

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		
Date:	27 <sup>th</sup> February 2018	NON-EXEMPT

Application number	P2015/4983/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Not listed
Conservation area	Stroud Green conservation area
Development Plan Context	Local Cycle Route
Licensing Implications	None
Site Address	Disused Single Garage, 16 Japan Crescent, London, N4 4BB
Proposal	Demolition of existing disused derelict building and construction of two storeys over basement single dwelling house (C3 use class) and associated excavation at basement level.

Case Officer	Daniel Jeffries
Applicant	Mr Mark Armstrong - d4p developments Limited
Agent	Mr J. Brown - ShrimplinBrown Ltd,

### RECOMMENDATION

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

- subject to the conditions and heads of terms for a Section 106 legal agreement set out in Appendix 1 of the original report attached;

## **2. REASONS FOR DEFERRAL**

- 2.1 This application was previously discussed at the Planning Sub-Committee B meeting on 27 February 2017 where objectors were given the opportunity to speak.
- 2.2 In the discussion the following points were made:
- Concerns raised regarding the reference to the term master bedroom in the report indicating a two bedroom dwelling. Noted the response by the applicant that this was a typing error.
  - It was noted that without the inclusion of a home office, the accommodation would fall below minimum standards required by the London Plan.
  - The concerns of objectors who had commissioned their own survey by a civil engineer which raised concerns about the inaccuracies contained in the Structural Method Statement provided by the applicant.
  - It was noted that the accessibility of the toilet at first floor level would need to comply with Building Regulations and a condition to ensure that the premises would be accessibility compliant had been recommended.
  - Concerns raised by Councillor Convery that the scheme did not comply with the minimum provision of adequate private outdoor amenity space as set out in policy DM3.5.

- 2.3 Members decided to defer the application in order for the Sub-Committee to further consider structural method statements from the applicant and from the objectors.

## **3. UPDATES FOLLOWING COMMITTEE 27<sup>th</sup> FEBRUARY 2017**

- 3.1 Following the conclusion of the Planning Sub-Committee, additional information has been submitted, including amended floor plans and information relating to the structural impact of the development.
- 3.2 As such letters were sent to the occupiers of neighbouring properties along Mount Pleasant Crescent, Japan Crescent and Albert Road. Letters were sent on 26<sup>th</sup> April 2017, 31<sup>st</sup> May 2017, 29<sup>th</sup> September 2017, and 1<sup>st</sup> December 2017. Whilst the consultation expired on 15<sup>th</sup> December 2017, the Council will consider comments until the date of the determination of the application.
- 3.3 Apart from the comments provided from Mr. Eldred which are discussed below, the consultation period has resulted in a total of five additional responses, from neighbours who have previously commented on the application including one letter of support and four letters of objection raising the following summarised concerns. In addition, a letter has been submitted via email on behalf of 12 no. named residents (with the paragraph that provides responses to each issue indicated within brackets):
- The impact on the conservation area (**Paragraphs 4.19 below and Paragraphs 10.5 to 10.11 within attached Appendix 1**)
  - Quality of accommodation as two-bedroom unit (**Paragraphs 4.20 to 4.22**)
  - Privacy and Overlooking issues (**Paragraph 10.17 within attached Appendix 1**)

- Structural impact of the basement excavation including underpinning of adjoining properties, potential subsidence and flooding issues to neighbouring properties (**Paragraphs 4.1 to 4.19**)
  - Ownership and Party Wall issues (**Paragraph 4.15**).
4. **ASSESSMENT OF UPDATED INFORMATION, REASON FOR DEFERRAL: FURTHER CONSIDERATION OF STRUCTURAL METHOD STATEMENTS FROM THE APPLICANT AND FROM THE OBJECTORS**
- Basement Development – Structural Method Statement**
- 4.1 In terms of the basement element of the proposal, paragraph, 6.11 of the Basement Development SPD states ‘the Council may choose to consult (at the expense of the applicant) an independent suitably qualified person to undertake an independent assessment for specific cases where substantive conflicting information has been presented to the Council, or where there are any particularly sensitive buildings, trees or other structures within proximity of the site’.
- 4.2 In accordance with the above guidance, and to resolve the disagreements regarding whether the structural information submitted in support of the information was adequate to accord with the Council’s requirement a structural and engineering company (Alan Baxter Ltd) was appointed to undertake an independent assessment. The assessment carried out included a review of the Structural Method Statement information submitted by the applicant and the geotechnical and structural assessment of the application documents submitted by Mr. Eldred, on behalf of the objectors to the scheme.
- 4.3 The information originally submitted in support of the application included a ‘Hurley Palmer Flatt’ produced Structural Method Statement in February 2016 (the 02 issue of the report is dated 22/02/16). This was amended and re-issued in July 2016 (the 05 issue of the report is dated 28/07/16) following ground investigations on site in May 2016 and the issue of a Desk Study and Site Investigations report by Southern Testing on 14 June 2016. The original independent review of these documents, in September 2017, considered the latter two documents submitted in support of the application. In addition, a review of the geotechnical and structural assessment information submitted and prepared by Mr Eldred on behalf of the objectors was undertaken.
- 4.4 The original independent review, received in September 2017, considered how the original SMS and associated SMS Addendum, complied with the requirements of the Basement Development SPD, together with an assessment of the geotechnical and structural information submitted by Mr. Eldred. The original independent review is within Appendix 2 of this report.
- 4.5 Following the receipt of the above mentioned independent review, on 15<sup>th</sup> September 2017, neighbour notification letters were sent on 29<sup>th</sup> September 2017.
- 4.6 Appendix B of the Islington Basement Development SPD (2016) states that for a planning application submission the engineering design should be advanced to Developed Design Stage (RIBA Stage 3). The SMS should convey a clear design process that demonstrates how the proposed design responds to findings of the site-specific survey and investigations undertaken and specifically how designers have addressed:

- ground conditions and ground water
- existing trees and infrastructure
- drainage

- flooding
  - vertical and lateral loads
  - movements
  - integrity of existing structures (including adjoining buildings and wider where relevant)
- 4.7 Also the Appendix B states that a SMS should include an outline of the proposed structural engineering general arrangement and details such as drawings of underpinning, piled wall etc. The statement should include an assessment of both short and long term effects of movement expected to the property, the adjoining properties and adjacent properties. Damage should be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated).
- 4.8 The main concerns raised by Mr. Eldred's (objector's SMS) geotechnical and structural review identifies six issues to be addressed which relate to the seven bullet points which the Basement Development SPD states designers should demonstrate they have addressed. On all six issues he concludes that the applicants SMS fails to adequately define and ameliorate the risks associated with these issues. It also sets out the facts as he sees them and discusses various aspects of the proposal. The six issues identified in the report are as follows:
- Ground conditions and water,
  - Drainage,
  - Flooding,
  - Vertical and lateral loads,
  - Ground and structural movements,
  - Integrity of existing structures.
- 4.9 The report by Mr. Eldred has outlined the main concerns in relation to the above issues and how this assessment was carried out, which can be summarised below:
- Ownership issues, stating that the flank wall of no. 14 Japan Crescent is a boundary wall rather than a party wall,
  - Ground and surface water with flooding to neighbouring properties, including in relation to no. 7 Mount Pleasant Crescent,
  - Risk of ground movement, and the risk of building damage due to changes in moisture content in London Clay as a result of trees.
  - Viability and safety of the method of construction of the basement, as well as the detail of the design
  - Concerns in relation to temporary works and sequencing of works
  - The damage category should be 3 rather than 2 as assessed by HPF based on the Cording rather than the Burland method
- 4.10 This original review (dated 15<sup>th</sup> September 2017) of the information submitted in support of the application, by Alan Baxter, concluded that due to the number of revisions made to the SMS, in response to previous comments and additional information becoming available the information submitted was not clear in some parts. As such they concluded, at that time, that there were some areas where further consideration was needed on issues such as groundwater, heave, street trees and aspects of the temporary works proposals. The recommendations identify that structural engineering plans/sections and drainage drawings are needed to illustrate the proposals more clearly and further assessment was needed of the impact on 18 Japan Crescent and 7 Mount Pleasant Crescent.

- 4.11 Alan Baxter's review of the submission by Mr. Eldred (submitted on behalf of the objectors), considered that it is detailed, and makes a number of points on omissions and potential issues relevant to the SMS, which the review is in agreement to. However, the review also confirms that it raises a number of issues and 'matters of concern' which are not relevant to the SMS, including Party Wall and ownership issues.
- 4.12 This independent review (by Alan Baxter dated 15<sup>th</sup> September 2017) confirmed that overall the structural information submitted, within the SMS and SMS Addendum, broadly covers the need for desk studies, building appraisals, site investigations and the bullet points set out in Basement SPD (including the six issues highlighted in the Mr. Eldred report). However, the review highlighted that there are a number of areas where further consideration is needed and additional information should be provided.
- 4.13 The assessment (by Alan Baxter dated 15<sup>th</sup> September 2017) against the seven key points outlined within Appendix B of the Basement SPD are summarised below:
- **Ground Conditions and Groundwater:** Confirms that it appears to have been adequately addressed given the scale and nature of the proposals and the anticipated ground conditions. Requests that further confirmation of the nature and extent of these pockets and the implications for groundwater are obtained when works commence on site.
  - **Existing trees and Infrastructure:** Considers they have generally been adequately addressed in the report. The semi-mature tree in the pavement in front of 14 Japan Crescent is not specifically referred to and the potential impact of the tree maturing should be considered as part of their design. They should also review the general impact of the street trees and shrinkable clay subsoil on the houses in street.
  - **Drainage:** The SMS confirms that separate foul and surface water drainage systems are to be provided and some details are described in the text. However no drawings have been provided and the proposed arrangement is unclear. Some drainage from the basement and lightwell at the rear to a manhole at the front and the sewer below Japan Crescent are likely to be needed and may require deeper excavations which could influence the construction methodology. The drainage proposals should therefore be clarified further, preferably on drawings.
  - **Flooding:** Considers that this appears to have been adequately considered and reported.
  - **Vertical and lateral loads:** These have been addressed in both the temporary and permanent conditions, including producing a series of sketches to illustrate the proposed sequence which show the underpinning proposed to adjacent buildings, temporary propping across the excavation and battered excavations to the front and rear. The sketches are indicative at this stage and the proposals will need to be developed during detailed design and by the contractor (once appointed) in preparing the Construction Management Plan. For the purposes of the SMS they appear sufficient. The structure is designed as a separate building supported on a reinforced concrete box to the rear and strip foundations and reinforced concrete ground beams to the front. Details of the proposed loading and a preliminary load takedown are provided. Considers that the outline basement design appears to ignore groundwater, hydrostatic uplift and heave on the basement which ST recommended should be allowed for in the design. Alan Baxter recommends that appropriate measures, along with waterproofing, are incorporated.

