: Aerial view of street elevation



Image 2: View from Crinan Street



Image 3: View from Crinan Street



Image 4: Relationship between neighbouring building York Central and application site



Image 5: Relationship between application site and 90 York Way

## **4.0 SUMMARY**

- 4.1 Planning permission is sought for the construction of a roof extension to provide an additional floor of B1 (a) office space (increase of 123 sq metres) and associated roof terrace, with a plant area and associated air conditioning equipment. Replacement of the existing windows with double glazed timber sash windows and a new entrance at the ground floor level.
- 4.2 The proposal would provide additional office space within the Central Activities Zone which is welcomed in land use terms within this highly central location. The proposed development is not considered to detract from the character and appearance of the application property or the conservation area as a whole. The development is considered to be acceptable in overall scale, height and massing with sufficient distances from nearby residential properties to not have a materially adverse impact upon adjoining neighbours amenity levels in terms of loss of daylight/sunlight, loss of outlook. Privacy and overlooking concerns and any undue increase in sense of enclosure.
- 4.3 Planning permission (P2014/4545/FUL) was granted for an identical scheme at planning sub-committee on 6<sup>th</sup> March 2015. The only difference between the previously approved plans and the proposed scheme is the addition of a small roof terrace and associated glazed safety screen at roof level.
- 4.4 The application is therefore recommended for approval with conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located on the south-west side of Crinan Street and consists of an end-of-terrace property which is used for B1 (a) purposes on the ground floor and upper floors. The property is four storeys in height over basement, with a flat roof.
- 5.2 The properties surrounding the site on Crinan Street comprise a mix of styles ranging from late Victorian industrial buildings c.1900 to art deco and modern buildings with large elements of glazing. These vary in height ranging from four to eight storeys. The neighbouring properties comprise a mix of uses including commercial and residential facilities.
- 5.3 The site is located within the King's Cross Conservation Area, however the building is not listed.

## **6. PROPOSAL (in Detail)**

- 6.1 The proposal consists of the erection of a roof extension to provide an additional floor of B1 (a) office space (increase of 123 sq metres) and plant area with associated air conditioning equipment. Replacement of existing windows with double glazed timber sash windows and new entrance at ground floor.
- 6.2 The existing single glazed timber framed windows and doors on the ground floor north and east elevations will be replaced with double glazed timber framed windows and doors. The design and layout of the fenestration will remain unaltered from existing.
- 6.3 The proposed fourth floor roof extension will cover the majority of the existing roof and will measure a maximum of 17.85 metres in width, 7.75 metres in depth and 3.4 metres in height providing 123 m<sup>2</sup> of office space. The proposed extension will be set

back by 1 metre on the north and east elevations and will follow the profile of the existing roof. The proposed extension will be predominantly glazed on the north and east elevations and the external surfaces of the roof extension will be clad with Reglit glass.

- 6.4 A new screened plant enclosure is also proposed on the roof of the fourth floor extension which will incorporate 5no. Condenser units. It is proposed that this enclosure will measure a maximum of 3.2 metres in depth, 6.5 in metres in width and 1.65 metres in height.
- 6.5 The proposed roof terrace will be located on the Crinian Street elevations and will follow the roof profile and will measure a maximum of 0.95 metres in depth. The proposed balustrades will be made of glass and will measure 0.6 metres in height and will be located 13.7 metres above ground level.

## **7. RELEVANT HISTORY**

### **Planning Applications**

- 7.1 P2015/4545/FUL - Erection of a roof extension to provide an additional floor of B1 (a) office space and plant area with associated air conditioning equipment. Replacement of existing windows with double glazed timber sash windows and new entrance at ground floor. Approved (06/03/2015)

#### **Condition 6 of this approval stated that:**

CONDITION: The flat roof area on the hereby approved fourth floor roof level as shown on drawing number 437A-PA.06/Rev B hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

- 7.2 P2013/3202/FUL: 64-66 York Way, 68 York Way, 3 Crinan Street, (Formally known as 62-68 York Way) London N1 9AG: Approval of planning permission with conditions and legal agreement dated 27<sup>th</sup> June 2015 for the :

*Demolition of existing building and redevelopment to provide a ground plus six storey building , (with two basement levels), comprising hotel use (Use Class C1) with up to 408 bedrooms and retail floorspace (Use Class A1-A3) at ground level together with associated facilities, plant, landscaping and servicing.*

#### **Pre-application Advice:**

- 7.3 Q2014/1927/MIN – The applicants were advised that the principle of a suitably designed roof extension would be acceptable subject to its final design and details provided to ensure that the development would not materially impact on the amenity levels of adjoining occupiers.

#### **Enforcement:**

- 7.4 No history.



## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 66 adjoining and nearby properties at Cronin Street and York Way on 15 June 2015. A site notice was placed at the site and the application advertised in the Islington Gazette on 18 June 2015. The public consultation of the application therefore expired on 9 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 12 responses 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):
- Overlooking of the Lost House (9 Crinian Street) and flats for north end of York Central (10.14-10.15)
  - Proposal contrary to condition 6 of planning permission P2014/4545/FUL which stated that the flat roof should not be used as a balcony (10.16)
  - Cigarette butts/litter could be dropped onto green roof of Lost House (10.17)
  - Noise and disturbance from use (10.21)
  - Loss of privacy (10.18-10.19)
  - Proposed roof terrace provides no amenity for Islington residents and will only be for the convenience of office workers (10.25)

### **Internal Consultees**

- 8.4 Design and Conservation Officer: Objects to the roof extension because it will result in visual clutter (balustrade, furniture).
- 8.5 Acoustic Officer: Recommends condition relating to fixed plant noise limits.
- 8.6 Refuse and Recycling – No objection
- 8.7 Inclusive Design – Proposed extension should be considered the same as a new building

### **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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and associated NPPG 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.

## **10.0 ASSESSMENT**

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

- Land use
- Design and impact upon conservation area
- Neighbouring Amenity
- Noise and Vibration
- Accessibility
- Sustainability
- Refuse facilities

- 10.2 This scheme is the same as the development approved in March 2015 with the exception of the proposed roof terrace. Since this approval there has been no material change to the Council's planning policy and the scheme is assessed with this in mind. However, given that we are recommending granting a stand-alone permission including roof terraces, we have assessed the scheme in detail again to justify the conclusion and recommendation.

### **Land Use**

- 10.3 The site is within an Employment Growth Area as identified in Development Management Policy DM5.1. This is a location which has been identified for its local or strategic economic potential or value. Policy CS13 encourages new business floorspace within the CAZ, while CS6 supports employment development within King's Cross which contributes to the use of land in order to meet the wider employment growth of the borough. The proposal will provide 123m<sup>2</sup> of B1 floorspace and the creation of additional B1 floorspace is welcomed and is considered to be acceptable.
- 10.4 As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policies, the site context and any other material planning considerations. The increase in the existing land use on the site would be compatible with the existing character of the surrounding conservation area in this central location.



## Design and Impact Upon the Conservation Area

- 10.5 The application site consists of an end of terrace four storey property set within a row of terraced properties of mixed design. Whilst it is appreciated that some of the properties have been modernised in recent years, there is a clear vertical delineation formed by the alignment of windows in the front elevation, such that provides a uniform appearance to the street scene.
- 10.6 It is acknowledged that the property is currently in a poor state of repair, however, the proposed alterations are considered to improve the character and appearance of the property and its wider impact on the surrounding Conservation Area. The external materials of the roof extension will comprise of reglit glazing, which is considered appropriate for the Conservation Area. This glazing finish would offer a lightweight finish and show a clear delineation between the existing lower floors of the host building and the new floor in this case which is considered to be visually appropriate in townscape terms. Suggested condition 3 will require approval of the final finishing materials of the development by the council to ensure the highest quality materials are selected for the development.
- 10.7 The proposal would introduce a new fourth floor. The proposed fourth floor extension, will be almost entirely glazed on the north and east elevations (with small amounts of Reglit glazing) and will comprise entirely of reglit glazing on the south elevation. This will minimise its impact on the street scene. The proposed roof extension will be one storey higher than the neighbouring property at 17 Crinan Street, four storey's lower than the residential block of flats to the south at 70-78 York Way and three storeys lower than 90 York Way located to the north of the application site. Within this context it is considered that the proposed additional floor harmonises with its context and is considered to fit into the wider context and built form along this section of Crinan Street and York Way.
- 10.8 The Conservation Area Design Guide (CADG) for King's Cross Conservation Area states that: *with refurbishment proposals which involve alterations or extensions, the original design and period of the building must be respected, including scale, roof and parapet lines, architectural style and material.* Although the fenestration at the ground floor level will be replaced, their size, siting and design will remain as existing. Aside from the new fourth floor rear extension, no external changes are proposed to the appearance of the property and the proposal is therefore considered to be in keeping with the character and appearance of the King's Cross Conservation Area.
- 10.9 The Council's Urban Design Guide (UDG, paragraph 2.3.3) states that: *the scale of a frontage can be further reduced by articulating the top floor as a recessive element and employing materials such as glass and steel with a lightweight appearance.*
- 10.10 The proposed fourth floor extension will be recessed back by 0.95 metres from the front building line along the Crinan Street frontage and a new roof terrace is proposed on the Crinian Street elevations in this recessed area. The proposed terrace, which is the difference between the March 2015 application and this proposal, will be contained by a clear glass balustrade fixed to the internal face of the parapet wall and measuring 0.6 metres in height when viewed externally. The Council's Design and Conservation officer has raised objections to this aspect on the proposal and its impact on the conservation area. However, given the height of the balcony in relation to the existing building, the use of light-weight materials, dense nature of the street and the large number of high rise buildings surrounding the application site the proposal will only be afford limited views from Crinan Street and York Way.

- 10.11 Furthermore, a number of neighbouring prominent buildings, namely 70-78 York Way and 90 York Way benefit from purpose built balconies fronting Crinian Street and the introduction of another terrace is not considered to be out of keeping with the established character of the King's Cross Conservation Area. Under these circumstances and given the surrounding context it would be difficult to substantiate an objection to the roof terrace on design grounds.
- 10.12 As such, it is considered that the proposed extensions would be subordinate to and integrate with the application property. Whilst some views of the extensions could be afforded between the properties on Crinan Street, these would be limited. Therefore, the proposed roof extension is not considered to result in any material harm to the conservation area and be in accordance with adopted guidance and Core Strategy policies CS9 & 12 and DM policies 2.1 & 2.3.

### **Neighbour Amenity**

- 10.13 The neighbouring properties at 70-78 York Way and 90 York Way contain residential units with habitable windows facing the application site. The proposal would introduce a fourth floor level that would be predominantly glazed facing 90 York Way and 8 Crinan Street. However, reglit glazing has been introduced on the south elevation and there will be no windows facing directly onto 70-78 York Way.
- 10.14 It is noted that the immediate buildings due north and south of the site are used for residential purposes at the upper floor levels. A daylight/sunlight report attached with this application found that with regards to a daylight analysis, all the windows surveyed in 8 Crinan Street, 90 York Way, and 70-78 York Way would pass the Vertical Sky Component (VSC) test and daylight distribution test. The proposal therefore satisfies the BRE daylight requirements.
- 10.15 Furthermore, with regards to sunlight to windows, all windows which face within 90 degrees of due south were tested for direct sunlight. The daylight/sunlight report concluded that all the windows tested in 8 Crinan Street, 70-78 York Way and 90 York Way passed both the annual sunlight hours test and the winter sunlight hours tests. The proposed roof extension therefore complies with the BRE sunlight to windows requirement. Officers concur with the findings of this report.
- 10.16 A new roof terrace for office users is proposed on the front elevation facing 90 York Way and the side elevation facing 8 Crinian Street. It is noted that condition 6 of the previous planning permission P2014/4545/FUL restricted against the proposed flat roof being used as amenity space. However on further evaluation it is considered that this condition can be argued to be unreasonable and unnecessary bearing in mind the scale, location, associated land use and the physical dynamics of the site in this case.
- 10.17 The proposed roof terrace will measure less than 1 metre in depth and would therefore not be wide enough to accommodate tables and chairs, or facilitate outdoor meetings and is therefore unlikely to be an area of large gatherings during office hours. Neighbours have noted that rubbish could be dropped from the balcony onto the green roof at Lost House however, the terrace does not extend along the flank elevation between the two properties and the proposal is therefore unlikely to have any undue impacts on this neighbouring property.
- 10.18 Concerns have been raised by neighbouring occupiers regarding loss of privacy from the new roof terrace. It is proposed that there will be a window to balcony distance of 15 metres between the application site and the neighbouring residential properties at

No 90 York Way. The proposal will also be located 9.7 metres away from No 8 Crinan Street and will be a storey higher than this neighbouring property. Given the distances between the site and the fact the development will face these distances across a public highway in both instances, it is not considered that the proposed development would result in unreasonable overlooking or loss of privacy to the occupiers of these neighbouring residential units. The proposed eastern elevation facing towards 70-78 York Way will have no windows and the roof terrace will not extend along this elevation, so this results in no opportunities to increase overlooking or loss of privacy concerns in relation to this property.

10.19 The proposed additional floor is separated from the side façade and windows of 70-78 York Way by varying distances from the shortest distance of 7.4 metres to 10 metres at the top floor level of this building. The main flat roof area of the proposed additional floor would be 0.811 metres higher than the top of the existing buildings pitched roof form with the air condenser units being well set in from the side elevations. Bearing in mind this modest increase in height, the distances between the application site and adjoining residential properties and the overall orientation of the site, it is considered that the proposed development will not have material adverse impact in terms of loss of outlook or any material increase in enclosure to adjoining residents windows and side terraces in this case.

10.20 It is acknowledged that the existing building is currently used for office accommodation and it would therefore be unreasonable to restrict the hours of use for future occupiers of the new commercial unit. It is proposed that the roof extension would provide new office accommodation which is not considered to be a high generating noise activity and therefore unlikely to result in unacceptable levels of noise and disturbance to neighbouring occupiers. With regards to light pollution it is noted that under Part L of Building Regulations the owners would be required to install sensory lights which would ensure the lights would only be on when the office accommodation is in use. This would ensure the proposal does not result in unnecessary light pollution to the occupiers of the neighbouring residential properties,

### **Noise and Vibration**

10.21 The Council's Noise Officer has considered the proposal with regards to the new plant area and associated equipment and has recommended appropriate conditions so that the proposal will not create a noise nuisance to the occupiers of the neighbouring properties. In addition, a condition has been placed on the proposed roof terrace to ensure it is not used outside the hours of 9:00am-6:00pm Monday to Friday in order to minimise potential noise and disturbance resulting from the use on neighbouring occupiers.

### **Accessibility**

10.22 Positive steps have been taken with this proposal and reference has been made to the Council's Inclusive Design SPD with measures including sufficient turning circles outside the lift and accessible WCs. It is proposed that the office accommodation would be fully open plan. The existing level threshold entrance level to the existing building will remain unaffected by the proposed development.

### **Sustainability**

10.23 The proposal seeks to construct the additional floor with high quality and sustainable materials and to meet all the credits required for water efficiency within BREEAM. The development has shown that rainwater harvesting and greywater recycling system

would be impractical due to lack of roof space and visual concerns. However the development aims to achieve a 44% improvement in water consumption against a set baseline. The proposed replacement windows are also welcome and will improve the insulation and energy efficiency of heating spaces and heat loss on the upper floors of the building. Bearing in mind the scale of the development, it is considered that the development has made acceptable and proportionate improvements to the sustainability of the building as a whole.

### **Refuse Facilities**

- 10.24 The proposed development does not include any proposed alterations to the existing refuse facilities for the existing office space. It is considered that the modest increase in the size of existing B1 office space can be accommodated within existing refuse arrangements for the building without further or updated details to be required by the council.

### **Other Matters**

- 10.25 Neighbours have voiced concerns that the proposed roof terrace provides no amenity for Islington residents and would only be used for private office workers. However, given that this development relates to private office space it is not unreasonable for the terrace to be used for private office workers and this will also limit the noise and disturbance to neighbouring occupiers.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof extension, roof terrace and alterations to the ground floor and upper floor elevations are considered to be acceptable with regards to the land use, design, neighbour amenity, noise levels and accessibility. The proposed development will create valuable additional B1 floorspace while creating a contextually designed additional floor to the existing building.
- 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:

|          |  |
|----------|--|
| <b>1</b> | <p><b>Commencement</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>   |
| <b>2</b> | <p><b>Approved plans list</b></p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, Daylight and Sunlight Assessment, Sustainable Design and Construction Statement, Noise Report, 437C-EX.01, 437C-EX.02, 437C-EX.03, 437C-EX.04, 437C-EX.05, 437C-EX.06, 437C-EX.07, 437C-EX.08, 437C-EX.09, 437C-EX.10, 437C-EX.11, 437C-EX.12, 437C-EX.13, 437C-PA.01, 437C-PA.02, 437C-PA.03, 437C-PA.04, 437C-PA.05, 437C-PA.06, 437C-PA.07, 437C-PA.08, 437C-PA.09.</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>   |
| <b>3</b> | <p><b>Materials (compliance)</b></p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site. The details and samples shall include:</p> <p>a) Roof extensions main facing materials<br/> b) replacement window treatments and materials (including sections and reveals);<br/> c) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p> |

|          |  |
|----------|--|
| <b>4</b> | <b>Noise</b>   |
|          | <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>Reason: To protect the amenities of neighbouring occupiers.</p> |
| <b>5</b> | <b>New replacement window details</b>  |
|          | <p>CONDITION: The replacement windows hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>  |
| <b>6</b> | <b>Roof terrace (hours of use)</b>   |
|          | <p>CONDITION: The roof terraces hereby approved shall not operate outside the hours of:</p> <p>9:00am to 6:00pm Monday to Friday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>  |

**List of Informatives:**

|          |  |
|----------|--|
| <b>1</b> | <b>Positive Statement</b>  |
|          | <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 requirements of the NPPF.</p> |
| <b>2</b> | <b>Noise</b>   |
|          | <p>The applicant is advised that a timer switch should be fitted to the plant to control the hours of operation for the different modes of operation.</p>  |
| <b>3</b> | <b>Community infrastructure Levy (CIL)</b>   |
|          | <p>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</p>   |

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](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

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.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Islington Council website at [www.islington.gov.uk/cilinfo](http://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/>.

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

### **Development Plan**

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

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

##### 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
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and enhancing soundscapes

#### **B) Islington Core Strategy 2011**

##### Spatial Strategy

**CS8** (Enhancing Islington's Character)

##### Strategic Policies

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

**CS13** (Employment Spaces)



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

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM5.1** New Business Floorspace

**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

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

The following SPGs and/or SPDs are relevant:

#### **Islington**

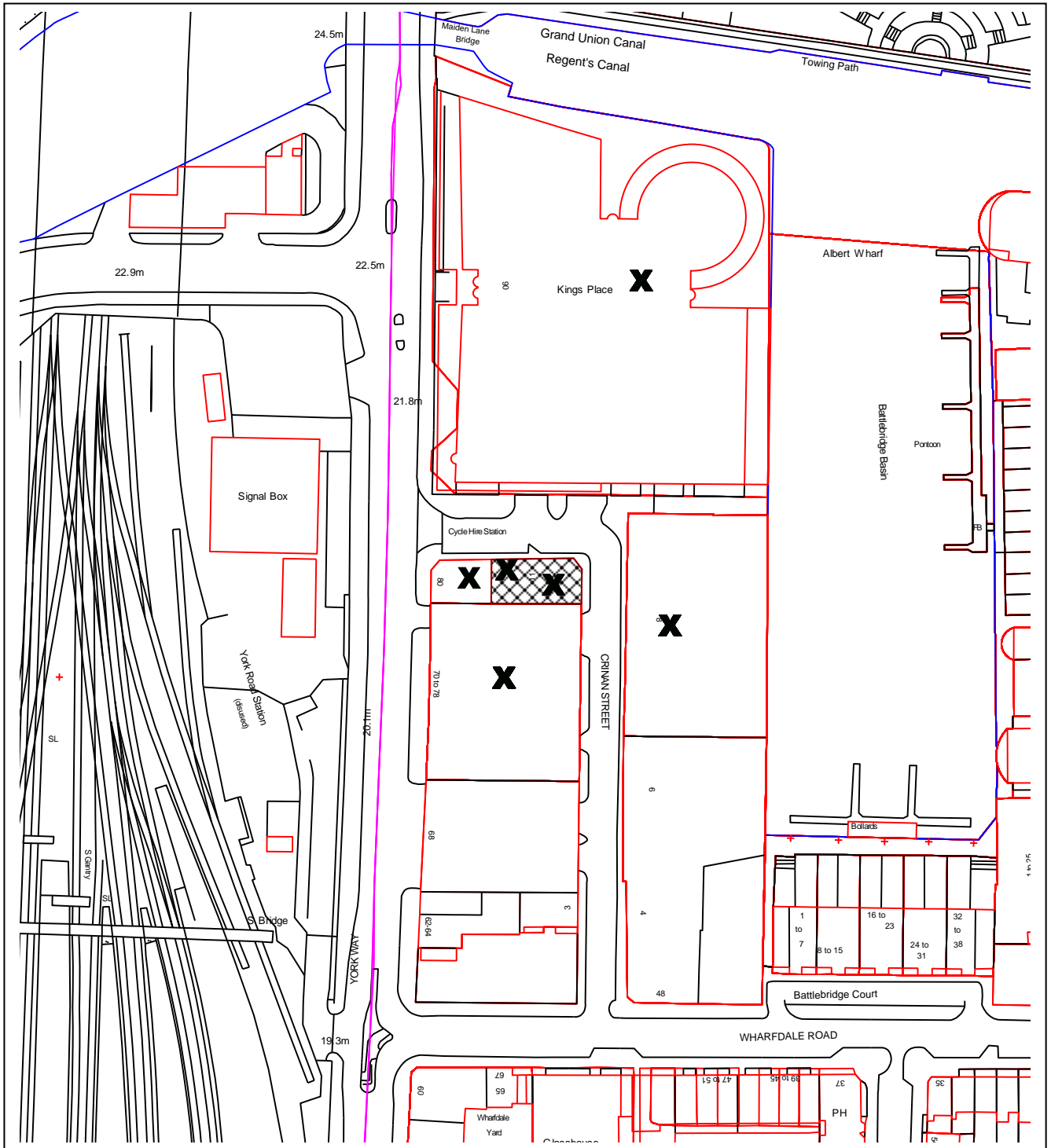
- Accessible Housing in Islington
- Urban Design Guide
- Conservation Area Design Guidelines
- Inclusive Design

#### **London Plan**

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

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# ISLINGTON SE GIS Print Template



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P2015/2193/FUL

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## PLANNING COMMITTEE REPORT

|                                 |                                 |            |
|---------------------------------|---------------------------------|------------|
| <b>PLANNING SUB-COMMITTEE A</b> |                                 |            |
| Date:                           | 21 <sup>st</sup> September 2015 | NON-EXEMPT |

|                          |   |
|--------------------------|---|
| Application number       | P2015/2564/FUL  |
| Application type         | Full Planning Application   |
| Ward                     | Junction Ward   |
| Listed building          | Not listed  |
| Conservation area        | St John's Grove conservation area   |
| Development Plan Context | <ul style="list-style-type: none"> <li>- Archway Core Strategy Key Area</li> <li>- St John's Grove Row Conservation Area</li> <li>- Article 4(2) St John's Grove (2)</li> <li>- Local cycle routes</li> <li>- Within 100m of a Strategic Road Network Road</li> </ul> |
| Licensing Implications   | None  |
| Site Address             | 2 Tremlett Grove, London, N19 5JX   |
| Proposal                 | Substantial demolition of existing residential dwelling with retention of street façade and construction of 3 dwellings comprising 1 no. 5 bedroom townhouse with rear garden and 2 x 2 bedroom residential flats.  |

