

## ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	30 <sup>th</sup> April 2018	NON-EXEMPT

Application number	P2015/3034/FUL
Application type	Full Planning
Ward	Tollington
Listed building	Not listed
Conservation area	None
Development Plan Context	Tollington Cycle Routes (Local/Major)N/A
Licensing	None
Site Address	Land rear of 6 Shaftesbury Road, London, N19
Proposal	Proposal for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 2x2 bedroom two storey dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.

Case Officer	Joe Aggar
Applicant	Mr Robert Gutstein
Agent	Mr Philip Morris

### 1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 2.
- 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. REASONS FOR WITHDRAWAL FROM THE AGENDA**

- 2.1 A recommendation for this application was previously published and scheduled to be heard at Planning Sub-Committee A on 21<sup>st</sup> March 2017. The application was withdrawn from the agenda prior to being heard at committee.
- 2.2 The reason for the application not being heard at subcommittee was that the Council was in receipt of detailed further submissions in objection to the proposals that identified (what the objectors consider to be) inaccuracies in the report published on the agenda. Officers required additional time to review the further submissions, to be in a position to accurately brief members on the merits of the concerns raised.
- 2.3 In summary, these representations related to:
- 'House 2' being capable of accommodating 3-bedroom dwelling (4.45)
  - The aerial view is out of date and does not show the recent construction of an extension at 6 Shaftesbury Road (4.46)
  - Committee report states 7 responses had been received in relation to consultations (4.47)
  - Overlooking to properties on Lambton Road from southern facing windows of the proposed development (4.31)
  - Loss of light to lower ground floor habitable room at 6 Shaftesbury Road (4.16 & 4.28).
  - Overbearing impact on no. 4 Shaftesbury Road, taking into account existing built form and that of the proposed development (4.23-4.24)
  - Unacceptable loss of sunlight to garden of 4 Shaftesbury Road (4.16)
  - With no gate to Shaftesbury Road there is an increased risk to security, including vandalism, graffiti, access to rear gardens (4.42)
  - Insufficient light and poor quality of internal living accommodation (4.10)
  - No calculation of ADF to habitable upstairs bedrooms (4.10)
  - Insufficient private amenity space based on internal floor layout of dwellings (4.5 & 4.45)
  - No details of platform lift, no discussion of how the sections of walls are to be treated to no. 4 and no. 6 Shaftesbury Road (4.48)
- 2.4 Based on the representations received on the days prior to the committee meeting, the application was not heard at planning subcommittee A. A committee report was published and this original is included in Appendix 1 of this report.

## **3. UPDATES FOLLOWING PUBLICATION OF PREVIOUS REPORT (21<sup>st</sup> MARCH 2017)**

- 3.1 A meeting/site visit was undertaken on 6<sup>th</sup> April 2017, at the application site with council officers, the applicant and the agent present. Council officers, in order to address the above concerns requested the following information (by email 11 April 2017):
- both of the proposed dwellings requested to be reduced to 2B4P dwellings with no other rooms that could be considered to be bedrooms.
  - to provide a block plan at 1:200 @ A3 showing a greater context, particularly in respect of the opposing dwellings on Lambton Road. This drawing should indicate positions of any rear facing windows where possible.
  - request access to neighbouring rear gardens, to survey the levels of each adjoining garden and the locations of any rear facing windows. In lieu of access not being granted the applicant should provide a method statement explaining that access was sought and denied and therefore provide details as to how levels