- **Movements:** Confirmed that assessment was carried out on the likely settlement of the proposed building and had considered the possible change in bearing stress below the flank wall to 14 Japan Crescent. This assessment concluded that the anticipated damage will be less than Category 2. Alan Baxter confirmed that on the basis of the applicants analysis they report in the SMSA that the risk of movement of the proposed building and neighbouring properties has been considered and mitigated by the proposed sequencing. Monitoring is also proposed. Alan Baxter confirmed that the scale and nature of the project the assessment carried out for the proposed building and 14 Japan Crescent appears reasonable. However, no specific assessment is included for the garage to 18 Japan Crescent where the SMS and sequence drawings indicate provision will be made for differential movement, or for 7 Mount Pleasant Crescent, one corner of which is to be locally underpinned.
- **Integrity of Existing Structures:** Confirms that whilst 14 and 18 Japan Crescent have been looked at and reported on in the SMS, which appears to have dealt with these buildings adequately, there is no specific information on the nature or condition of 7 Mount Pleasant Crescent although it appears to have been considered in the design and mitigation proposals (underpinning and monitoring).

- 4.14 As a result of the above findings, the applicant submitted an SMS Addendum (titled Design for People dated 30/11/2017) to address these concerns identified by Alan Baxter in terms of its compliance with Appendix B of the Basement SPD. This information was received on 30<sup>th</sup> November 2017 and resulted in further consultation with letters sent 1 December 2017. This consultation period ended on 15<sup>th</sup> December 2017. However, the Council accepts comments up until the date of the determination of the application.
- 4.15 On 6<sup>th</sup> December 2017, Alan Baxter provided further review of the above mentioned SMS Addendum report submitted to support the application, together with the response from Mr. Eldred to Alan Baxter's initial review of the submitted SMS and initial SMS Addendum. The main concerns raised by Mr. Eldred related to Party Wall and ownership issues in terms of receiving the correct permissions to carry out works.
- 4.16 The review (dated 6 December 2017) confirmed that the new Addendum report (dated 30/11/2017) has now addressed all of the concerns in their latest submission, in terms of its compliance with Appendix B of the Basement SPD. The review confirms that the Addendum has concluded that there are no records available of any flooding in the area, and based upon the desk study research and physical investigations carried out by Southern Testing (ST) the risk of significant groundwater is low. Appropriate waterproofing measures have been incorporated in the design. The information concludes that the requested plans/sections/construction sequence drawings have been included and are satisfactory. It also confirmed that the following requested investigations have been carried out:
- Commentary on the condition and integrity of 18 Japan Crescent and 7 Mount Pleasant Crescent.
  - Site investigations and subsequent groundwater monitoring
  - The impact on the tree
  - Proposed drainage arrangement
  - Groundwater, hydrostatic uplift and heave

- 4.17 The review of Michael Eldred's feedback (dated 6 December 2017), to Alan Baxter's initial review (dated 15<sup>th</sup> September 2017) of the applicant's structural information, has concluded that *their assessment was carried out generally and also raised a number of broad issues relating to ownership, insurance and Party Wall matters, which are not directly relevant to the SMS or planning.* Alan Baxter's review concluded that the purpose of the Mr Eldred assessment appears to have been to assist his client in objecting to the proposals. It also states that *the method of construction will need to be developed during the detailed design and by the contractor (once appointed) in preparing the Construction Management Plan (CMP), which doesn't need to be submitted and approved until just prior to works commencing. By this stage, party wall awards should also be in place and it should be clearer what agreements have been reached with the neighbours regarding underpinning and temporary access to carry out the works. Again, this is not, we believe a Planning matter, but if aspects of the proposals are not agreed or temporary access not obtained, revisions will be needed to the scheme and/or the method of construction.*
- 4.18 Alan Baxters review (dated 6<sup>th</sup> December 2017 in Appendix 2) of the SMS and Addendum SMS has confirmed that the *designer has now considered and assessed the impact of the street tree maturing in their design. Also that the proposed drainage arrangement has been clarified following the inclusion of a drawing (009923-98-SP-900 P1) in the information submitted.* They confirmed that *the SMS Addendum has considered the design and details of groundwater, hydrostatic uplift and heave which are considered adequate for planning purposes.* However, they have stated that this will need to be developed further by the designers. In conclusion the independent assessor has confirmed that *all comments raised previously in relation to the compliance with the Basement Development SPD have been addressed in the latest submission* (dated 30<sup>th</sup> November 2017).
- 4.19 It is considered that the issues raised in relation to the impact on the conservation area, by the basement excavation, has been addressed within the report presented at 27<sup>th</sup> February 2017, Planning Sub-Committee B (attached as Appendix 1).

#### **Quality of Accommodation**

- 4.20 The applicant has provided amended floor plans which show the relabelling of the first floor room as a 'bedroom' rather than a 'master bedroom'.
- 4.21 The applicant has confirmed that the originally submitted scheme (ref. P2014/3205/FUL) which was withdrawn was for a 2 bedroom dwelling with a home office. As result, the applicant has confirmed that when the proposal was being revised for the current application a typing error occurred as the main bedroom was retained but not renamed. It is considered that the submission of the amended drawings has addressed this issue.
- 4.22 The applicant has confirmed that the inclusion of a home office is essential to meet the internal space requirements of the London Plan 2016. However, the applicant has confirmed that it was always the intention to provide a home office as part of the development. They consider that this is demonstrated by the inclusion of a home office in all of the submitted applications together with the pre-application request. Following a review of the previous submissions, Officers can confirm that a home office was included, this has been marked on the drawings as a 'creative studio'. Whilst it is acknowledged that in the event that this office is changed into a bedroom the unit would fall below the required internal space standards for a 2 bedroom dwelling. However, the proposal generally provides a good standard of accomodation, and it is also acknowledged that there is no policy requirements which restrict the use of home offices. As such it is considered that on balance, the inclusion of a home office which is located at lower ground floor level would be acceptable in this instance.

### **Accessibility**

- 4.23 As recorded within the original report within (attached within Appendix 1) the original Planning Committee minutes concerns of Members in relation to how the proposed residential development would comply with the Council's Policy DM2.2 and the Inclusive Design SPD. In particular the first floor toilet was considered to fail to comply Building Regulations and as such would not be accessibility compliant. Following the presentation of the report at the Planning Sub-Committee B, amended drawings were submitted to enlarge the size of this toilet, now measuring an area of 1.6m x 1.6m.
- 4.24 It is acknowledged that the Inclusive SPD recommends that a toilet measures 3m x 4m to fully comply with accessibility requirements. However, given the constraints of the site and that it is at first floor level, and that a condition has been recommended in relation to complying with accessibility, (see Appendix 1) it is not considered to warrant refusal in this instance. It should also be noted that in the event the application was approved the scheme would need to accord with the Building Regulation requirements which are separate to the assessment of this planning application.

### **Private Amenity Space**

- 4.25 Part C of Policy DM3.5 states 'the minimum requirement for private outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m<sup>2</sup> is required on upper floors and an extra 5m<sup>2</sup> on ground floors up to a minimum of 30m<sup>2</sup> for family housing (three bedroom residential units and above). In this instance the proposed development provides a total of 15sqm, being located at lower ground floor (5 sqm) and ground floor (10 sqm). It is considered that this adequate to comply with the above policy requirements and address the concerns raised.

## **5. CONCLUSION**

- 5.1 Given the submission of the Structural Method Statement Addendum and independent assessment carried out by Alan Baxter, the proposed basement development is considered to comply with the requirements of Appendix B of the Basement SPD (2016) and would have an acceptable structural impact on the host properties and those found within the surrounding area.
- 5.2 The submission of amended drawings in relation to the relabelling of the first floor bedroom and the enlargement of the first floor bathroom, together with the recommended accessibility condition is considered to address the concerns identified by Members.
- 5.3 Whilst there are concerns in relation to the potential change of the use of the lower ground room named as a home office as bedroom, in this instance it is considered that this would not warrant refusal.
- 5.4 The proposal is considered to provide adequate private amenity space to accord with the requirements of Policy DM3.5. It is recommended that on balance and subject to the amended condition 2 which is outlined below, planning permission be granted subject to conditions and 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 – RECOMMENDATION

5.5 **Condition 2:**

Approved plans list:

DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

Location Block and Site Plan Proposed - Ref: 01L004- 2PD000 Rev A, 01L004 – AED000, 01L004 – AED100, 01L004 – AED150, 01L004 – AED160, 01L004-2PD100C, 01L004-2PD101B, 01L004- 2PD151A, 01L004-2PD161A, 01L004-2PD162A; 01L004 – 2PD502A, 01L004 – 2PD152, Design and Access, Planning and Heritage Statement, D4p- UK Ltd Ref: 01:004-DR002 – DAS; Daylight Assessment, Twenty 16 Design, Feb 2016; Structural Method Statement, Hurley Palmer Flatt, July 2016 Ref: PUR09923- Jpn Cr - 160728; Desk Study and Site Investigation Report, Southern Testing, 16 June 2016; Sustainable Design and Construction Statement, 01L004-DR003 Rev A; Application Planning Letter, Shrimplin Brown, 24 November 2015. Structural Method Statement Addendum dated 30/11/2017.

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.

## APPENDIX 1 – COMMITTEE REPORT

### PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

#### PLANNING SUB COMMITTEE B

Date:	27 February 2016	NON-EXEMPT
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Application number	P2015/4983/FUL
Application type	Full Planning Application
Ward	Tottenham Ward
Listed building	Not Listed
Conservation area	Stroud Green conservation area
Development Plan Context	Local Cycle Route
Licensing Implications	None
Site Address	Disused Single Garage, 16 Japan Crescent, London, N4 4BB
Proposal	Demolition existing disused derelict building and construction of two storeys over basement single dwelling house and associated excavation at basement level.