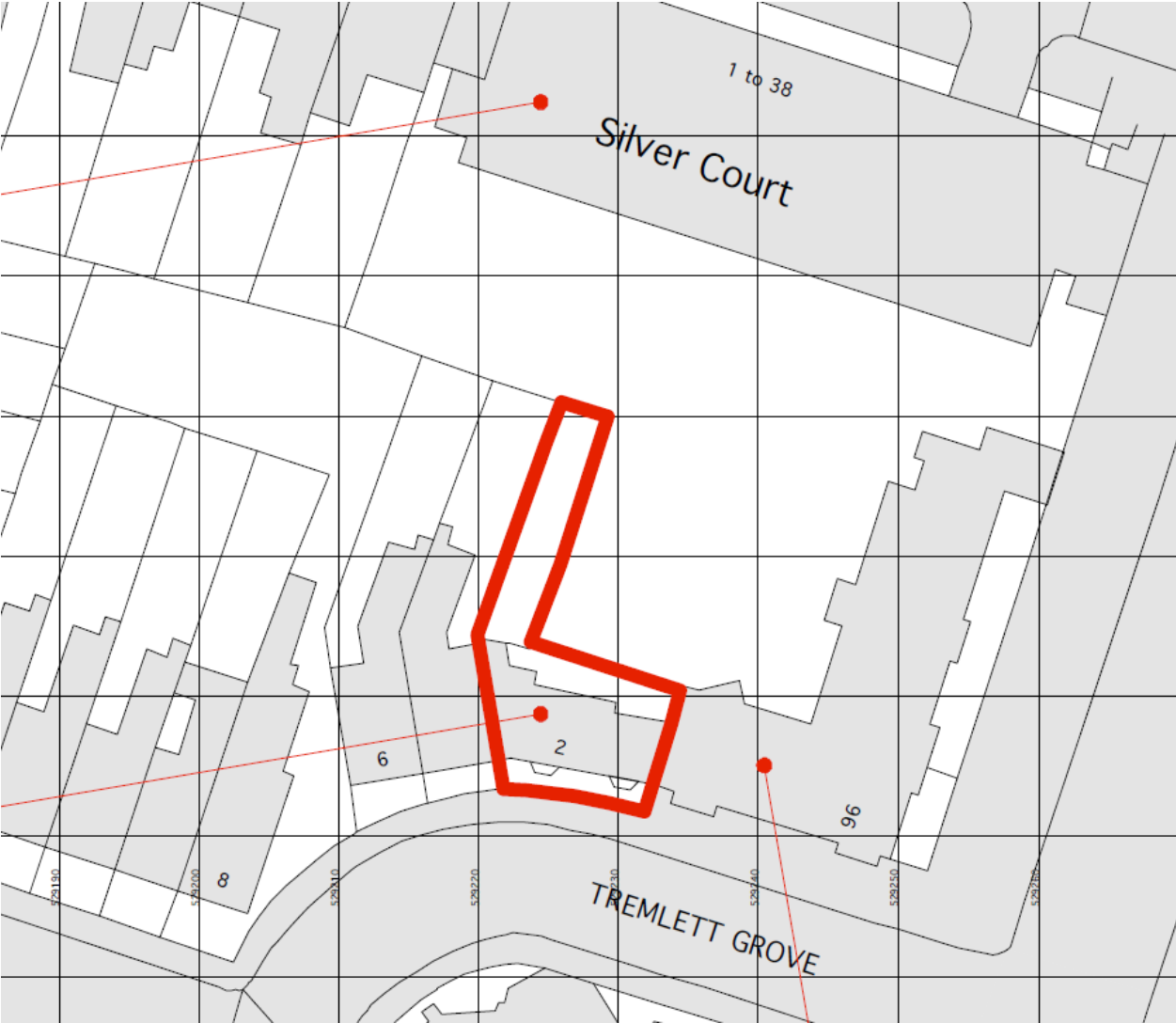
|              |                                       |
|--------------|---------------------------------------|
| Case Officer | Thomas Broomhall                      |
| Applicant    | Ms Gina Roberts                       |
| Agent        | Spaced Out Limited - Mr Mark Thompson |

### 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 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.

**2.0 SITE PLAN (site outlined in black)**



### 3. PHOTOS OF SITE/STREET

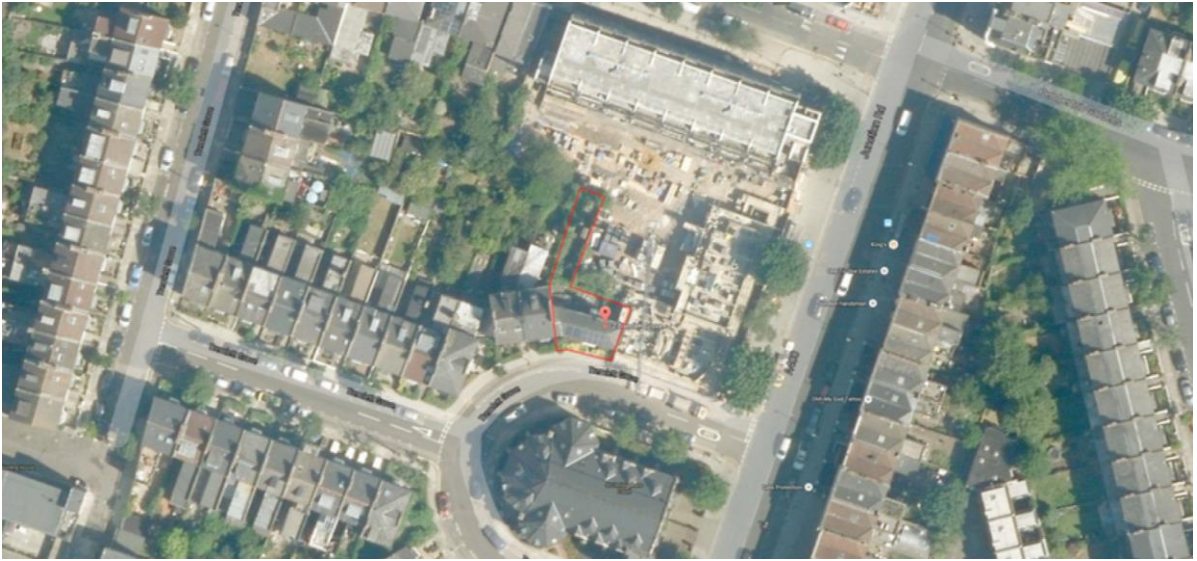


Image 1. Aerial view of the application site



Image 2. – View of the rear of the site





Image 3. – View from the Silver Court communal garden towards the rear of the site



Image 4. – View of from elevation from Tremlett Grove



## **4.0 SUMMARY**

- 4.1 Planning permission is sought for the substantial demolition of the existing residential dwelling with retention of street façade and construction of 3 dwellings comprising 1 no. 5 bedroom townhouse with rear garden and 2 no. 2 bedroom residential flats.
- 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 on the character and appearance of the host building and surrounding conservation area, the standard of the new residential units and the impact on the neighbouring amenity of the adjoining and surrounding residential properties.
- 4.4 The application is a resubmission following a refusal in March 2015, and formal pre-application advice in June 2015. The scheme has been amended during the pre-application advice process.
- 4.5 The impact of the proposal on the character and appearance of the host building and surrounding conservation area is considered to be acceptable. The standard of the proposed new residential units is considered to be acceptable. The impact on the amenities of the adjoining and surrounding residential properties is considered to be acceptable.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is a three storey double fronted single dwelling house fronting on to Tremlett Grove close to the junction with Junction Road. The site adjoins two period properties to the west and a modern three storey residential development to the east. The site is formed of an L-shape with a long rear garden and a shorter section running across the width of the property.
- 5.2 The front elevation is visible from Tremlett Grove and Junction Road. The rear elevation is not visible from public land except for a glimpse over a service area between Byers Court and Silver Court on Junction Road near the corner of Bicketon Road. There are views of the rear elevation from the surrounding semi-private communal garden and from the rear elevation of Silver Court.
- 5.3 The site is within the St John's Grove Conservation Area. The site is not listed.

## **6. PROPOSAL (in Detail)**

- 6.1 The application proposes the substantial demolition of the existing residential dwelling with retention of street façade and construction of 3 dwellings comprising 1 no. 5 bedroom townhouse with rear garden and 2 no. 2 bedroom residential flats.
- 6.2 The property will be extended at ground floor to the rear boundary of the narrow section of the L-shaped site and two rear projections will be created at

first floor level to this boundary. There will be a modest increase on the existing footprint into the existing strip of rear garden at ground floor level.

- 6.3 At roof level, the height of the existing roof will be extended through continuing the front roof slope to raise the pitch and the creation of three rear dormer windows. The volume of the main building will be extended at second and third floor level in accordance with the increased extent of the roof slope. The roof extension will continue the style of the existing hipped roof which sits adjacent Byers Court.
- 6.4 On the front elevation an enlarged new portico will be installed to enable the creation of a double entrance door to allow access to the new units. The existing solar panels on the front roof slope are to be retained.
- 6.5 During the assessment of the application, amended drawings were received to address the concerns by the Council's Inclusive Design Officer with regards to the provision for through floor lift, Entrance level living space, Lifetime Homes compliant bathrooms and wheelchair accessible WC on entrance level.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

- 7.1 The application follows a previous application for full planning permission on the application site which was refused:
- 7.2 P2014/5113/FUL - Demolition of existing residential dwelling with retention only of street facade and construction of 3 new dwellings comprising 1 no 4-bedroom townhouse with rear garden and 2 no 3-bedroom residential flats with associated terrace. – Refused on 17/03/2015.

REASON: The proposed demolition of the existing dwelling and rebuilding with a substantially and significantly enlarged property, by virtue of its excessive scale and massing, results in an overly dominant and discordant new building with an inappropriate design and use of materials, that fails to preserve or enhance the character or appearance of the conservation area. The proposal fails to respect the existing character and proportions of the property and causes unacceptable harm to the character and appearance of the surrounding St John's Grove Conservation Area and as a result of the excessive scale of development fails to provide private outdoor space for a family sized dwelling. Therefore the proposal is contrary to policy 12 of the NPPF (2012), policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3, and DM3.5 of the Islington Development Management Policies (2013), the St John's Grove Conservation Area Design Guidance (2002), and in particular paragraphs 28.5 to 28.8, and the Islington Urban Design Guide (2006) and in particular section 2.1.

REASON: The proposed alterations to the existing front façade and front rooflights, by reason of their size, positioning and design would be harmful to the architectural character of the building, would have an adverse impact upon the quality of the public realm and would fail to preserve or enhance the character or appearance of the St John's Grove Conservation Area. Therefore the proposals are contrary to policies CS8 and CS9 of the Core Strategy (2011), policies DM2.1 and DM2.3 of the Development Management Policies (2013), and guidance set out in the Islington Urban Design Guide (2006).

REASON: The applicant has failed to submit written confirmation of an agreement to pay the full contribution, sought by the Islington Affordable Housing Small Sites Contributions SPD and the Environmental Design Planning Guidance Supplementary Planning Document (SPD) which requires a financial contribution to offset CO2 emissions. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD and the Environmental Design Planning Guidance SPD.

- 7.3 May 2012 Planning Permission (ref: P110191) granted subject to conditions and legal agreement for Conversion of the undercroft parking area located at lower ground floor level within the Silver Court Building to provide for four residential units. Erection of a three storey building on the corner of Junction Road and Tremlett Grove to provide 10 residential units, following the demolition of existing site building and boundary wall in this location. Excavation and landscaping works to the existing communal amenity space on the site. Alterations to the Silver Court ground floor entrance. 14 residential units in total provided at 96, Junction Road & Silver Court, 1 Bickerton Road, Islington, London, N19
- 7.4 March 2008 Planning Permission (ref: P082344) granted for Installation of two solar hot water panels and eight solar photovoltaic panels to front roof slope of existing dwellinghouse at 2, Tremlett Grove, Islington, London, N19 5JX.

## **ENFORCEMENT**

- 7.5 June 2015 Planning Enforcement Case (ref: E/2015/0312) regarding a complaint against untidy land. Case closed July 2015 without Enforcement Action being taken.

## **PRE-APPLICATION ADVICE:**

- 7.6 The application follows written pre-application advice provided in June 2015 (ref: Q2015/1229/MIN) following a pre-application meeting in April 2015. The scheme was amended during the pre-application process. The final scheme presented for pre-application advice comprised substantial demolition of the existing residential dwelling with retention only of street façade and construction of 3 new dwellings comprising 1 no. 5 bedroom townhouse with rear garden and 2 no. 2 bedroom residential flats at 2 Tremlett Grove. Advice was given that any resubmission will need to be justified through comprehensive detail, townscape rationale and appraisal of the existing

character and appearance of the site and its setting. The justification must focus on the ultimate goal of preserving and enhancing the Conservation Area, through full consideration of adopted planning policies and guidance, site specifics and townscape and planning balance. Care must be taken to ensure the amenity standards of the proposed units and level of private outdoor space are satisfactorily maintained.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to 137 occupants of adjoining and nearby properties on Tremlett Grove, Junction Road and Bickerton Road on 8<sup>th</sup> July 2015. The initial public consultation of the application therefore expired on 6<sup>th</sup> August 2015. It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 15 no. 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 in brackets):

- Substantial demolition of a building in a conservation area is contrary to planning guidelines. (See paragraphs 10.11-10.14)
- Subdivision of the single dwellinghouse is contrary to council policy (See paragraph 10.2)
- Unacceptable intensification of the use of the building. (See paragraph 10.4-10.7)
- Harm to appearance of the building and the conservation area. (See paragraph 10.11-10.14)
- Not subordinate to the original building. (See paragraph 10.12)
- White render is discordant to the rear of the terrace (See paragraph 10.13)
- Rear garden should be retained. (See paragraph 10.16)
- Increase in overlooking towards communal gardens and properties of Silver Court. (See paragraph 10.23)
- Increased congestion from on street parking. (See paragraph 10.26)
- Sets precedent for rear roof terraces. (See paragraph 10.17)
- Increase in noise pollution from use of roof terraces. (See paragraph 10.25)

### **Internal Consultees**

8.3 **Design and Conservation Officer:** objects to the proposed substantial demolition within a conservation area, failing to respect the special character and not subservient to the host building. Raising roof height harms the appearance and relationship with neighbouring properties, by adding height and increasing bulk.

8.4 **Inclusive Design:** Objects due to the lack of living space at entrance level, undersized bedrooms, and no suggestion of where through floor lifts could be installed.

8.5 **Transport Planning Officer:** No objection

8.6 **Highways:** No comment.

8.7 **Sustainability:** No comment.

8.8 **Public Protection:** No comment.

8.9 **Refuse and recycling:** No comment.

### **External Consultees**

8.10 Better Archway: Objects due to the:

- Impact on neighbouring amenity of Silver Court from the rear infill,
- Back gardens in conservation area should be protected,
- Subdivision of the single dwellinghouse is contrary to council policy,
- New units do not have sufficient outdoor space,
- Harm to the appearance of the building,
- Increasing height of front roof slope is disproportionate to the scale of the building.

## **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:

- Land Use
- Design and Conservation
- Quality of Proposed Residential Accommodation
- Accessibility
- Neighbouring Amenity
- Highways and Transportation
- Small Sites Affordable Housing

### **Principle of Development**

- 10.2 The proposal results in the replacement of an existing residential use with a new residential use. As such the proposed demolition of the existing dwelling house except for the retention of the front facade and rebuilding to create one five bedroom unit and 2x two bedroom residential units is acceptable in land use terms. Objections have been received making reference to part E of policy CS 12 which seeks to resist the loss of existing units that are appropriate for families. The proposal will retain a family sized unit within the site at five bedrooms and as such the proposal is considered to accord with the requirements of policy CS 12.
- 10.3 The principle of the dwelling mix of the proposed dwelling mix of 1 x 5 bedroom dwelling and 2 x 2 bedroom residential units is considered acceptable in accordance with policy DM3.3.
- 10.4 Objections were received raising concerns that the proposal unacceptably intensifies the use of the building. Paragraph 28.4 of the St John's Grove CADG resists the over intensification of residential use in conversion schemes.
- 10.5 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 3 new residential dwellings comprised of 12 habitable rooms (hr). Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area.
- 10.6 The site covers an area of approximately 0.021 hectares, has a public transport accessibility level (PTAL) of 6 (Excellent) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 45-185 u/ha or 200-700 hr/ha.
- 10.7 The proposed development has a residential density of 142.8 u/ha and 571.4 hr/ha. Although not maximising the intensity of the use of the land, the provision of residential development is in keeping with the local context and ensures that the proposal would not result in an overly dense development.

### **Design and Conservation**

- 10.8 The scheme proposes the substantial demolition of the existing dwelling house with retention of front façade and rebuilding with a substantially and significantly enlarged property both at roof level and to the rear through an increase to the existing building footprint on the site.

- 10.9 Paragraphs 28.5 and 28.6 of the St John's Grove Conservation Area Design Guide (CADG) require the retention of all statutory and locally listed buildings and all other 19th century buildings within the conservation area. Consent will only be granted for their removal where there are special circumstances or where the proposal would preserve or enhance the character or appearance of the conservation area. The 19th century buildings are vital to the area's character and the Council will resist their removal.
- 10.10 Section 2.5 of the Islington Urban Design Guide (IUDG) requires new buildings to create a scale and form of development that is appropriate in relation to the existing built form. The guidance also enables contemporary designs in historically sensitive areas provided the scheme is of an extremely high standard and designed from a strong understanding of the surrounding context.
- 10.11 The existing building makes a positive contribution to the conservation area due to the appearance of the double fronted façade which is to be retained. However the building is single room in depth and when considered as part of the adjoining terrace, represents an incomplete residential dwelling house due to the proportions and appearance. The building has an almost entirely blank rear façade and the depth of the roof slope is disproportionately small in relation to the scale of the frontage of the property. The visibility of the rear elevation is limited to views from the semi-private communal gardens of Silver Court and a limited glimpse over a service area wall between Byers Court and Silver Court on Junction Road. Therefore the existing roof slope and rear elevation of the property do not make a positive contribution to the character and appearance of the surrounding conservation area. Therefore the loss of these elements would not in itself, result in substantial harm to the heritage asset.
- 10.12 The proportions of the property to the rear are dwarfed by the scale of the blank façade of the adjoining original property at no. 4. Therefore the proposed increase in height to the front roof slope and additional bulk to the rear will improve the proportions of the building in relation to the adjoining terraced properties. Although an increase on the proportions of the original building, given that this is undersized and incomplete, the scale and massing of the rebuild and enlargement is proportionate to the plot and surroundings. Therefore given the existing circumstances of the site, the loss of the original roof slope and rear façade and subsequent rebuild and resultant increase in scale and massing, does not cause substantial harm to the character and appearance of the conservation area as to warrant refusal.
- 10.13 The main façade on the front elevation is almost entirely retained with a sensitive rear rebuilding, given the unusual site constraints. Paragraph 28.8 of the CADG requires original roof slates and tiles to be retained and reused, traditional timber sash windows to be installed. The proposed rebuild of the roof is of slates which match the existing and proposes lead lined dormers which are similar to those on the adjoining terrace. The rear extension is formed of two 2 storey white rendered rear projections and a single storey extension which reflect elements of the original character of the terrace and the modern

features on the adjoining new build development approved at Byers Court in 2012.

- 10.14 The revised scheme presents the special circumstances which would, on balance, preserve and enhance the character and appearance of the conservation area. In addition, the reasonable public benefits of retaining a family sized unit and creating two further good sized units, outweighs the less than substantial harm to the property, identified by the Design and Conservation Officers. As a result it is considered that, despite objections from the Design and Conservation Officers, the latest proposal is therefore acceptable in accordance with the Conservation Area Design Guidelines.
- 10.15 The previous application proposed rooflights to the front roof slope and alterations to create a new opening on the left hand side of the front façade. The IUDG advises generally with regard to skylights that they are normally undesirable in conservation areas. Both of these elements have been removed prior to the latest submission, and as such this reason for refusal of the earlier scheme has also been overcome.
- 10.16 Whilst there is a reduction in private outdoor amenity space at ground floor level at the rear of the site, the existing space is of poor quality and does not create a positive feature for the conservation area. Consideration is given to the position adjacent the boundary wall to the communal space, the aspect and outlook adjacent the neighbouring Byers Court, and narrow depth. The bulk of the usable private outdoor space to the rear of the L-shaped site is retained. As such the proposed loss of private outdoor space is not considered to cause unacceptable harm to the character and appearance of the host building and surrounding conservation area.
- 10.17 Objections were received raising concerns that that proposal would set a precedent for further roof terraces in the terrace of properties. However each 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. Therefore the granting of consent for the proposed works at no.2 does not in itself set a precedent for the acceptability of future proposals for roof terraces on the adjoining or neighbouring properties.

#### **Quality of Proposed Residential Accommodation**

- 10.18 The proposal results in a five bedroom ten person unit with a total internal floorspace of 162 square metres. It is acknowledged that this is in excess of the Islington Development Management and the London Plan standards. However this is considered an acceptable use of the site given the spacious nature of the existing Victorian property, the net addition of two units on the site and the density of 571.4 habitable rooms / hectare. Therefore the scheme is not considered to result in an overprovision of floorspace and continues to accord with policies CS 12 and DM3.4
- 10.19 The total floorspace of the two bedroom four person unit is 83 square metres and a two bedroom three person unit of 61 square metres. The proposed units



exceed the minimum total floorspace standards for five bedroom units and two bedroom units, provide dual aspect accommodation, with a good internal layout. Bedrooms and living/kitchen areas meet the minimum floor space standards. Overall, given the constraints of the site, the general layout, room sizes and internal floor space (including private amenity space) would meet the recommended guidance set in policy DM3.4 of the Development Management Policies and would provide satisfactory living condition for future occupiers of the dwelling.

10.20 Policy DM3.5 of the Islington Development Management Policies sets out the requirements for the provision of private outdoor space in new residential developments. The policy requires a minimum of 5 square metres of private outdoor space on new upper floor units, and 15 square metres on ground floors, with 30 square metres for family housing of three bedroom units and above.

10.21 Whilst there is an overall reduction in private outdoor space, the lost outdoor space is poor quality in terms of useable space, aspect and outlook. The redevelopment provides a policy compliant provision of amenity space. The five bed unit has access to the rear garden and a second floor roof terrace, which when combined, total 60 square metres. The lower level apartment is served by a rear roof terrace at first floor level of 5.5 square metres. Although under the provision required by the policy for a ground floor unit, further amenity space is provided in front of the ground floor bay window. Given the constraints of the site, the otherwise good standard of amenity of the unit and the access to nearby public outdoor space at Hampstead Heath, it would be unreasonable to refuse the application purely on this basis. The upper level apartment has a roof terrace at third floor level of 6 square metres. Therefore the proposal accords with the private outdoor amenity space requirements of policy DM3.5 of the Islington Development Management Policies.

### **Accessibility**

10.22 The plans have been revised to seek to address the concerns by the Council's Inclusive Design Officer with regards to the provision for through floor lift, Entrance level living space, Lifetime Homes compliant bathrooms and wheelchair accessible WC on entrance level. The rooms would generally be of suitable size and Lifetime Homes compliant. As such, the proposal would generally conform to accessible standards set within the Supplementary Design Guide (Inclusive Design) and would be contrary to Policy DM 2.2 (Inclusive Design) of the Development Management Plan 2013.

### **Neighbouring Amenity**

10.23 The rear of 2 Tremlett Grove faces towards the rear of Silver Court, separated by a distance of approximately 31 metres, which exceeds the minimum distance of 18 metres between windows of habitable rooms. There would not be any direct overlooking to the adjoining properties due to the positioning and angle of the proposed windows on the rear elevation and rear roof slope. There is existing overlooking towards the communal gardens of Silver Court

from the rear of Byers Court, and as such there would not be a significant increase in overlooking or loss of privacy in this regard as to warrant refusal on this basis.

- 10.24 Given the design and overall height of the proposed redevelopment of the site, and its positioning, there would be no loss of amenity to the neighbouring properties in terms of loss of daylight, loss of outlook or creation of undue sense of enclosure. The proposal would therefore not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity.
- 10.25 Objections were received concerning an increase in noise pollution from the use of the proposed roof terraces. The extent of the proposed roof terraces is considered modest in its extent for domestic residential properties. As such, an increase in external sound levels in the area is inevitable from the proposed roof terraces. However this has to be assessed within the existing residential setting. Therefore there is not considered to be an unacceptable increase in noise or light pollution generated by a typical residential use of the roof terraces as to sustain a refusal of the application on this basis.

#### **Highways and Transportation**

- 10.26 Policy CS 10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Therefore as the proposed units would not be eligible to apply for car parking permits in the area, it is recommended that a condition is attached to any grant of consent preventing residents from obtaining further on street parking permits unless they have already held a permit for in excess of one year. Cycle parking spaces have been provided in accordance with the number of bed spaces which accords with Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.

#### **Small sites (Affordable Housing) and Carbon Off-setting Contributions**

- 10.27 The development results in a net increase of two additional units and as such would require a contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the council's Supplementary Planning Document- 'Affordable housing-small sites' 2012. A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for payment of the full contribution to off-site Affordable Housing of £100,000 and a financial contribution to Carbon Offsetting of £3,500 will be provided to the local planning authority, prior to issuing of a decision notice.
- 10.28 Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012).

10.29 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 affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed substantial demolition of the existing residential dwelling with retention of street façade and construction of 3 dwellings comprising 1 no. 5 bedroom townhouse with rear garden and 2 no. 2 bedroom residential flats is acceptable.
- 11.2 The impact of the proposal on the character and appearance of the host building and surrounding conservation area is considered to be acceptable. The standard of the proposed new residential units is considered to be acceptable. The impact on neighbouring amenity of the adjoining and surrounding properties is considered to be acceptable.
- 11.3 A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for the full contribution to Affordable Housing and Carbon Offsetting will be provided to the local planning authority, prior to issuing of a decision notice.
- 11.4 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**

- 11.5 It is recommended that planning permission be granted subject to conditions and 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 - RECOMMENDATION.

**APPENDIX 1 – RECOMMENDATIONS**

**RECOMMENDATION A**

That planning permission be granted subject to the completion of a section 106 agreement to secure

- a) A financial contribution of £100,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £3,500 towards Carbon Offsetting.

