



AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **10 December 2015 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 2 December 2015

Welcome:

Members of the public are welcome to attend this meeting.

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


Committee Membership

Wards

Substitute Members

Councillor Khan (Chair)	- Bunhill;	Councillor Diner	- Canonbury;
Councillor Fletcher (Vice-Chair)	- St George's;	Councillor Kay	- Mildmay;
Councillor Klute (Vice-Chair)	- St Peter's;	Councillor A Perry	- St Peter's;
Councillor Chowdhury	- Barnsbury;	Councillor Wayne	- Canonbury;
Councillor Convery	- Caledonian;		
Councillor Donovan	- Clerkenwell;		
Councillor Nicholls	- Junction;		
Councillor Picknell (subject to appointment at Full Council on 3 December 2015)-	St Mary's;		
Councillor Poyser	- Hillrise;		
Councillor Spall	- Hillrise;		

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. Appointment to Planning Sub-Committee	1 - 4
7. Minutes of Previous Meeting	5 - 10
B. Consideration of Planning Applications	Page
1. 139A and 139B Grosvenor Avenue, London, N5 2NH	13 - 68

2. 61 Lever Street, London, EC1V 3AR

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C. Consideration of other planning matters

D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgent 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 Committee, 19 January 2016

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning 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 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 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 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 Committee operates and how to put your views to the Planning Committee please call Zoe Crane on 020 7527 3044. 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.



Report of: **Assistant Chief Executive – Governance and Human Resources**

Meeting of	Date	Ward(s)
Planning Committee	10 December 2015	All

Delete as appropriate		Non-exempt
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SUBJECT: APPOINTMENT OF PLANNING SUB-COMMITTEES

1. Synopsis

1.1 Subject to the approval of the change in membership of the Planning Committee at Full Council on 3 December 2015, the purpose of this report is to appoint a member to Planning Sub-Committee B.

2. Recommendations

2.1. To appoint Councillor Picknell to serve on Planning Sub-Committee B with immediate effect until her successor is appointed, in place of Councillor Gantly.

3. Background

3.1 The Planning Committee is required to make arrangements for the determination of planning applications under the terms of the constitution of the London Borough of Islington.

3.2 The Planning Committee has appointed two Planning Sub-Committees. Appointments are usually made to the sub-committees from the membership of the Planning Committee. Subject to the approval of Full Council on 3 December 2015. Councillor Gantly ceased to be a member of the Planning Committee and this report is brought to the committee to enable the Labour Group to nominate a new member to be appointed to Councillor Gantly's seat on Sub-Committee B if it so wishes.

4 Implications

4.1 Financial implications

There are no financial implications arising from this report.

4.2 Legal Implications

These are set out in the body of the report.

PLANNING SUB-COMMITTEES

Quorum

The quorum shall be three members.

Terms of Reference

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
 - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
 - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II* listed buildings, (except matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or

partner);

7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;
8. Applications which, in the opinion of the Service Director, Development and Planning /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Development and Planning/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. The designation or alteration of conservation areas and making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995;
11. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
 - (a) the Service Director Development and Planning/Head of Service Development Management would not recommend it for approval; or
 - (b) the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

Public Document Pack Agenda Item A7

London Borough of Islington

Planning Committee - 17 November 2015

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 17 November 2015 at 7.30 pm.

Present: **Councillors:** Robert Khan (Chair), Fletcher (Vice-Chair), Klute (Vice-Chair), Chowdhury, Nicholls and Poyser

Councillor Robert Khan in the Chair

141 **INTRODUCTIONS (Item A1)**

Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

142 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillors Donovan and Spall.

143 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no substitute members.

144 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

145 **ORDER OF BUSINESS (Item A5)**

The order of business would be B1, B3, B2 and B4.

146 **APPOINTMENT TO PLANNING SUB-COMMITTEE (Item A6)**

RESOLVED:

That Councillor Donovan be appointed to serve on Planning Sub-Committee B with immediate effect until the appointment of her successor.

147 **MINUTES OF PREVIOUS MEETING (Item A7)**

RESOLVED:

That the minutes of the meeting held on 8 September 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

148 **205 OLD STREET, LONDON, EC1V 9QN (Item B1)**

Demolition of existing single storey Post Office building and erection of a new two storey building comprising of a flexible retail (A1-A3) unit and new Post Office (A1) and associated back of house operations.

(Planning application number: P2015/2259/FUL)

In the discussion the following points were made:

- The planning officer stated that an additional condition should be added to secure the phased delivery programme to ensure the post office remained open during the construction works.

Planning Committee - 17 November 2015

- The planning officer stated that the reference in Condition 7 to 'the 2006 Building Regulations' should be replaced by 'the 2013 Building Regulations'.
- The planning officer confirmed that the Finsbury Local Plan applied to the Post Office.
- The planning officer confirmed that the noise conditions were standard conditions and there were no specific concerns. Although the Northern Line was close, it was not anticipated that there would be any impact from this.
- The existing access road was discussed. The road was not adopted or constituted as a highway and there were safety concerns about the road. Although currently the emergency services could use the road if necessary, they would still be able to cross the area if necessary after the removal of the road. Baldwin Street led to the servicing yard and could also be used for emergency vehicles.
- The legal officer advised that that an objector's concern about ownership of the land was not a matter which was relevant to making a decision on the application.
- The planning officer confirmed that refuse collection was carried out by the council and this arrangement would not change.
- Objectors raised concern over construction noise. The Chair expressed sympathy but stated that the committee was unable to refuse an application based on construction noise. He explained that conditions were in place to limit noise, the contractors were obliged to be part of the Considerate Contractors' Scheme and there was a requirement to comply with the Code of Construction Practice. Non-compliance could be reported to the council and this could be dealt with by Planning or Public Protection.

Councillor Khan proposed a motion that the Construction Management Plan should be signed off by him, as chair. This was seconded by Councillor Klute and carried.

Councillor Klute proposed a motion that the part of the Construction Management Plan which related to residents be drawn up in consultation with residents. This was seconded by Councillor Khan and carried.

Councillor Klute proposed a motion that the standard hours of construction work be included in a condition, that the height of the building should be marked on the plans, that a condition be amended/added to require details of the filtering arrangements for extraction be submitted to the Local Planning Authority for approval. These were seconded by Councillor Poyser and carried.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report as amended by the additional and amended conditions outlined above, the wording of which was delegated to officers and subject to 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 set out in Appendix 1 of the officer report.

149

22-23 TILEYARD ROAD, LONDON, N7 9AH (Item B2)

Re-configuration and refurbishment of existing two storey office building, a three storey roof extension and five storey side extension to create a total of 2,072sqm (GIA) of Class B1 space (net increase of 1,159 sqm (GIA) of accommodation).

(Planning application number: P2015/1204/FUL)

In the discussion the following points were made:

- The planning officer advised that paragraphs 4.2 and 11.65 of the officer report should refer to a five storey building and not a six storey building as stated.

- The planning officer stated that Condition 19 should be revised to read, "The small workspace unit, located in the western most location of the approved ground floor plan (PL101 Revision 3) shall be laid out in accordance with this approved drawing prior to the occupation of the development and shall not be amalgamated with the remainder of the ground floor office floorspace".
- The planning officer stated that an additional head of term should be added to require compliance with the code of local procurement.
- The application was policy compliant.

RESOLVED:

That planning permission be granted subject to the conditions in Appendix 1 of the officer report as amended above and subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and County Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

150

52 TOLLINGTON WAY, LONDON, N7 6QX (Item B3)

Demolition of existing single storey nursery building (D1 use class) and erection of four storey residential (C3 use class) building comprising 15 units (3 x 1 bed, 11 x 2 bed and 1 x 3 bed) with associated landscaping and cycle parking.

(Planning application number: P2015/2900/FUL)

In the discussion the following points were made:

- Daylight and sunlight to windows both in the proposed development and neighbouring properties was discussed. Due to some of the windows in the proposed development being set back, they failed the VSC test which tested how much light hit the windows. There was however, an acceptable level of light in the rooms as there were also side windows to the rooms. Six windows in the neighbouring properties failed the test. These were ground floor windows and the failure was marginal. A member stated that the orientation of the building minimised loss of light.
- The planning officer confirmed that the police had been consulted and had not responded. In the officer's view, there would be more windows in the proposed development which would increase natural surveillance.
- The proportion of affordable housing offered was discussed. The council's target was 100% for council owned developments and this development proposed 56%. This was due to the council having to buy the land which meant the purchase costs had to be offset by selling some units.
- The planning officer confirmed that the Independent Viability Appraisal had identified that there may have been an overpayment of £200,000 but the council had been competing with private developers on the open market. If the site made a profit, this would be put into the fund for the wider programme across the borough.

RESOLVED:

That planning permission be granted subject to the conditions in Appendix 1 of the officer report and subject to the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1 of the officer report.

151

CHARLES SIMMONS HOUSE, 3 MARGERY STREET, LONDON, WC1X 0HP (Item B4)

Demolition of a four-storey residential building and a two-storey community building (D1 Use Class) and five garages. Construction of a part four, five and six storey mixed use building comprising 25 residential units (7 x 1 bed units), 16 x 2 bed units and 2 x 3 bed units), a community centre (D1 Use Class) and a flexible A1/A3/D1 unit and provision of play space and landscaping works.

(Planning application number: P2015/3050/FUL)

In the discussion the following points were made:

- The scheme provided 59.7% affordable housing. The target for council owned developments was 100%.
- The planning officer confirmed that although the council did not include profit in its viability, the Independent Viability Appraisal had included it to enable comparison between schemes.
- There were exceptional costs associated with this site due to there being two subterranean tunnels and having to purchase back leases. There would also be a loss of revenue from the existing flats, the community centre and garages.
- The officer confirmed that to increase the subsidy for the Housing Revenue Account would impact on the wider programme for the borough.
- The planning officer confirmed that there was now a consistent approach to the calculations for schemes but each site had a different context.
- The scheme was well designed and had been to the design review panel.
- There should be a meeting between the planning chairs, the Executive Member for Housing and the planning officers to consider the strategic wider programme of council developments.

RESOLVED:

1) That planning permission be granted subject to the conditions in Appendix 1 of the officer report and the prior completion of a Directors' Agreement securing the heads of terms in Appendix 1 of the officer report.

2) That a meeting take place between the planning chairs, the Executive Member for housing and the planning officers to consider the strategic wider programme of council developments.

WORDING DELEGATED TO OFFICERS

This wording has been provided by officers following the meeting and is included here for completeness.

MINUTE 148

205 OLD STREET, LONDON, EC1V 9QN

ADDITIONAL CONDITION:

No demolition or construction work shall take place on site unless and until a Demolition and Construction Environmental Management Plan (DEMP) assessing the environmental impacts of the demolition and construction phases of the development including (but not limited to):

- a. noise;
- b. air quality including dust, smoke and odour;
- c. vibration; and
- d. TV reception

has been submitted to and approved in writing by the Local Planning Authority, with the decision to be taken by the Planning Committee.

Noisy construction shall only take place during the following hours:

- 8am and 6pm, Monday to Friday and
- 8am and 1pm, Saturdays.

Noisy works must not take place outside of these hours (including Sundays and public and bank holidays).

The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The report shall also detail the consultation that has been undertaken by the applicant with local residents in preparing the Demolition and Construction Environmental Management Plan, as well as summarise the key consultation responses and how they have been addressed by the proposed Plan.

The development shall be carried out strictly in accordance with the details so approved at all times and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON:

In order to minimise impacts on the amenity of neighbouring residents. These details are required to be finalised prior to any demolition or construction works commencing so as to ensure that the carrying out of those works protect the amenity of adjoining properties during that process.

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COMMITTEE AGENDA

1 139A and 139B Grosvenor Avenue London N5 2NH

2 61 Lever Street, London, EC1V 3AR

1 139A and 139B Grosvenor Avenue London N5 2NH

Ward: Mildmay

Proposed Development: Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO- use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 10 residential dwellings (C3) consisting of 10no 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

Application Number: P2015/2917/FUL

Application Type: Full Planning Application

Case Officer: Simon Greenwood

Name of Applicant: Mr Carlton James

Recommendation:

2 61 Lever Street, London, EC1V 3AR

Ward: Bunhill

Proposed Development: Change of Use of ground floor and part basement level from conference centre (Sui Generis) to office (B1a) use, associated flexible A1/A3 use at ground floor, alterations to facades and entrances, and the addition of roof lights. This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73.

Application Number: P2015/4230/FUL

Application Type: Full Planning Application

Case Officer: Colin Leadbeater

Name of Applicant: Lever Street Limited

Recommendation:

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

PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	10 th December 2015	NON-EXEMPT

Application number	P2015/2937/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	Not Listed
Conservation area	None
Development Plan Context	No designation
Licensing Implications	None
Site Address	139A and 139B Grosvenor Avenue N5 2NH
Proposal	Demolition of the existing 2-storey semi-detached houses in multiple occupation (HMO- use class C4) and the construction of a new 5-storey (inc lower ground floor) building providing 10 residential dwellings (C3) consisting of 10no 2 bedroom units with bin storage area to the front, cycle storage area to rear and associated landscaping.

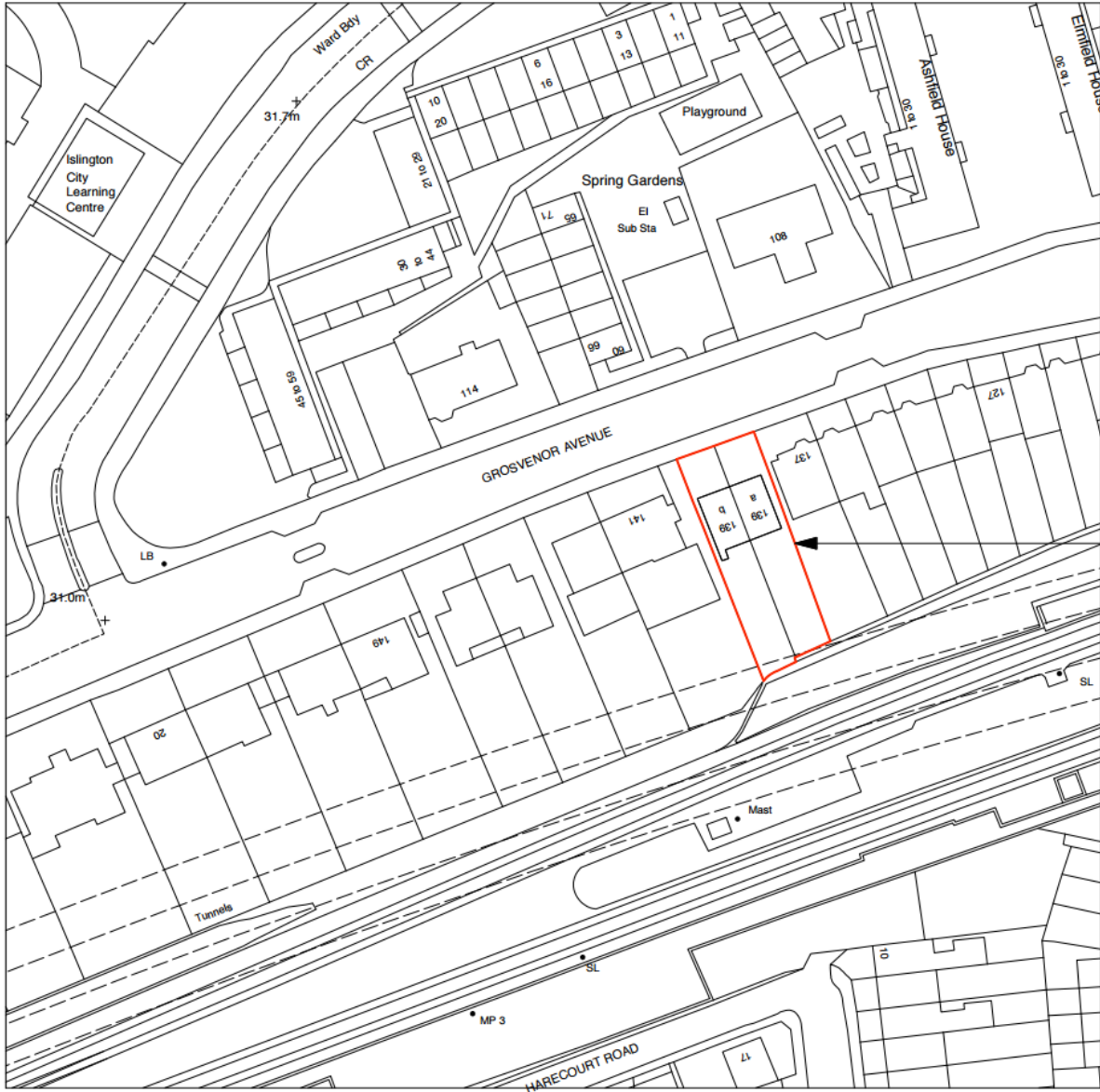
Case Officer	Simon Greenwood
Applicant	Mr Carlton James
Agent	Mr Stephen Sinclair

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a 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 red)



3. PHOTOS OF SITE/STREET



Image 1: The existing properties from Grosvenor Avenue



Image 2: the Eastern Neighbour, No 137



Image 3: The Western Neighbour, No 141

4. SUMMARY

- 4.1 Planning permission is sought for the demolition of a pair of 2 storey semi-detached Houses in Multiple Occupation (HMO) (Use Class C4) and their replacement with a 5 storey (including semi-basement) building comprising 10 two bedroom flats.
- 4.2 Planning permission was recently refused and dismissed at appeal for a similar scheme comprising a building of the same scale and appearance but providing 6 two bedroom and 2 four bedroom flats. The planning application was refused on grounds relating to underdevelopment, lack of a financial contribution towards off-site affordable housing and the impact of the proposed cycle store on the amenities of the occupants of neighbouring residential dwellings. At the subsequent appeal the Inspector agreed that the scheme failed to maximise its development potential. He did not consider it necessary to examine the viability of a financial contribution to off-site affordable housing as he concluded that, as the site could accommodate 10 units, affordable housing should be provided on site. He was satisfied that the proposed cycle store would not result in undue harm in amenity terms.
- 4.3 The currently proposed scheme is an amendment to the previous scheme involving an internal reconfiguration to provide 10 two bedroom flats. The revised unit mix is considered to satisfactorily address previous concerns regarding underdevelopment, and it is considered that the development potential of the site has been maximised. The proposal would deliver one affordable (shared ownership) unit and a further payment in lieu of on-site affordable housing and is considered acceptable in affordable housing terms. In view of the Inspector's decision the proposal is therefore considered to satisfactorily address the previous grounds of refusal.