Case Officer	Sandra Chivero
Applicant	Mr Mark Armstrong - d4p developments Limited
Agent	Mr J. Brown - ShrimplinBrown Ltd,

#### 1. RECOMMENDATION

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

- 1.1 Subject to the conditions set out in Appendix 1;
- 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 black)**



**3. PHOTOS OF SITE/STREET**



Aerial View of site



Existing Street view of Application Site



Figure 10: - Site Photograph - Dead zone - could be used for anti-social activities



Figure 11: - Site Photograph - existing building in a state of disrepair



Figure 12: - Site Photograph - back yard relationship with 14 Japan Crescent



Figure 13: - Site Photograph - back yard relationship with 7 Mount Pleasant Crescent

### Photos of the site

#### 4. SUMMARY

- 4.1 The application seeks planning permission for the construction of a two-storey over basement one bedroom dwelling house including excavation of the site. The new dwelling will be located at lower ground, ground and first floor levels.
- 4.2 The main considerations are the acceptability of the proposed residential use of the site, design and impact on the character and appearance Stroud Green Conservation Area, basement excavation, amenity, standard of accommodation, transport, sustainability, affordable housing contributions and carbon offsetting contributions.
- 4.3 The development would be acceptable in visual terms and the proposed building would have no significant harm on neighbouring amenity in terms of loss of light, outlook or privacy. The proposed standard of residential accommodation is considered adequate and the proposed building raises no concerns in relation to sustainability and transport.
- 4.4 The design for the proposed house is conceived as a continuation of the terrace. Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.

- 4.5 Concerns have been raised regarding excavation of the site. The proposed basement excavation will be less than 50% of the site. The proposed basement excavation is therefore considered acceptable in principle and would not result in harmful, permanent, irreversible damage and would not impact on drainage and biodiversity to the surrounding area. In addition, the new basement is not located adjacent trees or listed buildings.
- 4.6 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person as required by the Islington's Supplementary Planning Document for Basement Extensions. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties.
- 4.7 In addition the basement level will not be visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 4.8 In terms of the impact to the neighbouring properties, given its end of terrace sitting the development is not considered to have significant impact on the adjacent neighbours. A daylight and sunlight report was submitted with the application which demonstrates that the proposed development would not result in harmful loss of light to neighbouring properties and would accord with the BRE guidance. A condition has also been attached requiring the rear first floor windows to be obscure glazed to minimize overlooking from these windows.
- 4.9 The applicant has agreed to make the full required small sites affordable housing and carbon offsetting contributions. The development will be car free and this will be secured by condition.
- 4.10 The proposal is considered acceptable and it is recommended for approval subject to conditions and legal agreement.

## 5. SITE AND SURROUNDING

- 5.1 The application site is occupied by a vacant derelict single storey building located on the southern side of Japan Crescent and it adjoins the end of a two-storey residential terrace set back from the edge of the pavement with small front gardens. The site fronts on Japan Crescent to the north and is bounded by 14 Japan Crescent the end property of a two storey terrace to the west, 7 Mount Pleasant Crescent to the south and two single storey garages which serve the three storey modern residential block at 18 Japan Crescent to the east. The building is not listed but it is located within the Stroud Green Conservation Area. The immediate surrounding area is predominantly residential in character.

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

- 6.1 It is proposed to erect a two-storey over basement dwelling house with associated excavation at basement level. The new dwelling will be located at lower ground, ground floor and first floor levels and would follow the line of the existing terrace. The existing building takes up approximately 50% of the site and is located right up to the edge of the pavement. The site also has an overgrown back yard.
- 6.2 The dwelling house would be constructed of red bricks with bond to match the adjoining Victorian terrace. The proposed building will incorporate a hipped roof with roof tiles and pitch to match the adjoining terraces. All front elevation windows including bay window and the main entrance door are positioned to follow rhythm of terrace.
- 6.3 To the rear the new house will incorporate casement windows at and sliding doors at rear ground and basement levels.
- 6.4 The new dwelling will also incorporate a front and rear gardens at ground floor level and a patio at lower ground floor level.

### **6.5 Revisions:**

- 17.02.2016: Amends to base plan on red line and updated to Sustainable Design and Construction Statement
- 19.02.16 Amended sunlight and daylight report with error corrected
- 08.03.16 Original Structural Method Statement Submitted, Dated February 2016
- 01.08.2016 Amends to drawings to correct an error with the representation of the proposed boundary wall with Nos 14 Japan Crescent and updated Structural Method Statement.

## **7. RELEVANT HISTORY:**

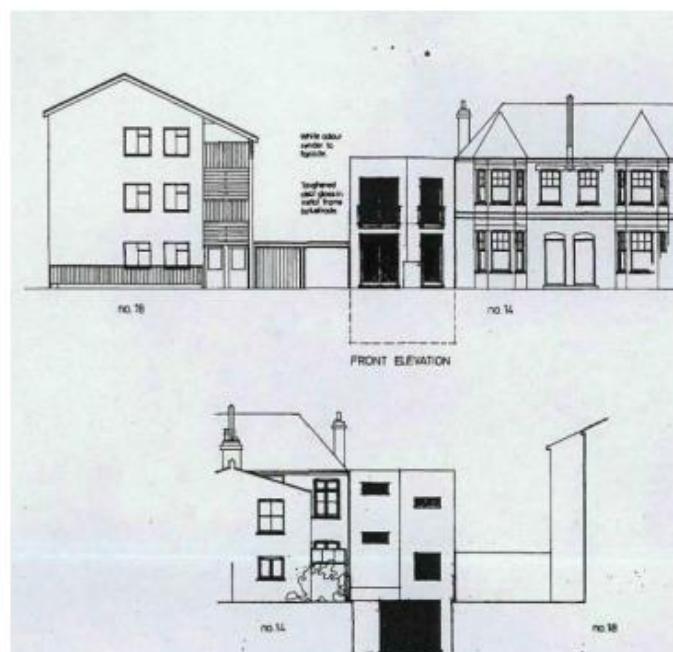
### **PLANNING APPLICATIONS:**

- 7.1 September 2007: Conservation Area consent (Ref. P070767) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:

*REASON: The proposed demolition without the granting of planning permission on the site is considered to be premature, as set out in policy D21 of the Islington Unitary Development Plan 2002 and PPG15 Planning and the Historic Environment.*

- 7.2 A subsequent appeal was dismissed in February 2009.
- 7.3 September 2007: Planning application (Ref. P070049) Refused for the demolition of existing building and construction of a single family dwelling house. (lower ground floor, ground floor and first floor). The reasons for refusal were as follows:
  - *REASON: The proposal fails to conserve and enhance the Stroud Green Conservation Area by reason of it not creating an appropriate relationship with the surrounding buildings and wider Conservation Area. This is contrary to policies D1, D4, D11, D22, and D24 of the Islington Unitary Development Plan (2002) and the Draft Stroud Green Conservation Area Design Guidelines (2007).*

- REASON: *The proposed development would have a serious adverse effect on the amenity of occupiers of neighbouring properties by reason of loss of daylight and outlook. This is contrary to policy D3 of the Islington Unitary Development Plan (2002).*
- REASON: *The proposal fails to create a suitable residential environment for a family sized unit by virtue of it not providing a suitably sized and located amenity space. This is contrary to policies H3, H7 and H10 of the Islington Unitary Development Plan (2002) and the Planning Standards Guidelines (2002).*



*Dismissed appeal scheme elevations*

- 7.4 A subsequent appeal was dismissed in February 2009.( Attached Inspectors decision)
- 7.5 March 2006: Planning application (Ref. P060099) Refused for the construction of a three storey single family dwelling house. The reasons for refusal were as follows:
- *The proposed development, due to its scale, bulk, height and design would fail to create a positive and appropriate relationship with surrounding buildings and would cause harm to the character of the surrounding area contrary to policies H10, H12, D1, D4 and D5 of the Islington Unitary Development Plan 2002.*

- *The proposed development would provide unacceptable amenity for future residents due to lack of amenity space and the size of the resulting accommodation contrary to policies H3, H7, H10 and H12 of the Islington Unitary Development Plan 2002 and Islington's Planning Standard Guidelines 2002.*
- *The proposed development, due to its scale, bulk and height would cause undue loss of light and outlook to No. 7 Mount Pleasant Crescent and No 18 Japan Crescent contrary to policy H3 and D3 of the Islington Unitary Development Plan 2002 and Islington's Planning Standards Guidelines 2002.*

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

- 7.13 The applicant was advised that based upon the drawings submitted, the second (traditional) option would be the preferred scheme. However as highlighted by the Inspector for the previous appeal on this site, the impact of the scheme upon No 18 Mount Pleasant Crescent is a concern (and would be considered carefully with the benefit of a full site visit should an application be submitted), and it would have to be demonstrated that this impact is acceptable

#### **8. CONSULTATION**

##### **Public Consultation**

- 8.1 Three consultations were carried out. Letters were sent to occupants of 12 adjoining and nearby properties along Japan Crescent and Mount Pleasant Crescent on 19 January 2016 and 09 March 2016. Site and Press notices were displayed during this period. Following submission of amended drawings and submission of a Structural Method Statement further consultation letters were sent on 09 March 2016 and 12 August 2016 the reconsultation period ended on 08 September 2016. It is the Council's practice to consider representation made up until the date of a decision.
- 8.2 At the time of writing this report seventeen objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Basement excavation (Paragraphs 10.12 to 10.14)
  - Basement excavation contravenes with guidance (Paragraphs 10.12 to 10.14)
  - Unwelcome precedent (Paragraphs 10.40)
  - Overlooking, Loss of light and loss of privacy (Paragraphs 10.15 to 10.22)
  - Stress (Paragraphs 10.41)
  - Structural issues (Paragraphs (Paragraphs 10.12 to 10.14)
  - Noise, intrusion, disturbance and nuisance during building works including excavation of the site (Paragraphs 10.42 )
  - Heavy goods traffic during building works (Paragraphs 10.42)
  - Adding basement is clear attempt by developer to turn what should be a one bedroom property into a two bedroom unit. (Paragraphs 10.43)
- 8.3 Two letters were also received in support of the application.
- 8.4 **Emails were also received from Cllr Williamson** raising concerns regarding the size of the basement and requesting the application to be called in. **Cllr Richard Watts supported calling in the application.**

- 8.5 **A letter from Jeremy Corbyn MP**, raised concerns regarding unwelcome precedent for basement excavation and highlighted neighbours' concerns regarding sound proofing and overlooking

**External Consultees**

- 8.6 **None**

**Internal Consultees**

- 8.7 **The Design and Conservation Officer** stated that the principle of a new dwelling replacing the existing garage is acceptable and the IUDG advises it should either be an accurate replica so to be a continuation of the terrace in terms of design where there is a particularly large gap or otherwise have the appearance of a garden wall and be no higher than a single storey. Previous advice has been that given the constrained nature of the site the latter might be the only acceptable option here. However, the existence of the particularly unsightly garages is a material consideration.