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

**List of Conditions:**

|          |   |
|----------|---|
| <b>1</b> | <b>Commencement</b>   |
|          | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>  |
| <b>2</b> | <b>Approved plans list</b>  |
|          | <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>14.184.02.001, 14.184.101, 14.184.102, 14.184.103, 14.184.104, 14.184.105, 14.184.106, 14.184.107, 14.184.108, 14.184.109, 14.184.110, 14.184.111, 14.184.115, 14.184.116, 14.184.120, 14.184.121, 14.184.122, 14.184.123, 14.184.124, 14.184.125, 14.184.126, 14.184.135, 14.184.136, Design and Access Statement 14.184.02.DAAS Dated June 2015, 14.184.02.HERI Dated June 2015</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> |
| <b>3</b> | <b>Materials</b>  |
|          | <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> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections);</li> <li>f) Any other materials to be used.</li> </ul>   |

|          |   |
|----------|---|
|          | <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>   |
| <b>4</b> | <b>Car Permits (Compliance)</b>   |
|          | <p>CONDITION: All future occupiers of the additional 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;</p> <p>ii) 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>  |
| <b>5</b> | <b>Cycle Parking Provision Compliance</b>   |
|          | <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>  |
| <b>6</b> | <b>Removal Of Permitted Development Rights (Compliance)</b>   |
|          | <p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>  |
| <b>7</b> | <b>Construction Method Statement</b>  |
|          | <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <p>i. the parking of vehicles of site operatives and visitors</p> <p>ii. loading and unloading of plant and materials</p> <p>iii. storage of plant and materials used in constructing the development</p> <p>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</p> <p>v. wheel washing facilities</p> |

|           |   |
|-----------|---|
|           | <p>vi. measures to control the emission of dust and dirt during construction</p> <p>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</p> <p>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>   |
| <b>8</b>  | <b>Sustainable Design and Construction Statement</b>  |
|           | <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</p> |
| <b>9</b>  | <b>Lifetime Homes</b>   |
|           | <p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs</p>   |
| <b>10</b> | <b>Refuse</b>   |
|           | <p>REFUSE/RECYCLING PROVIDED (COMPLIANCE): The dedicated refuse / recycling enclosure(s) shown on the submitted Proposed Ground Floor Plan drawing no. [14.184.02.107] shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>   |

**List of Informatives:**

|          |   |
|----------|---|
| <b>1</b> | <b>Positive Statement</b>   |
|          | <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</p> |

|          |   |
|----------|---|
|          | <p>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 requirements of the NPPF.</p>   |
| <b>2</b> | <b>Unilateral undertaking</b>   |
|          | 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.   |
| <b>3</b> | <b>Community infrastructure Levy (CIL)</b>  |
|          | <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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL 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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</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 (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

Housing Supplementary Planning Guidance

Appendix 1 - Summary of the quality and design standards

#### **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

Policy CS 10 – Sustainable Design

Policy CS 12 – Meeting the housing challenge

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

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards



- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

### **3. Designations**

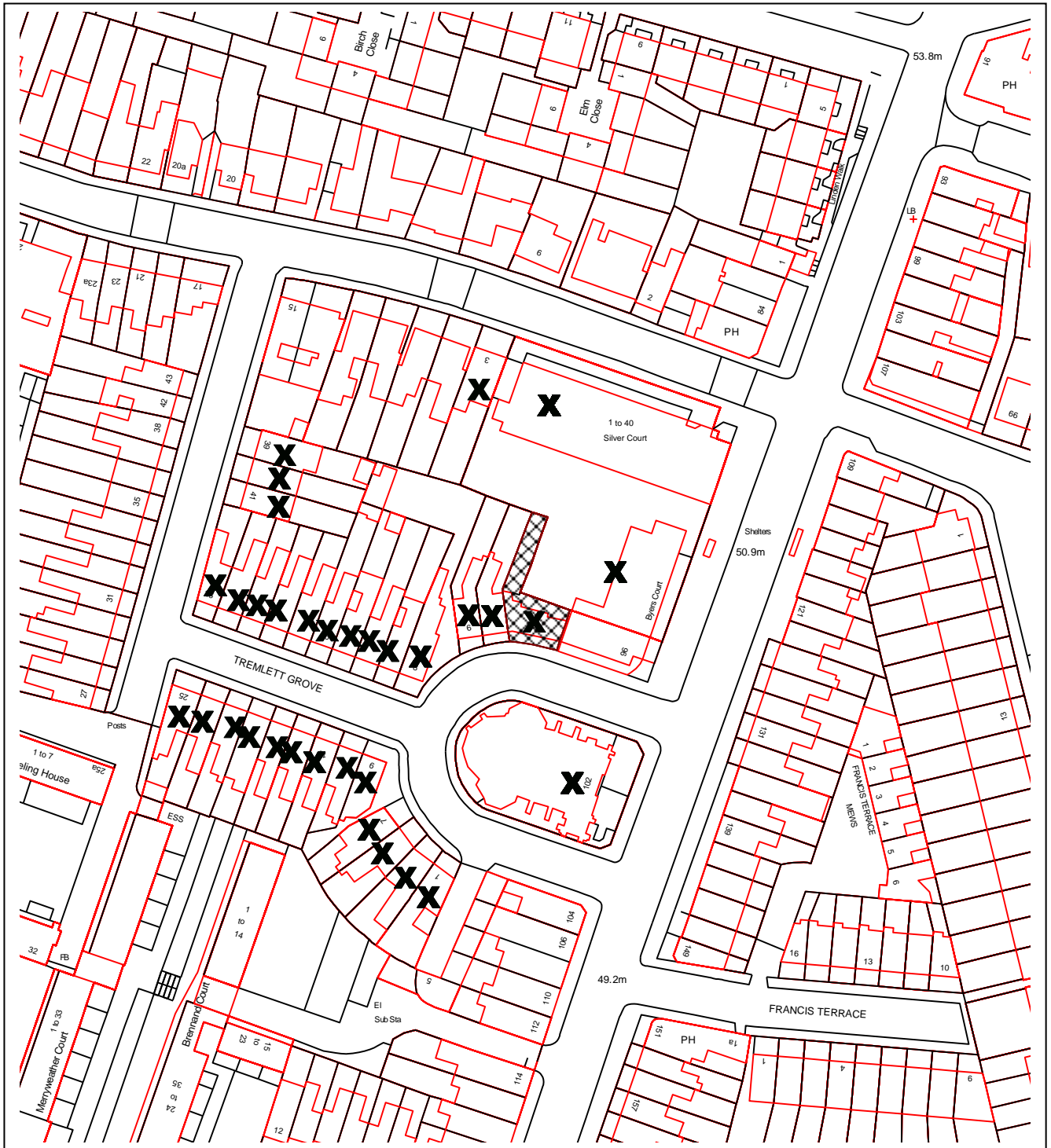
St John's Grove Conservation Area

### **4. SPD/SPGS**

Urban Design Guidelines  
Conservation Area Design Guidelines  
Small Sites Affordable Housing SPD  
Environmental Design SPD  
Inclusive Design SPD

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# ISLINGTON SE GIS Print Template



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P2015/2564/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

|                                 |                                 |                        |
|---------------------------------|---------------------------------|------------------------|
| <b>PLANNING SUB-COMMITTEE A</b> |                                 | <b>AGENDA ITEM NO:</b> |
| Date:                           | 21 <sup>st</sup> September 2015 | <b>NON-EXEMPT</b>      |

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

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

### 1. RECOMMENDATION

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

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

**2. SITE PLAN (site outlined in black)**



**3. PHOTOS OF SITE/STREET**



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

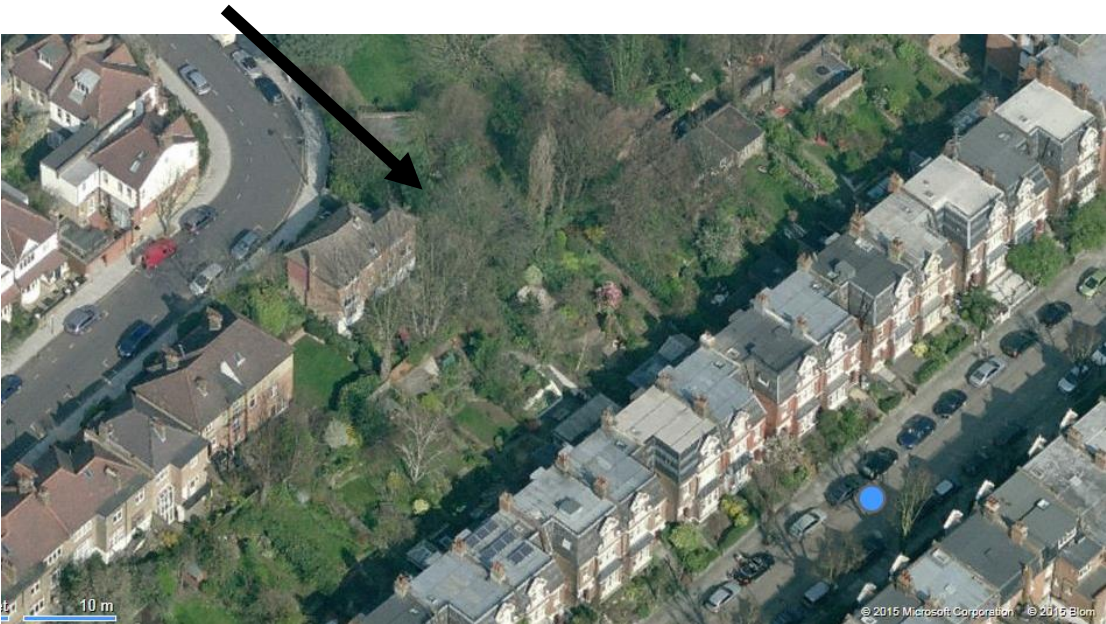


Image 2: Aerial photograph showing 55 Whitehall Park with the site facing onto Fitzwarren Gardens.





Image 3: view looking north from Fitzwarren Gardens



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

#### **4. Summary**

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



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

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

## **5. SITE AND SURROUNDING**

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

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

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

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

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

### **ENFORCEMENT:**

- 7.3 None

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

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

## **8. CONSULTATION**

### **Public Consultation**

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

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

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

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

#### **Internal Consultees**

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

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

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

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

#### **External Consultees**

8.9 None

### **9. RELEVANT POLICIES**

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

#### **National Guidance**

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

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

### **Development Plan**

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

### **Designations**

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

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

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

## **10. ASSESSMENT**

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

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

### **Land Use**

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

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

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

### **Design and Appearance**

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

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

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

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

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

#### **Neighbouring Amenity**

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

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

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

### **Quality of Accommodation**

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

### **Accessibility**

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

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

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



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

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

### **Highways**

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

### **Landscaping**

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

### **Other Matters**

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

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

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

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

## **11. SUMMARY AND CONCLUSION**

### **Summary**

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

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

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

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

The Heads of Terms are:

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

### RECOMMENDATION B

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

#### List of Conditions

|          |   |
|----------|---|
| <b>1</b> | <b>Commencement</b>   |
|          | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>   |
| <b>2</b> | <b>Approved plans list</b>  |
|          | <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A(00)A1-800 REV A; Design and Access Statement dated March 2015 amended May 2015; A(00)A1-025 REV E; A(00)A1-600 REV C; A(00)A1-501 REV NEW; A(00)A1-511 REV NEW; A(00)A1-521 REV NEW; A(00)A1-531 REV NEW; -01; Arbtech TCP 01; PP1; A(00)A1-001 REV E; A(00)A1-002 REV E; A(00)A1-003 REV E; A(00)A1-004 REV E; A(00)A1-500 REV D; A(00)A1-510 REV D; A(00)A1-530 REV D; A(00)A1-520 REV D; A(00)A1-811 REV D; A(00)A1-810 REV D; Tree Survey dated 21 July 2014; Unnumbered Aerial Front Garden View; Unnumbered Indicative Front Entrance and Indicative New Rear Garden.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p> |

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

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

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

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

**List of Informatives:**

|          |  |
|----------|--|
| <b>1</b> | <p><b>S106</b></p> <p>Section 106 Agreement:</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>  |
| <b>2</b> | <p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy</p> |



|          |  |
|----------|--|
|          | 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.   |
| <b>3</b> | <b>Surface Water Drainage</b>  |
|          | 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.  |
| <b>4</b> | <b>CIL</b>   |
|          | <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p><b>Pre-Commencement Conditions:</b><br/> These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p> |

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

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

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

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

**Policy CS8 (Enhancing Islington's Character)**

##### **Strategic Policies**

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

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

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

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

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

**DM7.4 Sustainable design standards**

## 5. Designations

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

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

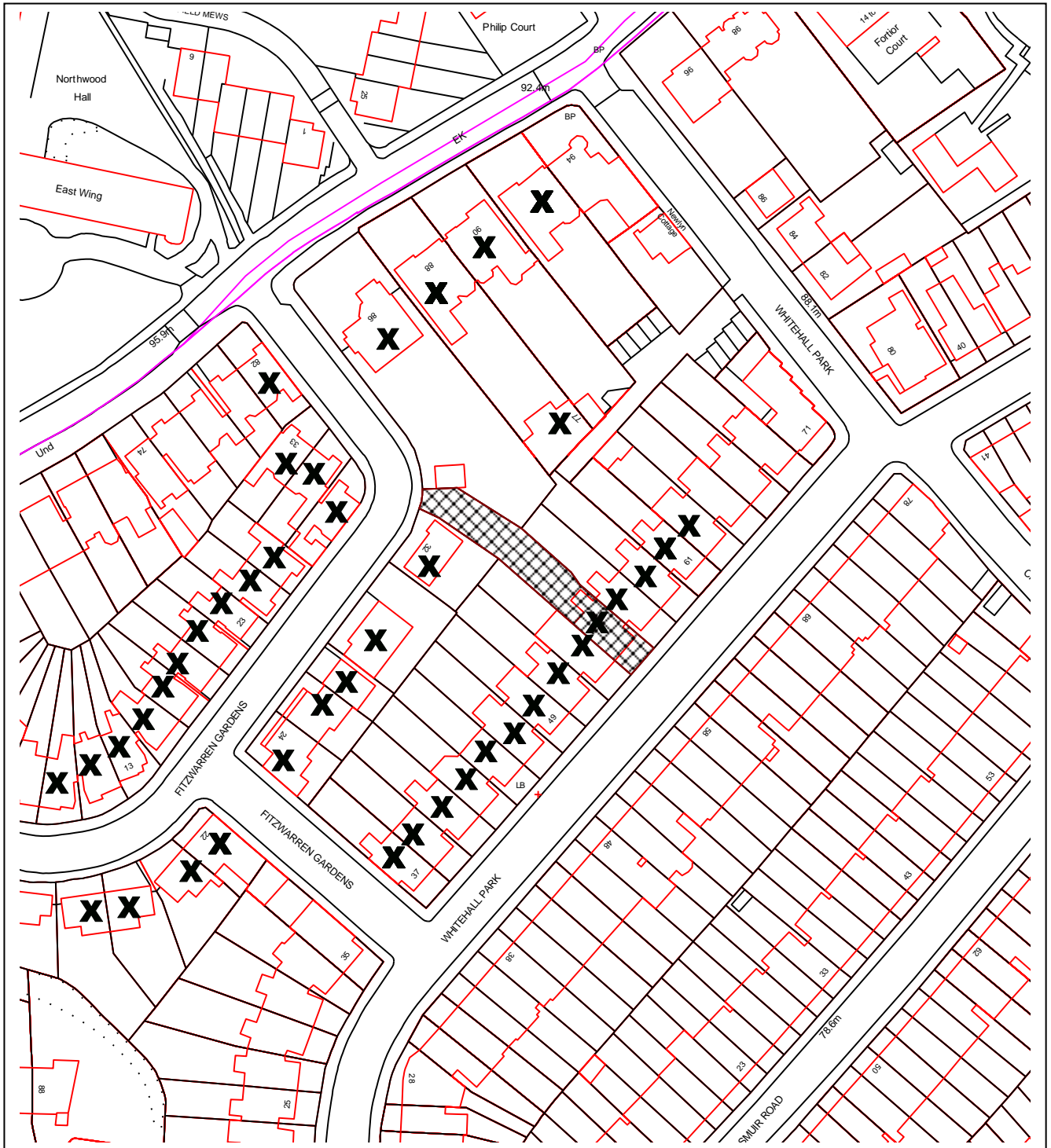
## 6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

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

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# ISLINGTON SE GIS Print Template



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P2015/2281/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

|                                 |                   |            |
|---------------------------------|-------------------|------------|
| <b>PLANNING SUB-COMMITTEE A</b> |                   |            |
| Date:                           | 21 September 2015 | NON-EXEMPT |

|                          |   |
|--------------------------|---|
| Application number       | P2015/0362/FUL  |
| Application type         | Full Planning Application   |
| Ward                     | Canonbury Ward  |
| Listed building          | Not listed  |
| Conservation area        | East Canonbury Conservation Area  |
| Development Plan Context | <ul style="list-style-type: none"> <li>- East Canonbury Conservation Area</li> <li>- Article 4.2 Area</li> <li>- Essex Road Locally Listed Building</li> <li>- Rail Safeguarding Area – Cross Rail 2</li> <li>- Within 100m of Strategic Road Network</li> <li>- Major Cycle Route</li> </ul> |
| Licensing Implications   | none  |
| Site Address             | 68 Halliford Street, London, N1 3HF   |
| Proposal                 | Erection of a single storey extension above roof and 4-storey, stepped side extension with lower ground floor, following the demolition of the existing annex, to create 8 no. residential units (7 x 2 bed, 1 x 4 bed) together with cycle storage and refuse facilities.                    |

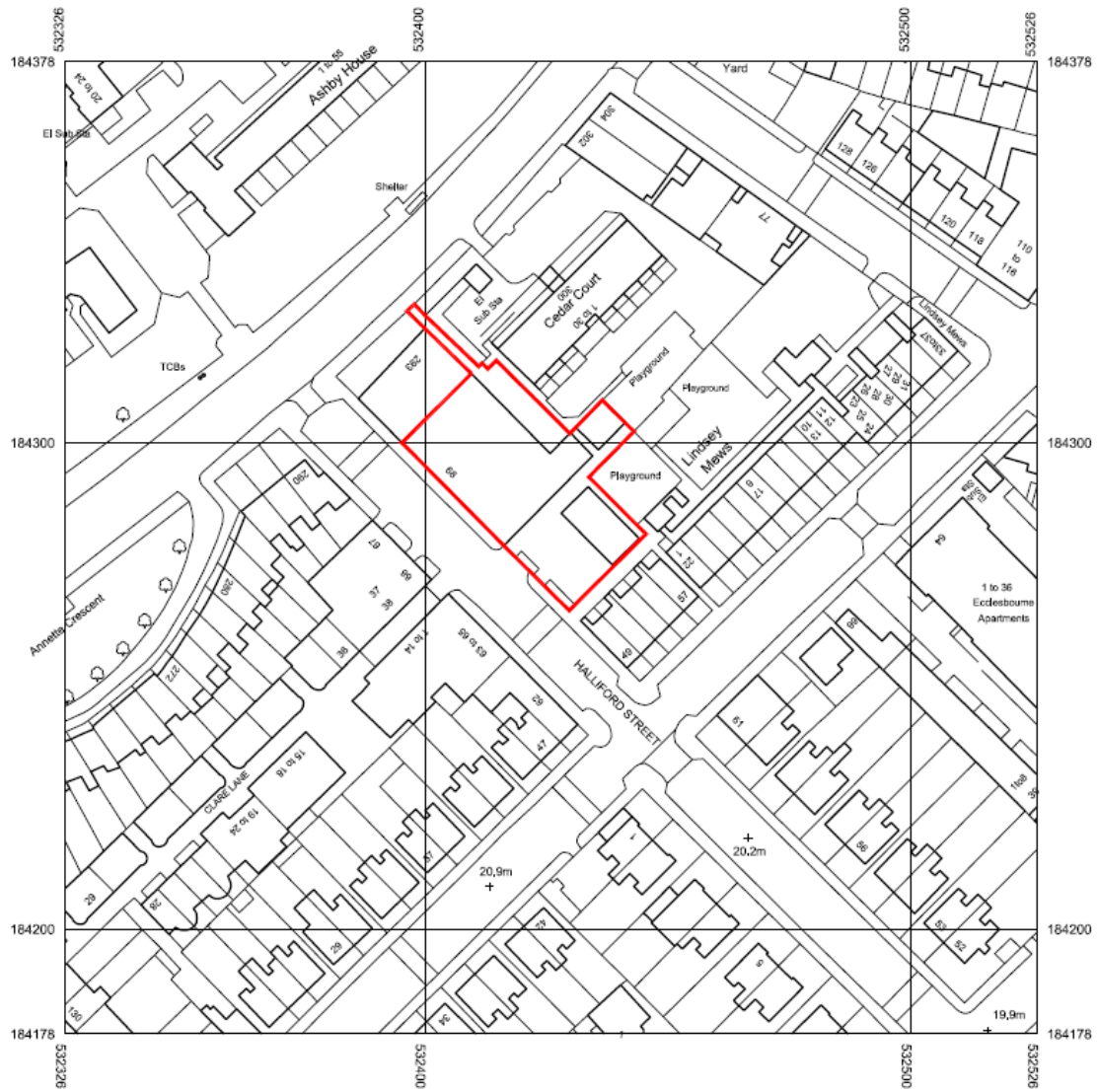
|              |                                 |
|--------------|---------------------------------|
| Case Officer | Emily Benedek                   |
| Applicant    | Mr Simcha Green                 |
| Agent        | Mr Peter Cook – Cook Associates |

### 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: Existing front elevation



Image 2: Relationship with neighbouring properties in Ecclesbourne Road



Image 3: View to the rear of the site

## **4 SUMMARY**

- 4.1 Planning permission is sought for the extension to the existing three-storey building comprising a single storey extension above roof and 4-storey, stepped side extension with lower ground floor, following the demolition of the existing annex, to create 8 no. residential units (7 x 2 bed, 1 x 4 bed). Provision of cycle storage and refuse facilities.
- 4.2 The proposed residential unit would provide a good level of amenity and the extension would not detract from the character and appearance of the application property or the conservation area and would not detrimentally impact upon neighbour amenity.
- 4.3 The application is therefore recommended for approval subject to conditions and completion of a S106 Agreement.

## **5 SITE AND SURROUNDING**

- 5.1 The application relates to a three storey 1970s style building located on the north-east side of Halliford Street, close to the junction with Essex Road. The application site was previously used as B1(a) office space although several prior approval applications have been granted on this site, between 2013 and 2014, to convert the office space into residential units (ranging from 6 to 56 units). The main building is currently in the process of being converted into residential units and the B1(a) use has therefore ceased.
- 5.2 To the east of the application site is a small single storey standalone building measuring 15 metres in width and 8 metres in depth. This was used as ancillary B1 (a) office space and has been granted prior approval in 2013 for the conversion of the building into 2no. bedroom residential units.
- 5.3 The properties surrounding the site on Halliford Street comprise of varying styles. The application site adjoins a four-storey locally listed property fronting Essex Road whilst to the rear of the site are two playgrounds. Directly opposite the site is the Clare Lane development, a three-storey mixed use modern development comprising commercial units on the ground floor with residential units above. The immediate area is predominantly residential in character.
- 5.4 The site is located within the East Canonbury Conservation Area. The building is not listed.

## **6 PROPOSAL (in Detail)**

- 6.1 The proposal consists of erection of the extension to the existing building comprising a single storey extension above roof and 4-storey stepped side extension with lower ground floor, following the demolition of the existing annex, to create 8no. residential units (7 x 2 bed, 1 x 4 bed). Provision of cycle storage and refuse facilities. It is noted that the existing building was granted approval under the prior approvals process for the change of use from B1(a) offices to C3 residential. These works have already commenced on site.
- 6.2 The proposed roof extension at its maximum points will measure 23.4 metres in width, 14.8 metres in depth and 3 metres in height with a flat roof. The proposal will

therefore increase the overall height of the existing building from 11.4 metres to 14.4 metres. The proposed extension will be stepped back 5.2 metres from the front building line and 1.7 metres from the rear. 3no. units will be located at the roof top level (1no. 4 bedroom unit, 2no. 2 bedroom units). Whilst it is acknowledged that the two bedroom units will not be dual aspect they will benefit from floor to ceiling windows and the principle elevations will be predominantly glazed. The 4 bedroom property will benefit from 40sqm of private amenity space whilst the 2 bedroom units will benefit from 21 sqm of private amenity space. This will take place in the form of terraces.

- 6.3 The proposed four storey stepped side extension, including the new lift shaft, will measure at its maximum point 18.1 metres in width, 15.5 metres in depth and 14.7 metres in height. The proposed extension will create 5no. 2 bedroom units, including 2no. duplex units at the lower ground and ground floor levels and 2no. duplex units at the first and second floor levels. The majority of units in this extension will be single aspect although the principle elevations on these units will be predominantly glazed and some living rooms will also benefit from additional roof lights. Each unit will benefit from private amenity space.
- 6.4 It is proposed that the stepped side extensions will benefit from green roofs which will cascade down the side of the property and provide some visual interest to the adjoining occupiers in Ecclesbourne Road.
- 6.5 Communal refuse and recycling facilities as well as cycle parking storage facilities will be provided to the rear of the building at the ground floor level.
- 6.6 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 P2014/2053/FUL – The erection of a two-storey extension above second floor of the existing building to provide an additional six dwellings, including 3 x 2 bed and 3 x 3 bed flats. Refused (26/09/2014).  
Reasons for Refusal:
- 1) The proposed extension by reason of its design, excessive scale, bulk, height, massing and finishing materials is considered to form an overdominant and discordant development which would detract from the character and appearance of the of the host building and wider conservation area setting. The development would visually dominate the host building and would be readily visible from short and long views from the public realm along Halliford Street and Essex Road. The proposed development is therefore considered contrary to policy CS9 of the Core Strategy 2011, policies DM2.1 & 2.3 of the Development Management Policies 2013, East Canonbury Conservation Area Guidelines 2012, Islington's Urban Design Guide 2006 and the NPPF 2012.
  - 2) The applicant has failed to provide adequate provision for affordable housing contrary to the Islington Affordable Housing Small Sites Contributions SPD. The council and the applicants have failed to come to any agreement that the full contribution is not viable and/or that instead a lesser contribution should be made. Therefore, the proposal is contrary to policies CS10 Part A and CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD and Environmental Design SPD.