- 4.4 One issue which arises from the amended scheme is the acceptability of the proposed unit mix of 10 two bedroom units, which fails to provide a mix of housing to contribute towards meeting the borough's needs. However, it is considered that the constraints of the site and the need to provide a satisfactory standard of accommodation for future occupants whilst maximising the development potential of the site represent sufficient justification for the proposed unit mix. The proposal is considered satisfactory in this regard.
- 4.5 It is considered that the proposed demolition of the existing 2 storey semi-detached houses in multiple occupation (HMO) (Use Class C4) and the erection of a 5 storey (including lower ground floor) building providing 10 residential dwellings would be acceptable in land use terms, have an acceptable impact upon the visual amenities of the street scene and the character and appearance area including upon the adjoining conservation area. Furthermore, the proposal would not result in an unduly harmful impact upon the residential amenities of the occupants of the neighbouring dwellings.
- 4.6 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 Framework and is recommended for approval subject to appropriate conditions.
- 4.7 It is therefore recommended that planning permission be granted subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is currently occupied by a pair of 1950s semi-detached houses which were converted to Houses of Multiple Occupation (HMOs) following a grant of planning permission in 2007.
- 5.2 The scale and form of the existing building is at odds with neighbouring development on the southern side of Grosvenor Avenue which comprises three and four storey over basement Victorian terraced houses, most of which have been converted to flats or HMOs. The opposite (northern) side of Grosvenor Avenue is characterised by a mixture of four and five storey post-war residential development, including the Highbury Estate.
- 5.3 The site is not located within a conservation area and the building is not listed. However, the western boundary of the site adjoins the Highbury New Park Conservation Area.

6. PROPOSAL (in Detail)

- 6.1 It is proposed to demolish the existing building on the site and erect a five storey (including lower ground floor) block comprising 10 two bedroom flats. The external appearance of the building would be consistent with that of the previously refused proposal.
- 6.2 The existing pair of 1950s semi-detached houses were converted to HMOs following a grant of planning permission in 2007 (applications refs. P070499 & P070589).
- 6.3 The block would be of contemporary design and would be comparable in height to the adjacent Victorian terraces. The front elevation would feature timber frame full height windows to reflect the proportions of the adjacent buildings and to maximise the natural light to the dwellings. Brickwork is proposed to reflect the appearance of neighbouring buildings on the southern side of Grosvenor Avenue.
- 6.4 The footprint of the block would be 3m forward and 3m to the rear of the existing building on the site, and this would bring the front of the block in line with the front building line of the

neighbouring terraces. The southwest corner of the block was amended under the previous application in order to address a loss of daylight and sunlight to No. 137 Grosvenor Avenue and this amended arrangement is maintained within the current proposal. The proposed building retains an approx. 1m side space to both boundaries which is similar to the existing properties.

- 6.5 A low rendered masonry wall is proposed along the front boundary and this would match existing front boundary treatments along this part of Grosvenor Avenue. The large tree to the front of the building would be retained.
- 6.6 The two lower ground floor units would have private garden areas whilst balconies would be provided to 7 of the upper floor units. One unit will have no private amenity space. All of the units will have access to a 210m² communal rear garden.
- 6.7 The block will feature a living roof and a living wall to the rear elevation.
- 6.8 Secure cycle parking (20 spaces) would be provided to the rear of the site whilst refuse storage would be provided to the front of the building.

7. RELEVANT HISTORY:

139 A Grosvenor Road:

- 7.1 **P070598** - Change of use from single family residence to house in multiple occupation (**granted permission 13/11/2007**).
- 7.2 **P062091** - Change of use from single family residence to house in multiple occupation (**refused permission 08/11/2006**).
- 7.3 **P061040** - Change of use from single family residence to house in multiple occupation (**refused permission 11/07/2006**).

139 B Grosvenor Road:

- 7.4 **P070499** - Change of use from single family residence to house in multiple occupation (**granted permission 09/07/2007**).
- 7.5 **P062142** - Change of use from single family dwelling to house in multiple occupation (**refused permission 14/11/2006**).
- 7.6 **P061041** - Change of use from single family residence to house in multiple occupation (**refused permission 10/07/2006**).
- 7.7 **P2014/3449/FUL** - Planning permission was refused in June 2015 for demolition of the existing two-storey semi-detached Houses in Multiple Occupation (Use Class C4) and the construction of a new five-storey (including a lower ground floor) building comprising 6 two bedroom and 2 four bedroom flats. The grounds of refusal were as follows:

1. The proposed scheme does not result in sustainable development as it fails to maximise the development potential of this urban site. It fails to deliver a maximum number of units on the site, and consequently fails to deliver affordable housing on the site, of which there is an acute need within the borough, and is therefore contrary to Policy CS12 of the Islington Core Strategy.

2. 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 for the number of housing units proposed. The applicant has submitted a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made, however this has not been agreed by the Council. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD.
3. The proposed bike shed by virtue of its scale and siting on the boundary, is considered to have a detrimental overbearing impact and potential detrimental noise impact on the amenity of the neighbouring property No 137, contrary to policy DM2.1 of Islington's Development Management Policies.

7.8 The application was subsequently dismissed at appeal (PINS ref. APP/V5570/W/15/3131288) and the following are excerpts from the Inspector's report:

'The Courts have held that development plan policies must be interpreted objectively in relation to the common meaning of the language used and the context in which they have been drafted. It seems to me that Policy CS12(G) requires an early appraisal of any site to ascertain whether it could accommodate *'10 or more units gross'*. That appraisal cannot be undertaken in isolation but has to be carried out within the framework of other development plan policies. Nevertheless, the identification in an adopted policy of so specific a criterion as to the number of units to be accommodated on a site suggests particular weight should be given to that factor when compared with other criteria. At the very least, any proposal that does not meet the *'10 unit'* threshold needs to be explicit as to why the site on which it is located cannot accommodate that number of units.

In respect to the word *'capable'*, its meaning seems to be less clear cut. It might simply mean the physical capacity of the site, but that ignores the wide range of other factors that could and should influence the nature of any development. Nevertheless, as I have suggested above, the use of the word, *'capable'*, suggests that there is at least an initial presumption that the capacity of any site has to be tested against the 10 unit threshold. Furthermore, there would need to be a clear and overriding justification as to why a site that was deemed *'capable'* of accommodating 10 or more units was being considered for a scheme that did not do so.

I accept that the context of Policy CS12(G) is to encourage the development of sites to their full potential whilst giving priority to development that is of sufficient scale to allow the on-site provision of affordable housing. I also suspect that the policy has been drafted in the manner it has to dissuade applicants from putting forward schemes with a smaller number of units in order to avoid such on-site provision.

I see no problems with Policy CS12(G) in terms of a requirement that the proposals for any particular site maximise its residential potential whilst meeting the full range of criteria set by the policies of the adopted development plan. Moreover, in assuming that the appeal site could accommodate a larger number of units than the eight proposed, the Council describes that failure to meet its maximum potential as a failure to achieve the sustainable development that lies at the heart of the Government's National Planning Policy Framework ('the Framework'). The Framework encompasses economic, social and environmental

factors in its definition of sustainable development and I accept the Council's argument that ensuring that sites achieve their maximum potential should be a material consideration.

Furthermore, I take that view notwithstanding the general principle that every application and appeal has to be judged on its own merits and that none should be rejected on the grounds that there might be a better proposal 'round the corner'. Section 38(6) of the Planning and Compulsory Purchase Act 1994 states that every application and appeal should be determined in accordance with the adopted development plan '*...unless other material considerations indicate otherwise*'. Policy CS12(G) is part of the adopted development plan and applications should therefore be determined in accordance with its provisions.

The issue is therefore whether the appellant has demonstrated that the appeal site is not capable of accommodating 10 or more units. The Council obviously thought he had not. Its evidence to support the argument that the proposed development does not achieve the site's full potential centres on the claimed excessive size of the two four-bedroom units. The Council points out that their floorspace substantially exceeds the standards for such units set by the London Plan and carried forward into Policy DM2.3 of the Islington Development Management Policies Development Policy Document (DPD). For four-bedroom units, the minimum space standard is 99m² but the two four-bedroom units proposed here have floorspaces of 158m² and 164m² respectively. The units are thereby over 50% larger than the minimum standard. The Council argues that this demonstrates the capacity of the site/development to accommodate a greater number of units.

In refuting the Council's claim, the appellant argues that relying on the claim that the two four-bedroom units could be sub-divided is too simple. The design of the proposed development is based on many factors and it cannot be dismissed simply on the basis of the floorspace of the two largest units. I agree but that argument must still depend, in the terms set by Policy CS12(G), on the appellant providing a convincing demonstration that the site could not accommodate more units. I recognise that might well need a re-designed scheme.

Paragraphs 2.18 to 2.42 of the appellant's statement seek to demonstrate why the site could not accommodate 10 or more units. I found these arguments unconvincing. I acknowledge, however, that the appellant may have been under some disadvantage in presenting a case that essentially argues for his particular scheme rather than presenting a more general case as to any restrictions that may affect the capacity of the site. The distinction might seem subtle but it lies at the heart of Policy CS12(G).

I recognise that the appellant and Council officers spent a good deal of time and effort working up the scheme that led to the application. I cannot tell, however, how far Council officers may have taken on board in those discussions their members' clear priorities with regard to affordable housing. Nevertheless, the reaction of the Planning Committee perhaps should not have surprised the appellant.

Furthermore, the Council has directed me to a second application made by the appellant (Council Ref. P2015/2917/FUL) that proposes a scheme of ten residential units within the same building envelope. The appellant has asked me to give this second proposal only limited weight, not least because it has not yet

been determined by the Council. Notwithstanding that comment, I do not see how I can ignore a proposal, put forward by the appellant, that apparently demonstrates the capacity of the site to accommodate at least ten residential units. It is obviously different from the original proposal but given fundamental similarities in terms of scale, massing and design, I do not accept that it can easily be dismissed as impractical, or not viable or, most importantly, as demonstrating that the site is incapable of accommodating 10 or more units.

I am accordingly persuaded that the appeal site has a capacity to accommodate at least 10 residential units. In these circumstances, the development fails the criterion set by Policy CS12(G) and the first reason for refusal is justified.'

- 7.9 The Inspector did not consider the second ground of refusal in detail on the basis that he had concluded that the site could accommodate 10 units and a development should therefore provide on-site affordable housing rather than a payment in lieu of on-site affordable housing.
- 7.10 The Inspector dismissed the Council's third ground of refusal on the basis that the proposed cycle shed would not result in any significant material harm to the residential amenities of the occupants of No. 137.
- 7.11 The Inspector considered the impact of the proposal on the amenities of the occupants of the neighbouring properties as follows:

'The proposed development has no windows on its relevant, eastern, side elevation and there is therefore no issue of overlooking of No 137. Furthermore, although the proposed development would be taller than the existing semi-detached properties, it has been specifically designed to be of no greater height than either Nos 137 or 141. I accept that the proposed development would be somewhat deeper than the neighbouring properties but the relationships between it and its neighbours would be broadly similar to those that exist between other pairs of semi-detached properties in Grosvenor Avenue.

Moreover, I was already aware of the Daylight and Sunlight study that had been carried out for the appellant by MES Building Solutions, and which had been amended following an internal inspection of No 137. The study accompanied the original application and was specifically carried out to assess the effects of the proposed development against Policy DM2.1 of the adopted Development Plan. The study was based on the generally accepted criteria for these matters set by the Building Research Establishment's (BRE), *Site Layout Planning for Daylight and Sunlight*. It used the impact of the proposed development on the Vertical Sky Component (VSC) of the windows of all neighbouring properties, including, of course, No 137, but also looked at the Daylight Distribution test in respect of the rooms that might be most affected and the effects of sunlight and the impact on neighbouring properties' amenity space.

The MES Building Solutions study looked at four properties close to the proposed development, Nos 137 and 141 Grosvenor Avenue, i.e. the two properties on either side of the proposed development, and two properties on the other side of the road, 114 Grosvenor Avenue and Park Church House. It was clear from the conclusions that only 137 Grosvenor Avenue gave any cause for concern in terms of any loss of daylight or sunlight.

The MES Building Solutions raised no issues in respect of No 141 or properties on the other side of Grosvenor Avenue. Nor, in respect of the basement, ground and first floors of No 137, do I see any evidence that the proposed development would result in a substantial diminution of daylight or sunlight reaching those rooms with windows facing west, i.e. towards the proposed development. I take this view, having considered the amendment to the scheme such that its south-eastern corner would be angled away from the basement flat of No 137 and the fact that there is already the side elevation of the existing semi-detached dwellings close to the boundary with No 137.

The Daylight and Sunlight study demonstrates, however, that there would be some reduction in the daylight and sunlight reaching the side elevation windows at second floor level. Nevertheless, as the MES Building Solutions comments and as I saw for myself on my second site visit, these windows light a workshop area, which would not normally be given the same priority as a habitable room. I am also aware that neither of the windows most affected is a principal window lighting the relevant room and that, as a whole, the room would continue to be well-lit despite any effects of the proposed development.

The MES Building Solutions study also looked at the effect of the proposed development on the rear garden of No 137 and concluded that it would produce no significant material harm. I agree: the orientation of No 137 to the proposed development is such that there should be little if any interference with the enjoyment of their rear garden by the occupants of No 137.

There finally remains the small terrace that is at second floor level in No 137 and which faces the proposed development. I have little doubt that the views from this terrace would be affected – as would the views from the two second floor windows to which I refer in paragraph 29. However, it is a well-established principle that planning can provide no security for views and this matter has to be discounted. Furthermore, I agree with the Council's officers that a side terrace of the form that exists here so close to the property boundary should not carry the same protection as might be afforded to amenity space such as a rear garden. The material harm to the future use of this terrace therefore cannot weigh sufficiently against the proposed development for me to conclude that it is in breach of those criteria of Policy DM2.1 that seek to protect the living conditions of the occupants of neighbouring properties.'