- 8.8 **The Inclusive Design Officer** highlighted that the Design and Access Statement claims that "where possible the dwelling has been designed to the Lifetime Homes Standard". "All doors will have a minimum clear opening of 750mm with 900mm corridors when approached head on and 900mm clear openings when approach is not head-on. The living room is at entrance level. There is a wheelchair accessible WC on the entrance level. Bathrooms and toilets are designed with a capability of taking adaptations such as handrails. Stairlifts can be fitted to all stairs".

- 8.9 It is stated that the claims are not borne out by the plans

- The ground floor WC and basement bathroom do not satisfy the criteria for LTH
- Winding treads should be avoided since they are not accessible to ambulant disabled people.
- The landings at the head and foot of the flight will not accommodate a stair lift
- No furniture is shown and so a full appraisal of the habitable rooms is not possible.
- No location for a through the floor lift to link the ground and basement floor is shown.

- 8.10 It is further stated that the expectation is now that the dwelling meets Category 2 of the National Housing Standard. The ground floor WC and first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal fails to meet the requirements of LPP 3.8 and DMP 2.2.

- 8.11 **Public Realm** – it is stated that any works to the public highway would require permission from the Highways Team and payments will be required for the works to be carried by the Highways Team.

- 8.12 **The Policy Sustainability Officer** stated that the submitted structural method statement should meet the requirements of the basement SPD.

## **9. RELEVANT POLICIES**

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

### **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.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

9.4 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**

- 9.5 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:
- Stroud Green Conservation Area.

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Principle of basement development
- Neighbouring Amenity
- Standard accommodation
- Highways and Transportation
- Sustainability
- Inclusive Design
- Affordable housing small sites and Carbon Offsetting Contributions

#### Land Use

- 10.2 It is proposed to demolish the existing disused garage and erect a two-storey over basement one-bedroom dwelling house (C3 Use Class).
- 10.3 Vacant and derelict buildings have a demoralising and downgrading effect on an area. The Council therefore welcomes the principle of bringing back into use vacant sites, as in this instance. In judging the acceptability of residential use in this location it is considered that residential use would be appropriate in this predominantly residential area. The provision of additional housing at this location would be supported by policies CS12 of the Core Strategy which seeks to meet and exceed the borough housing targets through the provision of additional housing in suitable locations as in this instance.
- 10.4 The proposed scheme resulting in a creation of a single unit is considered appropriate in principle at this location.

#### Design

- 10.5 The Council welcomes the demolition of the existing vacant dilapidated single storey structure. The proposal is to set back the building line with the host terrace and is considered to enhance the streetscene.
- 10.6 The design for the proposed house is conceived as a continuation of the terrace. The resulting house would replicate the other properties on the street in terms of street elevation rhythm and proportions, and use materials. The proposed front and rear building lines of the proposal would follow the established building line along Japan Crescent which is welcome. The design approach is considered to be in keeping with the wider adjoining terrace along Japan Crescent. While complete retention of gaps is always desirable the infill a continuation of the terrace is also considered to respond appropriately to the existing frontage.
- 10.7 Overall the proposal which would replicate the existing terrace to the front elevation would accord with the Islington Urban Design Guide which seeks particular care to be taken on frontage infill to ensure a satisfactory match of design and materials with neighbouring properties.
- 10.8 While the proposal would incorporate a basement level, this is not visible from the street and no lightwells are proposed to the street frontage. The proposed basement is therefore not considered to detract from the character and appearance of the surrounding Stroud Green Conservation Area.
- 10.10 The refuse store and bike store are located in concealed positions and are therefore considered not to detract from the streetscene.
- 10.11 Overall, it is considered that the character and appearance of the surrounding Stroud Green Conservation Area would be preserved. The proposal is also considered accord with policies CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies Document June 2013 and the guidance contained within the Islington Urban Design Guide.

### **Principle of Basement Development**

- 10.12 Concerns have been raised regarding excavation of the site. The development does not develop the entire built footprint at basement level but includes half the main buildings footprint being concentrated towards the rear section of the proposed dwelling. It is noted that the site is relatively small and close to adjacent occupiers in this case. However the proposed basement levels would be less than 50% of the site and is considered to be proportionate to the proposed dwellings and the surrounding scale and built form in the immediate area. The proposed development is considered to conform to the guidance set out within the Basement SPD sets out the relevant guidelines for Residential infill developments in paragraphs 7.1.12.

Paragraph 7.1.12 of the SPD sets out:

*"For infill residential development, the scale and extent of basement within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element, and reflect the character of its surrounds. The proportion of the site that is built upon/under to the proportion unbuilt upon when compared with surrounding buildings is of particular importance to achieving a compatible scale of development on infill sites. For the avoidance of doubt, both in terms of depth and footprint of basement, all other relevant design of the SPD will apply to infill developments and will have a bearing on the acceptability of a proposed basement design."*

- 10.13 Notwithstanding this, the construction of basements can cause harm to the natural environment, the stability of existing buildings, the amenity of nearby residents and the character and appearance of an area. The newly adopted Basement SPD (January 2016) requires the submission of a Basement Impact Assessment, Structural Method Statement (SMS) and a Construction Management Plan (CMP) endorsed by a suitably qualified person(s) are required to be submitted with any planning applications for a basement development. These documents also enable the council to consider the cumulative impacts of basement development across the borough and balance the potential site-specific benefits basements can provide (i.e. additional floor space) against those wider cumulative impacts set out in Policy DM6.3.
- 10.14 During the course of the application the applicant provided an amended Structural Method Statement (SMS) endorsed by a suitably qualified person. The amended report covers the various concerns raised over the proposed development relating to both structural and geotechnical matters. The updated report also includes more detailed designs and construction method statement based on the further information contained within the intrusive geotechnical report including the specific onsite ground conditions and widths and depths of the existing foundations supporting the adjacent properties. It is accepted that the detailed information clearly indicates that the works can be carried out in a safe sequence which minimise the risk to the adjacent properties. In view of the intrusive and non-intrusive investigations findings, followed by the Geotechnical Engineer recommendations and brief structural calculations check together with construction phasing process produced, the proposed development including excavation at basement level will have little or no impact on the neighbouring structures provided that the recommendation set in the report are fully adhered to.

### **Neighbouring Amenity**

- 10.15 Concerns have been raised regarding loss of light, overlooking and loss of privacy to neighbouring properties and gardens.
- 10.16 In terms of the impact to the neighbouring properties, given its end of terrace siting the development is not considered to have significant impact on the adjacent neighbours.
- 10.17 There is no harmful overlooking from the application site into the existing properties on Japan Crescent or Mount Pleasant Crescent. Windows that face other dwellings are considered to be adequately separated to avoid the overlooking of habitable rooms. At ground floor level, overlooking into the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent is mitigated by the use of a 1.8m high boundary fence. To minimize overlooking from the rear first floor window a condition has been attached requiring the these windows to be obscurely glazed and fixed shut with the exception of the high level ventilator.
- 10.18 The applicant has submitted a daylight and sunlight assessment of the existing and proposed conditions. The reports highlight that the relevant BRE recommendations for daylight and sunlight area:
  - The Vertical Sky Component measured at the centre of window should be no less than 80% of its former value
  - The windows should receive at least 25% of available annual sunlight hours and more than 5% during winter months (September 21<sup>st</sup> to March 21<sup>st</sup>) and 80% of its former value.
- 10.19 The Vertical Sky Component was calculated for 18 windows to neighbouring properties for existing and proposed conditions. The results in the report show that all windows meet 80% criteria VSC.
- 10.20 The report further highlights that the Annual Probable Sunlight hours is a measure of the number of hours direct sun falling on a surface over a given period. This is of particular importance to living space where direct sunlight is welcomed. It is stated that the BRE Guidance is that windows should continue to receive in excess of 80% of their pre-development value 25%of available over the year and 5% of hours in winter. Only windows which face 90 degrees south need to be assessed for sunlight. In this case 15 windows were analysed. As the proposal lies wholly to the north of these windows, the effect on sunlight provision was negligible in all cases.
- 10.21 The previous application was refused on enclosure and outlook to the neighboring property at no. 18 Mount Pleasant Crescent. The previous scheme was approximately, 7.5m deep and positioned only 2m away from the rear boundary line at first floor level. The dwelling house proposed under the current application will be 3.8m deep excluding the bay window and will set back 4.5m away from the rear boundary line at first floor level. The current scheme which is materially different from the previous refused scheme is considered to be sufficiently set away from the neighbouring properties at first floor level and would not significantly impact on outlook nor result in harmful increased sense of enclosure for the residential occupants of the neighbouring properties at 18 Japan Crescent and 7 Mount Pleasant Crescent. The existing 1.8m boundary fence is considered to mitigate loss of outlook or increased sense of the rear yards of no. 7 Mount Pleasant Crescent and 18 Japan Crescent.

- 10.22 In conclusion, the reduced scale, massing and bulk of the current proposal compared to the previous appeal scheme has sufficiently overcome the concern raised by the Inspector previously. The proposal is therefore considered to accord with policy DM2.1 which seeks to safeguard residential amenity to neighbouring properties from new developments within the borough as a whole.

**Quality of residential accommodation**

- 10.23 It is proposed to create a single dwelling house comprising of a 2 persons/ 1 bedroom. The single dwelling house would incorporate a home office at lower ground floor level, kitchen/ lounge and toilet at ground floor level and master bedroom with ensuite at first floor level. The new residential units would incorporate storage space, front and rear gardens at ground floor level and a patio at lower ground floor level.
- 10.24 The new dwelling house incorporate adequate size windows, rooflights and full height glazed sliding doors is considered to received adequate daylight and sunlight levels. A daylight and sunlight assessment was also carried and it is demonstrated that the minimum daylight levels would be in excess of the standards set out within the BRE Guide.
- 10.25 As shown in the table 2 below the resulting residential unit would also meet the minimum gross internal area stipulated within the Development Management Policies and the London Plan.