- 7.2 P2014/1674/PRA – Application for prior approval from the Local Planning Authority for the change of use of basement, ground floor, first floor and second floor of the building from office (use class B1a) floor space to use class C3 (residential), comprising 6 self-contained flats (6x 2 beds). Prior approval required and approved (23/07/2014).
- 7.3 P2014/0794/PRA – Application for the prior approval from the Local Planning Authority for the change of use of basement, ground floor, first floor and second floor of the building from office (use class B1a) floor space to use class C3 (residential), comprising 6 self-contained flats (6x 2 beds). Prior approval required and refused (23/04/2014).  
Reason for Refusal:  
1) In accordance with The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014, the provisions of (amended) Paragraph N (2A) the Local Planning Authority refuses this application as in its opinion, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with restrictions B1 (a) in relation to the lawful use of the building as of the 30th of May 2013.
- 7.4 P2014/0545/PRA - Prior Approval application submitted in accordance with condition of part J.2 of Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 in relation to the following considerations arising from the change of use of the ground, first and second floors to create 56 studio residential units. (C3 use class). Prior approval required and approved (07/04/2014)
- 7.5 P2013/4056/PRA - Prior Approval application in relation to the following considerations arising from the change of use of the building to residential use (C3) use class creating 2x 1-bedroom residential units:  
a) transport and highways impacts of the development  
b) contamination risks on the site; and  
c) flooding risks on the site.  
Application submitted in accordance with part J.2 of Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. Prior Approval Granted and Approved (19/12/2013)
- 7.6 P032295 - Replacement conservatories at rear; new link walkway between main building and clinic / resource room; extension to clinic / resource room; new railing and gate to car park. Approved (16/01/2004)
- Annex Building
- 7.7 P2014/3959/PRA - Prior Approval application in relation to the following considerations arising from the change of use of the building to residential use (C3) use class creating 2x 1-bedroom residential units. Prior approval required and approved (19/12/2013)
- 7.8 890425 - Installation of new Terrapin building in car park behind Neighbourhood Office. Approved (27/09/1989)

**ENFORCEMENT:**

- 7.9 None

## **PRE APPLICATION ADVICE:**

7.10 None.

## **8 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 255 adjoining and nearby properties at Essex Road, Halliford Street, Ecclesbourne Road and Clare Lane on 18 February 2015. A site notice was placed at the site and the application advertised in the Islington Gazette on 26 February 2015. The public consultation of the application therefore expired on 19 March 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 five (5) 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):

- Object to additional height of the development (para 10.9-10.12)
- Bins and cycles should be a planning condition (paras 10.26, 10.30)
- Concern about the balconies overlooking bedrooms (paras 10.22)
- Proposal detrimental to the character and appearance of the conservation area – does not preserve its character (10.11-10.13)
- Size, scale and proportions of the design are not in keeping with or harmonious to the local architecture of Halliford Street and the surrounds (10.10-10.12)
- Impact on neighbouring residential amenity with regards to noise, privacy and daylight (10.22-10.24, 10.28)
- Loss of views (para 8.3)
- Insufficient parking spaces (10.27)
- Noise and disturbance from building works (para 8.3)
- Too many small units (para 10.18-10.19)

8.3 It must be noted that matters relating to noise and disturbance from the building works and loss of views are not material considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations and the Environment Protection Act.

### **Internal Consultees**

8.4 **Design and Conservation Officer:** Principle of massing acceptable, concerns if terrace not well maintained. The form seems to present a slight lack of uniformity of form overall and would be enhanced if the stepped elements, were minimised and the various elements somehow unified

8.5 **Sustainability Officer:** No objections subject to condition

8.6 **Planning Policy Officer:** No objection

8.7 **Inclusive Design Officer:** Concerns that some of the bedrooms are not fully accessible, spiral staircases are not suitable for ambulant disabled people

### **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 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:

- Land use
- Design and Impact Upon Conservation Area
- Landscaping
- Amenity for Future Occupiers
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Access
- Refuse
- Affordable Housing

### **Land use**

10.2 The proposal seeks to introduce additional residential development on the application site. With regards to the main building occupying 68 Halliford Street, several prior approval applications have been granted on this site between 2013 and 2014 to convert the existing three storey building B1 (a) offices into residential units ranging from 6 no. self-contained flats to 56no. studio units. Works have already begun on site to convert these premises and the B1(a) use has therefore been lost on this site. As the works were carried out under the prior approval process the Council had no control over this loss.

10.3 The annex building was only granted temporary consent as ancillary office accommodation in 1989 and as part of the planning conditions it was stated that the



building should be removed after five years and the land restored to its use as a car park. As evident from the plans, site visit and subsequent planning history this building was never demolished and so was in breach of this condition from 1994 until 2003 when a further planning permission was granted on site.

- 10.4 The application site was historically used as Council offices although it is noted that in the 2003 application (P032295) the annex building was referred to as a clinic. However, having reviewed the plans it is clear from the plans that the annex building was used as office accommodation in conjunction with the main building in connection with Council services, with only the two rooms closest to the main building used as clinics/resource rooms. The 2003 planning permission gave the annex building B1 office use in association with the main building.
- 10.5 The main building has already been converted into residential units (through the prior approvals process) and therefore B1(a) offices in the front part of the site have been lost on this site and therefore the principle of providing additional residential accommodation attached to the main building is considered acceptable.
- 10.6 Prior approval was granted in 2014 to convert the annex building to 2no. 1 bedroom residential units on this site and although these works have not been implemented the works could be carried out at any point. Furthermore, the Council's Planning Policy officers stated that *although the proposal would constitute the loss of B1, given the small amount of B1 floor space (112sqm) in question, the condition of the building and its low likelihood of being used as stand-alone office accommodation, as exceptional circumstances exist at this site and marketing evidence should not be required to demonstrate the lack of demand.* The application site is located in a highly residential area and the ancillary building is surrounded by residential accommodation on all sides. It is therefore unlikely that there would be a realistic prospect of this site being used for B1(a) purposes.
- 10.7 Therefore, the proposal is considered acceptable in land use terms given the exceptional circumstances.

### **Design and impact upon the Conservation Area**

- 10.8 The application site consists of a three storey 1970s building with limited architectural merit and is not considered to make a positive contribution to the character and appearance of the conservation area. The application site is attached to a four storey locally listed building fronting Essex Road whilst to the side of the property is an area of land measuring 20 metres in width which is at present contains a car park and a single storey building which was previously used as ancillary B1(a) office accommodation to the main building and is now being used as a site hut for the prior approval works.
- 10.9 The proposal would introduce an additional storey to the existing building to create a new fourth floor. The proposed flat roofed extension would be recessed 5 metres from the front building line, would be located 6 metres away from the attached building fronting Essex Road and would have an overall height of 3.1 metres. The extension would be metal clad distinguishing it from the existing building.
- 10.10 The proposed lift shaft linking the existing building and proposed extensions would form the highest part of the building measuring 14.6 metres in height (0.3 metres higher than the proposed extension). The proposed side extensions would be stepped back on each floor, in order to increase the distances with the neighbouring properties at 49-57 Ecclesbourne Road and minimise the impact on these



neighbouring properties and reduce the massing of the development. The proposed side extension would be finished in white render and would have a modern appearance with large amounts of glazing on the principle elevations. It is proposed that the flank elevations facing the residential properties in Ecclesbourne Road will have cascading green walls to provide some visual interest in an otherwise blank elevation.

- 10.11 The Conservation Area Design Guide (CADG) for East Canonbury Conservation Area states that: *the Council wishes to preserve the scale and integrity of the existing buildings by ensuring that extensions are subordinate to the mass and height of the main building and do not disrupt from the building form.* It is considered that the proposed fourth floor extension which will be set down 2.5 metres lower than the attached property at Essex Road, as well as the proposed side extension by virtue of its recessed nature, are subordinate additions to the existing building. It is acknowledged that the Council's Design and Conservation officers have concerns with the appearance of the stepped side extension stating that *the form seems to present a slight lack of uniformity of form overall and would be enhanced if the stepped elements, were minimised and the various elements somehow unified.* The majority of buildings in this location are of similar design and the proposed extension may appear convoluted in the street scene. However, given the recessed nature of the proposed extensions and the clear delineations between the existing and proposed development, in part through the use of materials, it is not considered that the proposal has a harmful impact on the character and appearance of the existing building and therefore do not disrupt the existing building form. The proposed extensions are therefore not considered to have a detrimental impact on the character and appearance of the East Canonbury Conservation Area.
- 10.12 Concerns have been raised by neighbouring occupiers regarding the height of the proposed development and the fact that the size, scale and proportions of the design are not in keeping with or harmonious to the local architecture of Halliford Street and the surrounds. There is no one prevalent style of building on the north side of Halliford Street and as mentioned previously, the existing building is not considered to make a positive contribution to the conservation area. A previous planning application was submitted (P2014/2503/FUL), and subsequently refused, which proposed a two storey roof extension to the same height of the adjoining locally listed building on Essex Road. It is considered that the revised scheme which significantly reduced the height of the proposed extension, which maintains a subordinate appearance, harmonises with the local architecture and produces a scheme which is of benefit to the local architecture. Furthermore, the Council permits modern extensions in conservation areas provided that they are designed in an appropriate manner. The Council asserts, despite concerns expressed by the Design and Conservation officer that the proposed extensions integrate well with the existing building and surrounding locality and are therefore considered acceptable.
- 10.13 As such, it is considered that the proposed extensions would integrate with the application property. The proposed extensions are not considered to result in harm to the conservation area and are in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

### **Landscaping**

- 10.14 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.

- 10.15 The proposal will involve the provision of hard and soft landscaping in the area surrounding the main entrance and to the front of the stepped side extension fronting Halliford Street. This area is currently hardsurfaced and the addition of hard and soft landscaping will enhance the landscape. In addition, the roofs of the extension to the main building and the stepped side extension will contain green roofs which will soften the appearance of the building and it is proposed that the green roofs will cascade down the side of the stepped extension. 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.
- 10.16 Given the improvements to the hard and soft landscaping listed above and the addition of green roofs on the proposed extension the proposal is considered to be in accordance with policy DM6.5 of the Development Management Policies.

### **Amenity for Future Occupiers**

- 10.17 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.

| <b>Unit</b> | <b>No. Bedrooms/<br/>Expected<br/>Occupancy</b> | <b>Floor<br/>Space</b> | <b>Minimum<br/>Required<br/>Floor<br/>Space</b> | <b>Garden<br/>Space</b> | <b>Minimum<br/>Required<br/>Garden<br/>Space</b> | <b>Storage</b> | <b>Minimum<br/>Storage<br/>Required</b> |
|-------------|---|------------------------|---|-------------------------|--|----------------|---|
| <b>1</b>    | 2/4   | 83.4                   | 61  | 18                      | 6  | 2.5            | 2.5                                     |
| <b>2</b>    | 2/4   | 83.4                   | 70  | 18                      | 6  | 2.5            | 2.5                                     |
| <b>3</b>    | 2/4   | 70.4                   | 70  | 40                      | 6  | 2.5            | 2.5                                     |
| <b>4</b>    | 2/4   | 83                     | 70  | 18                      | 6  | 2.5            | 2.5                                     |
| <b>5</b>    | 2/4   | 83                     | 70  | 18                      | 6  | 2.5            | 2.5                                     |
| <b>6</b>    | 4/6   | 106                    | 99  | 40                      | 30   | 3.6            | 3.5                                     |
| <b>7</b>    | 2/4   | 70.1                   | 70  | 21                      | 6  | 3              | 2.5                                     |
| <b>8</b>    | 2/4   | 70.1                   | 70  | 21                      | 6  | 3              | 2.5                                     |

- 10.18 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. Whilst three units would not be dual aspect (5 units would be dual aspect), due to constraints regarding overlooking between the new residential units and the adjoining properties in Ecclesbourne Road, the new flats benefit from a high level of glazing to all habitable rooms on the principle elevations and would allow acceptable levels of light into the properties. Furthermore, these units are located on the south-west elevation and would benefit from maximum sunlight. The buildings have been designed so that the first and second floor balconies of the side extension overhang the units below. However, despite this overhang these balconies would not impede the daylight/sunlight into the rooms below the balconies to an unacceptable level to warrant refusal of the application.
- 10.19 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 5 square metres on

upper floors and 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.

- 10.20 The proposed units would exceed the minimum floor space requirements providing generous outdoor amenity space in the form of balconies in this urban location.

### **Neighbour Amenity**

- 10.21 The proposal would introduce a fourth floor level on top of the existing building and a four storey side extension that would include a large number of windows on the front and rear elevations, as well as a couple of obscurely glazed doors serving living rooms on the flank elevations.
- 10.22 The proposed windows at the front will overlook Halliford Street and will directly face the front of the Clare Lane development, while also benefit from small balconies on the front elevation. The properties in Clare Lane are located across the street from the application site and given the dense urban context of the site and the borough as a whole it is not untypical of a situation throughout the borough to justify refusal on the basis of overlooking.
- 10.23 The windows to the rear will overlook the existing playgrounds and the flank windowless elevation of Cedar Court (a twenty storey residential tower block). The proposed windows on the fourth floor extension to the main building will be at an oblique angle with the residential units in Cedar Court at a distance of 9 metres from this neighbouring flank wall. As such it is not considered to give rise to unacceptable levels of direct overlooking. It is noted that a small number of doors will be inserted on the side elevation facing Ecclesbourne Road. However these doors will be obscurely glazed and whilst they will provide some additional light into the internal amenity space, they will restrict against overlooking to neighbouring occupiers.
- 10.24 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.

### **Highways and Transportation**

- 10.25 The site has a PTAL of 6a, which is 'Excellent', with Essex Road Station and a number of major bus routes in close proximity to the site.
- 10.26 A total of 18no. cycle storage spaces will be provided on site (1 cycle per bedroom) in accordance with the requirements stated in Development Management policy DM8.4 The majority of these spaces will be located to the rear of the site whilst 4 will be located to the rear of the side entrance. A condition is attached to ensure these are provided in accordance with the proposed plans.
- 10.27 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**

- 10.28 It is noted that concern has been raised regarding potential disturbance to neighbours from the proposed increase in occupancy levels at the site. Whilst the occupancy of the site would be increased, the area has high levels of flatted development. Subject to appropriate conditions regarding sound insulation for the new unit it is not considered that the proposal will create a noise nuisance to the occupiers of the neighbouring properties.

### **Access**

- 10.29 Six out of the eight units are in accordance with the Council's Inclusive Design SPD and would be suitable for wheelchair housing/future adaptability. The proposed duplex units on the lower ground and ground floor side extensions have demonstrated on the plans how they can be adapted in the future for a lift. However, the main concerns relate to the 2no. duplex units on the first and second floors which have a spiral staircase which isn't acceptable for ambulant disabled and are unsuitable for stairlifts. However, these units provide all the kitchen and living accommodation on one level as well as a bedroom and bathroom. The upper floors of these duplexes only provide an additional bedroom and bathroom. Given that the majority of accommodation will be provided on one level, on balance it is considered acceptable.

### **Refuse**

- 10.30 It is proposed that new refuse storage containers will be located to the rear of the side adjacent to the mobility and cycle storage areas. The size of the refuse storage containers are in accordance with Council policy. This will be within 25 metres of 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**

- 10.31 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.
- 10.32 The applicant has agreed to pay the full amount of £400,000 towards affordable housing in the borough and £8,000 towards carbon offsetting. These contributions have been secured in a Unilateral Undertaking which has been signed by the applicant.

### **Community Infrastructure Levy (CIL)**

- 10.33 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 roof extension and four storey side extension are 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.
- 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 £400,000 towards affordable housing within the Borough.
2. A contribution of £8,000 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:**

|          |  |
|----------|--|
| <b>1</b> | <b>Commencement</b>  |
|          | <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>   |
| <b>2</b> | <b>Approved plans list</b>   |
|          | <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>001, 002, 003, 004, 005, 006, 007, 008 Rev A, 009 Rev A, 010, 011 Rev A, 012 Rev A, 013 Rev A, 014 Rev A, 015 Rev A, 016 Rev A, 017, Heritage Statement, Daylight and Sunlight Assessment Rev B, Design and Access Statement, Sustainable Design &amp; Construction Statement.</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> |
| <b>3</b> | <b>Materials Details</b>   |
|          | <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> <p>a) solid brickwork (including brick panels and mortar courses)</p> <p>b) render (including colour, texture and method of application);</p>  |

|          |   |
|----------|---|
|          | <p>c) window treatment (including sections and reveals);<br/>d) any other materials to be used.</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>   |
| <b>4</b> | <b>Cycle Parking Provision Compliance</b>   |
|          | <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>  |
| <b>5</b> | <b>Sustainable Design and Construction Statement</b>  |
|          | <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>  |
| <b>6</b> | <b>Green/Brown Biodiversity Roof (Details)</b>  |
|          | <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> <p>d) biodiversity based with extensive substrate base (depth 80-150mm);<br/>e) laid out in accordance with plan 008 Rev A hereby approved; and<br/>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> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p> |
| <b>7</b> | <b>Landscaping (Details)</b>  |
|          | <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> <p>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;<br/>b) a biodiversity statement detailing how the landscaping scheme maximises</p>  |

|          |  |
|----------|--|
|          | <p>biodiversity;</p> <p>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>d) proposed trees: their location, species and size;</p> <p>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) 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.</p> <p>REASON: To ensure the development provides satisfactory amenity space</p> |
| <b>8</b> | <b>Noise</b>   |
|          | <p>CONDITION: A scheme for sound insulation and noise control measures shall be implemented to achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{max\text{ (fast)}}</math></p> <p>Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math></p> <p>Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>Reason:<br/>To protect the amenities of future occupiers of the residential units.</p>   |
| <b>9</b> | <b>Rainwater/Greywater Recycling (Details)</b>   |
|          | <p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the</p>  |



|           |   |
|-----------|---|
|           | <p>building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable use of water.</p>  |
| <b>10</b> | <b>Accessible Homes Standards (Compliance)</b>  |
|           | <p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>  |
| <b>11</b> | <b>Car Permits (Compliance)</b>   |
|           | <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>   |
| <b>12</b> | <b>Construction Management Plan</b>   |
|           | <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <p>i. the parking of vehicles of site operatives and visitors</p> <p>ii. loading and unloading of plant and materials</p> <p>iii. storage of plant and materials used in constructing the development</p> <p>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</p> <p>v. wheel washing facilities</p> <p>vi. measures to control the emission of dust and dirt during construction</p> <p>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</p> <p>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</p> |

|  |   |
|--|---|
|  | neighbouring residential amenity due to its construction and operation. |
|--|---|

**List of Informatives:**

|          |   |
|----------|---|
| <b>1</b> | <b>Positive Statement</b>   |
|          | <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>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>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 a timely manner in accordance with the requirements of the NPPF.</p>  |
| <b>2</b> | <b>Unilateral undertaking</b>   |
|          | <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>  |
| <b>3</b> | <b>Community infrastructure Levy (CIL)</b>  |
|          | <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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL 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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</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:

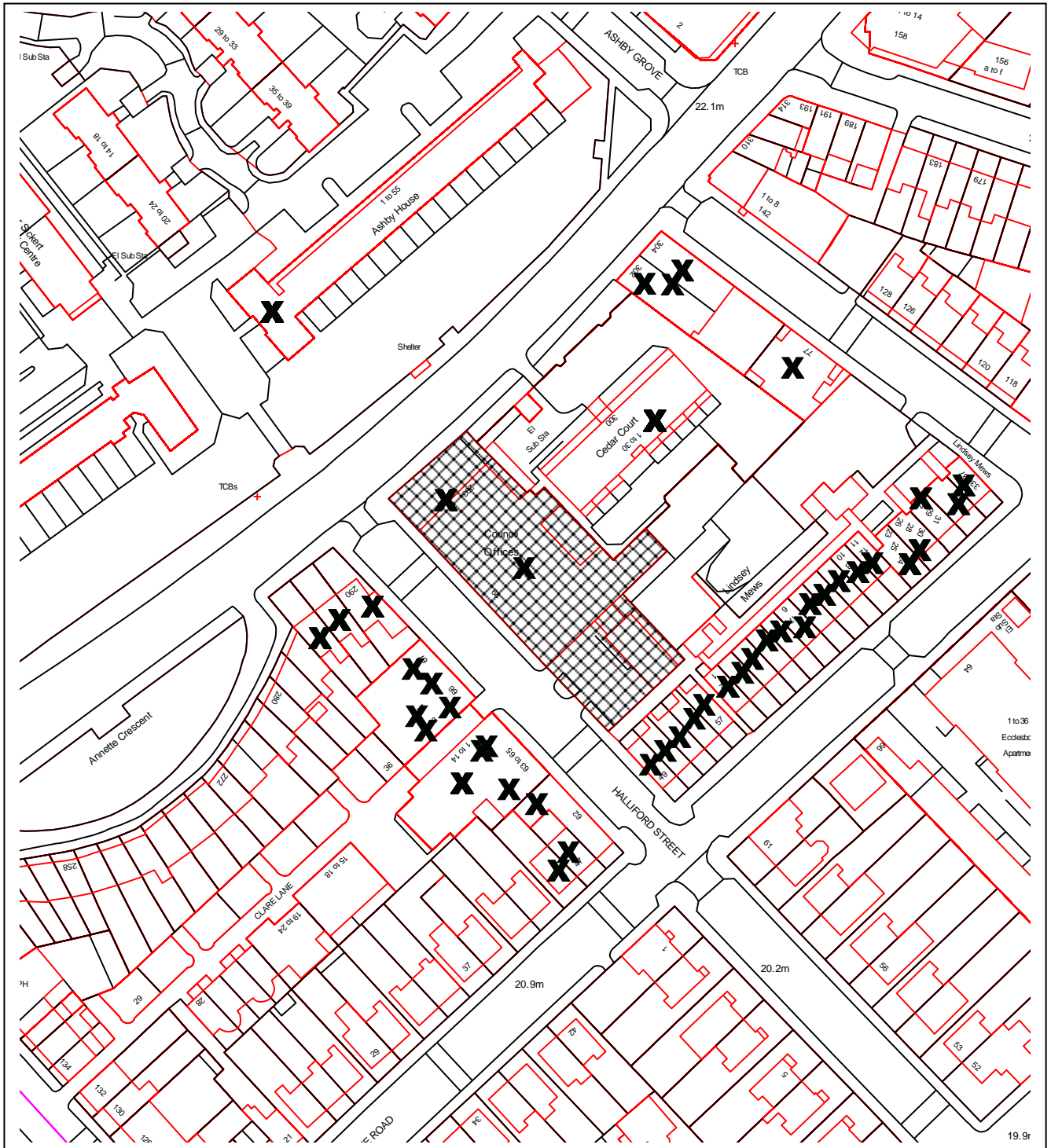
### **Islington**

- 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

# ISLINGTON SE GIS Print Template



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P2015/0362/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

|                                  |                                 |                   |
|----------------------------------|---------------------------------|-------------------|
| <b>PLANNING SUB- COMMITTEE A</b> |                                 |                   |
| <b>Date:</b>                     | 21 <sup>st</sup> September 2015 | <b>NON-EXEMPT</b> |

|                                 |   |
|---------------------------------|---|
| Application number              | P2015/1904/FUL  |
| Application type                | Full Application  |
| Ward                            | St Georges  |
| Listed Building                 | No  |
| Conservation Area               | Not in Conservation Area  |
| Licensing Implications Proposal | None  |
| Site Address                    | 98 Mercers Road, N19 5SS  |
| Proposal                        | Enlargement of existing basement level under the main dwellings footprint with front and rear lightwells. |

|              |                  |
|--------------|------------------|
| Case Officer | Duncan Ayles     |
| Applicant    | Mr Alexis Besse  |
| Agent        | Mr Stephen Tween |

### 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: Photograph of the Front of the Application Site



Image 2: Photograph of the Rear of the Application Site



Image 3: Photograph Showing Other Examples of Lightwell Development at 88 and 90 Mercers Road



Image 4: Photograph Showing Other Example of Lightwell Development Close to the Application Site

#### **4 SUMMARY**

- 4.1 The application seeks approval for the enlargement of an existing basement level underneath the main dwelling at 98 Mercers Road, to increase the floor to ceiling height from 1.5 metres to 2.6 metres (additional 1.1 metres of additional excavation). The application also seeks approval for the formation of two lightwells; one at the front of the property and one at the rear.
- 4.2 The design of the lightwells is considered to be acceptable and in compliance within with the Islington Urban Design Guidance, and similar to a number of other examples within close proximity to the application site. The basements works are also considered to be acceptable in respect of flooding, trees and the impact on the amenity of neighbouring properties during construction. The scale and extent of the basement excavation works are not considered to be excessive, and are mainly

contained under the existing property. Subject to conditions the development is considered to be acceptable. The applicants have submitted a construction method statement which indicates that the development can be enacted once careful controls are put in place to control structural, flood risks and stability issues to safeguard the amenity and structural integrity of adjoining occupiers.

- 4.3 A petition has been received from neighbouring properties against the proposal, which has objected on the grounds of subsidence, flooding and disruption. The basement is considered to be acceptable in terms of its impact on flooding, and is not considered to cause unreasonable disruption to neighbour amenity and highway safety during the construction phase, subject to a construction management plan being agreed prior to the commencement of development. The applicant has provided a construction method statement, which addresses the impact in respect of flooding and the structure of neighbouring properties.

## **5 SITE AND SURROUNDING**

- 5.1 The application site is located at 98 Mercers Road; this is a three storey Victorian property over a basement. The property dates from the Victorian period, and contains polychromatic brickwork with stucco detailing. A significant number of properties have been altered through the subdivision of properties into separate properties.
- 5.2 The application site is located within a residential street that contains highly uniform Victorian properties. The properties were constructed with shallow basements, originally used as coal stores. Basements have been altered and extended in a number of properties within the area, including through the formation of front lightwells. Similar lightwells are present at no. 50, 86, 88, 90 106 and 118 Mercers Road.
- 5.3 The front gardens of the properties within the area are of a uniform size and depth. However, the properties show a marked variety of variation in character and appearance. Some of the properties contain mature trees and hedges, but other such as at 86 and 88 are laid to hard standing and contain little, if any, vegetation.