7.12 The Inspector's full report is attached at **APPENDIX 2**.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 239 adjoining and nearby properties at Grosvenor Avenue, Spring Gardens, Highbury New Park, Heaven Tree Close and Aberdeen Park on 4 September 2015. A site notice and a press advert were displayed on 10 September 2015. The public consultation of the application therefore expired on 1 October 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 20 letters of objection have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed):

- Loss of daylight and sunlight to neighbouring properties (paras. 7.11, 10.48-10.66)
- Plans make inaccurate assumptions about the layout of No. 137 (it is considered that the submitted plans are sufficiently accurate to allow proper consideration of the proposed development and its impact upon neighbouring dwellings)
- Amendments to corner of block under previous planning application do not address concerns regarding loss of light to basement flat at No. 137 (paras. 7.11, 10.60-10.63)
- Loss of privacy and noise and disturbance at basement flat at No. 137 due to location of pathway to bicycle shed (para. 11.3)
- Cycle store will be unsightly (paras. 7.10, 11.3)
- Loss of green space, including from cycle shed (paras.10.67-10.73)
- Loss of trees / harm to biodiversity / impact on adjacent Site of Importance for Nature Conservation (SINC) requires full consideration (paras. 10.67-10.73)
- Developer has not requested permission to remove the shared boundary wall with No. 137 (this is a civil matter and not a planning consideration)
- Basement construction may result in subsidence
- Increase from 8 to 10 units will result in overdevelopment and increased noise, loss of privacy and demand for on-street car parking / increased traffic (paras. 10.21-10.24, 10.41-10.47, 11.1-11.5)
- Loss of privacy and noise and disturbance at basement flat at No. 137 due to location of pathway to bicycle shed (para 11.3)
- Inadequate affordable housing provision / housing will not be affordable (paras. 10.74-10.78)
- Overdevelopment of the site / overbearing visual impact / excessive height / excessive rearward projection (paras. 10.8-10.20, 10.41-10.47)
- Out of character / loss of openness (paras. 10.8-10.20)
- Previously proposed unit mix would have delivered family housing and was preferable (paras.10.39-10.40)
- Existing houses should be retained (paras.10.8-10.20).

8.3 1 representation in support of the proposal has been received.

Internal Consultees

8.4 Design and Conservation Officer: design concerns were addressed under the previous application and the detailing and materials are now considered appropriate.

8.5 Inclusive Design Officer: concerns are raised that the scheme will be unable to fully meet the Council's accessibility requirements – discussions are ongoing at the time of writing and an update will be provided at the meeting.

8.6 Trees Officer: No objections. an Arboricultural Method Statement should be secured by condition should planning permission be granted.

External Consultees

8.7 Network Rail: - The developer must ensure that the development does not encroach onto Network Rail land or affect its infrastructure.

8.8 HighSpeed1 – conditions are requested to ensure that the development does not result in adverse implications for the High Speed 1 project.

8.9 London and Middlesex Archaeological Society (LAMAS) (Historic Buildings and Conservation Committee) – no objections, the proposal would have little impact upon the conservation area.

8.10 London Underground – no comments.

8.11 Thames Water – no objections.

9. RELEVANT POLICIES

9.1 Details of all relevant policies and guidance notes are attached in **Appendix 3**. This report considers the proposal against the following development plan documents.

National Guidance

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

Development Plan

9.3 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy (2011) and Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at **Appendix 3** to this report.

Designations

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

- Sited within 50m of a Conservation Area (Highbury New Park).

Supplementary Planning Guidance (SPG) / Document (SPD)

9.5 The SPGs and/or SPDs which are considered relevant are listed in Appendix 3.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Density
- Accessibility
- Neighbouring amenity
- Trees and Landscaping
- Quality of residential accommodation
- Dwelling mix
- Affordable housing (and financial viability)
- Energy conservation and sustainability
- Highways and Transportation

- Planning obligations/mitigations.

Land Use

- 10.2 It should be noted that the Council, in considering the previous planning application, and the Inspector considering the recent appeal, raised no objection to the proposed change in land use from Use Class C4 (HMOs) to C3 (dwelling houses). The planning history would therefore indicate that the proposal is acceptable in land use terms. However, in the interests of completeness, land use is considered in the following paragraphs.
- 10.3 The two existing properties are each in use as a HMO and policy DM3.9(C) of the Development Management Policies states that the Council will resist the loss of good quality HMOs. The properties were granted permission for use as HMOs in 2007 and were considered at the time to provide good quality accommodation of this type.
- 10.4 It has been established that each of the two properties are occupied by five individuals through the submission of copies of licences issued by the Council's Environmental Health division. The dwellings therefore fall within the C4 use class.
- 10.5 Recent changes to the General Permitted Development Order 2015 (Part 3, Class L - *small HMOs to dwellinghouses and vice versa*) indicate that the conversion of the existing HMOs to two residential dwellings would be permitted development not requiring planning permission. It is therefore the case that the site could be returned to C3 (dwelling houses) use, which is the proposed use of the site, without the requirement for planning permission. It would be impractical and unreasonable to require the initial change of use of the existing HMOs to C3 use in order to establish the acceptability of the proposed C3 use. It can simply be acknowledged that a C3 use of the site would not require planning permission and therefore redevelopment of the site for C3 use is considered acceptable in principle.
- 10.6 Policy DM3.9(D) states that, 'Where the loss of an HMO is acceptable, development should provide accommodation to meet an acute need identified by the Council's housing department, which may include social rented housing'. The proposed development would provide one affordable shared ownership unit and a payment in lieu of further on-site affordable housing and it is considered that the requirements of Core Strategy Policy CS12 requiring on-site affordable housing contribution has been satisfied. The proposal is therefore considered to satisfy the requirements of Policy DM3.9(D).
- 10.7 As such, in principle, it is considered that the redevelopment of the site to provide residential dwellings (Use Class C3) is acceptable.

Design and appearance

- 10.8 The external design and appearance of the building is unchanged from that considered by the Council under the previous planning application and that considered by the Inspector at the recent appeal. The design and appearance of the building was previously considered acceptable by the Council and the Planning Inspector and the planning history would therefore indicate that the proposal is acceptable in terms of design and appearance. However, in the interests of completeness, design and appearance is considered in the following paragraphs.
- 10.9 Paragraph 63 of the National Planning Policy Framework states that "in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".

- 10.10 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.
- 10.11 The proposal involves the demolition of a pair of two storey semi-detached houses and the erection of a five storey (including lower ground floor) residential block of contemporary design. The existing 1950s built dwellings have little architectural merit and represent an incongruous break in the predominantly three and four storey height of the neighbouring Victorian buildings.
- 10.12 The existing building has approx. 1m side space to either boundary whilst No. 141 has approx. 3m side space to the boundary. Accordingly, the existing building enjoys a relatively spacious setting with views towards the rear of the site. Furthermore, this side of Grosvenor Avenue, particularly to the west is in part characterised by open space to the side of semi-detached properties and at the end of terraced rows.
- 10.13 The proposed building retains an approx. 1m side space to both boundaries which is similar to the existing properties. As such, it is considered that a satisfactory setting for the building would be maintained. The proposed building retains the same approximate ridge and eaves height of the neighbouring dwellings, and therefore in terms of scale and massing the building is considered appropriate.
- 10.14 Whilst set some 3m in front of the existing properties, the building line is consistent with both neighbours, with only the lightwells and bin storage areas set further forward.
- 10.15 The development provides a sunken private rear amenity space for the two lower ground floor units, with steps up to the retained existing garden space at the rear.
- 10.16 The detailing of the front elevation was amended under the previous planning application to address the concerns raised by the Design & Conservation Officer in relation to the scale and consistency of the fenestration. Furthermore, the dormer windows were reduced slightly in scale to be more in keeping with the surrounding properties. The vertical emphasis of the façade replicates the traditional Victorian dwellings on either side.
- 10.17 The materials proposed (predominantly facing brickwork and timber framed windows) will ensure that the development is in keeping with the traditional Victorian street scene. A condition is proposed to secure appropriate materials.
- 10.18 The building is set back from the front boundary in line with the existing dwellings and incorporates landscaping and a low rendered masonry wall which will match the existing front boundary treatment along this part of Grosvenor Avenue. The large tree to the front of the building, which contributes to the character and appearance of the street scene will be retained (this is discussed further below).
- 10.19 The block will appear as a contemporary addition to the street scene which sits comfortably within the historic surroundings.
- 10.20 It is therefore considered that the proposed development is considered acceptable in design and appearance terms and will maintain the character and appearance of the adjacent Conservation Area.

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 a total of 10 new residential dwellings.
- 10.22 In assessing the appropriate housing density for the application site it is necessary to consider the London Plan which notes that it would not be appropriate to apply these limits mechanistically. In particular, the local context as well as design considerations should be taken into account when considering the acceptability of a specific proposal.
- 10.23 The site has a public transport accessibility level (PTAL) of 6a (Excellent). For urban areas with such a high PTAL, the London Plan Policy 3.4 (Table 3.2) suggests that a density level of between 55 and 225 units per hectare would be most appropriate.
- 10.24 The proposed development would result in a residential density of some 167 units per hectare. This level of housing density falls within the recommended density range and is considered acceptable.

Accessibility

- 10.25 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 10.26 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types of dwellings in the highest quality environments. These requirements are reinforced by Islington Core Strategy CS12 and the Accessible Housing SPD.
- 10.27 Development Management Policy DM2.2 requires all new developments to demonstrate inclusive design whilst Policy DM3.4 provides housing standards for all types of residential developments. The Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units.
- 10.28 The recent Housing Standards Review was followed by a Deregulation Bill on 16 March 2015 which was implemented on 1 October 2015. The Bill introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations which will be enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington's present wheelchair accessible housing standard).
- 10.29 The GLA have introduced a Minor Alterations to the London Plan which reframes London Plan Policy 3.8 (Housing Choice) to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.30 The Council's Inclusive Design Officer has expressed concerns that the proposed development will be unable to fully meet the Council's accessibility requirements. The applicant has indicated that they are willing to accept conditions to secure appropriate measures relating to these requirements. Discussions are ongoing at the time of writing with a view to addressing this matter and an update will be provided at the meeting.

Standard of Accommodation for Future Occupiers

- 10.31 It should be noted that in considering the recent planning application and appeal the previously proposed scheme was considered acceptable by the Council and the Inspector in terms of living conditions. The currently proposed scheme has been amended internally whereby the previously proposed 2 lower ground floor and ground floor four bedroom duplex units have been amended to 4 two bedroom units (2 on each floor). The layouts of the first to third floor units remain unchanged from the previous application. The planning history would therefore indicate that, subject to consideration of the acceptability of the amendments at ground and lower ground floor level, the proposal is acceptable in terms of standards of accommodation for future occupants. However, in the interests of completeness, living conditions for future occupants is considered in the following paragraphs.
- 10.32 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.
- 10.33 Unit Sizes: all of the proposed residential units comply with the minimum unit sizes detailed within policy DM3.4 and the minimum space standards set out within the London Plan. The application indicates that the net internal areas of the units range from 65m² to 81m² therefore none of the units are excessively large.
- 10.34 Aspect/Daylight Provision: all of the units will provide dual aspect accommodation as required by Policy DM3.4 part D. The two front lower ground floor bedrooms (one each to units 1 and 2) are served only by lightwells. This is not ideal, but given that these are dual aspect units with excavated rear gardens and rear facing windows to the living areas and second bedrooms providing aspect and daylight it is considered, on balance, that this is acceptable in this instance.
- 10.35 Amenity Space: Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that ‘all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens’. The policy goes on to state that the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings with an extra 1m² on upper floors and 5m² on ground floors for each additional occupant. The development will provide a 210m² communal garden and private amenity space as follows:

Unit	Required amenity space (m ²)	Amenity space (m ²)
Unit 1 - 2b(3p)	25	30
Unit 2 - 2b(4p) wheelchair	25	27
Unit 3 - 2b(4p)	7	8
Unit 4 - 2b(3p)	6	Nil
Unit 5 - 2b(4p)	7	9
Unit 6 - 2b(4p)	7	7
Unit 7 - 2b(4p)	7	6
Unit 8 - 2b(4p)	7	10
Unit 9 – 2b(4p)	7	5
Unit 7 - 2b(3p)	6	8

- 10.36 Eight of the proposed units therefore comply with the private amenity space guidelines outlined in Policy DM3.5 whilst there will be nil private amenity space to unit 4 and a 1m² shortfall to unit 7. The amenity space to Unit 4 was removed under the previous application following a design revision to ensure that a satisfactory level of sunlight and daylight to No. 137 was maintained. It is noted that there were no objections to the lack of amenity space to Unit 4 under the previous application and subsequent appeal. In view of the access that the occupants of this unit will have to a large communal garden the provision of amenity space within the development is considered acceptable.
- 10.37 As such, it is considered that all 10 units will provide a satisfactory standard of living accommodation.
- 10.38 Dwelling Mix: the development would comprise 10 two bedroom flats. Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. In the consideration of housing mix, regard has to be given to the constraints and locality of the site and the characteristics of the development as identified in policy DM3.1 of the Development Management Policies.
- 10.39 The proposal would fail to provide a dwelling mix to accord with the requirements of Policy 3.1 of the London Plan. The previous application proposed 6 two bedroom units and 2 four bedroom units and was refused planning permission on a ground that the number of units proposed represented an underdevelopment of the site. It is considered that any increase in the height, bulk and massing of the block would be likely to result in an adverse impact upon the character of the area and/or upon the residential amenities of the occupants of neighbouring properties. On the basis that an amended scheme which addresses concerns regarding underdevelopment whilst providing a satisfactory standard of accommodation should comprise a similar sized block, it can be accepted that there are constraints to providing a more appropriate mix of housing. The proposed mix of 10 two bedroom flats ensures that the block is able to provide dual aspect units which satisfy relevant space standards. Taking these factors into consideration the proposal is therefore viewed as acceptable in terms of unit mix.

Neighbouring Amenity

- 10.40 The previous proposal was considered acceptable by the Council and the Planning Inspector in terms of the impact of the proposal on the residential amenities of the occupants of neighbouring residential dwellings. The currently proposed scheme is unchanged in terms of the arrangement of the fenestration and the bulk and massing of the block. The current scheme proposes two additional units and therefore represents a higher density of development. Subject to consideration of any impact from the increased density of the scheme, the planning history would indicate that the proposal is acceptable in residential amenity terms. However, in the interests of completeness residential amenity is considered in the following paragraphs.
- 10.41 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall 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.

- 10.42 Policy DM2.1 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. It goes on to state that development must not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole. It also states that the impacts on amenity such as privacy, direct sunlight or daylight must be considered.
- 10.43 The proposed building is clearly greater in scale and massing than the existing pair of two-storey semis. It extends to the rear by an additional 3m, to the front by an additional 3m and is approx. 4m higher at the highest point.
- 10.44 The eastern neighbour No 137, a five storey semi-detached property, includes a separate basement flat. The applicants state that the second floor of this building is not in use as residential but rather as a therapy and health/well being business.
- 10.45 The eastern neighbour No 141, a four storey semi-detached property, has been converted into flats.
- 10.46 In terms of overlooking, the building has no windows to the side elevations, and all rear balconies face directly down the site. In addition, the balconies are set behind the side walls and therefore it is considered that the building will not result in any unacceptable overlooking of either adjacent neighbour.

Daylight and Sunlight

- 10.47 It should be noted that daylight and sunlight were considered in detail by the Inspector considering the previous appeal who concluded that the scheme would not result in any unacceptable impacts. The Inspectors comments are detailed at paragraph 7.11 above.
- 10.48 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.
- 10.49 The application is accompanied by a Daylight and Sunlight Report (dated 28 October 2014) prepared by MES Building Solutions which is supplemented by an addendum dated 16 March 2015 which followed a redesign of the south-east corner of the building under the previous planning application.
- 10.50 The report assesses the impact of the development upon Vertical Sky Component (VSC) of the windows of the neighbouring properties. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.51 In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.