***Table 2 - Gross Internal Area required***

Dwelling type	Dwelling permutation (bedroom (b)/persons-bed spaces (p))	Required GIA (sqm)	Proposed GIA (sqm)	Required Outdoor Amenity Space (sqm)	Proposed Outdoor Amenity Space (sqm)
2 storey house	1b/2p	50sqm (1b/2p flat)	53	15	10sqm upper ground rear garden 5sqm lower ground patio 8sqm front garden

- 10.26 The resulting unit meets the minimum standards and provides satisfactory floors space resulting in residential accommodation of adequate quality with a functional layout as well as provision of dual aspect.
- 10.27 The master bedroom and living space to the new house would meet the minimum room size requirements stipulated within the Development Management Policies.

- 10.28 As shown in Table 2 above the proposal would also result in provision of adequate private outdoor amenity space which meets the minimum required standards stipulated within policy DM3.5 of the Development Management Plan.
- 10.29 Overall, scheme would result in good standard residential accommodation with dual aspect, outlook from habitable rooms, natural ventilation, privacy and light levels. This would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2011; policy CS12 of the Core Strategy and policies DM2.1 and DM3.4 of the Development Management Policies.

#### **Inclusive Design**

- 10.30 Amended drawings were received showing amendments to the entrance of the ground floor toilets. However, the concerns remain regarding the resulting dwelling not satisfying the criteria for Lifetime Home Standard. The provision of winding treads is not ideal as they are not accessible to ambulant disabled people. The landings at the head and foot of the flight will not accommodate a stair lift. No location for a through the floor lift to link the ground and basement floor is shown. Furthermore, the first floor bathroom both fall short of the standard; as a consequence the unit would be neither visitable nor adaptable. At present the proposal does not meet the requirements of LPP 3.8 and DMP 2.2

- 10.31 However, the expectation is now that new dwelling houses meet Category 2 of the National Housing Standards. A condition has therefore been attached to this effect.

#### **Affordable Housing and Financial Viability**

- 10.32 The Core Strategy Policy CS 12 – 'Meeting the Housing Challenge' requires (part G) 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. The SPD 'Affordable Housing Small Sites' states that line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should provide a statement with their application with a justification for not providing the full financial contribution. In this instance the applicant has agreed to make the full £50 000 affordable housing contribution. This fully satisfies the requirement of CS12G and the Affordable Housing Small Sites Contributions SPD. As such, it is considered that this policy requirement has been satisfied and therefore the proposal is acceptable in this regard.

- 10.33 The Environmental Design Planning Guidance Supplementary Planning Document (SPD) and Islington's Core Strategy policy CS10 require minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the offset contribution is a flat fee based on the development type is £1500 per house. The applicant has agreed to make the full required affordable contributions.

### Highways and Transportation

- 10.34 The proposed residential scheme would be car free. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.
- 10.35 The proposal would also be inline with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be 'car free'.
- 10.36 A condition has been attached to the permission stipulating that the redundant crossover on Japan Crescent should be removed and the footway reinstated with the cost met by the applicant.
- 10.37 The provision of a single cycle space for the one bedroom unit is in line with policy DM8.4 which requires one cycle space provision per bedroom.

### Sustainability

- 10.38 The front and rear gardens will incorporate permeable surfaces. This is considered to improve the environmental quality of the house and would be in line with policy DM6.6. This policy requires all new minor new build developments of one unit or more to reduce existing run-off levels as far as possible through the incorporation of SUDS.
- 10.39 A condition has also been attached requiring the submission of a Sustainable Design and Construction Statement detailing how the dwelling will achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO<sub>2</sub> emissions when compared with a building compliant with Part L of the Building Regulations 2015, and not exceed water use targets of 110L/person/day. This is to ensure sustainable standard of design interest of addressing climate change and to secure sustainable development.

### Other Issues

- 10.40 Concerns have been raised regarding the proposal setting an unwelcome precedent. Each application is assessed on its merits. Any future submission of excavations at basement level will be assessed against relevant policies.
- 10.41 It is regrettable that the submission of the application proposing basement excavation at this site has caused stress to the neighbour. However, this is not a material consideration and the application cannot be refused for this reason.
- 10.42 Disturbance and nuisance during building works including heavy good traffic access the site are not a material consideration. The application therefore cannot be refused for this reason. A condition to secure a construction method plan will ensure noise and disturbances can be controlled to acceptable limits as the development is built.
- 10.43 Concerns have been raised regarding the applicant adding a basement as an attempt to create a two bed unit. The applicant seeks planning permission for a one-bed unit. The application has therefore been assessed on this basis.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The principle of residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the Stroud Green Conservation Area.
- 11.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 11.3 The development would be carfree and would provide adequate cycle parking for the future occupants.
- 11.4 The applicant has agreed to make the full required affordable housing contributions and carbon offsetting contributions.
- 11.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

### **Conclusion**

- 11.6 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

## **APPENDIX 1 – RECOMMENDATIONS**

### **Recommendation A:**

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

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

The Heads of Terms are:

- £50 000.00 contribution towards affordable housing within the Borough
- £1 500.00 contribution towards carbon off-setting.

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

### **RECOMMENDATION B**

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

#### **List of Conditions:**

<b>1</b>	<b>Commencement</b>
	3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)
<b>2</b>	<b>Approved plans list</b>
	DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:  Location Block and Site Plan Proposed - Ref: 01L004- 2PD000 Rev A, 01L004 – AED000, 01L004 – AED100, 01L004 – AED150, 01L004 – AED160, 01L004-2PD100C, 01L004-2PD101A, 01L004-2PD151A, 01L004-2PD161A, 01L004-2PD162A; Design and Access, Planning and Heritage Statement, D4p- UK Ltd Ref: 01:004-DR002 – DAS; Daylight Assessment, Twenty 16 Design, Feb 2016; Structural Method Statement, Hurley Palmer Flatt, July 2016 Ref: PUR09923- Jpn Cr - 160728; Desk Study and Site Investigation Report, Southern Testing, 16 June 2016; Sustainable Design and Construction Statement, 01L004-DR003 Rev A; Application Planning Letter, Shrimplin Brown, 24 November 2015.

	<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>
<b>3</b>	<p><b>Materials (Details)</b></p> <p>MATERIALS (DETAILS): Notwithstanding the approved drawings, planning permission is not granted for metal cladding to the roof of the new building. Details and samples of alternative roof materials and all facing materials shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the chair of the Sub Planning Committee prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections); and</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<p><b>First Floor Windows</b></p> <p>CONDITION: All first floor windows shown on the plans hereby approved shall be obscurely glazed and shall be provided as such prior to the first occupation of the development and shall be retained as such thereafter.</p> <p>All obscurely glazed windows with the exception of the high level ventilator shall be fixed shut, prior to first occupation of the development. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>5</b>	<p><b>Car free development restriction</b></p> <p>Car-Free Development: All future occupiers of the single family house hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as non car free; or</li> <li>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</li> </ul> <p>Reason: To ensure that the development remains car free.</p>

<b>6</b>	<b>Category 2 Condition Accessibility</b>
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
<b>7</b>	<b>Sustainable Design and Construction Statement</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the dwelling hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<b>8</b>	<b>Removal of PD rights</b>
	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 no additional windows, extensions or alterations to the dwelling house hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>9</b>	<b>Construction Method Plan</b>
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> <li>a) identification of construction vehicle routes</li> <li>b) how construction related traffic would turn into and exit the site (including appropriate traffic management)</li> <li>c) the method of demolition and removal of material from the site</li> <li>d) the parking of vehicles of site operatives and visitors</li> <li>e) loading and unloading of plant and materials</li> <li>f) storage of plant and materials used in constructing the development</li> <li>g) the erection and maintenance of security hoarding</li> <li>h) wheel washing facilities where applicable</li> <li>i) measures to control the emission of dust and dirt during construction a scheme for</li> </ul>

	<p>recycling/disposing of waste resulting from demolition and j) construction works</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change from 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.</p>
<b>10</b>	<p><b>Bicycle Storage and refuse area</b></p> <p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>11</b>	<p><b>Crossover</b></p> <p>CONDITION: The redundant crossover on Japan Crescent shall be removed and the footway reinstated by Islington Council Highway Services (T:020 7527 2000 / E:<a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>) with the cost met by the applicant. The footway shall be constructed/ provided prior to the first occupation of the development hereby approved.</p> <p>REASON: To secure and maintain an acceptable pavement layout and pedestrian safety.</p>
<b>12</b>	<p><b>Boundary treatments</b></p> <p>CONDITION: Details of internal boundary treatment within the site between gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include: all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure and prevents overlooking of neighbouring properties.</p>
<b>13</b>	<p><b>Landscaping details</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls,</li> </ul>

	<p>h) barriers, rails, retaining walls and hedges;</p> <p>i) 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><b>REASON:</b> In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
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**List of Informatics:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Section 106</b>
	<p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p><b>INFORMATIVE:</b> Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>

<b>4</b>	<b>Pre-Commencement Conditions:</b>
	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.
<b>5</b>	<b>Car free development</b>
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.
<b>6</b>	<b>Working Hours</b>
	The applicant is advised that the accepted working hours for development within the borough are:  8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

## **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 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality of Design and Housing Developments
- Policy 3.8 Housing Choice
- Policy 3.9 Mixed and Balanced Communities
- Policy 3.10 Definition of Affordable Housing
- Policy 3.11 Affordable Housing Targets
- Policy 3.13 Affordable Housing Thresholds
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.11 Green Roofs and Development Site Environs
- Policy 5.14 Water Quality and Wastewater Infrastructure
- Policy 5.18 Construction, Excavation and Demolition Waste
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.2 an Inclusive Environment
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy

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

Policy CS8 (Enhancing Islington's Character)  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS12 (Meeting the Housing Challenge)

**C) Development Management Policies June 2013**

Policy DM2.1 Design  
Policy DM2.2 Inclusive Design  
Policy DM2.3 Heritage  
Policy DM2.4 Local Views  
Policy DM3.1 Mix of housing sizes  
Policy DM3.4 Housing standards  
Policy DM3.5 Private outdoor space  
Policy DM3.7 Noise and vibration (residential uses)  
Policy DM6.5 Landscaping, Trees and Biodiversity  
Policy DM7.1 Sustainable Design and Construction  
Policy DM7.2 Energy Efficiency and Carbon Reduction in Minor Schemes  
Policy DM8.4 Walking and Cycling  
Policy DM8.5 Vehicle Parking  
Policy DM9.1 Infrastructure  
Policy DM9.2 Planning Obligations  
Policy DM9.3 Implementation

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Accessible Housing in Islington
- Affordable Housing Small Contributions SPD
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Basement SPD
- Inclusive Design in Islington SPD
- Environmental Design Planning Guidance SPD

London Plan:

- Housing
- Sustainable Design & Construction



## Appeal Decisions

Hearing held on 22 October 2008  
Site visit made on 22 October 2008

by Margaret Jones MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

■ 0117 372 6372  
email:[enquiries@pis.gsi.gov.uk](mailto:enquiries@pis.gsi.gov.uk)

Decision date:  
26 February 2009

### Appeal Ref: APP/V5570/E/08/2071272

#### 16 Japan Crescent, London N4 4BB

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070767, dated 13 March 2007, was refused by notice dated 18 September 2007.
- The demolition proposed is the existing building to enable redevelopment for dwelling house.