- or windows locations have been estimated given prevention of proper access
- Four additional sections have been requested, the location of these sections would be clearly marked on each site layout plan. The proposed location of these additional sections to be marked on plan.
  - An updated 'Daylight, sunlight and overshadowing' report required for the following areas: Note that the report should assess VSC and ADF for the proposed new dwellings. Sun on ground for all amenity spaces and for adjoining properties the report should provide VSC and Daylight Distribution or No Sky Line details relevant to the following:
    - The lower ground floor of the proposed dwellings
    - The amenity space of the proposed dwellings
    - The upper ground floor of the proposed dwellings
    - The rear gardens of No.4 and No.6 Shaftesbury Road
    - The existing dwelling at No.6 Shaftesbury Road
    - The existing dwelling at No.6 Shaftesbury Road
  - Proposed details for the platform lift are required, in terms of its relationship with the existing building at No.6 Shaftesbury Road. Specific manufacturers details are not required.
  - The outline of the existing building(s) within the application site will be shown on every proposed elevation and section.
  - The updated submission to be circulated to the LPA,
  - An additional consultation period will be required prior to a committee meeting date being confirmed.

3.2 Further documentation was submitted by the applicant on 14.12.2017. The revisions included the following:

- Replacement of study in House 2 with dressing room. Replacement of bedroom with dressing room in House 1.
- a block plan at 1:200 @ A3 showing a greater context, particularly in respect of the opposing dwellings on Lambton Road.
- revised drawings indicate the positions of rear facing windows to Lambton Road.
- drawings include updated surveyed levels of adjoining gardens and the locations of rear facing windows.
- four additional sections have been provided. These run through the application site and through the facing properties to indicate separation distances, ground levels, building heights and walls.
- a revised 'Daylight, sunlight and overshadowing' report has been provided. This provides assessment to the interior space of each proposed dwelling, the amenity space of each proposed dwelling, the amenity space of adjoining dwellings and the internal areas of the adjacent buildings.
- revised drawings shows an area earmarked with a 'soft spot' for the future installation of an external platform lift.
- revised drawings show the outline of the existing building(s), indicated on revised elevations and sections.

3.3 Following receipt of these amended drawings and drawings, letters were sent to the occupiers of neighbouring properties along Shaftesbury Road, Pegasus Court, Lambton Road and Hornsey Road. Letters were sent on 19<sup>th</sup> January 2018. Whilst the consultation expired on 14<sup>th</sup> February 2018, the Council considers comments until the date of the determination of the application. Four further representations were received (including letters from the same residents in response to the additional consultation). These representations can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Loss of light to surrounding properties (4.28)
- Lowering of floor levels will cause damage to no. 4 Shaftesbury Road (4.36-4.37)
- Flooding to courtyard of proposed dwellings (4.39)
- Removal of gate will lead to security risk (4.42)
- Proposal will result in increased sewage (4.44)
- Living below ground level is unhealthy (4.5-4.6)
- Plants to the side wall of no. 4 Shaftesbury Road will cause damage (4.36)
- Refuse and recycle bins will be visible (4.43)
- Lack of sunlight to rear garden of no. 4 Shaftesbury Road (4.16)
- Poor working practices carried out under previous work at 6 Shaftesbury Road (4.41)
- Site lends itself to one dwelling not two and is an overdevelopment (4.49)
- Omission of 17 Lambton Road within sunlight daylight results (4.27)
- Overlooking to rear properties on Lambton Road (4.31)

#### 4. ASSESSMENT OF ADDITIONAL INFORMATION

4.1 Attached is Appendix 1 outlining the recommendation in relation to the merits of the application, dated 21<sup>st</sup> March 2017 . The following assesses the additional information received. This takes into account the additional information received and the objections received from the re-consultation on the 19<sup>th</sup> January 2018. In summary, the further issues include:

- Quality of Accommodation
- Neighbouring Amenity
- Basement Development
- Other Matters

##### Quality of Accommodation

4.2 Paragraph 17 of the NPPF outlines a set of core land-use principles which should underpin decision making, including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The previous report addressed policies at paragraphs 10.24-10.26 (Appendix 1), however policy DM3.4 requires new units to have adequate sizes and layouts, good floor to ceiling heights, sufficient storage space, and functional, useable space.