- 10.52 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); or
- The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).’
- 10.53 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.
- 10.54 Sunlight: the BRE Guidelines confirm that windows which do not enjoy an orientation within 90 degrees of due south do not warrant assessment. 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 (ASPH) 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.
- 10.55 Where these guidelines are exceeded then daylighting and/or sunlighting 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.
- 10.56 The application site is located within an accessible location, where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.
- 10.57 Residential dwellings within the following properties have been considered for the purposes of daylight and / or sunlight impacts as a result of the proposed development:
- 137 Grosvenor Avenue
 - 141 Grosvenor Avenue
 - 114 Grosvenor Avenue
 - Park Church House.
- 10.58 141 Grosvenor Avenue : this property has 4 windows on its side elevation including a bay window. The bay window and first floor side elevation windows serve rooms which are also served by windows to the front elevation. The report considers the Daylight Distribution Test to be more appropriate and this indicates that these rooms achieve comfortable compliance with the guidelines. The lower ground floor windows to the side elevation serve non-habitable rooms. It should also be noted that the BRE standards state that side elevation windows close to a boundary ‘should not be considered in the same way as

windows built a reasonable distance from their boundary'. The daylight and sunlight impact of the development on the side elevation of No. 141 is considered to be acceptable. The front and rear windows to No. 141 all pass the VSC, Daylight Distribution and Available Sunlight Hours tests.

- 10.59 137 Grosvenor Avenue: the design of the proposed building was amended under the previous application to address concerns regarding the impact on daylight and sunlight at No. 137.
- 10.60 No. 137 has a door and a small window on the second storey (opening onto a small terrace) and a side facing dormer. The two second storey openings will experience a reduction in sunlight and daylight. However this room is also served by front and rear windows and these side windows are secondary. The room also passes the Daylight Distribution test and as such, it is considered that the impact of the development on this room is acceptable. The side dormer windows pass all the tests, and the development will not have a detrimental impact upon this room. The ground and first floor windows to the rear elevation pass all tests.
- 10.61 The basement/lower ground floor is in use as an independent flat. The previous scheme was amended in order that the corner of the building angled away from No. 137 and it was subsequently demonstrated that the all tests were passed with regard to the basement unit windows, one of which serves a bedroom and one of which serves a kitchen.
- 10.62 It is not therefore considered that the development will have a detrimental impact on the rear facing windows of No. 137.
- 10.63 114 Grosvenor Avenue/Park Church House: the report demonstrates that the proposed block will not result in a harmful loss of daylight and/or sunlight to No. 114 Grosvenor Avenue or Park Church House, both located on the opposite side of Grosvenor Avenue.
- 10.64 Amenity Space: the report also demonstrates that the block will comply with BRE standards in relation to the impact on neighbouring amenity space. It should be noted that the amenity space assessment does not consider the terrace above the side extension to No. 137. It is not considered reasonable to expect that this space should be protected given its siting along the side boundary.
- 10.65 As such and on balance, it is not considered that the proposed development will have an unacceptable impact on the amenity of neighbouring properties.

Tree and Landscaping

- 10.66 Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats.
- 10.67 Concerns relating to the impact of the proposal on the large London Plane tree located immediately to the front of the block were addressed during the course of the previous planning application. The tree is considered to have significant amenity value and Tree Officer's concerns related to the proposed measures to protect the tree and the proposed service connections.
- 10.68 The applicant's arboricultural consultant previously submitted additional information demonstrating that the development can be carried out without harm to the street tree.

Amendments to the hard and soft landscaping to the front of the site to provide a more porous surface were also proposed.

- 10.69 The current application is accompanied by an updated Arboricultural Development Report. The Council's Tree Officer is satisfied that, subject to a condition requiring the approval of an arboricultural method statement, the development could be carried out without harm to the London Plane street tree.
- 10.70 The development would involve the removal of nine trees within the rear garden. It should be noted that these trees are not the subject of Tree Preservation Orders and the site is not located within a Conservation Area. The Council's Trees Officer has raised no objection to the loss of these trees. Several trees to the rear of the site would be retained.
- 10.71 The development would incorporate a green roof and a living wall to the rear elevation. A semi-porous bound resin surface is proposed to the front of the block whilst a large communal garden would be retained to the rear along with private gardens to the lower ground floor flats. A suitable landscaping scheme can be secured through an appropriate condition.
- 10.72 In conclusion, the proposal is considered acceptable in terms of trees and landscaping, subject to appropriate conditions.

Affordable Housing

- 10.73 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, *"the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"*.
- 10.74 London Plan policy 3.12 states that the "maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements". ICS policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
 - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
 - seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
 - delivering an affordable housing tenure split of 70% social housing and 30% shared ownership housing.

- 10.75 The Affordable Housing Offer: 1 of the 10 residential dwellings proposed will be provided as a shared ownership affordable unit, representing a 10% provision of affordable housing by units and by habitable rooms. A clause would be required within the Section 106 agreement to secure a payment in lieu of this unit in the event that there was no interest from a Registered Provider and the unit was instead delivered as a private sale unit.
- 10.76 The application was accompanied by a Financial Viability Assessment which has been reviewed by BPS, an independent Assessor appointed by the Council. The independent review concluded that the proposed development could support an additional payment in lieu of on-site affordable housing of £200,000 (subject to any deduction that may result from a carbon offset payment and other section 106 obligations and an update will be provided at the meeting). The applicant has agreed to make this additional off-site affordable contribution which is detailed within the agreed Heads of Terms for the Section 106 legal agreement.
- 10.77 Viability Review Mechanism: The Council would seek a financial viability review mechanism in the event that 'substantial implementation' is delayed, enabling a re-assessment of the viability with the aim of maximising affordable housing delivery. The Council's Planning Obligations SPD sets out some details for this, with the emerging Viability SPD going further. Essentially, if substantial implementation (to avoid a technical start on site) is delayed by more than 12 months, an updated Financial Viability Assessment would be required to be assessed and agreed by the Council. Any uplift in the value of the development would be secured to provide additional on-site affordable housing, or a payment in lieu to provide off-site affordable housing. The applicant has agreed in principle that a viability review mechanism would be secured by a legal agreement should planning permission be granted.

Sustainability, Energy Efficiency and Renewable Energy

- 10.78 At the time of writing matters relating to sustainability, energy efficiency and renewable energy had not been fully resolved. An update will be provided at the committee meeting.
- 10.79 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.80 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO₂ emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO₂ emissions should be offset through a financial contribution towards measures which reduce CO₂ emissions from the existing building stock (CS10).
- 10.81 The London Plan and Core Strategy require development proposals minimise carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.

BE LEAN

Energy efficiency standards

- 10.82 The council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation. The proposed U-values are: walls = 0.15-0.19, roof = 0.14, floors = 0.12 and glazing = 1.1 and these values are considered to be generally good. The air tightness of the proposed building would be 4m³/m²/hr @ 50pa and this value is accepted. Low energy lighting is also proposed. These measures are supported and further details can be secured by condition.

BE CLEAN

District heating

- 10.83 DM7.3A requires all developments to be designed to be able to connect to a District Energy Network (DEN) if and when such a network becomes available. Specific design standards are set out in the councils Environmental Design SPD. Policy DM7.3B and C states that where there is an existing or future DEN within 500m of the site, the development should connect. There is no available local DEN network to link up to within 500m of the site at present.
- 10.84 DM7.3D states that where there is no existing or proposed future DEN within 500m of the site, where possible developments should connect to a shared heating network, unless not reasonably possible. No shared heat network (SHN) is proposed and the council is satisfied that there are no current buildings or pending developments which could provide an opportunity for importing or exporting low carbon heating to the proposed development at this time.

Combined Heat and Power

- 10.85 The application proposes individual gas combination boilers to provide hot water and heating (via underfloor systems) to the properties. This would make future proofing for connection to a DEN substantially more difficult. The applicant argues that the low heat and electricity demands at the development render on-site CHP unviable. This is likely to be correct. However, at the time of writing the applicant had been requested to confirm the monthly and peak heat loads in order to demonstrate that this is the case.
- 10.86 The applicant has ruled out the use of a communal heating system within the block due to both technical reasons and the potential loss of residential accommodation to accommodate plant. At the time of writing the applicant had been requested to provide further evidence in this regard.

BE GREEN

Renewable energy technologies

- 10.87 The applicant proposes installation of a 9.6kWp solar PV array at the development, and this is supported. At the time of writing details of the total carbon emissions and the reduction achieved was awaited and this information will inform whether a further increase to the system size or output was required.
- 10.88 Carbon Emissions: Council policy requires onsite total CO₂ reduction targets (regulated and unregulated) against Building Regulations 2010 of 27% where connection to a decentralised energy network is not possible. The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.

- 10.89 The Sustainable Design and Construction Statement indicates that the development will achieve final carbon emissions of 7.93 tCO₂ per year. However, these are regulated emissions only and the Statement does not indicate unregulated emissions. At the time of writing an updated energy statement was awaited in order to assess the overall emissions or percentage reductions achieved. This assessment will inform the level of financial contribution required to offset the remaining carbon emissions in order to comply with the Council's Zero Carbon policy. A financial contribution would be secured through a Section 106 agreement.
- 10.90 Overheating and Cooling: DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control.
- 10.91 Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance. The thermal modelling submitted addresses this issue to the satisfaction of the councils Energy team.
- 10.92 An overheating analysis has been provided by the applicant, in line with the criteria specified by Islington. The assumptions used for the analysis have been reviewed and are considered to be reasonable. The applicant does not propose artificial cooling for the development, and this is supported. The thermal modelling has demonstrated that cooling is not required. The approach to the cooling hierarchy proposed by the applicant is considered satisfactory.
- 10.93 Drainage: London Plan 2011 policy 5.13, Core Strategy policy CS10 and Development Management Policy DM6.6 require development to utilise Sustainable Urban Drainage Systems (SUDS) to reduce runoff rates. The application is accompanied by a Drainage Sustainability Statement. A condition is recommended to secure flood prevention measures to comply with Policy DM6.6 of the 8litres per second per hectare CHECK/AMEND
- 10.94 Construction: A condition requiring a Construction Method Statement is recommended to ensure that construction is undertaken in an appropriate manner.

11. Highways and Transportation

- 11.1 The site benefits from a Public Transport Accessibility Level of 6A (Excellent). The site is located within a Controlled Parking Zone (CPZ) and it is proposed that the development would be car free. As such, future residential and commercial occupiers would not be eligible to obtain on-street car parking permits. The exceptions to this would be where persons occupying the residential development are living in residential properties within Islington prior to moving in and have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit. In this case, in the interests of reasonableness and not to deter movement within the borough of existing residents, they would be able to transfer and obtain a permit.
- 11.2 It is not proposed to provide any on-site disabled parking. 1 wheelchair accessible unit is proposed it is considered necessary that the applicant agrees to pay for the costs of designating (as and when required) 1 additional on-street disabled bay within the vicinity of the site. Alternatively, the applicant would be required to make a contribution of £2,000

towards provision of on-street bays or other accessible transport initiatives. Regardless of these arrangements and car free restrictions, all blue badge holders are able to park in Islington Resident Parking Permit bays.

11.3 Cycle storage: Policy DM8.4 states that major developments creating new residential units are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. In this instance, 1 cycle space per bedroom (20) should be provided. A cycle parking area (for 20 cycles) is provided at the rear of the site within an enclosed timber structure (with a green roof). This is accessible through a secured access along the eastern side of the building. Concerns are raised by an occupant of No. 137 that this access arrangement would result in harm to residential amenities. However, this arrangement remains the same as proposed under the previous planning application and was not considered by the Council or by the Planning Inspector to result in a harmful impact. These decisions are material to consideration of the current proposal and the access arrangement is considered acceptable.

11.4 Waste/refuse: bin storage would be provided to the front of the site adjacent to the new front boundary wall. The brick bin storage area will match that of the front elevation of the building and will incorporate a planter to soften its appearance.

11.5 The proposal is considered acceptable from a highways and transportation point of view.

12. Planning Obligations, Community Infrastructure Levy and local finance considerations

12.1 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.

12.2 The Section 106 agreement would include the following agreed Heads of Terms:

- On-site provision of 10% affordable housing (1 unit) with a clause triggering a payment in lieu if there is no interest in the unit from Registered Providers
- Payment in lieu of on-site affordable housing of £200,000 (this figure may be subject to a slight reduction to reflect any carbon offset payments and other Section 106 obligations – an update will be provided at the meeting)
- Contribution of £TBC towards offsetting projected residual CO2 emissions of the development.
- Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £5,000 to be paid to LBI.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1,000.
- Provision of 1 additional accessible parking bay or a contribution of £2,000 towards provision of on-street bays or other accessible transport initiatives.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all

cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.

- Submission of a Green Performance Plan and a post occupation Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development.
- Payment of Council's fees in preparing and monitoring the S106.
- Submission of an updated viability appraisal if the development has not been substantially implemented within 12 months of the grant of planning consent. Updated appraisal to be submitted prior to substantial implementation with surplus profit used to provide additional onsite affordable housing (if viable) in accordance with the additional affordable housing schedule forming part of the S106 agreement. Alternatively, if any additional profit cannot support additional on-site affordable housing, surplus profit to be used to provide an increased payment in lieu of on-site affordable housing.
- Removal of eligibility for residents' parking permits (additional units only).

12.3 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.

SUMMARY AND CONCLUSION

13. Summary

13.1 The previous planning application was refused on grounds relating to underdevelopment, lack of a financial contribution towards affordable housing and the impact of the proposed cycle store on the amenities of the occupants of neighbouring residential dwellings. The application was subsequently considered at appeal and the Inspector agreed that the scheme failed to maximise its development potential. The Inspector did not consider it necessary to examine viability and any financial contribution and was satisfied that the proposed cycle store would not result in undue harm in amenity terms. The currently proposed scheme is an amendment to the previous scheme involving an internal reconfiguration to provide 10 two bedroom flats as opposed to 6 two bedroom and 2 four bedroom flats. The block is unchanged externally. The revised unit mix is considered to satisfactorily address previous concerns regarding underdevelopment, and the development potential of the site has been maximised. The proposal would deliver one affordable (shared ownership) unit and a further payment in lieu of on-site affordable housing and is considered acceptable in affordable housing terms. In view of the Inspector's decision the proposal is therefore considered to satisfactorily address the previous grounds of refusal.

13.2 One issue which arises from the amended scheme is the acceptability of the proposed unit mix of 10 two bedroom units, which fails to provide a mix of housing to contribute towards meeting the borough's needs. However, it is considered that the constraints of the site and the need to provide a satisfactory standard of accommodation for future occupants whilst maximising the development potential of the site represent sufficient justification for the proposed unit mix. The proposal is considered satisfactory in this regard.

- 13.3 In accordance with the above assessment, it is considered that the proposed demolition of the existing 2 storey semi-detached houses in multiple occupation (HMO- use class C4) and the erection of a 5 storey (including lower ground floor) building providing 10 residential dwellings would be acceptable in land use terms, have an acceptable impact upon the visual amenities of the street scene and the character and appearance of the area including upon the adjoining conservation area. Furthermore, the proposal would not result in an unduly harmful impact upon the residential amenities of the occupants of the neighbouring dwellings.
- 13.4 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 Framework and is recommended for approval subject to appropriate conditions.

Conclusion

It is recommended that planning permission be granted subject to the prior completion of a Section 106 agreement and subject to conditions as set out in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- On-site provision of 10% affordable housing (1 unit) with a clause triggering a payment in lieu if there is no interest in the unit from Registered Providers
- Payment in lieu of on-site affordable housing of £200,000 (this figure may be subject to a slight reduction to reflect any carbon offset payments and other Section 106 obligations – an update will be provided at the meeting)
- Contribution of £TBC towards offsetting projected residual CO2 emissions of the development.
- Facilitation of 1 work placement during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £5,000 to be paid to LBI.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £1,000.
- Provision of 1 additional accessible parking bay or a contribution of £2,000 towards provision of on-street bays or other accessible transport initiatives.
- Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a Green Performance Plan and a post occupation Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development.
- Payment of Council's fees in preparing and monitoring the S106.
- Submission of an updated viability appraisal if the development has not been substantially implemented within 12 months of the grant of planning consent. Updated appraisal to be submitted prior to substantial implementation with surplus profit used to provide additional onsite affordable housing (if viable) in accordance with the additional affordable housing schedule forming part of the S106 agreement. Alternatively, if any additional profit cannot support additional on-site affordable housing, surplus profit to be used to provide an increased payment in lieu of on-site affordable housing.
- Removal of eligibility for residents' parking permits (additional units only).