### Appeal Ref: APP/V5570/A/08/2071275

#### 16 Japan Crescent, London N4 4BB

- 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 J Bramble Esq against the decision of the Council of the London Borough of Islington.
- The application Ref P070049, dated 18 December 2006, was refused by notice dated 18 September 2007.
- The development proposed is construction of single family dwelling house.

#### Procedural and background matters

1. The appeals relate to an application for conservation area consent to demolish the existing garage building and a planning application to redevelop the site for a single family dwelling house with accommodation at basement level, ground and first floors. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with them together in this document, except as otherwise indicated.
2. I note that prior to the Hearing the Council decided not to produce evidence to support part of its third reason for refusal in relation to the loss of daylight, although it continues to be a concern of local residents.
3. A completed copy of a Unilateral Undertaking was provided by the appellant in respect of both appeals. It contained a number of provisions relating to the protection of street trees during construction, a highway contribution and undertakings to ensure that the dwelling would be car-free. I have taken it into account as a relevant material consideration.

#### Decision

4. I dismiss both appeals.

fail to reflect the scale and proportions of the adjoining terrace from which it takes its reference. The size and alignment of the storey heights and window proportions do not reflect the strong, repetitive pattern of the elevational treatment of the adjoining terrace.

11. I do not agree with the appellant that the fenestration on the street elevation provides an appropriate transition from the adjoining terrace and the flank wall of No 18. The lack of any detailing at eaves and string course level further reinforces the discordant note the proposed dwelling would create in the street scene. I have no problem with the proposed basement because it would not involve construction of a front lightwell, but I consider the projection and bulk of the building's eastern flank would appear visually intrusive and would dominate views looking west along Japan Crescent.
12. Although the *Islington Urban Design Guide*, adopted in 2006 as Supplementary Planning Guidance (UDG) identifies some circumstances where infill development may be appropriate, it states that any development is required to improve the street frontage. I consider that the appeal scheme fails to respond to the scale and proportions of the existing terrace and would detract from the overall quality of the street scene.
13. The appellant referred me to several examples of infill development at the other end of Japan Crescent, including No 1A, a well established small two-storey gable-fronted building and No 2, a recently converted and extended development incorporating residential flats. The latter is a detached building set well back from the street frontage. I am not persuaded that the circumstances of either of these developments is similar to the appeal site and, in any case, I must consider the appeal scheme on its own merits.
14. To conclude on this issue I consider that the scale and proportion of the proposed dwelling would fail to preserve or enhance the character and appearance of the Stroud Green Conservation Area. This would be contrary to saved UDP Policies D1, D4, D21, D22 and D24 and the advice in PPG15 and locally adopted Supplementary Planning Guidance ADG and UDG. These seek to ensure, among other things, that new development in Conservation Areas is well designed and appropriate to the streetscape, respecting its local character and context to create a positive relationship with surrounding buildings and spaces.

#### Amenity Space

15. The appeal scheme would provide a limited area of outdoor amenity space, significantly below the minimum garden area of 15sqm set out in the Council's adopted Supplementary Planning Guidance *Planning Standards Guidelines* (PSG) for 1-2 people. The standard for family housing is at least 30sqm of garden space. About 8sqm would be provided in a small rear basement area, separated from the first-floor main living areas by an intervening floor and accessed via the master bedroom.
  16. The appellant has referred to the additional contribution from the small frontage area of about 4sqm immediately adjoining the pavement. As this small front garden area would also have to accommodate the front entrance path and refuse storage bins I do not consider it would make any meaningful contribution towards the overall outdoor amenity space for future occupiers.
-

17. Saved UDP Policy H10 accepts that wherever possible amenity and garden space is provided in new housing developments but the supporting text states that new housing development should be of a high quality and appropriate standards are set out in the PSG. As adopted Supplementary Planning Guidance I accord the PSG significant weight. It clearly states that gardens should be provided for all family dwellings and the description of the proposed development is for a 'single family dwelling house'.
18. In high density inner fringe areas lower amenity standards may be acceptable, but in my view, the amount of amenity space proposed would not be appropriate for the proposed two-bedroom single family dwelling house in the context of the appeal site. While the proposal would make efficient use of previously developed land in a sustainable location, I do not agree that this should be at the expense of unacceptable residential amenity standards.
19. Accordingly, I consider that the proposal would not provide sufficient amenity space for future occupiers contrary to saved UDP Policies H3, H7 and H10 and the advice in the PSG. These seek to ensure, among other things, that the quality of accommodation and living standards in new housing development is appropriate for the type and size of household that will live there both now and in the future.

*Neighbours' Living Conditions*

20. I saw that the size and siting of the proposed new dwelling would result an overdominant development significantly closer to habitable room windows on the side of No 18 facing the development site. The proposed new house would abut a small courtyard garden to the side of No 18, and would be between approximately 5 and 6m from the west-facing flank wall with 3 habitable bedroom windows. These serve the three flats, one on each floor of this three-storey block. The depth of the proposed house would extend across about one-third of the width of the bedroom windows on the ground and first floors of Nos 18A and B. I do not accept the appellant's assertion that these windows do not serve main habitable rooms. As regards the comment relating to the existing situation where the occupiers currently overlook the flank wall of No 14, this is across the flat roof of the existing garage, approximately 5m further away and, to my mind, the circumstances are not comparable.
  21. The appellant submitted a sunlight and daylight study to demonstrate that the proposal would not result in any unacceptable loss of daylight to neighbouring occupiers, especially in Japan Crescent. However this study does not appear to have evaluated the position of No 18, although it did assess the effect on the rear of 7 Mount Pleasant Crescent, which lies to the south and east of the appeal site. Therefore I do not consider that any conclusions can be drawn from this study with regard to No 18. The position is compounded by the appellant's Planning Statement submitted in support of the planning application which wrongly states in paragraph 2.06 that No 18 has no windows on its flank elevation facing the appeal site.
  22. I consider that the outlook from both the flank bedroom windows to the ground and first floor flats at No 18 (Nos 18A and 18B) would be severely enclosed by the height, depth and proximity of the proposal, resulting in an unacceptable overbearing development. The height of the proposed dwelling immediately
-

adjoining the courtyard garden would, in my view, also result in additional overshadowing and loss of outlook to the detriment of the enjoyment of this small outdoor amenity space by the occupiers of the flats.

23. The proposal would adjoin No 14 but would not extend beyond the depth of the rear main wall. Windows in the flank wall of the rear projection would not be unduly affected and although the glazed covered side passage is at a lower level this would not, in my view, result in an unacceptable loss of daylight or outlook to the occupier. The rear garden is small and, due to the mews development to the rear, feels enclosed by surrounding buildings. The proposed ground and first-floor windows on the rear elevation of the new house would be at high level and therefore would not in my view result in any material overlooking of the rear garden.
24. Residents oppose the proposed development who have benefited from a first floor open view over the existing garage would be affected by the increased height and scale of the new house if it were permitted. However this would be no different from the existing relationship of facing dwellings further along the street. Furthermore, the appellant's daylight and sunlight study shows that although Nos 21 and 23 to the north of the appeal site would experience some loss of daylight and sunlight as a result of the proposal, this would be very minor and would remain above the values given as desirable in the BRE Report '*Site Layout Planning for Sunlight and Daylight-a Guide to Good Practice*'.
25. To conclude on this issue I find that the proposal would not result in an unacceptable loss of daylight but that it would have an overbearing effect and cause a harmful loss of outlook to the neighbouring occupiers at 18A and 18B Japan Crescent. This would be contrary to saved UDP Policies D3 and H3 which seek to ensure that the design and layout of new development provides satisfactory aspect to adjoining buildings and does not result in an unreasonable loss of outlook to neighbouring occupiers

*Acceptability of demolition*

26. The Council objects to demolition of the existing building as premature in the absence of an acceptable replacement scheme for development. It acknowledges that the existing building has no architectural merit but concludes that it makes a neutral contribution to the character and appearance of the Conservation Area. Although the existing garage is forward of the established building line, it is of a modest scale, which I consider provides an important break in the street frontage at first floor level and reads as an ancillary structure in the street scene.
27. The Council has no objection in principle to redevelopment of the site subject to an acceptable scheme for development. However, I see no justification for allowing demolition in advance of an acceptable scheme for development in accordance with the advice in paragraph 4.27 of Planning Policy Guidance Note (PPG) 15: *Planning and the Historic Environment*. This states that where a building makes little or no positive contribution to the character and appearance of the Conservation Area full information is required about what is proposed for the site after demolition.
28. I do not consider the conjoined appeal proposal for a single family dwelling house acceptable, and premature demolition would result in an unsightly gap in

the Conservation Area. Accordingly, I conclude that the proposal for demolition in advance of planning permission for a satisfactory redevelopment scheme would be contrary to national advice in PPG15 and saved Policy 21 of the adopted Islington Unitary Development Plan (UDP) 2002.

*Conclusion*

29. For the reasons given above and having regard to all other matters raised including the effect of basement construction on neighbouring properties, I conclude that both appeals should not succeed.

*Margaret Jones*

INSPECTOR

## APPENDIX 2 – INDEPENDENT REVIEW FEEDBACK

1734/50/DR/bl

15 September 2017

### 16 Japan Crescent

Structural Engineering Notes on a review of the Structural Method Statement and Structural Method Statement Addendum submitted in support of a planning application for the development and a geotechnical and structural assessment of the application documents by Michael Eldred.