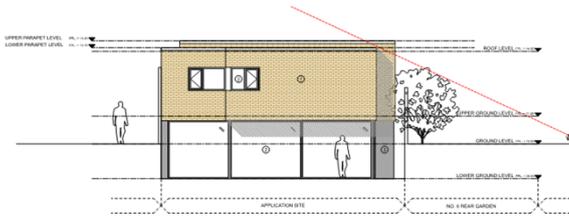
4.3 The drawings have been amended to vary the external design of the building (as shown in figure 1, below). These design changes are considered relatively minor and do not alter the design merits of the proposal. In relation to the proposed accommodation, the footprint at ground floor extends westwards into the garden space, resulting in a larger Kitchen/Living space, comprising mainly glazed facade. The irregular footprint of the upper ground floor to House 2 also varies due to the change in the orientation to R-1-03 and the removal of the chamfered corner to the ensuite bathroom.



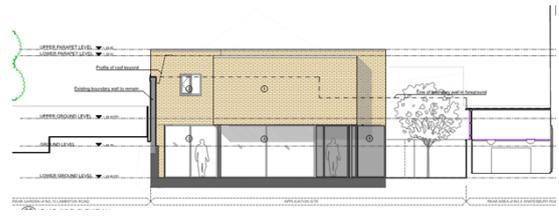
*Proposed West elevation 21/03/2017*



*Proposed West elevation*

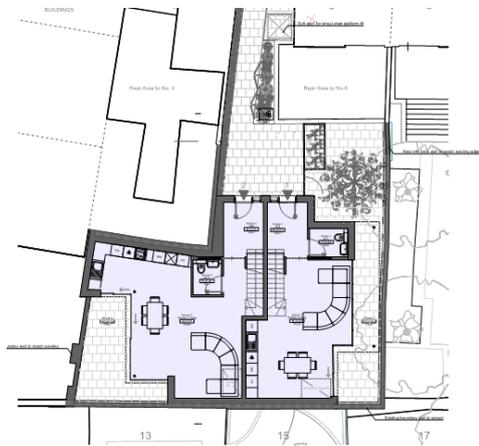


*Proposed East elevation 21/03/2017*



*Proposed East elevation*

4.4 In relation to House 1, the lower ground floor façade is now staggered to the garden space and comprises mainly glazing, previously this was flush. At upper ground floor level there is the removal of an east facing window. In relation to the internal living accommodation the proposal is considered to meet the required minimum internal living standards, as set out in Table 3.2 of the DMP.



*Figure 1. Proposed lower ground plan*



*Proposed upper ground floor plan*



*Proposed lower ground floor plan (21/03/2017)*



*Proposed upper ground floor plan (21/03/2017)*

4.5 Objections have been raised regarding the quantum and usability of the lower ground floor private amenity space. The garden levels (as laid out in Appendix 1) previously measured 19sqm and 35sqm. There has been a reduction in the quantum of garden space as part of the revisions. The amount of private amenity space now proposed for the units would consist of 16sqm and 32sqm respectively. Policy DM3.5 states that a minimum 15sqm on ground floors for 1-2 persons with 5sqm for each additional

occupant. House 2 would fall below the recommended garden space (16sqm provided and 20sqm being the minimum). This weighs against the proposal.

- 4.6 Concern has been raised in relation to the internal light levels based on the structure proposed at lower ground floor level as well as the adequacy of the light levels to the upper ground floor levels of both units, taking into account the existing site constraints and development quantum proposed. An updated Daylight/Sunlight Report has been submitted in conjunction with the application which has assessed the level of light for both proposed dwellings. The findings of this report are discussed below.