## **6 Proposal (in Detail)**

- 6.1 The application is for the excavation of a deeper basement below the existing property, and for the formation of two light wells at the front and rear of the property. The property contains an existing basement, but the basement has a low floor to ceiling height with a depth of approximately 1.5 metres. The application proposes to increase the floor to ceiling height to 2.6 metres.
- 6.2 The application also seeks approval to form a light well at the front and rear of the property. The light well at the front will project 800 mm from the front of the property, and will have a width of 2.8 metres. The front lightwell will follow the contours of the front elevation, and will include a grill with access hatch. The proposal will include glazed French doors at the front. At the rear, the proposed light well will have a greater depth, as it will project 1 metre to the rear of the property. A pair of French doors is also proposed at the rear, with metal railings rather than a horizontal grill.

### **Planning Applications:**

- 7.1 **P2015/2162/FUL:** An application for the erection of a single storey infill extension was approved subject to conditions. Approved under officers' delegated powers on the 22/07/2015

- 7.2 **P2015/1897/COLP:** A certificate of lawfulness in connection with the erection of a rear dormer and the installation of three roof lights to the front roof slope was approved. Approved under officers delegated powers on the 06/07/2015

**Pre-application:**

- 7.3 None

**8 CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 86 nearby and neighbouring properties at Mercers Road and at Tufnell Park Road. A site notice was also displayed. The public consultation expired on the 6<sup>th</sup> of July.
- 8.2 A petition was received in objection of the application, signed by ten local residents. This raised the following issues:

- Subsidence and Structural Damage (10.16)
- Flooding (10.13-10.14)
- Noise and Vibrations during construction (10.17-10.18)
- Impact of Construction Vehicles on amenity and highway safety. (10.17-10.18)

**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:

- Design and impact on the character and appearance of the area
- Impact on the amenity of neighbouring properties
- Basement impacts including in respect of flooding, tree impacts and construction traffic

### **Principle of Development**

10.2 The Council has not adopted any development plan policies that relate specifically to subterranean development. However, policies relating to the design of new development, flooding, landscaping and biodiversity are relevant to subterranean development. Furthermore, the Islington Urban Design Guide (2006) supplementary planning guidance contains a section, 2.4.6 that relates to basement extensions.

10.3 The Council is currently consulting on a Basement Development Supplementary Planning Document (SPD). This document seeks to address the planning impacts of basement development underneath existing properties. The policy contains a number of Design Indicators which will be used to assess subterranean development. However, as the consultation for this document is ongoing, and the document is in draft form only, the amount of weight that can be given to the policies is very limited in the determination of this case.

10.4 The proposed basement excavation to deepen the existing basement of the dwelling by 1.1 metres is not considered to be excessive in scale or scope. The works would create useable residential floorspace for the existing family unit with no discernible adverse impacts on the character and neither appearance of the area nor the amenity of adjoining occupiers.

### **Impact of the Development on the Character and Appearance of the Existing Building and the Area**

10.5 The Islington Urban Design Guide provides guidance on the design of front lightwells, specifically at para. 2.4.6. The guidance confirms that basement excavations can be unsympathetic if they involve the loss of a verdant front garden. The guidance then confirms that where an area does not contain verdant front gardens, there is usually scope to excavate all the area behind the front boundary treatment.

10.6 While the front gardens within Mercers Road are of a similar size and depth, the front gardens show a marked degree of variation in terms of the amount of landscaping and in terms of the surface used. The existing front garden at the application site contains a low brick wall to the front of the property, with a small hedge behind. Due to the small size of the proposed front lightwell and the retention of the existing hedge adjacent to the front wall ensure that the proposed development will not lead to a loss of any verdant frontage of landscaping and will not have a visually impact on the streetscene of Mercers Road.



- 10.7 While it is acknowledged that the properties within the terrace at 144-52 Mercers Road did not originally contain lightwells at lower ground floor level, a significant number of properties within the vicinity of the application site have been altered to include front lightwells, including at nos. 50, 86, 88, 90 106 and 118 Mercer Road. With this context it is considered that the proposed front lightwell would not appear as a discordant or uncharacteristic feature within the area.
- 10.8 The proposed front lightwell includes a flush horizontal grill over the lightwell, which avoids the need to erect a second set of railings behind the existing boundary treatment. This treatment accords with the guidance within the Islington Urban Design Guide and Emerging Basement SPD, as it reduces the visual prominence of the lightwell and associated development.
- 10.9 The Islington Urban Design Guide confirms that basement windows should align with, and match the windows above. While the windows align with those above, they do not match the windows above, as the proposal contains a pair of doors rather than a sash window within the central opening. However, due to the limited projection of the lightwell from the front of the property, the bottom part of the door will not be visible from the street. Consequently the creation of a door rather than window at basement level will have a limited impact on the character and appearance of the area, and would not cause harm to the visual amenity of the streetscene.
- 10.10 The treatment of the lightwell at the rear is not in compliance with the IUDG guidance, vertical railings are proposed rather than a grill. However, the railings will be visible from a limited number of viewpoints within the rear garden, as they are within an existing side return and have no public, street views. Consequently the impact of the use of railings in this location will not lead to any material impact on the character and appearance of the area.
- 10.11 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape. 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.

**Basement Impacts in Respect of Flooding, Tree Impacts, Construction Traffic and Neighbour Amenity**

- 10.12 The application site contains a basement below the existing property with a restricted headroom height of 1.5 metres. The proposal is therefore an alteration and extension to an existing basement, rather than the formation of a wholly new basement. The applicant is proposing to excavate the existing floor by approximately 1.1 metre to allow the basement to be used as a habitable room.
- 10.13 In respect of flooding, the emerging Basement SPD confirms that site specific flood risk assessment are only required where a basement application is located within a Local Flood Risk Zone or within an area at risk of flooding from other sources, which this site is not. Similarly policy DM6.6 only requires the submission of a Flood Risk Assessment within Local Flood Risk Zones, and therefore the application is not in conflict with policy DM6.6.
- 10.14 Whilst the applicant is not obliged to provide a full flood risk assessment, the construction method statement submitted in support of the applications addresses the issue of flooding. This document confirms that ground conditions were

investigated through the use of a 6 metre deep borehole, and no water was encountered, indicating that the basement is above the water table.

- 10.15 The front garden of the property does not contain any trees, and there are no street trees within close proximity to the proposed lightwell. Consequently the proposal will not lead to any impact on trees or landscaping contrary to policy DM 6.5.
- 10.16 The Draft Basement SPD requires all basement applications to be supported by supporting structural information. While the SPD does not require a technical solution to be approved within the planning process, it does require the applicant to demonstrate that issues relating to the structure of neighbouring properties have been properly considered within the design. The applicant has provided a Construction Method Statement including a geotechnical survey report. This demonstrates that the applicant has properly considered the structural impacts of neighbouring properties, and therefore the proposal is in compliance with the Draft Basement SPD. Furthermore, the Party Wall Act also exists to protect adjoining properties.
- 10.17 It is acknowledged that the construction of basements can lead to significant impacts in respect of neighbour amenity and the public highway during the construction phase, including in respect of the emission of noise, dust and vibrations. As this is modest extension to an existing basement, with limited excavation, it is not envisaged that the impacts would be unreasonable or unacceptably long lasting.
- 10.18 However, due to the close proximity between 98 Mercers Road and the neighbouring buildings, many of which have been subdivided into flats, it is considered reasonable to control any residual impacts through a condition requiring the submission of a Construction Management Plan. This would allow the Council to exercise control over details such as delivery times and construction working hours in the interests of neighbouring amenity.
- 10.19 The proposed basement is also in compliance with the majority of the relevant design indicators set out within the Basement Development SPD. The basement is of a single storey, and does not project underneath into the front or rear gardens. Consequently the proposed basement is considered to be a modest scale of development that would not give rise to any unacceptable impacts on neighbouring properties.
- 10.20 The proposed basement is therefore considered to be acceptable in terms of its impact on flooding, construction traffic and neighbour amenity. Consequently the proposal is in compliance with the emerging Basement SPD, policy DM 6.6 (Flood Prevention) and DM 6.5 (Landscaping, Trees and Biodiversity).

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The design of the proposed lightwells are considered to be acceptable, and similar to a number of other examples within close proximity to the application site. The proposal is therefore considered to be in accordance with policy DM 2.1, CS8 and the design guidance set out within policy the Islington Urban Design Guide and the draft Basement Development SPD.
- 11.2 A petition has been received from neighbouring properties against the proposal, which has objected on the grounds of subsidence, flooding and disruption. The

basement is considered to be acceptable in terms of its impact on flooding, in accordance with policy DM 6.6, and is not considered to cause unreasonable disruption to neighbour amenity and highway safety during the construction phase, subject to a construction management plan being agreed prior to the commencement of development. This would control issues such as construction deliveries in the interest of neighbour amenity and highway safety, in accordance with policies DM 2.1 and DM 8.2.

### **Conclusion**

- 11.4 It is recommended that planning permission be granted subject to conditions as set out within Appendix 1-Recommendation A.



## APPENDIX 1- RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

|          |  |
|----------|--|
| <b>1</b> | <p><b>Commencement (Compliance)</b></p> <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>  |
| <b>2</b> | <p><b>Approved Plans List: (Compliance)</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, MS 15007/P/01, MS 15007/P/02, MS 15007/P/03, MS 15007/P/04, MS 15007/P/05, MS 15007/P/06, MS 15007/P/07 &amp; Construction Method Statement by Cowpe Lowe Engineering dated 29<sup>th</sup> May 2015.</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>   |
| <b>3</b> | <p><b>Construction Management Plan</b></p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>viii mitigation measures of controlling noise from construction machinery during business hours</li> <li>xi. site access plan - detailing which roads will be used to access the site.</li> </ul> <p>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> |

**List of Informatives:**

|    |  |
|----|--|
| 1. | <p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</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> |
| 2. | <p><b>Other legislation</b></p> <p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations &amp; Equalities Act</p>   |
| 3. | <p><b>Part M Compliance</b></p> <p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> <li>• The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings',</li> </ul> <p>For this proposal, this may include</p> <ul style="list-style-type: none"> <li>- colour contrast nosing to the external steps;</li> <li>- improvements to the handrail profile</li> <li>- glass marking manifestations</li> </ul> <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>   |
| 4. | <p><b>Construction hours</b></p> <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"> <li>○ 8am –6pm Monday to Friday,</li> <li>○ 8am – 1pm Saturdays;</li> <li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</li> </ul> </div>  |

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 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**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS17 (Sports and recreation provision)

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

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

Policy DM2.1 (Design)

Policy DM 6.5 (Landscaping, Trees and Biodiversity)

Policy DM 6.6 (Flood Prevention)

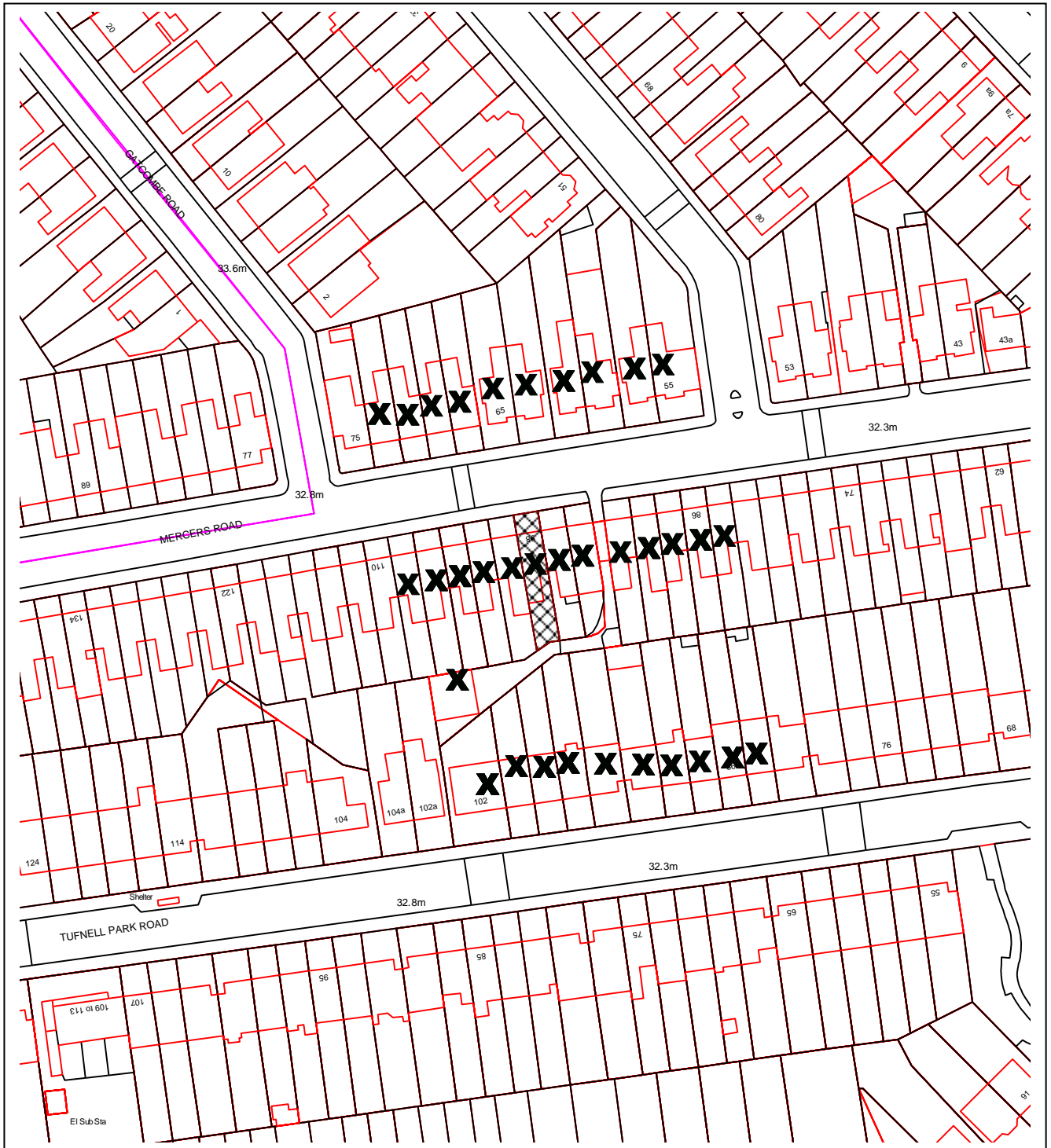
DM 8.2 (Managing Transport Impacts)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide 2006
- Draft Basement Development SPD

# ISLINGTON SE GIS Print Template



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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 A |   |            |
|--------------------------|---|------------|
| Date:                    | 21 <sup>st</sup> September 2015   | NON EXEMPT |
| Application number       | P2015/0040/FUL  |            |
| Application type         | Full Planning Application   |            |
| Ward                     | Hillmarton  |            |
| Listed building          | Not listed  |            |
| Conservation area        | Not in a conservation area  |            |
| Development Plan Context | - Nags Head/Upper Holloway Key Area<br>- Major cycle route<br>- Within 50m Hillmarton Conservation Area<br>- Within 100m TLRN   |            |
| Licensing Implications   | None  |            |
| Site Address             | Garages to the rear of Parkhurst Court, Warlters Road, London, N7   |            |
| Proposal                 | Erection of seven residential units: three 2-storey courtyard houses, one 2-storey semi-detached pair of houses, and 2 two-storey units bridging over the entrance to the mews, all with private garden areas. Retention of one lock up garage and one parking space. |            |

|              |  |
|--------------|--|
| Case Officer | Ashley Niman                                 |
| Applicant    | Ableworld Ltd                                |
| Agent        | Burrell Foley Fischer LLP - Mr Geoffrey Pyle |

### 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 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

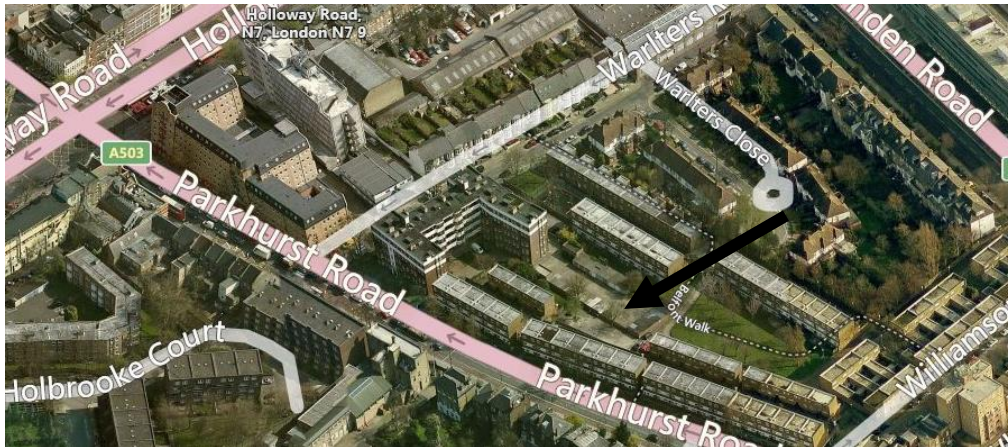


Image 1: Aerial view of the site.



Image 2: View into the site.



Image 3: View of the site

### 4. SUMMARY

- 4.1 Demolition of 27 lock up garages on site and redevelopment to provide seven residential units within single and two storey buildings, together with landscaping and private gardens. The proposal includes the retention of one garage and one parking bay.
- 4.2 The scale, mass and form of building, with a central linear courtyard and three separate built elements, is considered appropriate for the site.
- 4.3 The proposal will not materially lead to an overall loss of light, privacy or outlook for the neighbouring residential properties, and has been designed to minimise impacts on surrounding properties.

- 4.4 The landscaping and quality of materials of the new buildings is considered to lead to an overall improvement to the built environment for neighbours. The development is considered to create valuable residential space in a highly accessible location without materially harming the amenity levels of adjoining occupiers. The development will be built to a high degree of sustainability credentials and will offer the full small sites contribution all of which are considered to be significant public benefits associated with the scheme.

## **5. SITE AND SURROUNDING**

- 5.1 The site covers an area of 912sqm and consists of paved surfacing and 27 private lock-up garages. These serve Parkhurst Court, a private residential block between the site and Warlters Road. To the three remaining sides, the site is surrounded by the Williamson Street Estate, with the three storey terrace of 30-45 Belfont Walk to the east, Penrhos House towards the west, and Vaynor House to the south
- 5.2 None of the buildings on or around the site are listed, nor is the site in a conservation area. Apart from Parkhurst Court (which is five storeys), the buildings around the site are all three storeys, including Belmont Walk, Vaynor House and Penrhos House. The boundaries of these properties are either fences or walls of at least 1.8 metres and in some cases up to three metres.
- 5.3 The site is primarily accessed via a tarmacked driveway between the south east side of Parkhurst Court, and the boundary retaining wall to the car park serving the residential block at Belfont Walk. The driveway allows for vehicular access, though only for cars and small vans, and it is intended to retain this access way in its current form. There is no gate or other barrier between the site and the access way onto Warlters Road. The applicant retains a legal right of way over the access, having formerly owned the freehold to the whole site including Parkhurst Court itself. There is a secondary route through from Parkhurst Road, for pedestrian and cyclists, with vehicular access restricted by a demountable bollard.

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

- 6.1 The erection of seven residential units: three 2-storey courtyard houses, one 2-storey semi-detached pair of houses, and 2 two-storey units bridging over the entrance to the mews, all with private garden areas. The proposal includes the retention of one lock up garage and one parking space. Although no formal commitment has been made, it is the intention of the applicant to allocate the garage and attendant parking space for the use of Parkhurst Court caretaker/residents.
- 6.2 The design is composed of three separate elements, arranged so as to reduce any perceived sense of mass and bulk, and to provide variety of form. The two storey front building (Block C), housing the two one-bedroom units, provides a gatehouse approach with a central archway through and leading to the linear communal courtyard. This is flanked by a two storey rectangular block (Block B) to the north-west side, providing two four-person family units, whilst to the south eastern side, are three two storey two-bedroom L-shaped houses (Block A).
- 6.3 The proposal will include a linear landscaped central courtyard and a series of private gardens and courtyards for the individual houses and maisonettes.

6.4 The scheme has been amended during the application to reduce the height of Block C by 300mm where it faces the rear of Parkhurst Court.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS:

7.1 There is no formal planning history for the lock-up garages

#### **Surrounding Area**

7.2 P122113 Conversion of undercroft garages beneath 1-52 Trefil Walk into 17 no 2 bedroom flats and 1 no 3 bedroom flat, as well as the refurbishment and reconfiguration of an existing community centre. Approved 10/06/2013.

### ENFORCEMENT:

7.3 None

### PRE-APPLICATION ADVICE:

7.4 Q2014/0639/MIN: The demolition of 19 garages and the erection of a mews style development composed of three part: Block A: Three two-storey, two-bedroom houses; Block B, Two two-storey, two-bedroom houses; and Block C, two one-bedroom maisonettes; together with a combination of private garden areas and communal landscaping' - A letter to the architects giving advice and guidance was issued on the 21/07/2014.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 229 adjoining and nearby properties at Warlters Road, Parkhurst Road, Belfont Walk, Penrhos House and Trefil Walk on 23 February 2015. A site notice was displayed on 23 February 2015. The public consultation of the application therefore expired on 26 March 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 a total of 12 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):

- Loss of light to bathroom and kitchen windows in Parkhurst Court (10.20)
- Excessive density of development (10.4- 10.6)
- Loss of the existing garages and parking (10.2 – 10.3)
- Loss of privacy (10.21)
- Concern over refuse collection (10.36)

- An ugly building (10.9 – 10.12)
- Loss of views (10.19)
- Asbestos in the garages (10.32)
- Access concerns (10.14 and 10.30-10.31)

A second round of consultation of direct neighbour notification was carried out on the 6<sup>th</sup> July, due to an adjacent residential block being missed out on the previous round. This further round expired on the 28<sup>th</sup> July. A further three letters have been received, reflecting again the concerns above, in particular loss of light of Parkhurst Court, increased population density and oppressiveness and loss of garage parking.

A further third round was carried out of two adjacent blocks on the 21<sup>st</sup> August, with expiry date of 11<sup>th</sup> September. No further letters have been received at the date of completion of this report.

### **External Consultees**

8.3 None

### **Internal Consultees**

8.4 Access Officer: The concerns over internal lift space have been addressed in the amended plans.

8.5 Tree Preservation / Landscape Officer: No arboricultural reason to refuse.

8.6 Public Protection Division (Land Contamination): Recommends a land investigation condition and covering remedial work.

8.7 Spatial Planning and Transport (Transport Officer): Recommends car free and cycle storage conditions.

8.8 Design and Conservation Officer: No objection to the proposal.

## **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 (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.

### **Designations**

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Nags Head/Upper Holloway key area

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

- 9.4 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
- Density
- Design
- Accessibility
- Landscaping and trees
- Neighbouring Amenity
- Quality of Resulting Residential Accommodation
- Dwelling mix
- Energy Efficiency, Renewable Energy and Sustainability
- Highways and Transportation
- Contaminated Land
- Affordable Housing and Financial Viability

### **Land-use**

- 10.2 The site is presently owned by the one private landowner, who also formerly owned the freehold to the adjacent Parkhurst Court. The use of the lock up garages has declined over recent years and it is understood that only eight are currently in use. There are objections from Parkhurst Court in regard to the loss of the garages as a number are used by residents. However, the loss of parking is not a matter supported by planning policy; rather it is a private concern between residents and the freeholder of the garages. Those occupants of the used garages who are displaced will, if they are existing Islington residents, be able to apply for residents on street parking permits. The application site is centrally located with several well developed transport modes in the vicinity of the site. The council actively promotes through its planning policy the reduction of car parking spaces in favour of more sustainable modes of transport. Within this context the council raises no objections to the loss of existing garages on the site in terms of highways impacts and pressures.

10.3 The Council has no specific designation for the sites future use but the overarching national and local policies of making the most effective and productive use of valuable urban sites for the most important land uses would recognise that the site would be best developed for residential use. Moreover, this would be the most contextual land use, since the site is surrounded on all perimeters by other forms of residential use. Residential garages are ancillary to residential land use and since a residential use is proposed, there is no concern over the proposed land use in planning policy terms.

### **Density**

10.4 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 7 new residential dwellings comprised of 20 habitable rooms (hr). Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area.

10.5 The site covers an area of approximately 0.0912 hectares, has a public transport accessibility level (PTAL) of 6 (Excellent) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 45-185 u/ha or 200-700 hr/ha.

10.6 The proposed development has a residential density of 76.8 u/ha and 219.3 hr/ha. Although not maximising the intensity of the use of the land, the retention of the garage and parking bay and landscaping is in keeping with the local context and ensures that the proposal would not result in an overly dense development.

### **Design Considerations**

10.7 The site currently has no architectural or design merit and it represents an opportunity to enhance and improve the site visually. The height and form of the development has been determined by the existing scale and proximity of buildings around the site and by the desire to produce a mews-style development that has historical precedence. The nearby Warlters Close with its two storey 1930s terraced house around a cul-de-sac sets a similar precedent in terms of the layout of development. The surrounding existing residential developments, with the exception of the earlier five storey Parkhurst Court, date from the late 1960s and 1970s, and vary in form and scale although the prevailing height is three and four storeys.

10.8 The scheme is linear in form, with a two storey gatehouse block (Block C) with a central archway, and a paved central linear courtyard flanked by the two parallel sets of one and two storey buildings. The block to the north-west is a two storey rectangular structure (Block B) providing two two-bedroom houses, whilst the south-east side is bordered by the three part one/part two storey two-bedroom L-shaped houses (Block A) with their private enclosed courtyards. The mass has been broken up to allow for variety of form and to ensure that no part of the scheme appears monolithic or overbearing to the surrounding existing development. The gatehouse block, Block C, has been slightly amended to further reduce its bulk and mass by partially reducing the front part which faces towards Parkhurst Court.