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** as follows:

List of Conditions:

1	<p>Commencement</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>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>304.PRS.00.01; 304.PRS.00.02; 304.PRS.00.03; 304.PRS.01.01; 304.PRS.01.02; 304.PRS.02.01; 304.PP.02.02; 304.PRS.02.03; 304.PRS.02.04; 304.PRS.02.05; 304.PRS.02.06; 304.PRS.02.07; 304.PRS.02.08; 304.PRS.02.09; 304.PRS.02.10; 304.PRS.02.11; 304.PP.02.12; 304.PRS.02.13; 304.PRS.02.14; 304.PRS.02.15; 304.PRS.02.16; 304.PRS.03.01/</p> <p>Aboricultural Impact Assessment , Aboricultural Development Report, Tree Survey (Arbtech) Planning Statement (AZ Urban Studio 11/07/15) Daylight & Sunlight Report 28/10/14 (MES building Solutions) & Addendum 16/03/15 Design & Access Statement (Fourthspace Aug 2015) Sustainable Design & Construction Statement (Ingleton Wood 17/07/15) Thermal Modelling Report (Ingleton Wood 23/07/15) Drainage Sustainability Report (July 2015)</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) garden fences; f) bin store; e) divisions between gardens; and f) Green Procurement Plan <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

4	Inclusive Design
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. Details of inclusive design measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so 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: In order to facilitate and promote inclusive and sustainable communities.</p>
5	Accessible Homes (Major Schemes)
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 9 of the residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 1 unit shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).</p> <p>A total of 1 two bed unit shall be provided to Category 3 standards.</p> <p>A total of 9 two bed units shall be provided to Category 2 standards.</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by Local Planning Authority prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with London Plan (FALP) 2015 policy 3.8 (Housing Choice).</p>
6	Cycle parking
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 20 cycle spaces.</p> <p>The bicycle storage areas 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 is available and easily accessible on site and to promote sustainable modes of transport.</p>

7	Car Free Housing
	<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"> (1) In the case of disabled persons (2) 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 a year. <p>REASON: To ensure that the development remains car free.</p>
8	Construction Method Statement
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii. mitigation measures of controlling noise from construction machinery during business hours <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>
9	Green Roof
	<p>CONDITION: Details of the biodiversity green roofs 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> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof 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>

10	Arboricultural Method Statement
	<p>No development (including demolition works) shall take place on site unless and until an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the AMS and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities</p>
11	High Speed 1 safeguarding (1)
	<p>Details of the horizontal distance from the building footprint to the HS1 DN tunnel shall be submitted in writing for approval by the Local Planning Authority in consultation with HS1. The development shall then be carried out only in compliance with the approval unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 property.</p>
12	High Speed 1 safeguarding (2)
	<p>Prior to the start of construction, details of the design of the foundations and other works proposed below existing ground level shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.</p>
13	High Speed 1 safeguarding (3)
	<p>Prior to the start of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. This activity shall then be carried out only in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>Reason: No such information has been provided and is required in order that the borehole or trial pit is at an acceptable vertical and horizontal distance from the tunnel such that it does not compromise the integrity, safety or operation of HighSpeed1.</p>
14	High Speed 1 safeguarding (4)
	<p>No demolition activity shall take place until the proposed methodology has been submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Demolition activity shall then be carried out in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.</p> <p>Reason: No such information has been provided and demolition activity could pose a risk to the safety, security and operation of HighSpeed1.</p>
15	High Speed 1 safeguarding (5)
	<p>Prior to the start of construction activity engineering details of the size, depth and proximity to HighSpeed1 of any excavations shall be submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Excavations shall then be carried out in accordance with the approved details unless the Local</p>

	<p>Planning Authority in consultation with HS1 has previously agreed in writing to any change. If the excavation is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> <p>Reason: No such details have been provided. To ensure that the stability HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p>
16	High Speed 1 safeguarding (6)
	<p>Prior to the start of construction, details of the size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change. If the stockpile is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> <p>Reason: To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.</p>
17	High Speed 1 safeguarding (7)
	<p>Prior to the start of construction details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1 . Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.</p> <p>Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring</p> <p>Reason: No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.</p>
18	Thames Water Piling Method Statement
	<p>No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
19	Lifts
	<p>All lifts serving the dwellings hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	REASON: To ensure that adequate access is provided to the residential units at all floors.
20	Renewable Energy (compliance)
	<p>The energy efficiency measures/features and renewable energy technology (photovoltaic panels), which shall provide for no less than TBC% on-site total CO₂ reduction as detailed within the 'Sustainable Design and Construction Statement' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than TBC% onsite CO₂ reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site, The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
21	Landscaping
	<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;</p> <p>b) a biodiversity statement detailing how the landscaping scheme maximises 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 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>
22	<p>Play Space</p>
	<p>CONDITION: Details of the onsite children's playspace provision, which shall provide for no less than 5 sqm of playspace contained within the communal garden, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the communal garden and prior to the first occupation of the development. The details shall include the location, layout, design of the playspace and its proposed equipment/features.</p> <p>The children's playspace shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children's playspace.</p>
23	<p>Rooftop Plant and Lift Overrun Details</p>
	<p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun</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 good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
24	<p>Lift Shaft Insulation (compliance)</p>
	<p>CONDITION: Prior to the first occupation of the residential accommodation hereby approved sound insulation shall be installed to the lift shafts sufficient to ensure that the noise level within the dwellings does not exceed NR25(Leq) 23:00 – 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 – 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 – 23:00.</p> <p>REASON: To secure an appropriate future residential environment</p>
25	<p>Details of Refuse and Recycling Enclosures</p>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 304.PRS.02.02 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>
26	<p>Sustainable Urban Drainage System</p>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by</p>

	<p>means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear management plan for the system.</p> <p>The drainage system shall be installed/operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
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List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. 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 accordance with the requirements of the NPPF.</p>
2	Construction Hours
	<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 Environmental Health Regulations.</p> <p>Any construction works should take place within working day. The Pollution Control department lists the normal operating times below.</p> <p>Delivery and operating times – the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> • 8am – 6pm Monday to Friday • 8am – 1pm Saturday • no noisy works on Sunday or Public Holiday (unless by prior agreement in special circumstances)
3	CIL
	<p>CIL INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
4	Car Free
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	S106

	SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
6	HS1 Protective Provisions Agreement (PPA)
	The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery. Reason: The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1.
7	Network Rail Future Maintenance
	The development must ensure that any future maintenance can be conducted solely on the applicant's land. The developer must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.
8	Network Rail (Drainage)
	No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
9	Network Rail (Plant and Materials)
	All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
10	Network Rail (Scaffolding)
	Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed . The applicant/applicant's contractor must

	consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
11	Network Rail (Piling)
	Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
12	Network Rail (Fencing)
	In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
13	Network Rail (Lighting)
	Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
14	Network Rail (Noise and Vibration)
	The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
15	Network Rail (Landscaping)
	<p>Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:</p> <p>Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"</p> <p>Not Permitted: Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane</p>

	(Platanus Hispanica).
16	Network Rail (Contact)
	As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works . More information can also be obtained from Network Rail's website at www.networkrail.co.uk/asp/1538.aspx .
17	Thames Water (Surface Water Drainage)
	With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses 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.
18	Thames Water (Backflow Protection)
	Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
19	Thames Water (Groundwater discharges)
	Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 199. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality .
20	Thames Water (Water Pressure)
	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
21	Definitions
	(Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
22	Sustainable Sourcing of Materials
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled

	content, use of local suppliers and by reference to the BRE's Green Guide Specification.
23	High Speed 1 Safeguarding
	<p>The Developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property. Contact: HS1 Ltd, 12th floor, One Euston Square, 40 Melton Street, London, NW1 2FD safeguarding@highspeed1.co.uk</p> <p>Reason: The nature of the proposed development is such that detailed discussion is required concerning the design, construction, future maintenance and demolition of the development to ensure that it does not compromise the integrity, safety, security, operation, maintenance and liabilities of HS1.</p>

Appeal Decision

Site visits made on 16 September and 14 October 2015

by Roger Pritchard MA PhD MRTPI

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

Decision date: 19 October 2015

Appeal Ref: APP/V5570/W/15/3131288

139a and 139b Grosvenor Avenue, London, N5 2NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Carlton James (Grosvenor Avenue LLP) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2014/3449/FUL, dated 22 August 2014, was refused by notice dated 3 June 2015.
 - The development proposed is the demolition of the existing two-storey semi-detached Houses in Multiple Occupation (Use Class C4) and the construction of a new five-storey (including a lower ground floor) design-led building providing eight residential dwellings (Use Class C3) consisting of 2 x four bedroom units and 6 x 2 bedroom units.
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1. DECISION

1. The appeal is dismissed.

2. APPLICATION FOR COSTS

2. An application for costs was made by Mr Carlton James (Grosvenor Avenue LLP) against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

3. PROCEDURAL NOTE

3. I made my initial site visit on 16 September 2015. It was on the basis of an Access Required Site Visit (ARSV) at which the Council was not present. However, it subsequently emerged that one of the occupants of a neighbouring property, 137 Grosvenor Avenue, had made a request for me to see the site of the proposed development from that property. I was unaware of this on 16 September. Before finalising my decision, I therefore made a second visit on 14 October for the specific purpose of seeing the site from No 137 and I have incorporated the conclusions from this second site visit in my decision under the Other Matters heading.

4. MAIN ISSUES

4. I consider the main issues to be –
 - i. Whether the proposal represents underdevelopment of the site; or
 - ii. If it does not represent underdevelopment, whether the proposed development should provide appropriate provision for affordable housing by means of a financial contribution; and

- iii. Whether the location of the proposed cycle storage arrangements would result in material harm to the living conditions of the occupants of a neighbouring property, 137 Grosvenor Avenue.

5. REASONS

Background

5. The appeal site comprises a pair of semi-detached houses, probably dating from the 1950s. In scale and form, Nos 139a) and b) are fundamentally different from the Victorian properties that line the south side of Grosvenor Avenue, on the opposite side of which is the post-war Highbury Estate. Originally taking the form of two, three-bedroom dwellings, in recent years both properties have been licensed as Houses in Multiple Occupation (HMOs). The proposed development would demolish both Nos 139a) and b) and replace these with a five storey block of flats, comprising two large units, with four bedrooms each, and six smaller units each with two bedrooms.

Whether the proposal represents underdevelopment of the site

6. Policy CS 12 of Islington's Core Strategy sets out the Council's principal housing objectives for the Borough. It deals with a wide range of matters associated with the provision of housing, but three elements seem to be most relevant to the proposed development. The first is section D. This requires residential developments to follow and not exceed the density requirements set out in the London Plan whilst complying with the housing quality standards set out elsewhere in the Local Plan. The second is section E. This requires the provision of a range of unit sizes with the aim of maximising the proportion of family accommodation. The third is section G. This deals specifically with the requirement for, and provision of, affordable housing in the Borough. The key criterion is in the second sub-section, which requires all sites capable of delivering 10 or more units to provide affordable homes on site whilst schemes below the 10 unit threshold should provide a financial contribution towards affordable housing provision elsewhere in Islington. (I shall return to the second part of this sub-section later in this decision.)
7. I have no doubt that the proposed development meets the requirements of sections D and E of Policy CS12. The core of the disagreement between Council and the appellant is whether the proposed development conforms to section G. Policy CS12(G) has two critical elements. The first is that it refers to '*sites*' not to '*developments*' or '*proposals*'. The second is the meaning of the word '*capable*'.
8. The Courts have held that development plan policies must be interpreted objectively in relation to the common meaning of the language used and the context in which they have been drafted. It seems to me that Policy CS12(G) requires an early appraisal of any site to ascertain whether it could accommodate '*10 or more units gross*'. That appraisal cannot be undertaken in isolation but has to be carried out within the framework of other development plan policies. Nevertheless, the identification in an adopted policy of so specific a criterion as to the number of units to be accommodated on a site suggests particular weight should be given to that factor when compared with other criteria. At the very least, any proposal that does not meet the '*10 unit*' threshold needs to be explicit as to why the site on which it is located cannot accommodate that number of units.

9. In respect to the word '*capable*', its meaning seems to be less clear cut. It might simply mean the physical capacity of the site, but that ignores the wide range of other factors that could and should influence the nature of any development. Nevertheless, as I have suggested above, the use of the word, '*capable*', suggests that there is at least an initial presumption that the capacity of any site has to be tested against the 10 unit threshold. Furthermore, there would need to be a clear and overriding justification as to why a site that was deemed '*capable*' of accommodating 10 or more units was being considered for a scheme that did not do so.
10. I accept that the context of Policy CS12(G) is to encourage the development of sites to their full potential whilst giving priority to development that is of sufficient scale to allow the on-site provision of affordable housing. I also suspect that the policy has been drafted in the manner it has to dissuade applicants from putting forward schemes with a smaller number of units in order to avoid such on-site provision.
11. I see no problems with Policy CS12(G) in terms of a requirement that the proposals for any particular site maximise its residential potential whilst meeting the full range of criteria set by the policies of the adopted development plan. Moreover, in assuming that the appeal site could accommodate a larger number of units than the eight proposed, the Council describes that failure to meet its maximum potential as a failure to achieve the sustainable development that lies at the heart of the Government's National Planning Policy Framework ('the Framework'). The Framework encompasses economic, social and environmental factors in its definition of sustainable development and I accept the Council's argument that ensuring that sites achieve their maximum potential should be a material consideration.
12. Furthermore, I take that view notwithstanding the general principle that every application and appeal has to be judged on its own merits and that none should be rejected on the grounds that there might be a better proposal 'round the corner'. Section 38(6) of the Planning and Compulsory Purchase Act 1994 states that every application and appeal should be determined in accordance with the adopted development plan '*...unless other material considerations indicate otherwise*'. Policy CS12(G) is part of the adopted development plan and applications should therefore be determined in accordance with its provisions.
13. The issue is therefore whether the appellant has demonstrated that the appeal site is not capable of accommodating 10 or more units. The Council obviously thought he had not. Its evidence to support the argument that the proposed development does not achieve the site's full potential centres on the claimed excessive size of the two four-bedroom units. The Council points out that their floorspace substantially exceeds the standards for such units set by the London Plan and carried forward into Policy DM2.3 of the Islington Development Management Policies Development Policy Document (DPD). For four-bedroom units, the minimum space standard is 99m² but the two four-bedroom units proposed here have floorspaces of 158m² and 164m² respectively. The units are thereby over 50% larger than the minimum standard. The Council argues that this demonstrates the capacity of the site/development to accommodate a greater number of units.

14. In refuting the Council's claim, the appellant argues that relying on the claim that the two four-bedroom units could be sub-divided is too simple. The design of the proposed development is based on many factors and it cannot be dismissed simply on the basis of the floorspace of the two largest units. I agree but that argument must still depend, in the terms set by Policy CS12(G), on the appellant providing a convincing demonstration that the site could not accommodate more units. I recognise that might well need a re-designed scheme.
15. Paragraphs 2.18 to 2.42 of the appellant's statement seek to demonstrate why the site could not accommodate 10 or more units. I found these arguments unconvincing. I acknowledge, however, that the appellant may have been under some disadvantage in presenting a case that essentially argues for his particular scheme rather than presenting a more general case as to any restrictions that may affect the capacity of the site. The distinction might seem subtle but it lies at the heart of Policy CS12(G).
16. I recognise that the appellant and Council officers spent a good deal of time and effort working up the scheme that led to the application. I cannot tell, however, how far Council officers may have taken on board in those discussions their members' clear priorities with regard to affordable housing. Nevertheless, the reaction of the Planning Committee perhaps should not have surprised the appellant.
17. Furthermore, the Council has directed me to a second application made by the appellant (Council Ref. P2015/2917/FUL) that proposes a scheme of ten residential units within the same building envelope. The appellant has asked me to give this second proposal only limited weight, not least because it has not yet been determined by the Council. Notwithstanding that comment, I do not see how I can ignore a proposal, put forward by the appellant, that apparently demonstrates the capacity of the site to accommodate at least ten residential units. It is obviously different from the original proposal but given fundamental similarities in terms of scale, massing and design, I do not accept that it can easily be dismissed as impractical, or not viable or, most importantly, as demonstrating that the site is incapable of accommodating 10 or more units.
18. I am accordingly persuaded that the appeal site has a capacity to accommodate at least 10 residential units. In these circumstances, the development fails the criterion set by Policy CS12(G) and the first reason for refusal is justified.