*Average Daylight Factor*

- 4.7 Policy DM3.4 requires all residential development to maximise natural light enabling direct sunlight to enter the main habitable rooms for a reasonable period of the day. The BRE Guidelines detail the level of light rooms should receive through the assessment of Vertical Sky Component (VSC) and Average Daylight Factor (ADF), as well as sunlight (APSH). The tests for APSH are explained in the Neighbour Amenity section, however the ADF test is appropriate only for proposed units, the way this is calculated is as follows:

- 4.8 Average Daylight Factor (ADF): is a test used for proposed residential units and is not advised to be used for adjoining properties that may be affected. ADF is defined as the average internal illuminance as a percentage of the unobstructed external illuminance under standard overcast conditions. Where floor to ceiling windows or doors exist, the 2011 BRE allows for a further test to be applied to glazing areas below the working plane with floor reflectance added in. The target levels aim to achieve a factor of 1 for bedrooms, 1.5 for living rooms and 2.0 for kitchens.

- 4.9 An updated Daylight, Sunlight and Overshadowing Assessment, dated December 2017 has been submitted, accompanying the application. The assessment takes into account light levels of House 1 and House 2 including the Kitchen/Living/Dining (KLD) areas plus the bedrooms within both properties (as shown in the table below:)

Unit ref	Floor	Room type	Window No.	Room ADF (%)
House 1	LGF	KLD	1-3	1.5
	GF	Bed	1-2	5.9
	GF	Bed	3	1.1
House 2	LGF	KLD	4-6	2.6
	GF	Bed	5-7	4.1
	GF	Bed	4-6	4.2

- 4.10 As advised in the guidance the requirement for living rooms is 1.5 and kitchens is 2. The results indicate sufficient internal light levels for the majority of the rooms. It is evident that the lower ground floor KLD to House 1 is below the required standard of 2. This weighs against the proposals

- 4.11 It is noted objections have raised in particular the presence of trees in as a constraint to the levels of light. However, taking into account the BRE Guidance, these are not considered determinative in this instance.

*Sunlight to the proposed private amenity spaces*

- 4.12 The BRE guide recommends that at least 50% of the area of each amenity space, including gardens should receive at least two hours of sunlight on 21st March. The

50% criteria mentioned above is also applicable when assessing the impact of a development on proposed garden spaces as well as existing neighbouring amenity areas. The sunlight/daylight report acknowledges the amenity area does not meet the 50% criteria, and the area which can receive two hours of sunlight on 21st March. This is considered largely based on the overhanging upper ground floor restricting the levels of sunlight to the lower ground floor levels. This weighs against the proposals.



Figure 2.

### **Neighbouring Amenity**

4.13 The updated sunlight/daylight report accompanying the application, dated December 2017, has assessed those properties adjacent to the site that are the most sensitive in relation to the proposed development. The report has assessed the properties to the north, south and west. The Daylight/Sunlight report incorrectly identifies the adjoining property addresses, however does correctly confirm their location. For clarity, the impacts on adjacent properties have been tested in relation to 4 Shaftesbury Road, 6 Shaftesbury Road, 9 Pegasus Court and 13-15 Lambton Road. The image below and updated text below corrects the property addresses.



#### *Sunlight to No. 4 Shaftesbury Road*

- 4.14 The BRE Guide recommends that at least 50% of the area of each amenity space, including gardens should receive at least two hours of sunlight on 21st March.
- 4.15 The 50% criteria mentioned above is also applicable when assessing the impact of a development on an existing neighbouring amenity area. If, as a result of a new development, an existing garden or amenity area does not meet the 50% criteria, and the area which can receive two hours of sunlight on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 4.16 The sunlight assessment analysed four amenity spaces (nos. 4, 6 & 8 Shaftesbury Road and Pegasus Court). The assessment shows that for two of the amenity spaces there would be the same overshadowing effect. And in two cases, increases of sun on ground would result. This includes the garden of no. 4 where the proposed lit area would increase from 13% to 35% and to the rear of no. 6 where it would increase from 57% to 97%.