10.9 The blocks are contemporary in form but domestic in scale, feel and durability. The varied form and scale has been designed to reduce the impact of the scheme on the amenity of existing occupiers in the surrounding residential buildings, in regard to



light, outlook, sense of enclosure and overbearing. This form also ensures that the development itself will have acceptable levels of light and outlook. The new buildings will complement the existing surroundings by being constructed of brick. The buildings will be counterbalanced with green courtyards, roofs and gardens, and with timber gates and doors.

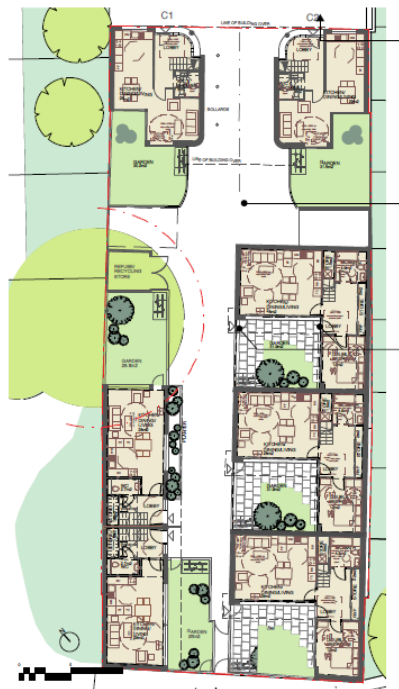
- 10.10 It is considered that this design approach to the site will immeasurably improve its current appearance, providing a low scale mews style development that does not overwhelm either the site itself or neighbouring buildings, and can be considered as appropriate contextual development.
- 10.11 The proposal is considered to offer a high quality contextual development which would respect the prevailing building heights and massing of buildings in the vicinity. The inclusion of green roofs and associated landscaping will also significantly improve the appearance of the site when viewed from both the private and public realm. Detailed conditions are recommended to ensure that the final selection of facing materials for the development will be of a high quality.
- 10.12 The CGI below offers an illustration of the proposed appearance and layout of the proposed development and its relationship to the existing built form around the application site.



### **Accessibility**

- 10.13 Proposals for residential development need to respond to London Plan Policy 3.8 and 7.2 which require for all new housing to be built to 'The Lifetime Homes' standard and to achieve the highest standards of accessible and inclusive design. Islington's Core Strategy Policy CS12 requires for all housing to comply with 'flexible homes' standards as set out within the Accessible Housing SPD. The scheme will be designed to Lifetime Homes and Flexible Homes standards.

- 10.14 Cars and taxis can access the driveway to the side of Parkhurst Court and turn at the entrance to the development, which is 49m from the furthest front door. Cars may also drive along the 'mews' if they are prepared to reverse out, which would allow access to within 11m of the furthest front door.
- 10.15 In terms of approaches to the buildings themselves, the approach to all entrances will be level or gently sloping for all blocks. For circulation space, there will be space for turning a wheelchair in the dining areas, living rooms and circulation space for wheelchair users. Accessible cycle stores are shown on the plans, in each garden, with two cycles per house (1 per bedroom). Each dwelling has a garden where a mobility scooter may be stored, within a weatherproof enclosure if required. Power for re-charging will be available in each garden. Spaces for electric wheelchairs have been added to the entrance halls in Block A.
- 10.16 Through floor lifts are considered in all blocks. Block A is shown with a position for a through-the-floor-lift for flexibility for future occupants, even though this is not essential as there is a ground floor double bedroom. The application proposes level access to the units and all of the seven dwellings would meet both Islington's Flexible Homes standard and the national Lifetime Homes standards. The proposal is in accordance with policy and meets inclusive design standards, in accordance with Core Strategy Policy CS12.



Ground floor plans and accessways into the proposed development.

### **Landscaping and Trees**

- 10.17 The Tree Officer has reviewed the proposals and raises no objections to the proposal. One tree (T1) is proposed for removal; this tree is in close proximity to the existing structure and is incompatible with the proposed scheme, however, it provides valuable amenity to the area. If it is removed then the replacement should be of equivalent canopy cover, this is covered by condition 14.



10.18 At present the site itself is completely concreted or otherwise covered in structures and has no landscaping or green areas to benefit it or the surrounding residential property, with the exception of the tree referred to above in paragraph 10.14. The area, overall, will therefore benefit from the permeable surfaces, private landscaped gardens and green roofs.

### **Neighbouring Amenity**

10.19 General context: The overall height and design of the scheme has been broken up into component parts to ensure there is no overwhelming mass that would materially affect light or sense of enclosure. Resident objections have also referred to a loss of view, but there is no specific policy to protect private views. All the buildings are either single storey or two storey. To the rear of the site are the gardens of the dwellings on Belmont Walk, the abutting proposed buildings are single storey, whilst the two storey block of two houses to the south is sited away from the neighbouring building of Vaynor House. The two storey 'gatehouse' (Block C) is also, as a result of the undercroft, reduced in mass as well as allowing light and outlook through the arch.

10.20 Daylight and overshadowing: A detailed study was carried out by Lighting Analysts Ltd on behalf of the applicant. The study follows the guidance and methodology provided under BRE practice. The study tested 126 windows around the site. In summary the proposed development will, on average, have a negligible impact on the neighbouring windows analysed. The two most affected windows are to the south facing elevation of 11 Parkhurst Court. One window serves a bathroom, and the second, is one of three windows serving a kitchen. The other two windows of the kitchen face south east and are not affected by the development. The bathroom is not a habitable room but will continue to receive acceptable levels of light. The kitchen window will see a reduction in light to 21.6% of its original figure (the optimum is 27%), still less than a 20% reduction. However, this figure is not substantial when it is borne in mind that this is one of the windows serving this kitchen and the other two windows serving the kitchen are not affected by the development.

10.21 Overlooking and privacy: The only elevation where windows face into those of adjacent property, and where the intervening distance is less than 18 metres is between the bathroom and bedroom windows to Block C and the kitchen and bathroom windows of Parkhurst Court. The proposed bathroom windows to Block C will be obscurely glazed, and the bedroom windows will have permanent fixed fins which will allow only an angled view. As such there is not considered to be any material impact on the amenity of residents at Parkhurst Court from overlooking or loss of privacy.

10.22 Sense of enclosure: As discussed under paragraph 10.5, the front block, Block C, has been amended for the front 1.8 metres, by dropping the height by 300mm. This will reduce any perceived sense of enclosure when entering the area from Warlters Road or when viewed from Parkhurst Court. Block A and B are considered not to have any effect on sense of enclosure to neighbours as a result of their orientation, and modest scale, height and mass. Overall the acceptable scale, massing acceptable distances between adjoining uses around the site and the final design of the proposal are considered to ensure that the development will not have discernible adverse impact on the amenity levels of adjoining occupiers in this case.

### **Quality of Resulting Residential Accommodation**

- 10.23 The scheme provides seven residential units within three distinct blocks. Block A provides three two-bedroom houses each of 85sqm (83sqm being the minimum Islington Development Management/London Plan floor space requirement), Block B provides 83.5 sqm each (83sqm), and Block C, 100sqm (96sqm). All seven units therefore exceed the minimum internal floor space requirements. All units will have good disposition, outlook and light, and cross ventilation.
- 10.24 All seven units are provided with private external space in the form of gardens and terraces. The houses at Block A have 42sqm private garden areas (25sqm is the minimum Islington Development Management requirement), at Block B the garden areas are 25sqm and 28sqm (25sqm), and at Block C, 30 sqm and 31sqm (30sqm).

### **Dwelling Mix**

- 10.25 The scheme provides five units with two bedrooms each (Blocks A and B) and two flats with three bedrooms each (Block C). This dwelling mix is appropriate since the requirement for small developments is for larger units rather than small flats.
- 10.26 The scheme complies with policy in that the applicant has agreed to pay the small sites contribution. This is secured by legal agreement.

### **Energy Efficiency, Renewable Energy and Sustainability**

- 10.27 The proposal is designed to be a low and passive consumer of energy with high insulation values and appropriate sourcing of material. The site is presently a mix of garages and concrete surfaces and consequently adds to the local heat island effect, makes no contribution to reducing water run-off and provides little or no bio-diversity. The development will provide private gardens and green (sedum) roofs to the three houses, and all semi-public areas will be of permeable materials to reduce run-off. The areas of roof where no sedum cover is planned, will house PV cells.
- 10.28 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house). The applicant has submitted a draft agreement to pay sum in respect of carbon offsetting. If members are minded to approve this application no decision would be issued until the UU is fully completed to secure both these necessary contributions.
- 10.29 Further conditions are suggested within Appendix 1 (conditions 5 and 6) to secure adequate SUDS features for the development and to secure that the new dwelling be constructed to achieve a 25% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2010.

### **Highways and Transportation**

- 10.30 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6a. Bus routes within walking distance to the site are the 17, 91, 393 and N91 from Parkhurst Road, and the 17, 43, 263, 271 and N41 from Holloway Road. Holloway Road and Caledonian Road and Underground stations on the Piccadilly Line are a 10-15 minute walking distance from the site.
- 10.31 Development Management Policy DM8.4 (Walking and cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For residential land use, Appendix 6 of the Development Management Policies requires cycle parking to be provided at a rate of one space per bedroom. The units within Blocks A and B have two cycle parking spaces per unit, but Block C should have three spaces each.

### **Contaminated Land**

- 10.32 The site is currently used for garages and the proposed development includes the provision of residential units with private gardens. There is potential for pollution seepage and the Pollution Team advice there should be further investigation here to look into this. Moreover, there may be asbestos within the garage structures. This is recommended to be addressed by condition no 12 for the submission of a land contamination investigation and remedial works programme.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 10.33 The proposal is a minor application for seven residential dwellings, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). The applicant has agreed to the Small Sites policy contribution in regard to both the commuted payment for affordable housing provision (£350,000) and the unilateral undertaking has been signed to confirm the applicant's commitment to make this contribution.
- 10.34 Policy 8.3 of the London Plan and CIL legislation sets out Mayoral CIL requirements. This proposed development would be liable for the Mayoral CIL payment, which in Islington is calculated at £50sqm (GIA). Policy 6.5 of the London Plan 2011, seeks Crossrail contributions to help to deliver this strategically important infrastructure. Guidance 'Use of Planning Obligations in the Funding of Crossrail' advises on the handling of applications including setting out the charges and formulae. Policy 8.2 sets out that Crossrail and affordable housing contributions as well as other public transport improvements should be given the highest importance. It does state that Crossrail contributions should be given higher priority than other public transport improvements.
- 10.35 The Islington Community Infrastructure Levy Charging Schedule was adopted on 1<sup>st</sup> September 2014. This applies to any application which is liable for CIL which was granted planning permission on or after 1<sup>st</sup> September 2014 or permitted development which becomes liable on or after this date. This will apply in addition to the Council adopted planning policies (including small sites affordable housing contribution) and the Mayor of London's Community Infrastructure Levy.

### **Refuse and recycling**

- 10.36 The development will have its own private refuse arrangements. Each house will be provided with a bin and recycling store. This will be further secured via suggested condition 10, and the waste management collection by condition 17.

### **Access for construction**

- 10.37 It is proposed to use the existing access way described under paragraph 5.3 as the route for construction of the site, and post-construction, as the continued principal access way for the new development. Historically the site was an access way to the 27 garages, and once development is completed, traffic flows will fall to a minimum. Only one existing lock-up garage is retained in the new scheme, whilst the new development will be car-free. Therefore future traffic flows are likely to be small. The secondary route through from Parkhurst Road will also be retained.



View of main accessway into the application site.

- 10.38 A Construction Management Plan condition is recommended with details, including access arrangements, to be submitted to and approved in writing prior to the commencement of works on site. This will ensure that the construction activities and traffic movements related to the redevelopment of the site will be planned, managed and potential conflicts mitigated against to ensure the existing accessway to the site and the adjoining block are not compromised as the development progresses. This will be further secured via suggested conditions no 4 and 7.

## **11. CONCLUSION**

### **Summary**

- 11.1 The proposed land use for this site is appropriate. The proposed development is of an acceptable form, height and scale, and is contextual with adjacent buildings and streetscape. The proposal will have no material harm on the amenity of adjacent occupiers.
- 11.2 As such the proposal is considered to be acceptable and in line with adopted national and local planning policies.

**Conclusion**

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

## APPENDIX 1 –RECOMMENDATIONS

### RECOMMENDATION A

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

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

The Heads of Terms are:

- £350,000 contribution towards affordable housing
- £10,500 towards carbon off-set.

### RECOMMENDATION B

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

#### List of Conditions:

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| <b>1</b> | <b>Commencement</b>   |
|          | <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>   |
| <b>2</b> | <b>Approved plans list</b>  |
|          | <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans,</p> <p>AP(0)001 P2, AP(0)002 P2, AP(0)100 P2, AP(0)101 P3, AP(0)102 P3, AP(0)103 P2 , AP(0)120 P2, AP(0)201 P2, AP(0)202 P2, AP(0)203 P2, AP(0)204 P2, AP(0)205 P2, AP(0)206 P2, AP(0)207 P2, AP(0)208 P2, AP(0)209 P2, AP(0)210 P2, AP(0)211 P2, Design and Access Statement (Burrell Foley Fischer , 2015), VSC Lighting Analysis (Lighting Analysts, 12<sup>th</sup> May 2015), Arboricultural Impact Assessment (DF Clark, Ref DFCP3321, 24<sup>th</sup> October 2014)</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> |
| <b>3</b> | <b>Materials</b>  |

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|          | <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> <p>a) Samples of all facing brickwork types, including mortar and pointing, and panels.<br/> b) Window and door treatment (including sections and reveals);<br/> c) Metal Cladding</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>  |
| <b>4</b> | <b>Construction Management Plan</b>   |
|          | <p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <p>a. the parking of vehicles of site operatives and visitors;<br/> b. loading and unloading of plant and materials;<br/> c. storage of plant and materials used in constructing the development;<br/> d. the erection and maintenance of security hoarding;<br/> e. wheel washing facilities;<br/> f. measures to control the emission of dust and dirt during construction; and<br/> g. a scheme for recycling/disposing of waste resulting from demolition and construction works.<br/> h. Access routes and turning details of vehicles using the site.</p> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> |
| <b>5</b> | <b>Sustainable design and energy efficiency</b>   |
|          | <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: In the interest of sustainable development.</p>  |
| <b>6</b> | <b>SUDS Details</b>   |
|          | <p>CONDITION: No works shall take place to the superstructure of the residential development hereby permitted until details of surface water drainage of the site have</p>  |

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|           | <p>been submitted to and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme. The drainage details as approved shall be installed and made operational before the first occupation of the development and retained as such thereafter, in accordance with the approved maintenance scheme.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>   |
| <b>7</b>  | <b>Construction Controls</b>   |
|           | <p>CONDITION: During the clearance and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:</p> <p>1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.</p> <p>2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.</p> <p>3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.</p> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p> |
| <b>8</b>  | <b>Accessible Housing</b>  |
|           | <p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Inclusive Design in Islington' SPD 2014) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>   |
| <b>9</b>  | <b>Car Free Housing</b>  |
|           | <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.</p>  |
| <b>10</b> | <b>Refuse/Recycling Provided (Compliance)</b>  |
|           | <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. AP (0) 101 P3 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p>  |



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|           | <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>  |
| <b>11</b> | <p><b>Green/Brown Biodiversity Roofs (Compliance)</b></p> <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan AP(0)103 P2 hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ol> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>   |
| <b>12</b> | <p><b>Land Contamination Work</b></p> <p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <ol style="list-style-type: none"> <li>a) A land contamination investigation.</li> </ol> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <ol style="list-style-type: none"> <li>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</li> </ol> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</li> </ol> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p> |
| <b>13</b> | <p><b>Tree Works</b></p> <p>CONDITION: The pruning works to Islington Council's trees must be agreed in writing by Islington's Greenspace Tree Service and undertaken by Contractors appointed by them. Six weeks' notice must be given to the Tree Service in writing in advance of the works being required and prior to the demolition and development being commenced.</p>   |

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|           | <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>   |
| <b>14</b> | <p><b>Arboricultural method statement.</b></p> <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Specific issues to be dealt with in the tree protection plan and AMS:</p> <ul style="list-style-type: none"> <li>a. Location and installation of services/ utilities/ drainage</li> <li>b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees</li> <li>c. Details of construction within the RPA or that may impact on the retained trees</li> <li>d. Details of replacement trees</li> <li>e. Arboricultural site supervision</li> </ul> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> |
| <b>15</b> | <p><b>Obscure Glazing</b></p> <p>CONDITION: All windows shown on the plans hereby approved (AP(0)207 P2) as being angled (with fins) 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</p>  |
| <b>16</b> | <p><b>Removal of permitted development rights</b></p> <p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: To ensure any future development is considered appropriate in terms of character and appearance and impact on neighbouring amenity.</p>  |
| <b>17</b> | <p><b>Refuse/Recycling Contract</b></p> <p>CONDITION: A contract for waste management collection shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.</p> <p>REASON: To ensure that responsible waste management practices are adhered to.</p>  |

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**List of Informatives:**

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| <b>1</b> | <p><b>S106</b></p> <p><b>SECTION 106 AGREEMENT</b></p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>   |
| <b>2</b> | <p><b>Superstructure</b></p> <p><b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</b></p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>   |
| <b>3</b> | <p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> |
| <b>4</b> | <p><b>Positive Statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Pre-application discussions were entered into and the policy advice and guidance available on the website was followed by the applicant.</p> <p>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 seeks 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, Consolidated with Alterations since 2011**

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

Policy 2.13 Opportunity areas and intensification areas

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

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

##### **5 London's response to climate change**

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

##### **6 London's transport**

Policy 6.9 Cycling

Policy 6.13 Parking

##### **7 London's living places and spaces**

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.21 Trees and woodlands

##### **8 Implementation, monitoring and review**

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS15 (Open Space and Green

Policy CS8 (Enhancing Islington's Character)

Infrastructure)

**Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

**Strategic Policies**

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

**C) Development Management Policies June 2013**

**Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**Housing**

**DM3.1** Mix of housing sizes

**DM3.4** Housing standards

**DM3.5** Private outdoor space

**Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**Health and open space**

**DM6.5** Landscaping, trees and biodiversity

**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

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

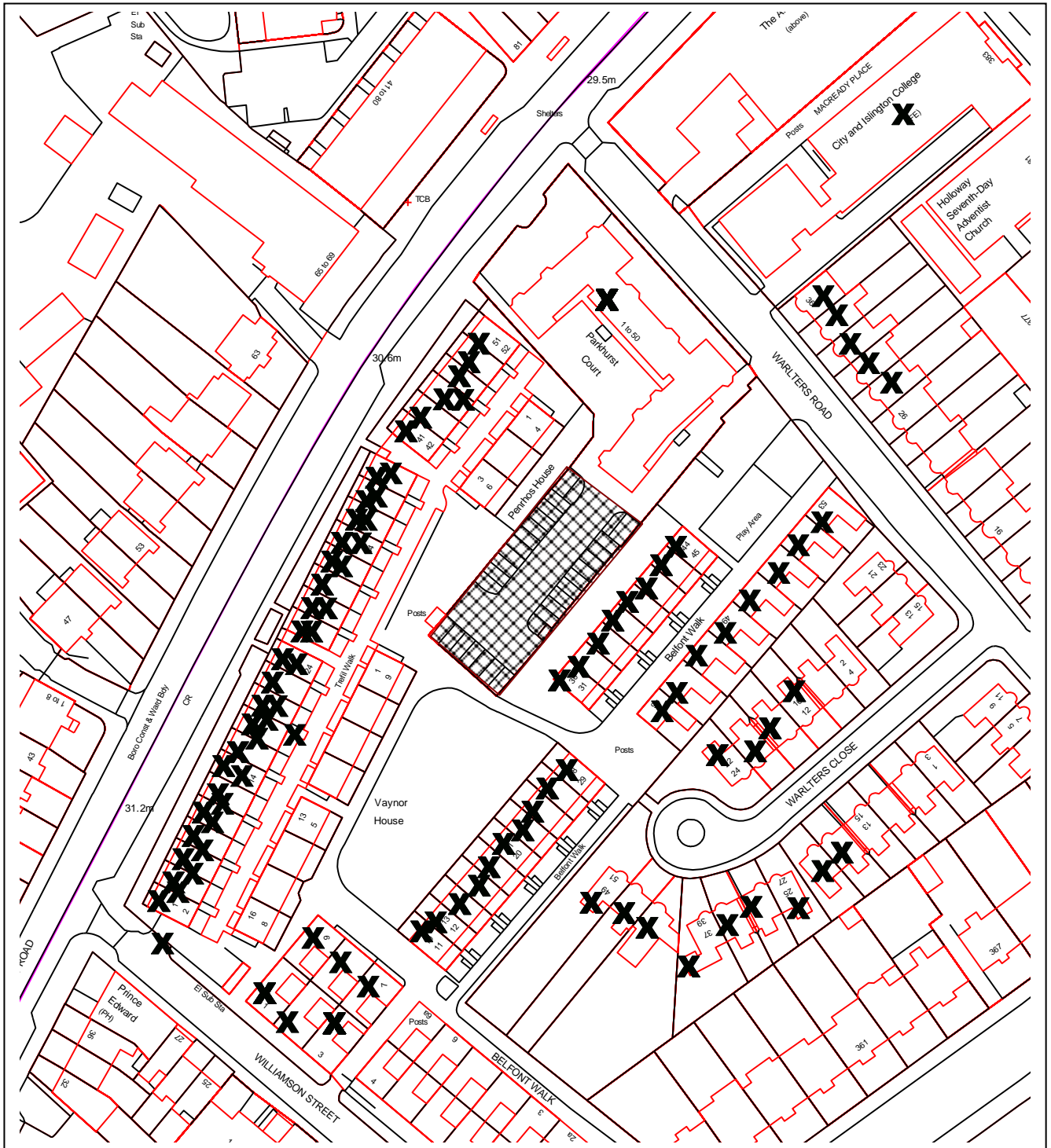
- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Planning Obligations and S106
- Urban Design Guide

**London Plan**

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

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# ISLINGTON SE GIS Print Template



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P2015/0040/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

|                                 |                                       |                   |
|---------------------------------|---------------------------------------|-------------------|
| <b>PLANNING SUB-COMMITTEE A</b> |                                       |                   |
| <b>Date:</b>                    | <b>21<sup>st</sup> September 2015</b> | <b>NON EXEMPT</b> |

|                          |   |
|--------------------------|---|
| Application number       | P2015/2147/FUL  |
| Application type         | Full Planning Application   |
| Ward                     | Holloway Ward   |
| Listed building          | Not Listed  |
| Conservation Area        | Not in a Conservation Area  |
| Development Plan Context | Local View from Archway Bridge<br>Local View from Archway Road                                    |
| Licensing Implications   | None  |
| Site Address             | Parking Spaces, Ewe Close, Islington, N7 9TL  |
| Proposal                 | Erection of a terrace of four three storey houses with associated garden areas and cycle parking. |

|              |   |
|--------------|---|
| Case Officer | Nathaniel Baker   |
| Applicant    | New Build and Regeneration Team, London Borough of Islington. |
| Agent        | Roger Stong – Islington Council Architects                    |

### 1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. subject to the prior completion of a Directors' Agreement 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 from Manger Road



Image 2 – Aerial Image of Site

## **4 SUMMARY**

- 4.1 The application proposes the erection of a terraced row of four family (4 bed) social housing dwellings, the provision of a pedestrian route through the site inclusive of tree planting and landscaping, and the re-provision of six car parking spaces.
- 4.2 The scheme delivers four good quality affordable family homes to address housing needs within the borough. Although there would be a loss of green space, this is largely unusable and the proposal includes tree planting, the provision of extensive landscaping and large garden areas, which together with the provision of affordable housing is considered to be acceptable on balance.
- 4.3 With regard to design, the proposal would introduce a terraced row to the site of a simple and unobtrusive design and of an appropriate scale, while also providing a high quality landscaped environment. The proposed pedestrian route would replace an existing underused rear access alley with a wider landscaped route befitting from an improved level of safety
- 4.4 Residents' concerns primarily relate to neighbour amenity and contaminated land. The proposal would be located a sufficient distance from the neighbouring properties, would not result in unacceptable overlooking and the submitted daylight/sunlight assessment details that there would be no unacceptable loss to neighbouring properties. The site was a former abattoir and is potentially contaminated, as such a contaminated land condition is recommended.
- 4.5 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

## **5 SITE AND SURROUNDING**

- 5.1 The site is formed of a car parking area on the corner of Ewe Close and Manger Road. The site forms part of the Shearling Way Estate and provides parking for 14 cars with vehicular access onto both Manger Road and Ewe Close. To the west and south of the site is an access alley leading to the rear of the existing dwellings. The site currently incorporates two raised planted areas set approximately 1 metre above ground level, with a mature tree on the north west corner of the site.
- 5.2 The site is bound by two and three storey terraced dwellings to the south and west with the rear gardens of these properties backing onto an access route running around the edge of the site. To the east of the site, on the opposite side of Ewe Close is the flank elevation of a three storey terraced row of dwellings. To the north of the site on the opposite side of Manger Road is a parking area (Fleece Walk) with two and three storey residential properties surrounding this.
- 5.3 In the wider context, immediately to the west of the site is a recent development incorporating a four and five storey block that adjoins a three storey terraced row of dwellings, with yellow facing brickwork and areas of white render. To the south is a part six, part seven storey building with yellow facing brickwork and grey metal and timber cladding.