#### Introduction

1. Alan Baxter Ltd (ABA) are appointed by the London Borough of Islington (LBI) to review the Structural Method Statement (SMS) and Structural Method Statement Addendum (SMSA) produced by Hurley Palmer Flatt (HPF). These reports form part of a submission for planning permission for the demolition of an existing garage at 16 Japan Crescent and the construction of a two storey house with a basement below the rear of the house and part of the rear garden. The appointment also includes a review of a geotechnical and structural assessment of the proposals by Michael Eldred (ME) on behalf of the owners of 14 Japan Crescent and 7 Mount Pleasant Crescent.
2. Hurley Palmer Flatt first produced a Structural Method Statement in support of the application in February 2016 (the 02 issue of the report is dated 22/02/16). This was amended and re-issued in July 2016 (the 05 issue of the report is dated 28/07/16) following ground investigations on site in May 2016 and the issue of a Desk Study and Site Investigations report by Southern Testing on 14 June 2016.

The July 2016 SMS by HPF covers:-

- Desk studies and ground investigations
- The phasing of construction, including the basement construction sequence
- Access arrangements for vehicles/monitoring of vehicles
- Foundation/substructure proposals
- External drainage proposals

Included within the appendices are:

- The Southern Testing Site Investigation Report
- Details of enquiries with Thames Water
- Selected Historical Maps
- Information on the risk of unexploded bombs
- Structural sketches showing the assumed sequence of construction
- A damage assessment of neighbouring properties.

A site plan, some architects drawings (plans and sections), a Sustainable Design and Construction Statement, a Daylight Assessment and a Design, Access and Heritage Statement are also included in the application documentation.

No overall structural plans or sections are included.

3. Hurley Palmer Flatt have also produced a Structural Method Statement Addendum, dated 13/04/2017, in conjunction with Southern Testing (ST). This followed a Planning Sub-Committee meeting in February 2017 at which the application was considered, but a decision was deferred and additional groundwater monitoring information was requested.

Groundwater monitoring results for the period from 19/05/2016 to 09/03/2017 are presented in the Addendum along with comments on the groundwater conditions and hydrogeology of the site.

Further commentary is provided in response to comments from neighbouring owners and their advisors on the ground conditions below the site, ground subsidence, soil parameters used in the design and the predicted impact of the works on the neighbouring building and mitigation proposals (the sequence of works/temporary works).

4. We understand that Michael Eldred initially reviewed and reported on the application proposals in February 2016. We have not seen this initial review, but following revisions to the application and the addition of supporting information he issued a second geotechnical and structural assessment of the proposals and the potential impact on 14 Japan Crescent and 7 Mount Pleasant Crescent in June 2017. This review was of the information available on the LBI planning portal in June 2017 including the July 2016 SMS and April 2017 SMSA by HPF.
5. This review is of the documents listed in 2-4 above and has been undertaken by David Rathbone BSc CEng MInstuctE MICE, an Associate at Alan Baxter Ltd with over 35 years experience in the construction industry. He has extensive experience of basement design and of reviewing and advising local authorities, the Church of England and other adjoining owners on basement proposals submitted for planning.

#### The Structural Method Statement and Structural Method Statement Addendum

6. LBI requirements for Structural Method Statements are set down in the Islington Supplementary Planning Document (SPD) for basements (January 2016), Appendix B Guidance on Structural Method Statement. This sets out the need for a thorough desk study, the findings of which should be set out in the SMS, an appraisal of existing structures affected by the proposals and site investigations. For a planning application submission the engineering design should be advanced to Developed Design Stage (RIBA Stage 3) and the SPD identifies seven key points which designers should demonstrate they have addressed. The SMS should also include an outline of the proposed structural engineering arrangement and details such as drawings of underpinning, piled walls, etc.

The SPD also includes, in Appendix C, Guidance on Construction Management Plans (CMP) and the information that they must include. However it notes that the CMP should be submitted and approved prior to any works commencing on site, not necessarily as part of the planning application.

7. We have reviewed the SMS and SMSA in relation to the requirements of the SPD for basements. Michael Eldred carried out a similar exercise. Our conclusions on whether the SMS meets the requirements follow in points 8 to 12.
8. The desk study information obtained by HPF appears adequate for the nature and size of the project proposed.
9. Physical site investigations were carried out by ST and included two 5.5m and 6.3m deep boreholes drilled with window sampler equipment and three trial pits to the rear of the existing garage to confirm the foundations of neighbouring buildings. These investigations appear appropriate and adequate for the site and a development of this nature and scale.

The results of the site investigation and subsequent groundwater monitoring are reported in the SMS and SMSA which was jointly prepared by HPF and ST.

10. The LBI SPD requires "the engineering design to be developed to RIBA Stage 3 and to include an outline of the proposed structural engineering arrangement and details such as drawings of underpinning, piled wall etc". The structural engineering arrangement is described broadly in the text and the proposals for the basement construction are shown indicatively on the sequence drawings, but there are no overall structural engineering plans and sections which illustrate the proposals. The sequence drawings do show the proposed underpinning arrangements/details and some proposals at the basement and ground floor front, where the new building is built up against 14 and 18 Japan Crescent. These proposals are indicative only and we would expect to see some structural plans and more developed details as part of the application. No details are shown of the junction with 7 Mount Pleasant Crescent.

11. The seven key points which the SPD specifically identifies that designers should demonstrate they have addressed are as follows:

- Ground Conditions and Groundwater: This appears to have been adequately addressed given the scale and nature of the proposals and the anticipated ground conditions. Rare thin pockets of sand were found in one of the boreholes. Further confirmation of the nature and extent of these pockets and the implications for groundwater should be obtained when works commence on site. These sand pockets would be expected to contain very little water which should be easily managed during the excavation process.
- Existing trees and Infrastructure: These have generally been adequately addressed in the reports by HPF and ST. The semi-mature tree in the pavement in front of 14 Japan Crescent is not specifically referred to in the SMS and HPF should consider the potential impact of the tree maturing as part of their design. They should also review the general impact of the street trees and shrinkable clay subsoil on the houses in street.
- Drainage: The SMS confirms that separate foul and surface water drainage systems are to be provided and some details are described in the text. However no drawings have been provided and the proposed arrangement is unclear. Some drainage from the basement and lightwell at the rear to a manhole at the front and the sewer below Japan Crescent are likely to be needed and may require deeper excavations which could influence the construction methodology. The drainage proposals should therefore be clarified further, preferably on drawings.
- Flooding: This appears to have been adequately considered and reported in the SMS and ST reports.
- Vertical and lateral loads: These have been addressed in both the temporary and permanent conditions. HPF have produced a series of sketches to illustrate the proposed sequence which show the underpinning proposed to adjacent buildings, temporary propping across the excavation and battered excavations to the front and rear. The sketches are indicative at this stage and the proposals will need to be developed during detailed design and by the contractor (once appointed) in preparing the Construction Management Plan. For the purposes of the SMS they appear sufficient.

The structure is designed as a separate building supported on a reinforced concrete box to the rear and strip foundations and reinforced concrete ground beams to the front. Details of the proposed loading and a preliminary load takedown are provided. The outline basement design appears to ignore groundwater, hydrostatic uplift and heave on the basement which ST recommended should be allowed for in the design. Appropriate measures, along with waterproofing, should be incorporated.

- Movements: HPF have carried out an assessment of the likely settlement of the proposed building and have considered the possible change in bearing stress below the flank wall to 14 Japan Crescent. They conclude that the anticipated damage will be less than Category 2. On the basis of their analysis they report in the SMSA that the risk of movement of the proposed building and neighbouring properties has been considered and mitigated by the proposed sequencing. Monitoring is also proposed. Given the scale and nature of the project the assessment carried out for the proposed building and 14 Japan Crescent appears reasonable. However, no specific assessment is included for the garage to 18 Japan Crescent where the SMS and sequence drawings indicate provision will be made for differential movement, or for 7 Mount Pleasant Crescent, one corner of which is to be locally underpinned.
- Integrity of Existing Structures: HPF have looked at and reported on 14 and 18 Japan Crescent in the SMS, which appears to have dealt with these buildings adequately. There is no specific information on the nature or condition of 7 Mount Pleasant Crescent although it appears to have been considered in the design and mitigation proposals (underpinning and monitoring).

12. Some consideration has been given to access and vehicle movement to the site, site security, dust, noise and road cleaning. These do not constitute a full CMP, but LBI guidance (Appendix C of the SPD) does not require a CMP to be submitted for planning, as long as it is submitted and approved prior to works commencing on site.

#### The Geotechnical and Structural Assessment by Michael Eldred

13. The report makes a number of good points, but is quite difficult to follow in places and is repetitive in others. For example, the non-technical summary appears to be the same as the opinion (section 5) and other matters of concern (section 6).
14. The report is 40 pages. The following notes do not go through each point in detail. We have provided some broad comments on the key points and issues raised.
15. In section 2.4 and section 5 Michael Eldred (ME) identifies six issues 'to be addressed' which relate to the seven bullet points which LBI's SPD states designers should demonstrate they have addressed and which we have commented on in point 11 above. On all six issues he concludes that the SMS fails to adequately define and ameliorate the risks associated with these issues.

In coming to this opinion he sets out the facts as he sees them and discusses various aspects of the proposals. He also notes in the summary a number of ways in which he considers the application to be 'inadequate' and in section 6 and the summary raises a number of 'other matters of concern' in relation to the proposals. None of these are relevant matters within the LBI guidance on SMSs and do not need further consideration in this context.

16. In section 2.6, 3.1 and 3.2 ME describes his own visual inspections of the site and adjacent buildings and his feedback from the adjacent owners he interviewed or corresponded with. Some of these comments are useful and could be helpful to HPF in finalising their design.
17. The first part of section 3 setting out the facts in relation to the site and adjoining buildings appears reasonable and correct. In paragraph 61 ME states that the flank wall is the boundary wall to 14 Japan Crescent, not a party wall. This is a matter for Party Wall Surveyors and not relevant to the SMS, or planning.
18. Section 3.2.4 deals with ground and surface water and describes anecdotal evidence from neighbours regarding flooding to the basement to 7 Mount Pleasant Crescent and a redevelopment at 6-18 Mount Pleasant Crescent. The designers should investigate these alleged instances and address the implications (if any) in the SMS.