#### *Outlook and sense of enclosure to No. 4 Shaftesbury Road*

- 4.17 No. 4 Shaftesbury Road is a two storey, semi detached dwelling. It contains a two storey rear addition which projects along the boundary with the application site. The west side of the garden to no. 4 Shaftesbury Road is surrounded by the flank wall of the properties to Pegasus Court. The flank walls of these properties rise approximately 2.9m above the assumed boundary wall of no. 4 Shaftesbury Road. A previous condition, related to the boundary wall was attached to permission 2, Shaftesbury Road (Application ref: P001707) for the 'residential development comprising five two bed houses and one 1 bed house'. The condition stated:

*CONDITION: The boundary wall surrounding the site shall be retained at its existing height.*

*REASON: To safeguard the amenities of the proposed development and those of existing neighbouring properties.*

- 4.18 The above reasoning for the condition has been taken into account within the assessment of the current application. Also of note, is the current pitched roof within the application site, which rises approximately 5.9m above the garden level of no. 4 and a rear wall rising to a height of 3.8m on the boundary with no.4 Shaftesbury Road. Currently, the eastern garden wall rises to a height of 2.4m. It is considered therefore that the garden of no. 4 already experiences a degree of enclosure from the existing surrounding built form, notably to the west and south.
- 4.19 No. 4 also exhibits a two storey partial width addition and outbuildings within the garden, which reduces the footprint of the garden further. The outrigger of no. 4 would be located approximately 8.9m from the proposed development and the rear main elevation 11.6m.

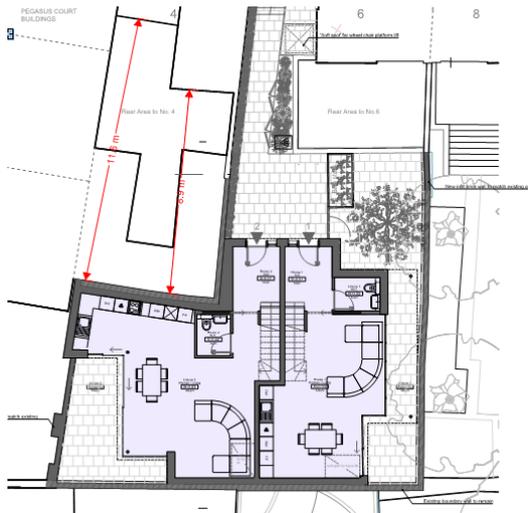


Figure 3. Proposed lower ground floor in relation to no. 4 Shaftesbury Road

- 4.20 The overall height of the proposed structures on the application site would be reduced by 1.6m compared to the existing roof pitch, however this needs to be considered carefully as the profile of the roof will change and the built form will be appreciably higher and closer than currently exists.
- 4.21 The windows to the rear main elevation are currently enclosed by the flank wall of the buildings to Pegasus Court and the two storey outrigger. The principle views from these windows are therefore already framed by brick walls and the proposed increase in the rear wall (11.6m away) from 3.8m to 4.5m high, is not considered to cause a significant reduction in the overall outlook and sense of enclosure from these windows than what currently exists.
- 4.22 The proposed development would abut the full southern and part of the eastern edges of the rear garden to no. 4 Shaftesbury Road. Adjacent to the rear of the garden there would be a 0.6m increase in height and to the eastern boundary an increase of 2.3m. The proposal would result in an expanse of built form.