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

- 6.1 The proposal is for the erection of a terraced row of four three storey family dwellinghouses, each with four bedrooms.

6.2 The terraced dwellings would have projecting timber and glass porch canopies to the front, a single storey projection to the rear and would have a flat roof at a height of 10.1 metres. The terraced row would extend 23.5 metres along the Manger Road frontage, with a ground floor depth of 11.3 metres that steps back to 9.25 metres at first floor level and above.

6.3 The dwellings would have front and rear gardens with a landscaped pedestrian access route running along the south and west edges of the site, providing rear access to the existing properties. Six car parking spaces would be re-provided on the eastern edge of the site, with two of the spaces provided as wheelchair accessible.

**Revision 1:**

6.4 The plans were amended on 7<sup>th</sup> July 2015 to include additional planting within the pedestrian walkway.

**Revision 2:**

6.5 The plans were amended on 5<sup>th</sup> August 2015 to include additional tree planting and re-arrange the planting within the pedestrian walkway.

**7 RELEVANT HISTORY:**

**PLANNING APPLICATIONS:**

7.1 None.

**ENFORCEMENT:**

7.2 None.

**PRE-APPLICATION ADVICE**

7.3 **P2013/3768/SM** - The proposal has been subject to on-going pre-application discussions. The key points which required further consideration during the pre-application process were:

- The detailed design and location of the terrace;
- Number of dwellings;
- Landscaping; and
- Car parking.

**8 CONSULTATION**

**Public Consultation**

8.1 Letters were sent to occupants of 69 adjoining and nearby properties at Fleece Walk, Manger Road, Lairs Close and Ewe Close on the 3<sup>rd</sup> June 2015. A site notice was displayed and a press advert published on 11<sup>th</sup> June 2015. The public consultation on the application therefore expired on 2<sup>nd</sup> 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 a total of 3 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):

- The development is a land grab of open space (para 10.4 and 10.5);
- it will result in a sense of enclosure and overlooking (para 10.27 – 10.32);
- The design of the proposal is out of character with the rest of the estate, with all other houses having similar design features including pitched roofs and matching brickwork and entrances (para 10.7 – 10.12);
- there will be increased noise levels from the houses and those using the rear alley (para 10.33);
- the properties would result in more residents leading to overcrowding (para 10.21 – 10.23);
- the proposal would disrupt pests and wildlife living in the hedgerows at the site (para 10.19);
- the proposed lighting would impact upon neighbouring occupiers (para 10.15 and 10.33);
- concern raised regarding Manger Road being blocked by the development during construction (para 10.60);
- the proposal would compromise the security of the properties backing onto the site (para 8.9, 10.14 and 10.15);
- concern raised regarding presence of hazardous material (para 8.6 and 10.59);
- the proposal would block daylight/sunlight to the neighbouring properties (para 10.38 – 10.43);
- the proposal would block wind and fresh air to the neighbouring properties (para 10.62); and
- concern raised regarding drainage and sewage at the site (para 10.61).

### **Internal Consultees**

- 8.3 **Access and Inclusive Design Officer** – Provision should be made for the storage and charging of mobility scooters for residents and their visitors. The location of the through the floor lift in the kitchen would not work unless the dining facility were to be removed. A step free shower should be provided within the first floor bathroom. The floor layouts are otherwise acceptable.
- 8.4 **Transport Planning Officer** – The cycle parking spaces should be flexible to accommodate accessible cycles. The reduction in car parking spaces is welcomed.
- 8.5 **Tree Preservation Officer** – The tree loss is justified and mitigated by the replacement planting. A condition is recommended requiring the submission of an Arboricultural Method Statement.
- 8.6 **Public Protection** – The former abattoir is a potentially contaminating use. A contaminated land condition is recommended. No objections raised.
- 8.7 **Refuse and Recycling** – No objections received.
- 8.8 **Sustainability Officer** – No objection subject to conditions.

### **Internal Consultees**

- 8.9 **Crime Prevention Officer** – Advise that the rear boundary fences should include trellis or metal work up to a height of 2.4 metres, with robust gates. The lighting to the pedestrian area should not be bollard lights. It should be ensured that the parking area is overlooked

## **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.
- 9.3 On the 28<sup>th</sup> November 2014, a Ministerial Statement and revision to the Planning Practice Guidance (PPG) were published.
- 9.4 In considering the relevance of the changes to the NPPG 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.
- 9.6 The Council considers that the material consideration of the NPPG should not outweigh the Development Plan, given the specific circumstances in Islington.
- 9.7 Under the Ministerial Statement of 18 December 2015, the government seeks to increase the weight given to SUDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

### **Development Plan**

- 9.8 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

## **Designations**

9.9 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Area Action Plan 2013.

- Local View from Archway Road
- Local View from Archway Bridge

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

9.10 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
- Safety and security
- Landscaping and trees
- Density
- Accessibility
- Neighbouring amenity
- Quality of residential accommodation
- Highways and transportation
- Sustainability, Energy Efficiency and Renewable Energy
- Planning obligations/mitigations/CIL

## **Land Use**

10.2 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough.

10.3 The proposal would introduce 4 x four bedroom family dwellinghouses to the site, all of which would be affordable.

10.4 Policies CS15 of the Islington Core Strategy 2011 and DM6.3 of the Development Management Policies 2013 seek to protect all local open spaces (including semi-private open space on estates), whilst improving their quality and function, and improving access to open space, particularly in those areas that currently have little or no open space locally. Policy CS15 identifies underused spaces on Council housing land to deliver these aims.

10.5 The site includes two raised planted areas set within brick retaining walls measuring 372.8 square metres. These spaces, whilst undoubtedly of visual amenity value, have no direct access and provide little useable space to residents. The proposal includes the retention of a large tree and an area of planting to the north east corner of the site and the introduction of five new trees and associated planting along the public footpath to the south and west of the site. In addition to the proposed planted areas, each of the dwellings would have front and rear garden areas. As such, while there would be a loss in semi-private open space, the proposal would introduce



425.62 square metres of planted space across the site (inclusive of gardens) in addition to the hard landscaped pedestrian route, maintaining the open nature of the site. Taking this together with the unusable nature of the current green space and the provision of affordable housing, the proposal is considered to be acceptable.

- 10.6 As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration.

### **Design**

- 10.7 The proposal would introduce a three storey flat roofed terrace row to the site set back from Manger Road by low walled front gardens with modest sized gardens to the rear, a pedestrian footpath wrapping around the west and south of the site and the re-provision of parking to the east of the site onto Ewe Close.
- 10.8 The terraced row would have a simple design incorporating a flat roof set behind a capped parapet, large recessed window openings, a repeated lightweight porch projection, a single storey projection across the whole of the rear elevation and facing brickwork that would be broken up by recessed brickwork. The vertical recessed brickwork, vertically aligned windows and repeated open porch would define each dwelling and provide a rhythm while the horizontal recessed brickwork running around the terrace between ground and first floor level would provide a base to the building.
- 10.9 Although the more traditional terrace design and proportions of the proposal would not be strictly in keeping with the immediately surrounding residential blocks, it would be similar to the terraced properties on the west side of Shearling Way and typical of terraces throughout Islington. Notwithstanding this, the terraced row would be set below the ridge height of the three storey properties immediately to the east, west and in part the south, while the frontage would align with the layout of the terraced row to the east.
- 10.10 The flank elevations of the terrace would incorporate recessed brickwork, 'blind' windows and on the western elevation small high level windows. These features would articulate and add visual interest to the large extent of facing brickwork. Although the visualisations detail a light yellow brick, it is considered that a darker brick would be more appropriate to the local context. Details of materials are recommended to be submitted by condition (3).
- 10.11 The set back of the building from the properties at Shearling Way and from the eastern edge of the site, together with the deep rear gardens and the introduction of a pedestrian walkway around the site would maintain space about the terraced row. This would be further enhanced by the retention of the mature tree and planting on the north eastern corner of the site and the parking area, which would maintain the open views along Ewe Close.
- 10.12 The proposal would introduce a terraced row to the site of a simple and unobtrusive design and of an appropriate scale, while also providing a high quality landscaped environment (see 'Landscape' section below). The quality of the materials and finishes is imperative to the success of this simple design, with deep window reveals and high quality brickwork essential to achieving a building of integrity and a high quality finish. As such, a condition (3) is attached with regard to window reveals and the submission of material samples prior to commencement to ensure that development of an appropriate high quality would be delivered.



- 10.13 While, the submitted Design and Access Statement details that the flat roofs would incorporate photovoltaic panels, elevational details have not been submitted. To ensure that the proposed photovoltaic panels would not be detrimental to the character and appearance of the dwellings or be prominent in the locality, a condition (14) is proposed requiring the submission of plans detailing these.

### **Safety and Security**

- 10.14 The proposal would replace an existing underused access route to rear gardens with a wide pedestrian footpath incorporating landscaping laid out along the east and south sides of the site. The proposed pedestrian route would maintain the existing rear access to the current properties and provide rear access to the proposed properties.
- 10.15 Although the pedestrian route does not constitute a desire line, it would have a greater width than the existing access path that would allow views of those using the path from the highway, it would benefit from actual and perceived surveillance from the rear windows of the existing and proposed surrounding properties and the plans include the provision of lighting to this route. The Crime Prevention Officer has assessed the proposal and considers that subject to details of the lighting, boundary treatment and rear gates being submitted (Condition 4), the proposed pedestrian route would be acceptable from a safety and security perspective.

### **Landscaping and Trees**

- 10.16 The site currently has two areas of raised green space that provide little useable space, while the site is predominantly formed of hardstanding. While the loss of green space is regrettable, the introduction of garden areas, trees and high quality hard and soft landscaping to the pedestrian route would green the site and provide useable green spaces, which would represent a considerable benefit to the site. A condition (4) is recommended requiring full details of the landscaping to be submitted to ensure a satisfactory standard of visual amenity is provided and maintained.
- 10.17 The mature ash tree on the north east corner of the site is of moderate (Category B) amenity value and helps to define the corner of the site. The proposal details the retention of this tree and a condition (5) is proposed requiring the submission of an Arboricultural Method Statement to ensure the tree is not damaged during construction.
- 10.18 However, two trees on the western boarder of the site are proposed to be removed to facilitate the development. The submitted Arboricultural Report categorises these trees as Category U, those that British Standard BS 5837:2012 '*Trees in relation to design, demolition and construction*' considers as not being a constraint to development due their poor condition or amenity value. The two trees proposed to be removed are of little amenity value and subject to suitable mitigation their loss is not resisted.
- 10.19 The proposal includes the planting of five trees to the southern part of the pedestrian route, providing a tree lined walkway. These trees would be of high amenity and biodiversity value, and are considered to appropriately mitigate the loss of the two Category U trees and the hedges lost. The Arboricultural Report has been assessed by the Council's Tree and Landscape Officer is considered to be acceptable.
- 10.20 As such, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policy 7.21 (Trees and Woodlands) of the London

Plan 2015 and policies DM2.1 (Design) and DM6.5 (Landscaping, trees and biodiversity) of the Development Management Policies 2013.

### **Density**

- 10.21 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 4 new residential dwellings comprised of 24 habitable rooms (hr). Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area.
- 10.22 The site covers an area of approximately 0.094 hectares, has a public transport accessibility level (PTAL) of 4 (Good) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 45-185 u/ha or 200-700 hr/ha.
- 10.23 The proposed development has a residential density of 42.5 u/ha and 255.3 hr/ha. Although not maximising the intensity of the use of the land, the provision of a pedestrian route, green spaces and car parking is in keeping with the local context and ensures that the proposal would not result in an overly dense development.

### **Accessibility**

- 10.24 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard.
- 10.25 The proposed units would all provide an accessible ground floor W.C and detail future provisions for through the floor lifts and hoist routes/knock out panels to the first floor bathrooms. While the future use of a through the floor lift would necessitate the relocation of the dining area, this could be provided within the rear living room space. Furthermore, there is sufficient space within the front gardens to provide storage/charging facility for mobility scooters should these be required in the future. The proposed dwellings would be in accordance with the Islington Flexible Homes Standards and are therefore considered to be acceptable.

### **Neighbouring Amenity**

- 10.26 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.27 With regard to overlooking policy identifies that *'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, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm
- 10.28 The proposed terraced row would be set 12.6 metres beyond the main rear elevation of the properties to the west along Shearling Way, with a 4.3 metre wide pedestrian

footpath separating the rear gardens serving these neighbouring properties from the proposed dwellings. The terraced row would be set at a right angle to the properties to the west, with the flank elevation of the terrace addressing the rear elevations of 39, 41 and in part 43 Shearling Way. Whilst the proposed terrace would undoubtedly be immediately visible in views from the rear windows and gardens of these neighbouring properties, due to the separation distance (inclusive of both rear gardens and a pedestrian footpath) and the modest height and depth of the proposal it would not be overbearing to the neighbouring occupiers or result in an unacceptable level of enclosure.

- 10.29 The windows in the west elevation of the proposed terrace row would be obscurely glazed, high level windows serving circulation space and would therefore not result in any overlooking. Furthermore the first floor rear windows would be set at oblique angles to the neighbouring windows at Shearling Way and a sufficient distance to ensure there would be no unacceptable overlooking.
- 10.30 To the rear, the neighbouring dwellings at Ewe Close would be set over 20 metres from the proposed terraced row, with the first floor set over 16.5 metres from the rear boundary of these properties. Due to this separation and the modest height of the terraced row, the proposal would not be overbearing to the occupiers of the dwellings to the rear and complies with the 18 metre separation distance between habitable windows set out in the supporting text to policy DM2.1, ensuring there would be no unacceptable overlooking.
- 10.31 The proposed development would be located largely opposite an open parking area to the north. While 1 Manger Road has four windows facing onto the site, this property is located on the opposite side of the highway and the proposal would therefore not result in unacceptable overlooking. Furthermore, these neighbouring windows would be set beyond the termination of the proposed terraced row and as such would maintain an acceptable outlook.
- 10.32 To the east of the site 2 Manger Road has four windows that would face the proposed development. However, the ground floor window is obscurely glazed, while the upper floor windows serve a staircase. Furthermore, these windows face over a highway and the proposal includes no flank windows. As such there would be no overlooking and the proposed development would not be overbearing to the occupiers of this property.
- 10.33 Noise and Disturbance: While the proposal would introduce four additional residential properties to the site, the relationship to the neighbouring properties would be typical of a residential area and would not result in an over intensification. Details of the lighting are required to be submitted by condition (4) to ensure there would be no disturbance to neighbouring occupiers.
- 10.34 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.35 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);

And

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

- 10.36 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

*In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.*

- 10.37 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

#### Sunlight and Daylight Losses for Affected Properties Analysis

- 10.38 Residential dwellings within the following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:

- 2-16 Ewe Close;
- 37-53 Shearling Way; and
- 1 and 2 Manger Close.

- 10.39 2-16 Ewe Close: Two ground floor windows would have a VSC value below 27%, but the reductions to these windows would be 6.68% and 10.37%, which is considered to be acceptable by the BRE Guidelines. The BRE assessment demonstrates that while there would be some reduction in daylight to the windows/rooms of these neighbouring properties, these would be within BRE Guidelines. Furthermore, the windows facing onto the site are not within 90 degrees of due south and therefore do not require testing for levels of sunlight.

- 10.40 37-53 Shearling Way: Eight ground floor windows and one first floor window would have a VSC value below 27%, but the reductions to all of these windows would be less than 20%, which is considered to be acceptable by the BRE Guidelines. The BRE assessment demonstrates that while there would be some reduction in daylight to the windows/rooms of these neighbouring properties, these would be within BRE Guidelines. Furthermore, the windows facing onto the site are not within 90 degrees of due south and therefore do not require testing for levels of sunlight.

- 10.41 1 Manger Close: The BRE assessment demonstrates that there would be minimal reductions in daylight and sunlight to the windows/rooms of this neighbouring property. However, these would be within BRE Guidelines.
- 10.42 2 Manger Close: The BRE assessment details that a first floor side window at this neighbouring property would have a loss of NSL (daylight) of 22.9%, contrary to BRE Guidelines. However, this window serves a stairwell and therefore does not require testing. As such, the BRE assessment demonstrates that although there would be reductions in daylight and sunlight to the windows/rooms of this neighbouring property these would be within BRE Guidelines and the windows do not serve habitable rooms.
- 10.43 Taking into account the points set out above it is considered that the impact upon these properties can be accepted.
- 10.44 Overshadowing: Due to the modest height of the building and its separation from the neighbouring properties, the proposal would be unlikely to result in unacceptable overshadowing to the neighbouring properties.

### **Quality of Residential Accommodation**

- 10.45 Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM3.1 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes.
- 10.46 Although the proposal consists solely of 4 x four bed family units, there is an identified need for affordable family units within the borough, which the proposal would contribute towards.
- 10.47 Policy DM3.4 of the Development Management Policies (2013) stipulates that the minimum gross internal floor space for three storey / six person dwellings is 113 square metres. Each of the dwellings would have a floor area measuring 138 square metres with dual aspect and an acceptable outlook. A condition (11) is recommended requiring details of adequate sound insulation to be submitted to protect the amenity of future occupiers.
- 10.48 Policy DM3.5 details that family dwellings should provide a minimum of 30 square metres of garden space. The proposed dwellings would each have large rear gardens measuring 42 square metres in addition to front gardens.
- 10.49 Given the generous sizes of the units, the overall layout and the garden areas, the proposal would provide a satisfactory living environment for future occupiers of the units and therefore comply with policy DM3.4 (Housing Standards) and DM3.5 (Amenity Space) of the Development Management Policies Plan 2013.

### **Highways and Transportation**

- 10.50 The site has a PTAL rating of 4, which is 'Good' with a number of bus routes in the area and Caledonian Road Underground Station within 720 metres of the site.
- 10.51 The site currently provides 14 car parking spaces. The proposal would involve the loss of eight of the existing spaces with the re-provision of six spaces accessed from Ewe Close. Three existing wheelchair accessible spaces would be re-provided as

part of the total, while three parking spaces currently used by residents would also be reprovided. While the provision of parking is not supported by policy, the proposal would result in an overall reduction in parking in accordance with the aims of Islington's 'car free' policy.

- 10.52 Residents of the new units would not be eligible to attain on-street car parking permits for the surrounding Controlled Parking Zone (CPZ) in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure (Condition 6). The exceptions to this would be where, in accordance with Council parking policy, future persons occupying the residential development are living in residential properties within Islington prior to moving into the development and have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. Residents who are 'blue badge' (disabled parking permit) will also be able to park in the CPZ.
- 10.53 The existing hardstanding at the site provides only car parking and therefore the servicing, delivery and refuse collection would continue as existing from the surrounding streets.
- 10.54 In accordance with policy DM8.4 and Appendix 6 of the Development Management Policies (2013), each of the units is required to provide 4 secure cycle parking spaces. The plans detail the provision of a dedicated cycle store within each of the rear gardens, providing 6 secure spaces with direct access from the landscaped pedestrian area to the rear. This is in accordance with policy and a condition (5) is recommended requiring details of the cycle store to be submitted and approved by the Local Planning Authority.

#### **Sustainability, Energy Efficiency and Renewable Energy**

- 10.55 Islington Core Strategy (2011) policy CS10 requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. Whilst the Code for Sustainable Homes has now been withdrawn, the proposed dwellings are subject to acceptable suitability measures which are secured by condition (9) and the Directors' Agreement secures a contribution of £6,000 towards the environmental off-set.
- 10.56 The London Plan 2015 policy 5.13 considers development should utilise Sustainable Urban Drainage Systems (SUDS) unless practical reasons prevent this, and should aim for Greenfield run-off rates. The proposal includes the provision of open spaces and Green roofs with additional details required by condition (4).

#### **Planning Obligations/ Mitigations/ CIL**

- 10.57 The proposal is a minor application for four residential dwellings, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). The proposal is subject to a Directors' Agreement to ensure that the housing remains in social ownership and is not disposed of on the private market. The Council will have 100% nomination rights in perpetuity on the proposed Social Rented units and these will be let through the local lettings policy.
- 10.58 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 affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

### **Other Matters**

- 10.59 Two representations have been received raising concerns that the site is contaminated. One representation suggests the possibility of asbestos having been buried at the site, the second representation states that the site was previously used as a lime pit for the burial of animal carcasses by the Slaughter Houses that were historically at the site. A condition (8) is recommended which ensures that should any contaminated land be discovered at the site then details would be required to be submitted to and assessed by the Local Planning Authority and where appropriate, remedial works carried out.
- 10.60 Representations have been received raising concern regarding disturbance, air pollution and the blocking of vehicular access during construction. Outside of planning control there are other controls on construction, such as Highway and Environmental Health Regulations that would control highway usage and protect the amenity of neighbouring occupiers during the construction period.
- 10.61 Concern is raised in a representation regarding the ability of the drainage and sewage infrastructure to cope with the additional dwellings. While sewage infrastructure is not a material planning consideration, the proposal includes Sustainable Urban Drainage measures.
- 10.62 A representation has been received raising concern over the impact upon wind and fresh air reaching the neighbouring properties. The proposal is set away from the neighbouring properties within a relatively open plot and would not result in a detrimental impact upon the wind and or fresh air to the neighbouring properties.

### **National Planning Policy Framework and National Planning Policy Guidance**

- 10.63 The scheme is considered to accord with the aims of the NPPF and NPPG, promoting sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF and NPPG require local planning authorities to require good design from new development to achieve good planning.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application proposes the erection of a terraced row of four family (4 bed) social housing dwellings, the provision of a pedestrian route through the site inclusive of tree planting and landscaping, and the re-provision of six car parking spaces.
- 11.2 The scheme delivers four good quality affordable family homes to address housing needs within the borough. Although there would be a loss of green space, this is largely unusable and the proposal includes tree planting, the provision of extensive

landscaping and large garden areas, which together with the provision of affordable housing is considered to be acceptable on balance.