19. Section 3.2.6 describes in some detail why there is a risk of ground movement causing some building damage due to changes in moisture content in London Clay as a result of trees and section 3.2.7 records some examples of this to properties in Japan Crescent. It is apparent in the SMS that HPF are aware of the risks, but they should review the impact of the street trees as noted in point 11 above.
20. In section 4.1.1 ME queries Southern Testing's interpretation of the soil test results, suggesting that there may be softer ground than advised 2m below ground floor level. He also considers that their interpretation gives a false impression of the extent to which the soil will be self-supporting during excavations and temporary support sequences. Window sampling is an unsophisticated form of geotechnical investigation which can indicate to an experienced geotechnical engineer likely soil properties. Any measured output from it is approximate and open to interpretation. The interpretation by ST (an experienced site investigation contractor with a long track record of working in London) appears reasonable based on our experience of London Clay.
21. In section 4.1.2 ME suggests that the Southern Testing report should be revised with respect to groundwater issues following the extended groundwater monitoring. HPF have indicated that the SMSA incorporates a contribution from ST on the monitoring .There therefore seems no need to amend the ST Geotechnical report as well.
22. In section 4.2 and 4.3 ME assesses the viability and safety of the method of construction of the basement indicated by HPF on their sketches and in the text to the SMS. In the section on underpinning (4.3.1) he notes that the underpinning to 14 Japan Crescent extends to the internal edge of the existing wall footing which impairs the potential for the owner of No.14 to construct a basement in the future. This is a matter for the applicant and the adjoining owner to resolve and not relevant to the SMS.
23. In section 4.3.2 ME raises a number of points regarding the temporary works and sequencing of works, in particular the appropriateness of using trench sheets at the boundary with 18 Japan Crescent, the lack of walings and the encroachment of the battered slope into the garden of 7 Mount Pleasant Crescent. These points should be addressed when the CMP is developed.
24. In section 4.3.3 ME highlights the difficulties of constructing the basement walls assuming walings are incorporated in the temporary works. He also notes the need for a waterproofing system. Neither are relevant to the SMS but should be addressed as the design is developed and as the contractor prepares the CMP.
25. In section 4.3.4 ME returns to the question of the ownership of the flank wall of 14 Japan Court and incursions into neighbouring gardens and whether the application is valid. Neither appears to be relevant to the SMS.
26. In section 4.4 ME raises similar issues regarding drainage design to those highlighted by us in point 11 above.
27. In section 4.5 ME raises a number of points regarding structural design, including the need for more detail at the ground floor level where No. 16 abuts No. 14 Japan Crescent and at the junction with the corner of 7 Mount Pleasant Crescent. He has also queried the omission of groundwater pressure and heave in the design calculations for the basement walls and slab. These are points which we have also noted.

He goes on to state that the damage category should be 3 rather than 2 as assessed by HPF based on the Cording rather than the Burland method. ME has not provided any evidence or calcualtions to support this more onerous damage category.

Our experience of basement excavations of this nature and scale is that provided they are constructed carefully they are very unlikely to result in damage exceeding category 2, so an assessment of category 3 seems pessimistic.

28. Section 4.6 covers in detail the risk of damage to 14 Japan Crescent due to differential movement between the underpinned flank wall (the underpins are to be stepped up towards the front) and the front and rear walls, particularly in relation to the growth of the tree to the front of No. 14 and vegetation in the gardens. We have noted previously that HPF should review the impact of the street trees, but there is a greater risk of damage from clay shrinkage to the front bay window on No.14 than to the flank wall. ME's comments on insurance are not relevant to the SMS.
29. In section 5 and the summary of his report ME goes into some detail (drawing on sections 3 and 4) why he considers the SMS fails to adequately address the seven bullet points in the SPD guidance document for basement development. The reasons why he considers the SMS fails to address the issues are summarised in points 15-28 above. Our views on the adequacy of the SMS and SMSA in addressing these points is set out in point 11 above.
30. In section 6 and the summary ME raises a number of 'other matters of concern'. These are not matters that are directly relevant to the SMS.

#### Conclusions

31. The SMS has been revised on a number of occasions in response to previous comments and additional information becoming available and is not clear in some parts. There are some areas where further consideration is needed on issues such as groundwater, heave, street trees and aspects of the temporary works proposals. Some structural engineering plans/sections and drainage drawings are also needed to illustrate the proposals more clearly and further assessment is needed of the impact on 18 Japan Crescent and 7 Mount Pleasant Crescent.
32. The report by Michael Eldred is detailed, and makes a number of points on omissions and potential issues relevant to the SMS. The need to address these has been discussed in points 16 to 19, 23 and 26 to 28. It also raises a number of issues and 'matters of concern' which are not relevant to the SMS.
33. Overall the SMS broadly covers the need for desk studies, building appraisals ,site investigations and the bullet points set out in LBI's SPD (including the six issues highlighted in the ME report), but there are a number of areas where further consideration is needed and additional information should be provided.

## 16 Japan Crescent

Comments on SMS addendum (30.11.17) in response to Alan Baxter Ltd (ABA) Structural Engineering Notes of 15.9.17 and 7.11.17

### A Project Chronology

The date of the initial planning application is incorrect. Presumably point 1 should be 24.11.2015.

### B Specific Comments

1. We confirmed in point 9 of our structural engineering notes of 15.9.2017 that the site investigations and subsequent groundwater monitoring were adequate for a development of this nature. For clarity the further comment that these 'pose no specific threat to the construction of the new dwelling or the neighbouring properties' is not an ABA comment and appears to have been interpreted by D4P. We believe the method of monitoring and controlling unknown anomalies (some groundwater ingress) are detailed in 4.6 of Hurley Palmer Flatt's SMS, not their SMS addendum (SMSA).
2. We have reviewed the plans/sections/construction sequence drawings listed which were issued in November 2017 in response to our comments of 15 September 2017 and amended in response to our further comments of 7 November 2017. We have no further comments on these drawings. On page 3, point 10 of our notes of 15.9.17, we confirmed the requirements of LBI's SPD for the design to be developed to RIBA stage 3 and include an outline of the proposed structural engineering arrangement (plans) and details. We stated our expectation that this should include some structural plans, and these have now been provided and appear to take on board our comments. (D4P appear to have misunderstood point 11 – bullet point 5 of our notes which relates to the construction sequence, which will need to be developed during detailed design and by the contractor, once appointed, in preparing his Construction Management Plan)
3. The designer has now considered and assessed the impact of the street tree maturing in their design.
4. The proposed drainage arrangement has been clarified following the inclusion of a drawing (009923-98-SP-900 P1) in the information submitted.
5. Groundwater, hydrostatic uplift and heave have now been considered in the design and details. This appears adequate for planning purposes, but will need to be developed further by the designers.
6. We commented in our notes of 15.9.17 that the movement assessment for the proposed building and 14 Japan Crescent was reasonable given the scale and nature of the project. Consideration has now also been given to movements of 18 Japan Crescent and 7 Mount Pleasant Crescent as suggested in our note and subsequent discussions.
7. HPF have now provided a commentary on the condition and integrity of 18 Japan Crescent and 7 Mount Pleasant Crescent.
8. We have been advised that no records are available of any flooding in the area, and based upon the desk study research and physical investigations carried out by Southern

Testing (ST) the risk of significant groundwater is low. Appropriate waterproofing measures have been incorporated in the design.

9. All comments raised in our note of 7.11.17 have been addressed in the latest submission.
10. In the conclusion, D4P have suggested that ABA have provided guidance and recommendations which have been incorporated within the design. This is not correct. We have reviewed and commented on the information provided in relation to the requirements of the LBI SPD guidance for basements.

#### C Structural Engineer's Covering Letter (HPF)

Generally this covers very similar ground to section B above, providing some additional detail on a few points. Ad. 7 describes the existing condition of the adjacent properties and summarises the structural proposals and the potential damage to the neighbouring buildings as a result of the works.

**16 Japan Crescent****Comments on further commentary submitted by the objectors in response to ABA Structural Engineering Notes of 15.9.17**

1. The further commentary appears to have been produced by Michael Eldred in response to ABA notes of 15.9.17, which commented on his Geotechnical and Structural Assessment of the proposals.
2. The Structural Engineering notes were prepared for the London Borough of Islington, not Southwark.
3. ABA's brief was to advise on whether the Structural Method Statement (SMS) and Addendum (SMSA) met the requirements of LBI Supplementary Planning Document (SPD) for basements, Appendix B, Guidance on Structural Method Statements. Michael Eldred reviewed the basement proposals more generally and also raised a number of broad issues relating to ownership, insurance and Party Wall matters, which were not directly relevant to the SMS or planning. The purpose of his assessment appears to have been to assist his client in objecting to the proposals. Overall, we found the SMS and SMSA broadly covered the requirements of the SPD, but that there were a number of areas where further more detailed consideration and information was needed. These have now been addressed by amendments to the proposals and the provision of supplementary information.
4. The latest proposed plans show the boundary with 14 Japan Crescent running down the centre line of the flank wall to 14 Japan Crescent. It appears, therefore, that the issue of whether this is a party wall still needs to be resolved by Party Wall Surveyors (as noted in our notes of 15.9.2017) and is not, we believe, a matter for planning.
5. The Construction Sequence drawings have been developed with additional temporary trench sheeting shown and fewer battered excavations. As stated in our notes of 15.9.17, the method of construction will need to be developed during the detailed design and by the contractor (once appointed) in preparing the Construction Management Plan (CMP), which doesn't need to be submitted and approved until just prior to works commencing. By this stage, party wall awards should also be in place and it should be clearer what agreements have been reached with the neighbours regarding underpinning and temporary access to carry out the works. Again, this is not, we believe a Planning matter, but if aspects of the proposals are not agreed or temporary access not obtained, revisions will be needed to the scheme and/or the method of construction.
6. ABA have worked with Southern Testing over a number of years and like Michael Eldred have found them to be a respected and reliable site investigation contractor. However, as noted in point 20 of our notes, our conclusion that their interpretation of the findings was reasonable was based on the nature of the investigations carried out and our own extensive experience of London clay in the area and more generally. On this basis, we consider it unlikely the ground movement assessments are over optimistic, but if slightly larger than predicted movements did occur, they are very unlikely to result in damage exceeding category 2, and therefore meet the requirements of the SPD guidance.