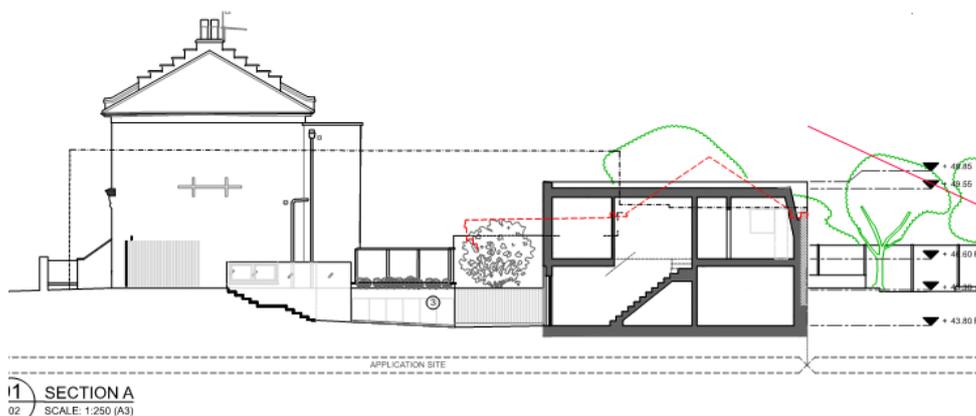


Figure 4. Proposed section through (red line indicating existing built form)

- 4.23 It is considered there would some loss of outlook to the occupiers of no. 4 Shaftesbury Road. The proposal would result in an increase in the height of the northern elevation to the proposed development. It is also acknowledged that the proposed development would alter how No. 4's rear amenity space is experienced from the garden. However as described, there are outbuildings which enclose the rear amenity space in any event, and sunlight on the ground to the garden would increase.

- 4.24 Therefore, on balance, whilst there would be a reduction in outlook, it is important to consider that no.4 already suffers a degree of enclosure, and the proposed development is not considered to significantly diminish the overall levels of outlook or create an unacceptable sense of enclosure to the occupiers of no. 4 Shaftesbury Road, and would also experience a greater degree of sunlight to its garden.

*Daylight to 6 Shaftesbury*

- 4.25 Objections have been raised in relation to the amount of daylight loss to the rear lower patio doors at 6 Shaftesbury Road. There are two windows at lower ground floor level, one is considered to serve a stairwell, the other a habitable room. The habitable room is served by a set of double patio doors.
- 4.26 The BRE advises drawing a section in plane to each of the potentially affected windows. If the new development interrupts the 25-degree line drawn from the centre point of the window further testing is required to show no adverse impact on the window. For a patio door a figure of 1.6m above the ground floor is considered acceptable. The section in plan perpendicular to the affected window illustrates that the development would not interrupt the 25-degree line and as such an acceptable level of light is considered to remain to the rear lower ground floor habitable room, as passing this assessment means no further testing is required under the BRE Guide.

*Daylight to 17 Lambton Road*

- 4.27 The above property adjoins the application site however does not directly face onto the proposed development in the same way as nos. 13 and 15 Lambton Road. A section has been provided that shows the proposed development would not breach the 25-degree line in relation to no. 17 Lambton Road. As such there is considered to be no adverse impact to daylight levels received to the rear facing windows and in this regard would be in accordance with DM2.1 of the Development Management Policies.
- 4.28 In relation to other surrounding properties 50 windows were tested in relation to potential loss of daylight. 47 of the 50 windows tested passed the 25-degree line test. The remaining three windows were tested in relation to VSC. The Vertical Sky Component (VSC) is a measure of the amount of visible sky available from a point on a vertical plane. The reference point used for the calculation is usually the centre of the vertical face of the window. The BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value. None of the remaining three windows fell below 0.8 of their former values.

*Overlooking to Lambton Road*

- 4.29 Policy DM2.1 at its supporting text, paragraph 2.14, refers to an 18m separation distance between windows of habitable rooms. This is stated to protect privacy for new developments and also for existing residents, therefore this distance does guide internal development layouts also.
- 4.30 Representations have been received from properties to the rear, (Lambton Road) that the development would give rise to overlooking between habitable rooms. The south facing windows to House 1 and House 2 sit largely below the existing boundary wall. Previously, (Appendix 1) it was considered this would not give rise to undue overlooking.

- 4.31 Taking into account the objections raised and the angle of upper floor windows to the properties on Lambton Road it is considered overlooking could occur. Whilst this would be somewhat oblique; it is considered this would unacceptably impede on the living conditions of those occupiers to Lambton Road. As such a condition is recommended (condition 18) that the south facing windows be opaquely glazed (that serve dressing room windows).