Financial provision for off-site affordable housing

19. The Council's second reason for refusal argues that, even if it were concluded that the appeal site could not accommodate more than eight units, the financial provision for off-site affordable housing provided by the appellant for the scheme is inadequate.
20. The argument between the appellant and the Council around the second reason for refusal is complicated by the issues associated with the two Written Material Statements (WMSs) of 28 November 2014 and 25 March 2015 and the subsequent amendment to the Planning Practice Guidance (PPG). The consequence of these was that the Government advised local planning authorities that contributions towards affordable housing should not be sought

on developments of ‘...10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area)...’ However, following a judgment on 31 July 2015¹, the Courts quashed the WMSs and issued a Declaration Order that the policies in the Statements must not be treated as a material consideration in the exercise of powers and duties under the Planning Acts. As a consequence the amended paragraphs of the PPG were removed. In these circumstances, I have no reason, in the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, to set aside any part of Policy CS12(G) or give any less weight to the adopted, *Affordable Housing Small Sites Contribution* SPD as a material consideration.

21. Notwithstanding his comments on the WMSs, the appellant had placed ‘on the table’ an Undertaking that proposed an off-site financial contribution towards affordable housing in the Borough. The proposed contribution amounted to £144,000, i.e. less than half the norm expected by the SPD for a scheme that provides a net addition of six units. The SPD would have expected the Undertaking to provide £300,000. The reduced sum was calculated on the basis of a viability assessment prepared by the appellant’s advisors but modified after extensive discussions with Council officers and the Council’s own valuation consultants. The Planning Committee did not accept the conclusions of this viability exercise and the second reason for refusal is that the ‘reduced’ contribution has not been justified and is therefore contrary to Policy CS12(G) and the SPD.
22. Notwithstanding this dispute, I do not consider it necessary for me to go further in assessing the financial viability of the appeal scheme. I take this view principally because of the proposed development’s failure to overcome the first reason for refusal – the capacity of the site to provide 10 or more units. The wording of Policy CS12(G) seems to place a clear priority on the potential to accommodate enough units to justify the on-site provision of affordable housing. The second part of the second sub-paragraph of CS12(G) is a fall-back, requiring an off-site contribution to provision elsewhere in the Borough, only where it has been convincingly demonstrated that the 10 unit threshold cannot be met.

The location of the proposed cycle storage arrangements

23. The Council’s third reason for refusal concerns the impact of the location of proposed cycle storage on a neighbouring property, 137 Grosvenor Avenue. The proposed development would provide 20 cycle spaces on the standard of 1 space per bedroom in line with Policy DM8.4 of the Development Management Policies DPD. Those spaces would be provided in an enclosed timber structure at the rear of the site adjacent to the boundary with No 137. The Council argues that the proposed cycle store would overbear on No 137’s rear amenity space, whilst the use of the store would lead to noise and disturbance affecting the living conditions of its occupants. As such, the Council argues that the proposed cycle store would breach those elements of Policy DM2.1 of the Development Management Policies (DPD) that seek to protect the amenity of neighbouring land.
24. I find the Council’s arguments unconvincing. The cycle store would be a relatively small structure of restricted height and I consider its impact on the rear amenity space of No 137 would be limited to the point where it would not

¹ West Berkshire District Council and Reading Borough Council v SSCLG [2015] EWHC 2222 (Admin).

result in any significant material harm. By the same token, I find it difficult to believe that the use of the cycle store would result in any greater noise and disturbance to neighbours than would normally be produced by the use of any back garden and would thereby be entirely acceptable. In this respect, it would not therefore be contrary to the terms of Policy DM2.1.

25. However, my acceptance of the appellant's case on this, relatively, minor matter in no way outweighs my view on the first reason for refusal and that view leading to my conclusion that the appeal should be dismissed.

6. OTHER MATTER

26. I have already commented in my Procedural Note that I was asked to pay a second site visit to assess the impact of the proposed development on a neighbouring property, 137 Grosvenor Avenue.
27. The proposed development has no windows on its relevant, eastern, side elevation and there is therefore no issue of overlooking of No 137. Furthermore, although the proposed development would be taller than the existing semi-detached properties, it has been specifically designed to be of no greater height than either Nos 137 or 141. I accept that the proposed development would be somewhat deeper than the neighbouring properties but the relationships between it and its neighbours would be broadly similar to those that exist between other pairs of semi-detached properties in Grosvenor Avenue.
28. Moreover, I was already aware of the Daylight and Sunlight study that had been carried out for the appellant by MES Building Solutions², and which had been amended following an internal inspection of No 137. The study accompanied the original application and was specifically carried out to assess the effects of the proposed development against Policy DM2.1 of the adopted Development Plan. The study was based on the generally accepted criteria for these matters set by the Building Research Establishment's (BRE), *Site Layout Planning for Daylight and Sunlight*. It used the impact of the proposed development on the Vertical Sky Component (VSC) of the windows of all neighbouring properties, including, of course, No 137, but also looked at the Daylight Distribution test in respect of the rooms that might be most affected and the effects of sunlight and the impact on neighbouring properties' amenity space.
29. The MES Building Solutions raised no issues in respect of No 141 or properties on the other side of Grosvenor Avenue. Nor, in respect of the basement, ground and first floors of No 137, do I see any evidence that the proposed development would result in a substantial diminution of daylight or sunlight reaching those rooms with windows facing west, i.e. towards the proposed development. I take this view, having considered the amendment to the scheme such that its south-eastern corner would be angled away from the basement flat of No 137 and the fact that there is already the side elevation of the existing semi-detached dwellings close to the boundary with No 137.

²The MES Building Solutions study looked at four properties close to the proposed development, Nos 137 and 141 Grosvenor Avenue, i.e. the two properties on either side of the proposed development, and two properties on the other side of the road, 114 Grosvenor Avenue and Park Church House. It was clear from the conclusions that only 137 Grosvenor Avenue gave any cause for concern in terms of any loss of daylight or sunlight.

30. The Daylight and Sunlight study demonstrates, however, that there would be some reduction in the daylight and sunlight reaching the side elevation windows at second floor level. Nevertheless, as the MES Building Solutions comments and as I saw for myself on my second site visit, these windows light a workshop area, which would not normally be given the same priority as a habitable room. I am also aware that neither of the windows most affected is a principal window lighting the relevant room and that, as a whole, the room would continue to be well-lit despite any effects of the proposed development.
31. The MES Building Solutions study also looked at the effect of the proposed development on the rear garden of No 137 and concluded that it would produce no significant material harm. I agree: the orientation of No 137 to the proposed development is such that there should be little if any interference with the enjoyment of their rear garden by the occupants of No 137.
32. There finally remains the small terrace that is at second floor level in No 137 and which faces the proposed development. I have little doubt that the views from this terrace would be affected – as would the views from the two second floor windows to which I refer in paragraph 29. However, it is a well- established principle that planning can provide no security for views and this matter has to be discounted. Furthermore, I agree with the Council’s officers that a side terrace of the form that exists here so close to the property boundary should not carry the same protection as might be afforded to amenity space such as a rear garden. The material harm to the future use of this terrace therefore cannot weigh sufficiently against the proposed development for me to conclude that it is in breach of those criteria of Policy DM2.1 that seek to protect the living conditions of the occupants of neighbouring properties.

7. CONCLUSION

33. For the reasons given above I conclude that the appeal should be dismissed.

Roger Pritchard

INSPECTOR

APPENDIX 3: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

3 London's people

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

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

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

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

Policy 3.13 Affordable housing thresholds

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

7 London's living places and spaces

Policy 7.1 Lifetime Neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)

C) Development Management Policies June 2013

Design and Heritage

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

Housing

DM3.1 Mix of housing sizes
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration (residential uses)

Health and open space

DM6.1 Healthy development
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
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.3 Public transport
DM8.4 Walking and cycling
DM8.6 Delivery and servicing for new developments

Infrastructure

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

5. Designations

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

- Site within 50m of a conservation area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

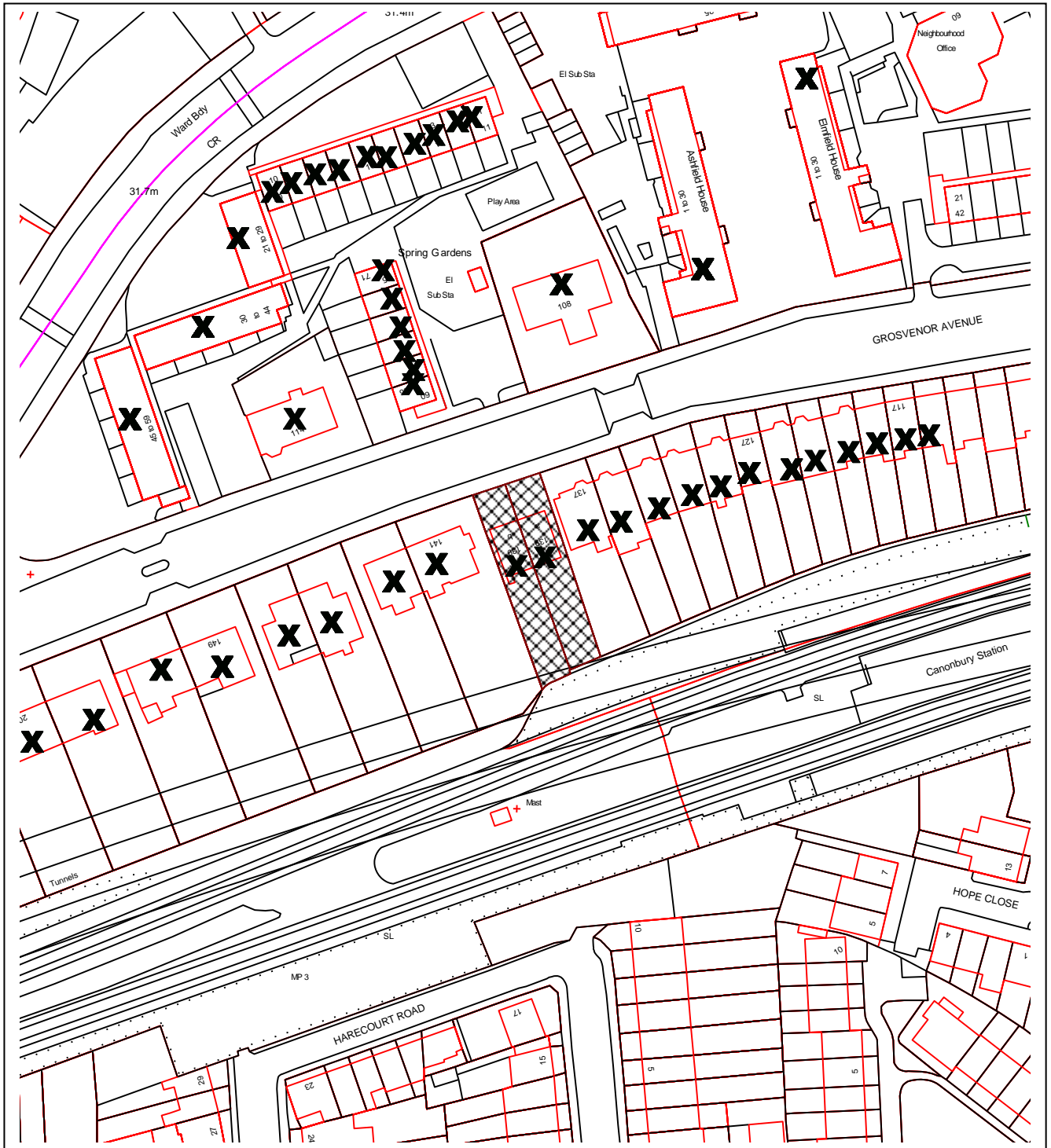
- Environmental Design
- Inclusive Design in Islington
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide
- Neighbourhood Framework Document
- Preventing Wasted Housing Supply

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- The Control of Dust and Emissions during Construction and Demolition
- Shaping Neighbourhoods: Character and Context
- Sustainable Design & Construction
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy
- Shaping Neighbourhoods: Play and Informal Recreation

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ISLINGTON SE GIS Print Template



P2015/2917/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

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	10 December 2015	NON-EXEMPT

Application number	P2015/4230/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	N/A
Conservation area	N/A
Development Plan Context	Central Activities Zone, Core Strategy Core Area - Bunhill & Clerkenwell, Major Cycle Route
Licensing Implications	Licensing application previously approved for alcohol, dancing, live entertainment and music
Site Address	61 Lever Street, EC1
Proposal	Change of Use of ground floor and part basement level from conference centre (Sui Generis) to office (B1a) use, with associated flexible A1/A3 use at ground floor, alterations to facades and entrances, and the addition of roof lights.

Case Officer	Colin Leadbeater
Applicant	Lever Street Limited
Agent	DP9 Ltd

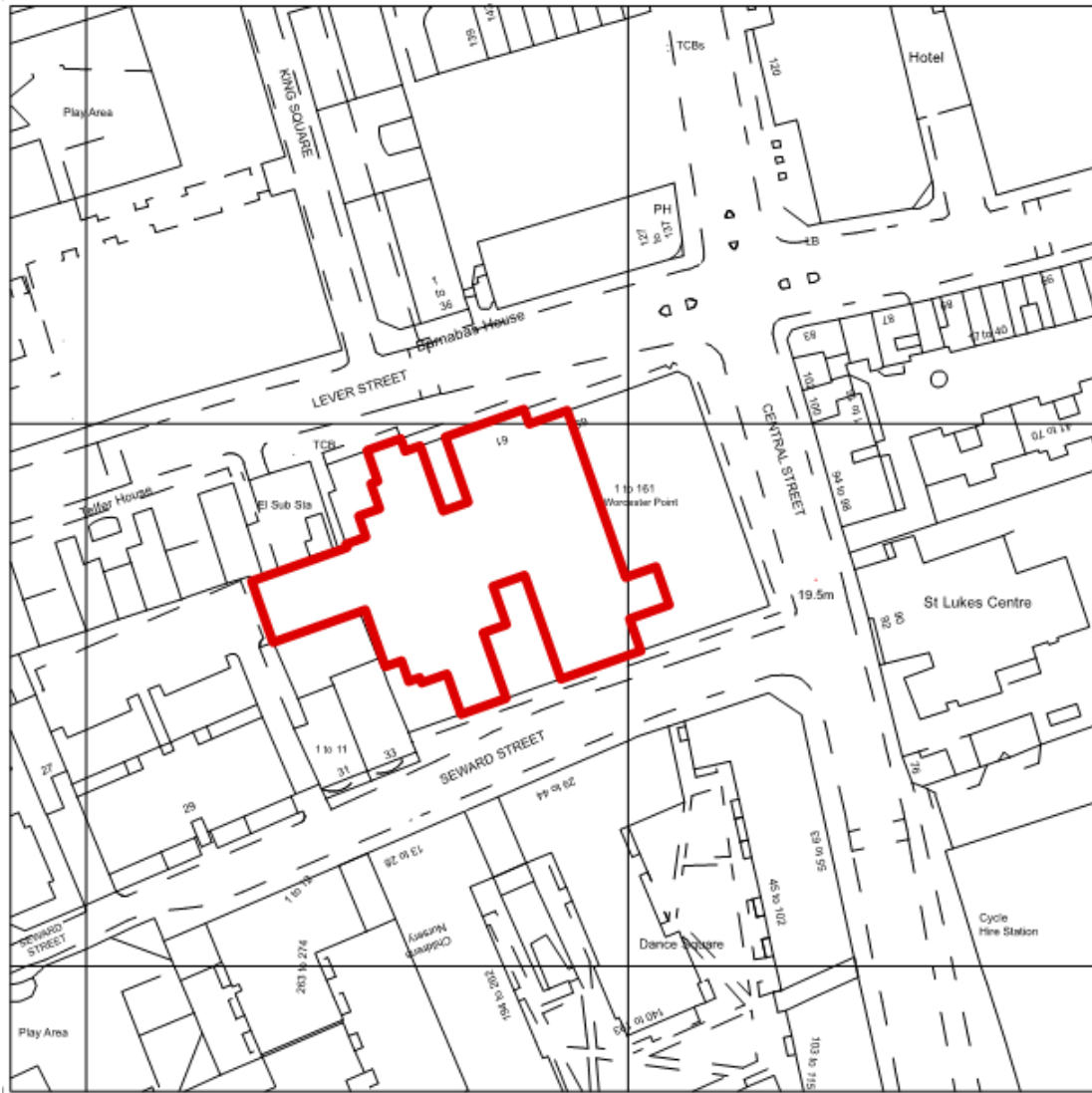
1. RECOMMENDATION

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

- subject to the conditions set out in Appendix 1 and

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Lever Street



61 Lever Street Entrance



Seward Street

SUMMARY

- 3.1 The application proposes a change of use of 61 Lever Street from a Sui Generis use as a conference and entertainment centre to provide 2140m² of B1(a) office floorspace and 328m² of A1/A3 café/restaurant floorspace, along with external alterations to the facades including the provision of two new entrances/shopfronts, and the addition of 6 rooflights to an existing flat roof.