- 11.3 With regard to design, the proposal would introduce a terraced row to the site of a simple and unobtrusive design and of an appropriate scale, while also providing a high quality landscaped environment. The proposed pedestrian route would replace an existing underused rear access alley with a wider landscaped route befitting from an improved level of safety
- 11.4 Residents' concerns primarily relate to neighbour amenity and contaminated land. The proposal would be located a sufficient distance from the neighbouring properties, would not result in unacceptable overlooking and the submitted daylight/sunlight assessment details that there would be no unacceptable loss to neighbouring properties. The site was a former abattoir and is potentially contaminated, as such a contaminated land condition is recommended.
- 11.5 As such, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

### **Conclusion**

- 11.6 It is recommended that planning permission be granted subject to conditions and a Directors' Agreement as set out in Appendix 1 - RECOMMENDATIONS.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

1. Securing the Provision of four residential units for social housing
2. Contribution of £6000 towards carbon off-setting

### RECOMMENDATION B

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

#### List of Conditions:

|          |   |
|----------|---|
| <b>1</b> | <b>Commencement (Compliance)</b><br>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.<br><br>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).   |
| <b>2</b> | <b>Approved plans list (Compliance)</b><br>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:<br><br>SW001, SW002 Rev D, SW003 Rev B, SW004 Rev C, SW005 Rev C, SW006 Rev B, SW007 Rev D, SW008 Rev B, SW009 Rev C, SW010 Rev C, SW011, SW012, SW013, Planning Statement (May 2015) and Daylight Analysis (dated 10 <sup>th</sup> October 2014).<br><br>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.   |
| <b>3</b> | <b>Materials (Details)</b><br>CONDITION: Details and samples of all facing materials and detailed drawings of all elevations shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. These shall include:<br><br>a) Samples of all facing brickwork types, including mortar and pointing;<br>b) Window and door treatment (including sections and reveals);<br>c) details (including sections and reveals) and sample of window frames showing colour and texture<br>d) any other materials to be used<br><br>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning |

|          |   |
|----------|---|
|          | <p>Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>  |
| <b>4</b> | <b>Landscaping (Details)</b>  |
|          | <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The landscaping scheme shall include the following details:</p> <p>a) soft plantings: including grass and turf areas, trees, shrub and herbaceous areas;<br/> b) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;<br/> c) hard landscaping;<br/> d) lighting: including specification of all lamps and light levels/spill;<br/> e) Sustainable Urban Drainage System ensuring no increase in run-off; and<br/> f) 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>REASON: In the interests of residential amenity and ecological value.</p> |
| <b>5</b> | <b>Arboricultural Method Statement (Details)</b>  |
|          | <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>   |
| <b>6</b> | <b>Refuse and Cycle Stores (Details)</b>  |
|          | <p>CONDITION: Details of the layout, design and appearance of the refuse and cycle store(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing onsite.</p> <p>The refuse and cycle store(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking space and physical waste enclosure space is available and easily accessible on site, to promote sustainable modes of transport and to secure the high quality design of the structures proposed</p>   |

|           |  |
|-----------|--|
| <b>7</b>  | <b>Car Free Development (Compliance)</b>   |
|           | <p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>i) In the case of disabled persons;<br/> ii) In the case of units designated in this planning permission as "non-car free"; or<br/> 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>   |
| <b>8</b>  | <b>Land Contamination (Compliance/Details)</b>   |
|           | <p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To protect occupiers and the environment from contamination risk.</p> |
| <b>9</b>  | <b>Sustainability (Compliance)</b>   |
|           | <p>CONDITION: The development shall be built in accordance with the Sustainable Design and Construction Statement (Ref: G6/K140594/01) and Energy Strategy (Ref: G6/K140594/01) hereby approved and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>   |
| <b>10</b> | <b>Green Roofs (Details)</b>   |
|           | <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);<br/> b) laid out in accordance with the plans hereby approved; and<br/> c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p>   |

|           |   |
|-----------|---|
|           | <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. 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, valuable areas for biodiversity and minimise run-off</p>   |
| <b>11</b> | <b>Sound insulation (Compliance)</b>  |
|           | <p>CONDITION: The residential units hereby approved shall employ sound insulation and noise control measures to achieve the following internal noise targets:</p> <ul style="list-style-type: none"> <li>- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)</li> <li>- Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour</li> <li>- Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</li> </ul> <p>The sound insulation and noise control measures shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p> |
| <b>12</b> | <b>Permitted Development Rights (Compliance)</b>  |
|           | <p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no works under Schedule 2, Part 1 of the above Order shall be carried out 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 dwellinghouses 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>   |
| <b>13</b> | <b>Photovoltaic Panels</b>  |
|           | <p>CONDITION: Prior to the commencement of development details of the proposed photovoltaic panels, including elevations, sections and a roof plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>  |

## List of Informatives:

|          |  |
|----------|--|
| <b>1</b> | <b>Community Infrastructure Levy (CIL) (Granting Consent)</b><br><br>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), if planning consent is granted for this application following an appeal, this development will be liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and Mayor of London 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 CIL Charging Schedule 2012.<br><br>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a> . Guidance on the Community Infrastructure Levy can be found on the Planning Policy Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a> . |
| <b>2</b> | <b>Working in a Positive and Proactive Way</b><br><br>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.<br><br>A pre-application advice service is also offered and encouraged.<br><br>The LPA and the applicant have worked positively and proactively in a collaborative manner through the application stages to deliver an acceptable development in accordance with the requirements of the NPPF<br><br>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.   |

## **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**

##### **1 Context and strategy**

1.1 Delivering the strategic vision and objectives for London

##### **3 London's people**

3.1 Ensuring equal life chances for all  
3.3 Increasing housing supply  
3.4 Optimising housing potential  
3.5 Quality and design of housing developments  
3.8 Housing choice  
3.9 Mixed and balanced communities  
3.10 Definition of affordable housing  
3.11 Affordable housing targets  
3.13 Affordable housing thresholds  
3.15 Coordination of housing development and investment

##### **5 London's response to climate change**

5.1 Climate change mitigation  
5.3 Sustainable design and construction  
5.10 Urban greening  
5.11 Green roofs and development site environs  
5.12 Flood risk management  
5.13 Sustainable drainage  
5.14 Water quality and wastewater infrastructure  
5.15 Water use and supplies  
5.16 Waste self-sufficiency  
5.17 Waste capacity

##### **6 London's transport**

6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
6.9 Cycling  
6.10 Walking  
6.13 Parking

##### **7 London's living places and spaces**

7.1 Building London's neighbourhoods and communities  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.5 Public realm  
7.6 Architecture  
7.13 Safety, security and resilience to emergency  
7.14 Improving air quality  
7.15 Reducing noise and enhancing soundscapes

##### **8 Implementation, monitoring and review**

8.1 Implementation  
8.2 Planning obligations  
8.3 Community infrastructure levy

## **B) Islington Core Strategy 2011**

### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

### **Strategic Policies**

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

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

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

### **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM7.2** Energy efficiency and carbon reduction in minor schemes

**DM7.4** Sustainable design standards

### **Housing**

**DM3.1** Mix of housing sizes

**DM3.4** Housing standards

**DM3.5** Private outdoor space

**DM3.7** Noise and vibration (residential uses)

### **Transport**

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

### **Energy and environmental standards**

**DM7.1** Sustainable design and construction statements

### **Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

## **Designations**

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

- Local View from Archway Road
- Local View from Archway Road

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

- Environmental Design
- Urban Design Guide
- Shopfront Design Guide

### **London Plan**

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

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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

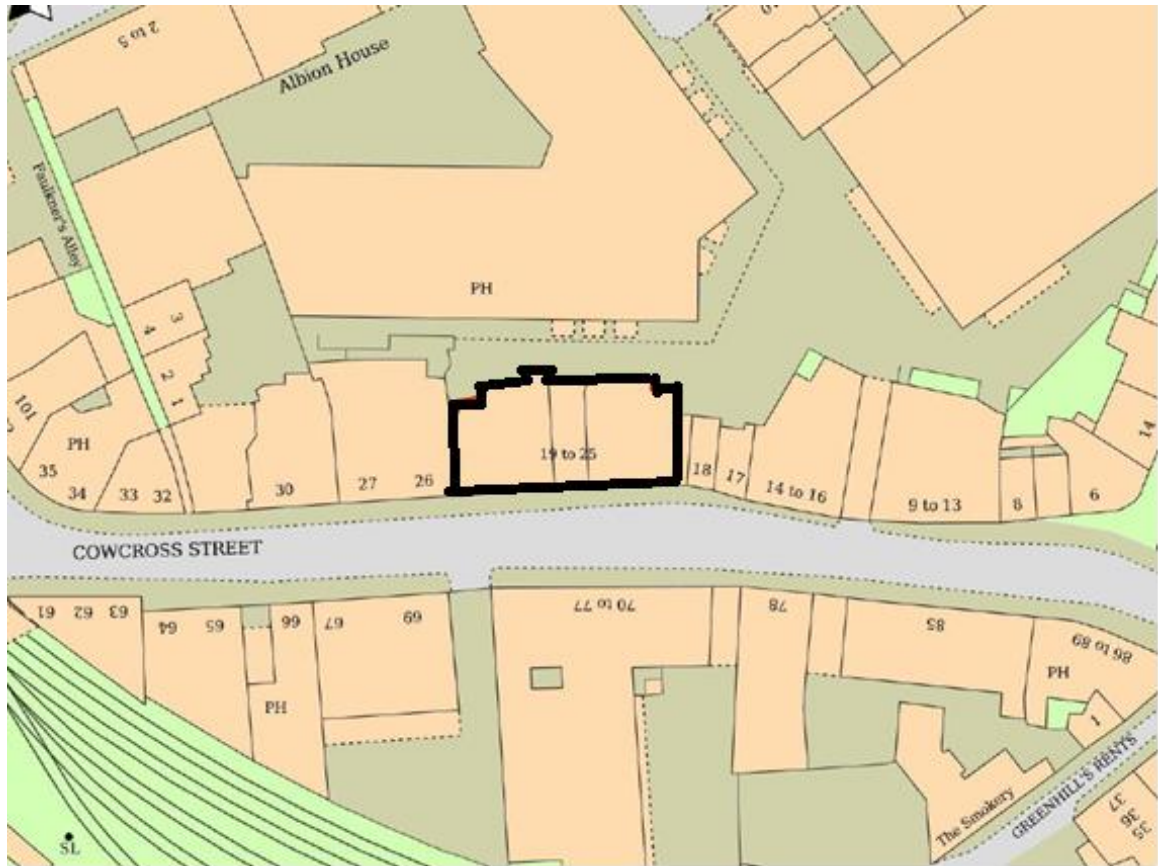
| PLANNING SUB- COMMITTEE A       |   |                   |
|---------------------------------|---|-------------------|
| <b>Date:</b>                    | 21 <sup>st</sup> September 2015   | <b>NON-EXEMPT</b> |
| Application number              | P2015/0634/FUL  |                   |
| Application type                | Full Application  |                   |
| Ward                            | Clerkenwell   |                   |
| Listed Building                 | No  |                   |
| Conservation Area               | Charterhouse Square   |                   |
| Licensing Implications Proposal | None  |                   |
| Site Address                    | Zinc House, 19-25 Cowcross Street   |                   |
| Proposal                        | Installation of 12 Heat Pump Units at Roof Level, One Heat Pump Unit at Fifth Floor Balcony Level, Two Heat Pumps at Fourth Floor Balcony Level and Associated Visual/Acoustic Screening. |                   |
| Case Officer                    | Duncan Ayles  |                   |
| Applicant                       | City Apartments Ltd   |                   |
| Agent                           | Natalie Walter  |                   |

### 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: Photograph from roof of Zinc House showing relationship to City Pavillion





Image 3: Photograph from roof of Zinc House showing relationship to City Pavilion

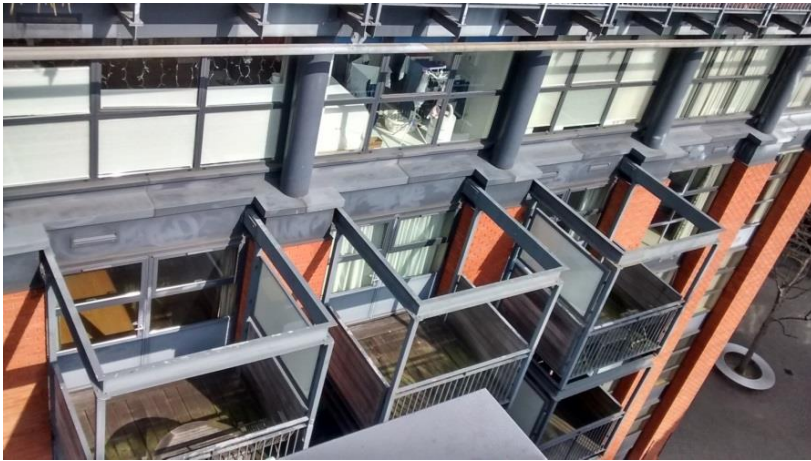


Image 4: Photograph from Zinc House roof toward lower level apartments.



Image 5: Photograph from roof of Zinc House showing existing heat pump at Balcony Level.

#### **4. SUMMARY**

- 4.1 The application is for the installation of 12 air conditioning heat pumps at roof level, one heat pump at fifth floor balcony level and two heat pumps at fourth floor balcony. The application also includes details of acoustic and visual barriers for the heat pumps at roof level, fourth floor balcony level and fifth floor balcony level.
- 4.2 Objections have been received from the occupants of City Pavilion to the north of the application site, raising issues including noise pollution, loss of light, outlook and daylight. The amenity impact is considered to be acceptable in terms of the impact on outlook, noise and sunlight and daylight. The heat pumps and associated screening will not be publicly visible, and therefore will produce no significant impact on the character and appearance of the Conservation Area.
- 4.3 The proposed development is therefore considered to be acceptable, and it is recommended that the application is granted consent subject to the conditions within Appendix One.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is located at Zinc House, a mixed use building that fronts Cowcross Street close to Farringdon Station. The building contains a retail use at ground floor with serviced apartments above. Zinc House already contains two air conditioning units which are situated on a balcony on the northern elevation of the building.
- 5.2 A residential building, City Pavilion, is located approximately 6 metres to the north of the application site. The apartments within this building contain balconies which face toward Zinc House. To the north east of the application site there is an area of public space.
- 5.3 The land use to the south of the application site is predominantly commercial, with retail uses at ground floor level and offices above. The area experiences a significant amount of background noise during the night and day, including from a number of pubs and bars within the area, including Fabric Nightclub to the east of the application site.

#### **6. Proposal (in Detail)**

- 6.1 Planning permission is sought for the erection of 12 heat pump units at roof level, one heat pump at fifth floor balcony level and two heat pumps at fourth floor balcony level. The heat pump units at roof level will be situated close to the existing lift over run on the building, and a visual and acoustic screen will be erected on the northern side of the units. The proposed visual screening will have a height of 1.2 metres, which is approximately in line with the height of the existing lift over run.
- 6.2 The proposed air conditioning units are being proposed to cool the serviced apartments within Zinc House. The application site is located within close proximity to the Fabric Nightclub, and consequently the area experiences a significant amount of noise during the night. This means that occupants of the apartments are unable to cool and ventilate the properties by leaving their windows open.
- 6.3 The proposed heat pump units at fifth and fourth floor level are situated behind existing balcony screens, and consequently will not be externally visible. The fourth

and fifth floor balcony units will be situated within acoustic enclosure, with a height of 1.5 metres. The heat pumps will be from the Samsung Eco Heating System range.

**Planning Applications:**

- 7.1 P2014/4603/FUL: An application for the installation of 15 heat pumps at roof level with associated visual/acoustic screens was withdrawn. This was following concerns raised by officers in respect of the impact of the proposed louvres on the outlook of properties at City Pavilion, and the impact on the character of the Conservation Area.

**Enforcement:**

- 7.2 None

**Pre-application:**

- 7.3 None

**8 CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 122 adjoining and nearby properties on the 25<sup>th</sup> of February. A site and press notice was also displayed. Following the reception of amended plans, consultations occurred on the 20<sup>th</sup> of April and the 10<sup>th</sup> of June. The final consultation therefore expired on the 17<sup>th</sup> of June.
- 8.2 At the time of the writing of this report 13, objections had been received from 8 objectors. The objections can be summarised as follows (with the relevant paragraph numbers that provide responses to those issues indicated in brackets):

-Impact on the amenity of neighbouring properties including in respect of loss of daylight, sunlight and outlook (10.8-10.14)

-Concerns in relation to the noise emitted by the heat pumps, including comments raising inconsistencies within the application documents (10.17-10.19)

**Internal Consultees**

- 8.3 **Design & Conservation:** The proposal is acceptable, provided the units are not publicly visible.

**Acoustic Officer:** The pollution team accept the details submitted with the louvres/solid panels and within the amended acoustic report. The plant should be conditioned, and this is included as conditions 3 & 4.



## **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:

- Design and Impact on the Character and Appearance of the Conservation Area
- Impact on the Amenity of Neighbouring Properties

### **Principle of Development**

- 10.2 There are no planning policies that relate specifically to development of roof plant such as air conditioning. However, policies with respect to the design of new development and the impact of new development neighbouring amenity are relevant. Section 2.6.4 of the Islington Urban Design Guide SPD confirms that visible roof plant that is not an integral part of the building should normally be avoided, particularly where it is publicly visible or harms neighbour amenity.
- 10.3 Policy DM 6.1 states that noise generating uses should be sited away from sensitive receptors such as residential properties. Appendix 10 provides specific quantities guidance in respect of noise, stating that the noise emissions, measured 1 metre away from the sensitive façade should not exceed 5 dB below the existing background noise level. The council's noise officer has raised no objections to the number or location of the proposed heat pumps subject to conditions 3 & 4 in Appendix 1.

- 10.4 Consequently there is no objection in principle to the proposal, subject to the visual impact of the works and the impact on neighbour amenity in respect of outlook and noise.

**Impact of the Development on the Character and Appearance of the Existing Building and the Conservation Area.**

- 10.5 The host building is a five storey mixed use building that fronts Cowcross Street. The building contains retail uses at ground floor level and serviced apartments on the upper floor levels. The upper floors are set back from the front and elevations, and the building includes a significant lift over run. The proposed louvres at roof level will have a height of 1.12 metres, which approximately matches the height of the lift over run.
- 10.6 The proposed acoustic louvers will be set back from the flat roof of the building, which in turn is set back from the front and rear facades of Zinc House. Given the height of the Zinc House, and the relative narrowness of Cowcross Street, the proposed roof plant will not be visible from Cowcross Street, including from longer distance views. It is also considered that the heat pump units will not be visible in the area of public space to the north-east of the application site.
- 10.7 Similarly the heat pump units proposed at fourth and fifth floor balcony level will be located behind an existing wall. Consequently these units will not be publicly visible, and will not lead to any impact on the external appearance of the building or character of the Conservation Area.
- 10.8 It is accepted that the roof level heat pump units and louvres will be visible from the top floor residential units within City Pavilion, which face toward Zinc House. The proposed louvres will have a plain, utilitarian appearance, which accords with the existing character of the building's roof and lift over run. Stainless steel, the materials proposed for the louvres, is used on the fascia of Zinc House, and on an external staircase. The proposed heat pumps will not, therefore, be an incongruous feature on the building or give rise to any adverse impact on the character of the building. The roof level heat pump units and associated screening are considered to be adequately set back of the main roof's roof edge to ensure that they do not appear as dominant or overbearing features when viewed from the top floor windows and balconies of residential units located within City Pavilion.
- 10.9 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape or the adjacent charterhouse square Conservation Area. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2011, 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 Development on Living Conditions of Neighbouring Occupiers**

**Outlook and Loss of Light**

- 10.10 Policy DM2.1 of the Development Management Policies Plan states that 'developments are required to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.' Objections have been received in

relation to the impact of the proposal on neighbouring properties, specifically in relation to the possible loss of outlook and loss of light.

- 10.11 The top floor roof on which the application site is located is approximately in line with the top floor balconies situated on City Pavilion. Consequently the proposed 1.2 metre acoustic louver will be visible from the balconies of these properties.
- 10.12 However, as the balconies at City Pavilion are located approximately 7 metres away from the location of the proposed louvre, and given the height of the louvre (1.2 metres) it is not considered that the louvres would give rise to a substantial impact on the outlook of these properties nor would they appear as a dominant or overbearing structure. The top floor of City Pavilion is formed of a number of residential properties that contain large external balconies, each with a width several metres across. This provides the properties with an expansive outlook, in which the proposed louvres will be a relatively small part. The proposal will not, therefore, give rise to any adverse feeling of enclosure to the properties at City Pavilion.
- 10.13 Concerns have also been raised by occupants of flats at lower levels. However, as the proposed louvres will be set at a higher level than these flats and set in from the roof edge, it is not considered that the louvres at roof level would alter the outlook of properties at lower levels. The relationship between these properties and Zinc House is shown within photograph four.
- 10.14 A number of occupants of City Pavilion have also raised the potential for loss of daylight and sunlight to occur as a result of the erection of louvres. However, the acoustic louvers are set back by 1.2 metres from the edge of the flat roof, and 2.55 metres from the rear elevation of Zinc House. Given that both louvres will have a width of only 1.3 metres and a height of 1.2 metres respectively and will be in line with the existing lift over run, it is considered that the extent of loss of daylight and sunlight would be negligible.
- 10.15 In addition to the proposed units at roof level, the applicant proposes to install two units on a balcony at fourth floor level. These units will be behind an existing wall, and such will not be visible to the occupants of City Pavilion.
- 10.16 The proposal is therefore considered to be acceptable in terms of its impact on the amenity of neighbouring properties in terms of the impact on daylight, sunlight and outlook, and is in accordance with policy DM 2.1.

### **Noise Impacts**

- 10.17 Objections have also been received in relation to potential noise impacts arising from the development. Following negotiation and discussion with the applicant, an amended noise report has been provided in support of the application. This report provides an assessment of the likely impact of the proposed development, taking into account of the louvres shown within the application drawings.
- 10.18 While it is noted that inconsistencies were previously apparent between the required acoustic measures proposed within the acoustic report and the application drawings, the final acoustic report is fully consistent with the drawings submitted. The application drawings also show acoustic screening in relation to the fourth and fifth floor units, which accords with the recommendations within the latest version of the acoustic report.

10.19 The report has been assessed by the Council's acoustic officer, who has confirmed that the noise details included in the amended report are acceptable. He has confirmed that the amended details are sufficient to demonstrate no adverse impact on the amenity of the properties to the north through the emission of noise. A condition is recommended to ensure that the cumulative noise level does not exceed 5db (A) below the background noise level measured 1 metre away from the sensitive facade. Provided this condition is imposed, the proposal is considered to be in accordance with policy DM 6.1.

## 11. SUMMARY AND CONCLUSION

### Summary

11.1 The proposed acoustic louvres will be visible from the top floor flats and balconies of City Pavilion to the north of the application site. However, due to the separation distance proposed, and the size of the balconies to these flats, the impact on the outlook of the properties is considered acceptable.

11.2 Similarly the louvres will give rise to a minimal impact through the loss of daylight and sunlight, and will not lead to an adverse impact on the amenity of neighbouring properties through the emission of noise. The proposed development will not give rise to any material impact on the character of the Conservation Area, as the proposed air conditioning units and louvres will not be publicly visible. The amenity of the proposal is therefore in accordance with policies DM 2.1, 2.3 and DM 6.1.

### Conclusion

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

## APPENDIX 1 - RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

|          |   |
|----------|---|
| <b>1</b> | <b>Commencement (Compliance)</b>  |
|          | 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.<br><br>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).  |
| <b>2</b> | <b>Approved Plans List: (Compliance)</b>  |
|          | DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:<br><br>Existing Roof Plan, Acoustic Consultancy Report ( <i>dated 09/06/2015</i> ), Caice Systems Specification Memo, JDP-T87-R1-50-00 rev T6, JDP-T87-04-50-00 T1, Site Location Plan.<br><br>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.  |
| <b>3</b> | <b>Noise (Compliance)</b>  |
|          | <p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To protect the occupiers of nearby properties from noise pollution, and to accord with policy DM 6.1</p> |
| <b>4</b> | <b>Acoustic Louvres ( Compliance)</b>  |
|          | <p>The acoustic louvres approved hereby shall be installed in strict accordance with the specification provided within the Caice Systems Memo (dated 01/06/2015), and on the plans JDP-T87-R1-50-00 rev T6, JDP-T87-04-50-00 T1, within 28 days of the plant being installed and shall be permanently retained and maintained as such.</p> <p>REASON: To protect the amenity of occupiers of nearby properties in terms of visual amenity and noise pollution.</p>   |

#### List of Informatives:

|           |   |
|-----------|---|
| <b>1.</b> | <b>Positive statement</b>   |
|           | <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> |
| <b>2.</b> | <b>Other legislation</b>  |
|           | You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act   |
| <b>3.</b> | <b>Part M Compliance</b>  |
|           | <p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> <li>• The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings',</li> </ul> <p>For this proposal, this may include</p> <ul style="list-style-type: none"> <li>- colour contrast nosing to the external steps;</li> <li>- improvements to the handrail profile</li> <li>- glass marking manifestations</li> </ul> <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>  |

|          |  |
|----------|--|
| <b>4</b> | <b>Construction hours</b>  |
| .        | <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 data-bbox="327 403 1412 660" 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"><li>○ 8am –6pm Monday to Friday,</li><li>○ 8am – 1pm Saturdays;</li><li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</li></ul></div> |

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 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**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS17 (Sports and recreation provision)

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

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

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

Policy DM 6.1 (Healthy Development)

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

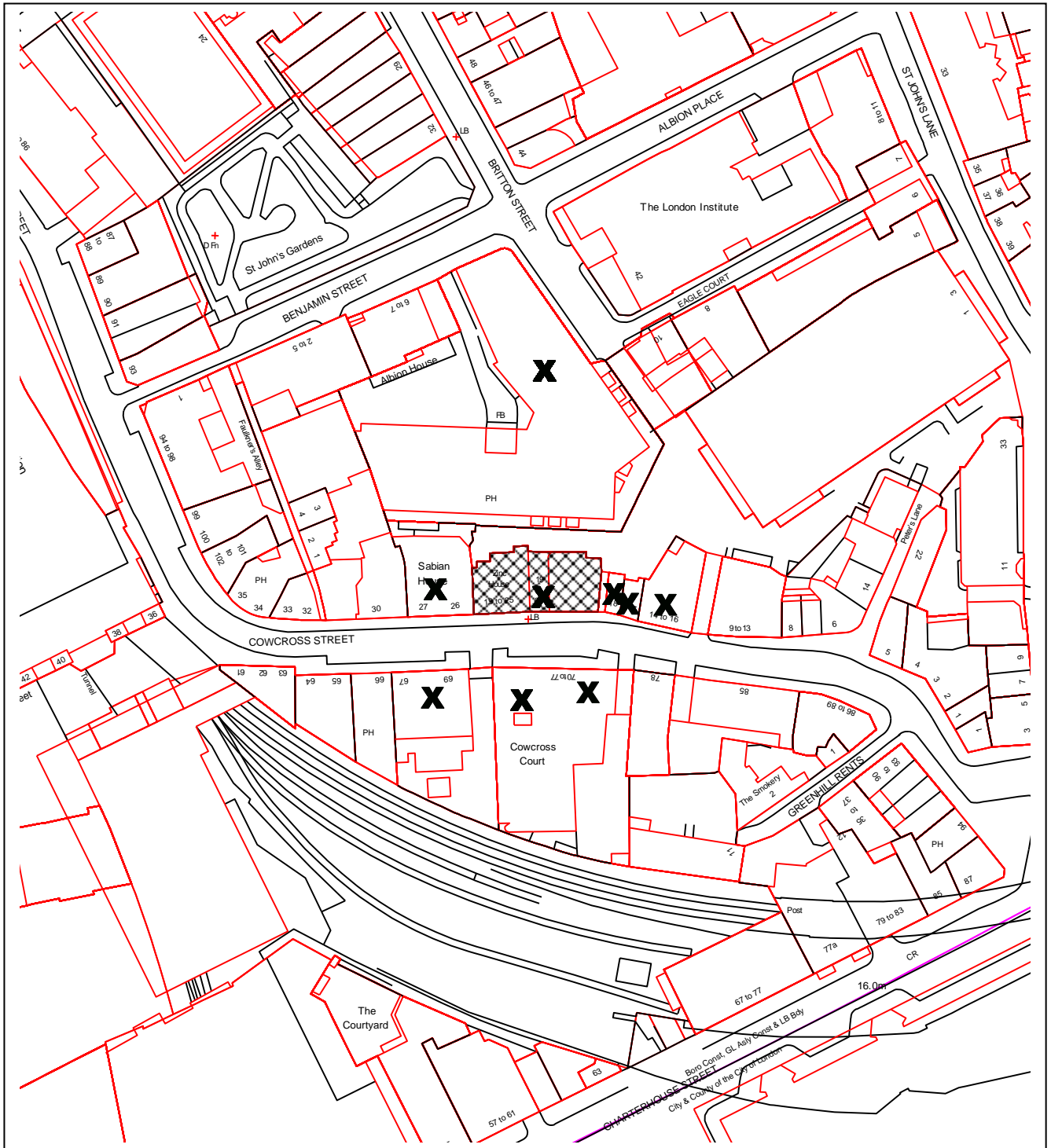
The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Charter House Square Conservation Area Design Guidelines





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