#### *Basement Development – Structural Method Statement*

- 4.32 A structural method has been submitted dated September 2016 by Morph Structures and structural and civil engineer company. The report, as stated, was prepared by a Chartered Structural engineer. The report is also accompanied by a ground investigation report, soiltechnics, dated October 2016.
- 4.33 The existing structure is of a traditional build, with masonry wall and timber roof and covers the majority of the application site. It is proposed to remove this structure.
- 4.34 The ground level is proposed to be excavated approximately 1.6m below the existing ground level. Concern has been raised in relation to the structural stability of neighbouring properties in particular to no. 4 Shaftesbury Road. The Structural Method Statement indicates the existing walls to be underpinned to transfer foundation loads down to the new lower level. A new reinforced concrete retaining wall is proposed to be constructed in front of the underpinning.
- 4.35 The NPPG advises that the effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. The application is also assessed in accordance with the Basement SPD which aims to promote best practice in terms of basement development in the borough.
- 4.36 It is important to note when dealing with land that may be unstable, the planning system works alongside a number of other regulations outside the realms of planning legislation including Building Regulations, which seek to ensure that any development is structurally sound as well as the requirements under the Party Wall Act. Any development hereby approved would also be required to fully comply with these regulations.
- 4.37 The Structural Method Statement provides a construction methodology to minimise the risk to adjoining occupiers. This confirms nos. 4 and 6 Shaftesbury Road have been looked at and reported on in the SMS, which appears to have dealt with these buildings adequately in the design and mitigation proposals (underpinning and monitoring). As such the approach to require the of implementation of any permission in accordance with an approved method statement would be consistent with the Basement Development SPD.

#### *Flooding*

- 4.38 The site does not fall within an area identified as at risk of groundwater flooding. The Structural Method Statement confirms no ground water was encountered during investigation.
- 4.39 The Basement Development SPD recognises, garden spaces allow rainwater to be absorbed and penetrate the ground surface, reducing the amount of surface water runoff, and maintaining sub soil moisture levels which alleviate against potential flooding. Subterranean development can potentially have a significant impact on

these functions. A condition has been attached to ensure the proposal is designed to reduce the potential impact of the new development with respect to surface water drainage discharges (*condition 5, Appendix 1*).

- 4.40 As such the proposal is not considered to result in or cause flooding within the application site or those located nearby. As such the proposal is considered to accord with DM2.1, DM6.3 and Basement SPD.

#### **Other Matters**

- 4.41 Representations have been made regards practices of former construction. In so far as is material to the assessment of this application, a Construction Method Statement is recommended via condition to ensure construction impacts are minimised on neighbouring occupiers. This condition would mitigate against noise and disturbance to the adjoining neighbours and ensure the work is carried out during normal working hours.
- 4.42 Concern has been raised regarding access to the alleyway. The Urban Design Guide advises against gated developments. Moreover the occupation plus comings and going of occupiers would generate a high degree of natural surveillance.
- 4.43 Whilst the proposed refuse store would be visible from the public realm, it is considered appropriately placed adjacent to the highway to allow for adequate servicing.
- 4.44 It is acknowledged the proposal will result in a material intensification of the use of the site. As a minimum, it is recommended that all drainage connections from basements to sewers are fitted with a one-way valve to prevent sewers surcharging into basements in high flow periods. Thames Water also recommend that all basements are fitted with a 'positive pumped device' (or equivalent reflecting technological advances) as this will assist in directing the flow of sewage away from the basement building, should sewer flooding occur. The increase in sewage would not warrant withholding the planning permission in this instance.
- 4.45 Concern has been raised regarding the ability to use the dwellings as 3 bed residential units. The dressing rooms, as annotated on the floorplans, are of a size, in terms of floor space (at 7sqm and 8 sqm) to be used as single bedrooms which could result in the dwellings becoming three-bed/five-person properties as opposed to 2 bed/four person properties. Officers advised the removal of the bedrooms to remove any ambiguity in terms of use for these areas and seek to address objections in this regard. The future use of these rooms as bedrooms is a possibility. Whilst the overall internal floor area is sufficient to allow for the increased occupation of the dwellings, this exacerbates areas of concern raised in the committee report, in relation to quality of outdoor amenity space proposed. Policy DM3.5 places greater importance on good quality, larger outdoor amenity spaces for family units (30sqm). This, in combination with aspects of the outdoor amenity space which are not considered policy compliant, notably the levels of sunlight to the proposed garden areas, restricted outlook from garden spaces and overall quantum of private amenity space, in particular to House 2, is considered to also weigh negatively in the consideration. In light of this, and the further information and material considerations presented by the applicant since the publication of the previous committee report, the merits of the application are finely balanced.
- 4.46 Concerns have been raised that the aerial views are out of date. The aerial views were gathered from internet sources and give members an overview of the site. It is acknowledged that this does not show recent developments at no. 6 Shaftesbury