Land Use and Residential Amenity

- 3.2 The proposed change of use from Sui-Generis as a conference centre and Masonic meeting place to B1(a) office and associated A1/A3 café/restaurant is considered to be broadly acceptable due to the original planning permission being granted in 2007 with the ground floor being devoted to office floorspace. It also accords with policy advice contained within CS13 by encouraging new business floorspace. The A1/A3 floorspace is considered to be complementary to this business floorspace, and subject to conditions requiring details of soundproofing, hours of operation, plant and flue/extraction systems being acceptable would create no significant impact on the amenity of neighbouring residential properties over the previously consented scheme as a conferencing centre which would have catered for large parties including weddings.

Design

- 3.3 The proposals include the addition of two new entrances (or shopfronts) to the Lever Street and Seward Street elevations. The proposed design of these entrances is considered to be of a high quality, would encourage an active frontage and would be an improvement over what is currently experienced on the application site.

4. SITE AND SURROUNDING

- 4.1 The application site forms the ground and part basement of an existing building which comprises of a part 6 part 7-storey building containing 162 residential units (76 x1, 64 x2 and 22 x3 bedroom flats), along with B1 office floorspace at ground floor level . The site has 3 street frontages namely Central Street to the east, Lever Street to the north and Seward Street to the south.
- 4.2 The application site is not located within a designated conservation area, but is adjacent to St Luke's Conservation Area. There are no listed buildings, nor any locally listed buildings on site.
- 4.3 The surrounding area is characterised by a mixture of residential, commercial, business and leisure uses. There is no prevailing age or architectural style to the buildings within the vicinity of the site. A site inspection confirmed that there are numerous examples of buildings from the Victorian, interwar, post-war periods along with modern and contemporary structures. Heights of

buildings also vary greatly from residential tower blocks to 2-storey warehouse buildings.

- 4.4 To the west of the application site and fronting Lever Street is a 2-storey residential building known as Telfer House which is separated from the existing buildings by a small car-parking area. The single-storey rear projection of the site wraps behind this parking area. There are no windows to the flank walls of Telfer House which front the application site, however a planning permission was granted in 2014 to redevelop this site to provide a part 5, part 6 storey residential building for 38 units. Also to the west, but fronting Seward Street are nos. 31 and 33 Seward Street which comprise two 6-storey residential buildings.
- 4.5 To the south of the site is a recently developed site which contains a number of buildings varying in height from four to ten storeys. This development includes 274 flats with retail, and office uses at ground floor level. To the north of the site and fronting Lever Street is a part 5, part 4 storey residential building with ground floor commercial use known as Barnabas House. To the east of the site and fronting Central Street is a 5-storey residential building with ground floor commercial use known as Chadworth House.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks a Change of Use of ground floor and part basement level from 2468m² of conference centre and Masonic meeting venue (Sui Generis) to 2140m² of office (B1a) use, associated 328m² of flexible A1/A3 use at ground floor, along with alterations to facades and entrances including the provision of two new shop fronts/entrances, and the addition of 6 new roof lights to an existing flat roof at first floor level within an existing large central lightwell.

6. RELEVANT HISTORY:

- 6.1 **P061400** allowed on appeal on the 26th March 2007 granted the demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level.
- 6.2 **P072016** dated 29th February 2008 granted the demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level.
- 6.3 **P102725** dated the 15th July 2011 allowed a minor material amendment application to vary condition 31 (approved plans) together with associated variation of condition 3, 4, 7, 8, 11, 15, 17, 20 and 24 of planning permission P072106 dated 29/02/2008 for the: 'Demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161

residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level'.

- 6.4 **P112417** allowed on appeal 20th September 2012 allowed the erection of a part 6, part 7 storey building over basement to provide for 161 residential units; 2492sqm for use principally as a conference centre and Masonic meeting venue and ancillary to the main D1 use to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; 595sqm of floorspace for flexible B1/A1/A2/A3/D1/D2 use; with associated bicycle, motorcycle and car parking spaces at basement level. This permission has now been implemented, however the D1/D2 use did not commence.
- 6.5 **P120208** dated 27th March 2012 allowed a Section 73 application of the Town and country planning act to vary the wording of condition 14 (renewable energy) and 30 (approved plans) of planning permission reference P102725 dated 15 July 2011 for the Minor material amendment application to vary condition 31 (approved plans) together with associated variation of condition 3, 4, 7, 8, 11, 15, 17, 20 and 24 of planning permission P072106 dated 29/02/2008 for the: 'Demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle, and car parking provision at basement level'.
- 6.6 **P121020** refused on the 9th August 2012 for a change of Use of the ground floor and part basement level from its current permitted use for operations within the B1 (office) use class and 81 square metres of A1 (retail) floor space to use of 2492 square metres of the floor space for a Sui Generis use as a conference centre and Masonic meeting venue to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; and 595sqm of floor space for flexible B1 (office)/A1 (retail)/ A2 (financial and professional services)/ A3 (cafe and restaurant) /D1 (non residential institutions)/ D2 (assembly and leisure) use. The reason for refusal was the unacceptable loss of the B1(a) office space.
- 6.7 **P122148** dated 17th January 2013 for a Change of Use of ground floor and part basement level from operations within the B1 (office) use class and 81 square metres of A1 (retail) floor space to 2492 square metres sui generis conference centre and Masonic meeting venue floorspace to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; and 595sqm of floor space for flexible B1 (office) /A1 (retail)/ A2 (financial and professional services)/ A3 (cafe and restaurant) /D1 (non residential institutions)/ D2 (assembly and leisure) use. This was approved, because the employment potential of a conference centre was viewed as commensurate to employment levels within the consented B1 scheme.

- 6.8 **P2013/2553/FUL** dated the 9th October 2013 allowed alterations to ground floor facade to install ventilation louvres and relocate glazing.
- 6.9 **P2013/2558/FUL** dated the 25th September 2013 allowed the erection of a canopy with downlighting above main entrance to Clerkenwell Conference Centre and associated works, and installation of 1 x internally illuminated sign.
- 6.10 **P2013/2793/S73** dated 31st October 2013 allowed a variation of condition 2 (approved plans) to allow for changes to the facades and condition 6 (BREEAM) to allow for a change from 'excellent' to 'very good' of planning permission reference P122148 dated 22 January 2013. The application also secured an amendment to the unilateral undertaking to allow for a financial contribution towards the provision of affordable workspace as an alternative to on-site provision.
- 6.11 **Adjoining Sites**
- 6.12 **P2013/2437/FUL** dated 14th April 2014 allowed the demolition of an existing two storey residential building and construction of a part 5, part 6 storey residential building for 38 units comprising of 7 x 1 bed flats, 25 x 2 bed flats and 6 x 3 bed flats, with landscaping and other associated works.

ENFORCEMENT:

- 6.13 None

PRE-APPLICATION ADVICE:

- 6.14 Q2015/1687/MJR: The principle of B1 (office) floorspace is considered to be acceptable, and would be in line with the scheme as it was originally consented.

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 380 adjoining and nearby properties at Lever Street, Seward Street, Dance Square and Central Street on 29/10/2015. A site notice and press advert were displayed on 29/10/2015. The public consultation of the application therefore expired on 26/11/2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report a total of 3 responses had been received from the public with regard to the application, all of which were objections. The issues raised can be summarised as follows (with paragraph numbers where those issues have been addressed in brackets):
- Potential noise and nuisance from A3 (café/restaurant) floorspace. (10.23 and 10.24)
 - Concentration of café/restaurant uses in the area (10.9)

- Noise of deliveries (10.32)
- Noise of patrons accessing and leaving the proposed A3 use (10.23 and 10.24)
- Cycle Parking provision in basement posing a security risk to residents, and additional cycle parking to the front of the building causing noise disturbance to neighbouring residential properties (10.31)
- Objection to possible tables and chairs on pavements (10.24)

External Consultees

7.3 None

Internal Consultees

7.4 **Access Officer** has raised no objection.

7.5 **Design and Conservation Officer** raised no objection.

7.6 **Public Protection Division (Noise Team)** raises no objection subject to a condition being added in order to mitigate any noise/nuisance from fixed plant and/or extraction systems.

7.7 **Planning Policy** note that Finsbury Local Plan policy BC1 seeks to secure a range of small and affordable workspaces, and note that any new A1/A3 floorspace would have to minimise any adverse amenity impacts, but are content the A3 use is suitable provided DM4.4 Part B is addressed, demonstrating that the proposed use would not individually, or cumulatively have a detrimental impact on the vitality of Town Centres, would have no adverse impact on amenity; and the proposal would support existing clusters of similar uses within or adjacent to the Central Activities Zone. Additionally, Planning Policy note there is a need to ensure that appropriate measures are put in place to ensure privacy and security for office occupiers.

8. 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

8.1 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.

- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.3 Under the Ministerial Statement of 18 December 2014, 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

- 8.4 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

- 8.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Central Activities Zone
 - Core Strategy – Bunhill and Clerkenwell
 - Major Cycle Route

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 An EIA screening was not submitted. However the general characteristics of the site and proposal are not considered to fall within Schedule 1 or 2 development of the EIA Regulations (2011). No formal decision has been issued to this effect.

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use;
 - Design;
 - Accessibility;
 - Neighbour amenity;

- Planning Obligations.

Land-use

Employment floor space:

- 10.2 Core Strategy policy CS13 and Finsbury Local Plan policy BC8 safeguard existing employment floor space and encourage new employment floorspace (particularly business floorspace) to locate in the Central Activities Zone (CAZ) where access to public transport is greatest. New business floorspace is required to be flexible to meet future business needs and shall include the provision of a range of unit types and sizes, including those suitable for Small/Medium Enterprises (SMEs).
- 10.3 The proposed change of use from a Sui Generis conference centre and Masonic meeting venue to B1(a) office floorspace would provide 2,140 sqm of high quality employment floorspace within the CAZ, potentially accommodating up to 179 employees (1 employee per 12sqm, HCA Employment Densities Guide, 2010).
- 10.4 Part A of Policy CS7 identifies that 'Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Policy BC8 encourages the provision of micro and small workspaces. The site does not fall within an Employment Priority Area (in which proposals are required to provide a proportion of affordable workspace equivalent to 5% of the total proposed employment space) , nevertheless, the applicant has agreed to provide affordable workspace in the form of 5 desk spaces (from a total of 100 hot desking spaces) to be provided at a 50% discount for a period of 5 years, to be managed by the Council's Business Employment Support Team. This provision is supported by the Council's Planning Policy Team.
- 10.5 DM5.4 of the Islington Development Management Policies Document 2013 (Size and Affordability of Workspaces) states that where workspace is to be provided for small or micro enterprises but not within physically separate units the applicants will be required to demonstrate that the floorspace will meet the needs of such enterprises through design, management and/or lease terms.
- 10.6 It is considered the proposed design and management of the development which will offer individual desks, or clusters of desks to be occupied would align with the spirit of policy DM5.4.
- 10.7 It is proposed that a clause be added S106 agreement be added to seek details of management and lease terms of the affordable workspaces, along with the overall development.

Principle of A1 and A3 Uses

- 10.8 The proposed change of use includes 328m² of flexible A1/A3 (retail, café, restaurant) use to be located adjacent to the main entrance to the proposed office unit on Seward Street. The previously consented scheme under a Sui

Generis use as a conference facility and Masonic meeting venue included weddings, private parties, the provision of music, dance, entertainment as well as a bar and lounge area.

- 10.9 Policy DM4.3 establishes where café/restaurant uses are appropriate, stating that restaurants, drinking establishments and similar uses should not have a negative cumulative impact due to an unacceptable concentration of such uses in one area and should not cause unacceptable disturbance or detrimentally affect the amenity, character or function of an area. The Finsbury Local Plan confirms on Figure 16 (page 86) that the application site does not fall within an area suffering from a cumulative impact of alcohol licensed premises, and falls outside of any other area with a high concentration of alcohol licenced premises.
- 10.10 It is considered the proposed café/restaurant will mainly be used in association with the shared office/workspace provision as an informal meeting space, and for snacks, lunches and dinners for employees working in the building and will not be as intensive nor have the same potential to cause disturbance to neighbouring residential dwellings as the previously approved use.
- 10.11 Additionally the proposed A1/A3 unit would provide activity to the street frontage and would also be publicly accessible. It is considered that the proposal would not result in an unacceptable concentration of such uses in this area and the proposed uses would be in keeping with the character and function of the area. Policy DM 4.2 and 4.3 also seek to ensure restaurant uses do not cause unacceptable disturbance or detrimentally affect the amenity, character and function of the area. Conditions to address noise, odour and hours of operation are recommended to ensure these concerns are addressed (see paragraph 10.24 and conditions 8 and 9).
- 10.12 A condition (Condition 10) is proposed in order to restrict the free movement of users of the A1/A3 use to the B1 office use so as to protect the security of office users, in line with comments raised by the Council's Planning Policy Team.

Conclusion:

- 10.13 In accordance with policies CS7, CS13, DM4.2, DM4.3 and DM5.4 the proposal would result in employment floor space on the site, along with introducing uses complimentary to the primary business function of the area. The provision of 5 workspaces at 50% market rate would address the small/medium workspace requirements for affordable workspace.
- 10.14 Additionally, the proposed retail/restaurant uses are not considered to represent an over concentration of uses subject to sound insulation, flue and extraction details and hours of operation conditions to protect residential amenity.

Design

10.15 Proposals for any new development in this location are required to achieve high quality design in order to meet the of Policy BC 3 (Buildings of a High Quality Architectural Design) of the Finsbury Local Plan 2013 and Policy DM2.1 that requires all forms of development shall be of a high quality of the Islington Development Management Policies 2013.



Fig 1: Indicative mockup of typical shopfront

10.16 The proposed external alterations to the façades fronting Lever Street and Seward Street consist of bi-folding windows on Seward Street (the main entrance) crittal style windows and 3-D signage which would also double as cycle storage. These are considered to be of a good quality of design, and will allow for some active frontages to a building which currently has a poor interaction with the street. The proposed alterations will be of a design and material which will complement the host building, and make a positive contribution to the streetscene, and Condition 3 secures details and samples of these for agreement.



Fig 2: Existing and Proposed Seward Street Elevation



EXISTING ELEVATION



PROPOSED ELEVATION AND ENTRANCE WITH CRITIAL STYLE WINDOWS AND INTEGRATED BIKE STORAGE SIGNAGE (NOTE THAT SIGNAGE IS INDICATIVE AND SUBJECT TO CONDITION)

Fig 3: Existing and Proposed Lever Street Elevation

10.17 Six new roof lights are proposed to an existing flat roof over the west of the development to offer more natural light to reach the office floorspace below. They would have no significant impact on the amenity or privacy of neighbouring residential properties due to their location beneath and set away from existing residential windows therefore no overlooking or loss of privacy will result.

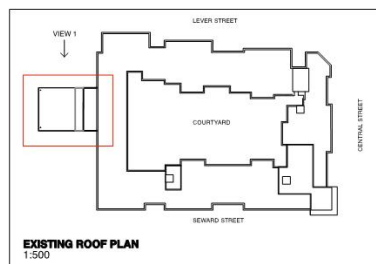
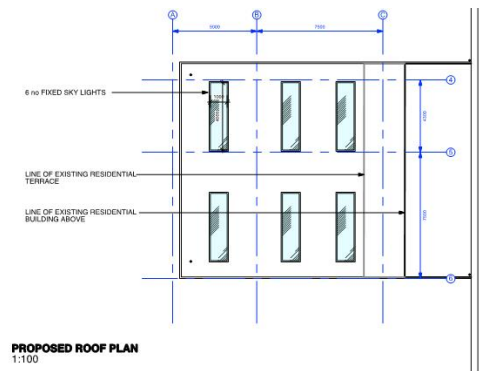
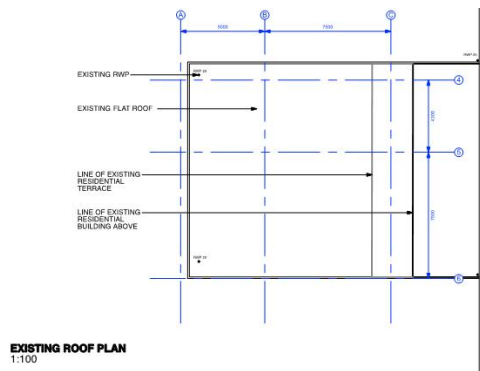


Fig 4: Location and design of proposed rooflights



Fig 5: Location of flat roof where rooflights are to be located

Accessibility

- 10.18 It is considered that while the access arrangements are generally acceptable, a condition should be attached to any decision requiring detailed plans relating to level and inclusive access, and requiring the provision of at least one disabled toilet at ground floor level (Condition 4).
- 10.19 The proposed floorplans as submitted do not include a disabled toilet or changing facilities at ground floor level, and do not show inclusive cycle or scooter storage. This is considered to be necessary to ensure inclusive access and use of the premises, and is supported by the access officer.

Landscaping and Trees

- 10.20 The proposed development would not create any new landscaped areas, and would not remove nor replace any existing trees.

Neighbouring Amenity

- 10.21 Council policy identifies that residential amenities should be appropriately safeguarded when assessing the implications of development proposals. In the case of this application there is no physical change in terms of the siting of the floorspace, and thus the evaluation purely relates to whether the proposed use and associated operations would unduly compromise neighbouring amenities.

10.22 Directly above the floors subject to the proposed change of use are recently constructed and occupied residential units. The surrounding area is characterised by a mixture of uses with residential as well as commercial uses. However with regard to overlooking and privacy, the proposed change of use raises no additional concerns due to the window arrangement at ground floor level remaining unaltered, and the proposed roof lights in the existing flat roof at first floor level within the internal courtyard being at such an obtuse angle that views into adjacent residential properties would not be possible.

Noise and Extraction

10.23 The previously approved use at ground floor included allowance for weddings, private parties, the provision of music, dance, entertainment as well as a bar and lounge area. The proposed use as B1(a) with an 328m² of flexible A1/A3 retail/restaurant floorspace are unlikely to cause the same degree of disruption to nearby residential properties as the previously approved scheme could have potentially generated. However a condition is proposed to ensure adequate sound insulation between the ground floor office/restaurant function and the residential units above. The hours of operation of the A1/A3 floorspace will be restricted (Condition 9) to protect residential amenity with regard to noise of patrons coming to and leaving the premises.

10.24 A condition is proposed (Condition 15) to seek noise details of any roof-top plant and/or mechanical extraction/ventilation, which will be required to operate within specific acoustic and filtration/odour parameters as set out by the Council's Environmental Health team in order to ensure neighbouring residential properties are not unduly affected by any plant and/or kitchen extraction. An objection raised concerns that there may be noise associated with outdoor tables and chairs in association with the proposed A3 café/restaurant use, however no such provision has been sought under this application for planning permission, and the location of the 3D signage/bicycle storage directly in front of this window would make such an arrangement unlikely.

Sustainability

10.25 The application proposes the change of use of parts of the ground and basement floor of the building recently constructed in accordance with planning permission LBI reference P120208 dated the 27th March 2012. The guiding principle is for the change of use not to diminish the sustainability levels and energy efficiencies achieved and secured under the original planning permission including a BREEAM rating of 'very good', an on-site carbon reduction, along with a connection to the Bunhill Decentralised Energy Network.

10.26 Typically the Council would require documentation and evidence at application stage to demonstrate that an acceptable BREEAM rating could be achieved for the proposed development.

- 10.27 Given the sites planning history and the fact that this application proposes a change of use as opposed to significant physical alterations it is considered appropriate that a condition could be attached in the absence of this information at application stage requiring that the proposed floorspace affected by the change of use achieve a BREEAM 'Very Good' rating (Condition 6).
- 10.28 With regard to other relevant considerations such as CO₂ reduction via renewable technologies and connection to a decentralised energy network these matters are not considered necessary to be conditioned as part of any approval for this application as these have already been secured within the permission for the wider development under application LBI reference P120208.

Highways and Transportation

- 10.29 The site has a Public Transport Accessibility Level (PTAL) rating of 'very good' (PTAL = 5) and the application site is located within Zones 'A' and 'C' Controlled Parking Zones (CPZ). Old Street Underground Station is located approximately 500m east of the site, and 2 bus stops, served by 5 services are located within 500 and 200m of the site. The London Borough of Islington is the Highway Authority for Lever Street, Seward Street and Central Street and none of these roads are categorised as a red route.
- 10.30 The application has been submitted with a Transport Statement. The transport statement concludes that the included trip generation assessment demonstrated that the quantity of daily trips for the proposed office and restaurant/café use are comparatively similar to the previously approved use as a conference centre/Masonic hall, and that the additional trip generation at peak AM and PM hours, due to the location of the development and its existing PTAL rating would be accommodated by the existing car parking and public transport provision on the site. Additional cycle spaces are proposed in the basement of the development with a total provision of 37 spaces internally (above the 30 spaces required under Appendix 6 of the Islington Development Management Policies), with an additional amount of cycle stands incorporated into the signage of the development at street level, including the provision of accessible cycle stands to each end of such a provision. Details of such cycle parking will be sought through the standard materials condition (Condition 3).



Fig 5: Indicative design of external bicycle parking.

- 10.31 Concerns have been raised by a nearby resident that the internal bicycle storage would pose a security risk to residents of the development due to additional persons having access to the basement, however it was always envisaged that the original B1 office floorspace as originally approved would have access to bicycle storage in the basement level. The principle of mixing commercial and residential bicycle storage does not put the security of the basement space at risk, it would be the responsibility of building management to ensure the security credentials of persons using this space.
- 10.32 Delivery and Servicing arrangements would be largely the same as have been previously permitted on the development, with the majority of servicing occurring between 10am – 4pm Monday – Friday via light vans. The deliveries attributed to the B1/A3 floorspace would replace deliveries to the consented conference centre, so it is not considered that there would be a significant detrimental change in the pattern or mode of delivery.
- 10.33 Refuse arrangements will not change from the previously approved scheme, and will take place on Lever Street and Seward in line with the proposed Delivery & Servicing Plan.
- 10.34 It is considered that the details provided are acceptable, and delivery and servicing arrangements are sustainable in this location.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.35 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate

the negative impacts of this development in terms of a lack of accessible parking spaces and local accessibility, cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the accessible transport and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.

- 10.36 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 10.37 The accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. In the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 10.38 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments.
- 10.39 The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.

Security

- 10.40 The Council's Planning Policy Team raised concern with regard to the possibility of unauthorised persons being able to access the B1(a) floorspace through the publicly accessible A1/A3 floorspace without prior permission of the operators. A condition is proposed (Condition 10) in order to ensure a method of securing the two uses is installed and operational prior to first occupation of the development.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The current scheme replicates the ground and basement floors of the scheme as it was originally granted permission in 2010. The proposal involves the provision of 2,140sqm of B1 office floorspace, and 328sqm of A1/A3 floorspace, which is considered to be in accordance with all relevant national, regional and local policy. The provision of employment generating floorspace is welcomed in this location.
- 11.2 Should permission be granted, it would be subject to the recommended conditions to ensure that residential amenity is protected, the principles of

inclusive design are adhered to and the required sustainability criteria are met. A legal agreement is required to ensure the management of the affordable and SME workspace is properly carried out.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms 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:

1. Affordable workspace – Of the 100 hot-desking spaces to be provided at the site, a total of 5 (five) desk spaces will be made available at 50% discount on market rates for a period of 5 (five) years.
2. The provision of an additional number of accessible parking bays, or a contribution towards bays or other accessible transport initiatives of £4000.00.
3. Submission of a Green Performance Plan.
4. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
5. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the **Section 106** Deed of Planning Obligation not be completed within an agreed PPA timescale, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, 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.

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall begin no later than the of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Design and Access Statement, Planning Statement dated October 2015, Indicative Basement Layout, P02, Indicative Ground Layout, P01, 003, 101, 007, 102, Sustainability Summary, 61 Lever Street Transport Statement Note (including Delivery and Servicing Plan).</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>Materials and samples</p> <p>CONDITION: Detailed design, and 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> <ul style="list-style-type: none"> a) Details of the glazed external screen/shopfront to match as closely as possible to the photograph shown on drawing 101 (which appears to be a painted steel product, and not a powder coated aluminium) b) Window and door treatment (including sections and reveals); c) roof lights including sections; d) render (including colour, texture and method of application) (if applicable); e) External cladding (including material, colour, texture and method of application); f) Signage details; g) Cycle stand provision within signage (including finishes and materials); h) any other materials to be used. <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</p>

	resulting appearance and construction of the development is of a high standard.
	Access
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. Plans and details confirming that these standards have been met and in accordance with the Islington Inclusive Design SPD shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> a) Refuge Areas on all floors; b) Cycle storage and changing/shower facilities including: <ul style="list-style-type: none"> i) Provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection) and accessible changing/shower facilities; ii) Stair link between ground floor cycle storage and upper floor to be inclusive and in accordance with design guidance; and iii) Routes to and arrangement of wheelchair accessible facilities, including accessible WC facilities. <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 order to facilitate and promote inclusive and sustainable workplaces.</p>
5	Cycle Storage
	<p>CONDITION: The internal bicycle storage area(s) hereby approved shall be covered, secure and provide for no less than 37 bicycle spaces as well as the provision of showering, changing and locker facilities.</p> <p>The approved bicycle storage details shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
6	BREEAM (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM (2011) rating of no less than 'Very Good'.</p> <p>A Green Guide shall be provided to future retail tenants to inform them of the measures they will need to incorporate as part of the fit out process to further enhance the environmental performance of the units.</p> <p>A copy of the Green Guide shall be provided to the Council prior to occupation of any of the units.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

7	<p>Plant and Extraction</p> <p>CONDITION: Details of the design and installation of new items of fixed plant and/or mechanical extraction/ventilation shall be submitted and approved by the Local Planning Authority prior to first occupation of the unit to which they relate, and be such that when operating the cumulative noise level $L_{aeq,T}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 10dB(A) below the background noise level $L_{AF90,Tbg}$.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>Any mechanical extraction/ventilation must be designed and located in such a way to ensure no negative impact on the amenity of nearby residential properties including vibration, gas, dust and odour.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
8	<p>Noise</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor uses and the residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing on site.</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 therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of preventing undue noise transfer between the office and residential units.</p>
9	<p>A1/A3 Opening Hours</p> <p>CONDITION: The ground floor unit (A1/A3) hereby approved shall not operate except between the hours of 07:00 and 22:00 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the unit do not unduly impact on residential amenity, and to ensure the operation of any café/restaurant units do not unduly and/or cumulatively impact on the amenity of neighbouring residential amenity, in accordance with Policy DM4.2 of the Islington Development Management Policies 2013.</p>
10	<p>Security</p> <p>CONDITION: Notwithstanding the floorplans hereby approved, a method of securing access between the A1/A3 café/restaurant floorpace from the B1(a) office floorpace in order to ensure no unauthorised access occurs between the publicly accessible and</p>

	<p>private areas of the development can occur must be installed and operational prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure that the operation of the A1/A3 retail/café/restaurant unit does not unduly impact on the security of persons occupying of the B1(a) office floorspace.</p>
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List of Informatives:

1	<p>S106</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>
2	<p>Community Infrastructure Levy (CIL) (Granting Consent)</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 cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>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>
3	<p>Roller Shutters</p> <p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</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 is a material consideration and has been taken into account as part of the assessment of these proposals.

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

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 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

3 London's people

Policy 3.1 Ensuring equal life chances for all

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.12 Road network capacity

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 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

Employment

DM5.1 New business floorspace

DM5.4 Size and affordability of workspace

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.5 Primary and Secondary Frontages

DM4.7 Dispersed shops

DM4.8 Shopfronts

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

BC10 Implementation

5. Designations

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

- Central Activities Zone
- Core Strategy – Bunhill and Clerkenwell
- Major Cycle Route

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

The following SPGs and/or SPDs are relevant:

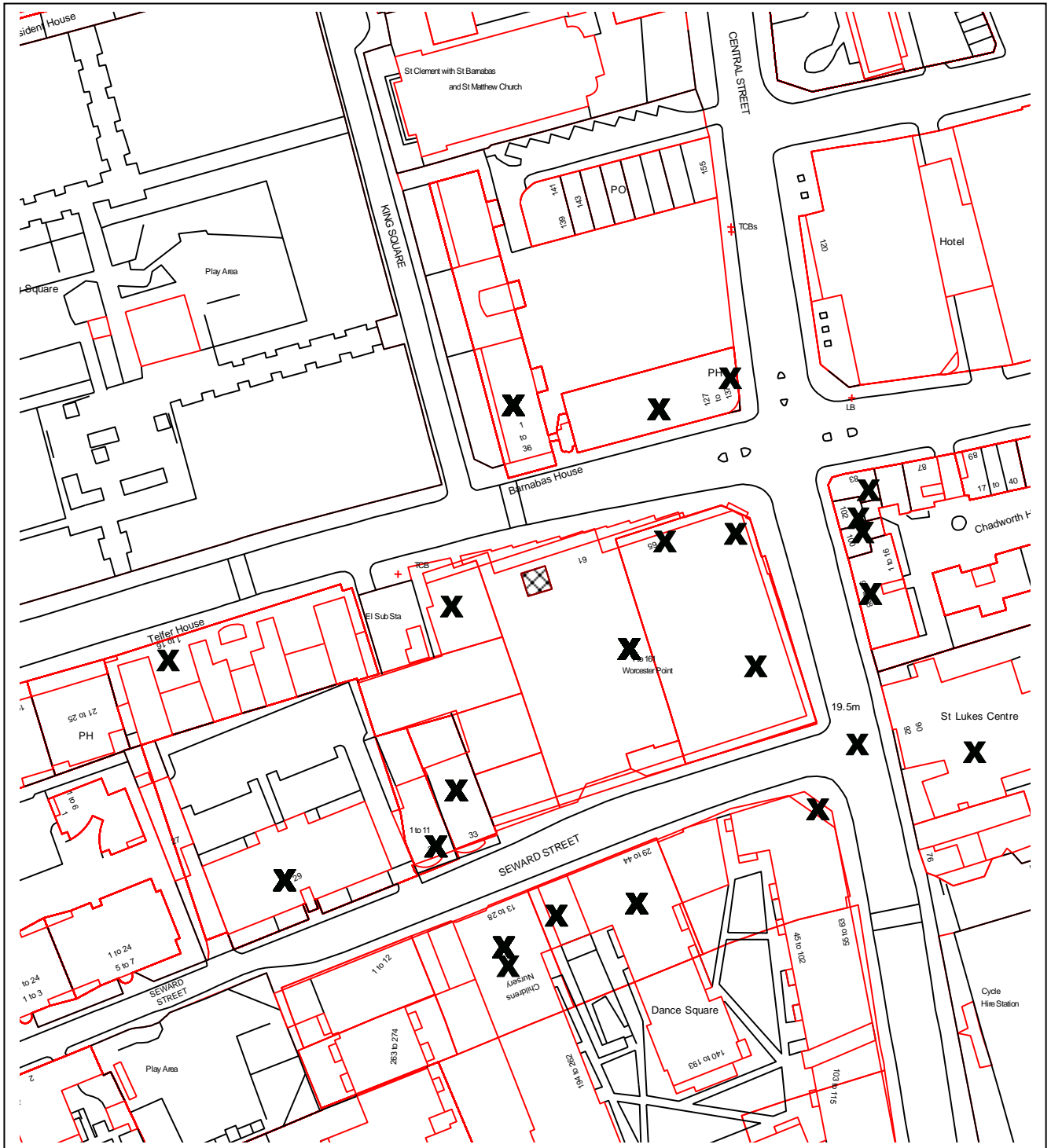
Islington Local Plan

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

London Plan

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

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