Road and whilst unfortunate these images are out of date; it does not prejudice the assessment.

- 4.47 The updated committee report acknowledges the number and nature of objections from residents during the course of the application.
- 4.48 It is considered reasonable in this instance to reserve details of the lift via condition, to be submitted to in writing and operation prior any occupation (*condition 12*).
- 4.49 It is acknowledged the proposal will result in a material intensification of the use of the site. The proposal is for two dwellings and it is common within planning that each case must be considered on its own merits.

## **5. CONCLUSION**

- 5.1 Taking into account the above assessment and the considerations within the previous committee report, it is considered due to concerns regarding the quality of accommodation (LKD) due to the inherent design and lack of daylight (ADF), undersized and poorly sunlit amenity solace this is a finely balanced scheme. These weigh against the proposal, however the benefits of delivering two units and £100,000 small sites contribution are considered to tip to an approval.
- 5.2 It is recommended that planning permission be granted subject to the conditions and legal agreement as set out in Appendix 2 – RECOMMENDATIONS as amended, added to the following alterations to conditions 2, 6, 11, 12 and 18.

### **5.3 Condition 2:**

Approved plans list:

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

234 B(10) P00 revC; 234(B10) P01 rev C; 234 B(18) E01; 234 1PL(18) P01; 234 B(20) E01 revA; 234 B(20) E02 revA; 234 B(20) E03 revA; 234 B(20) E04 revA; 234 B(20) P00 revB; 234 1PL(10) P00; 234 1PL(20) P00 revC; 234 1PL(20) P01 revD; 234 1PL(20) P02 revC; 234 1PL(20) E01 revD; 234 1PL(20) E01; 234 1PL(20) E03 revB; 234; 234 1PL(20) E04 revB; Daylight, Sunlight & Overshadowing Assessment dated December 2017; Design and Access Statement dated December 217; Structural Method Statement; Arboricultural Report dated 3<sup>rd</sup> August 2015. Soiltechnics Ground Investigation Report.

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.

### **5.4 Condition 6:**

Green roof:

CONDITION: The biodiversity green roofs as indicated on Drawing No. 234 1PL(20) P02 rev C shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with plan 234 1PL(20) P02 rev C hereby approved; and

c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity green roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

**5.5 Condition 11:**

Refuse:

CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 234 1PL(10) P00 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

**5.6 Condition 12:**

Disabled access:

CONDITION: Details of the lift shall be provided to the Local Planning Authority in writing and installed and operational prior to the occupation of the residential units. The lift shall be maintained as such thereafter.

REASON: To ensure inclusive access to all properties is achieved.

**5.7 Condition 18:**

Obscure Glazing:

A further condition (Condition 18) has been added to prevent no overlooking to the rear of the properties on Lambton Road. This reads as follows.

CONDITION: The south facing windows of proposed House 1 and House 2 at upper ground floor shall be opaquely glazed and shall be maintained as such thereafter.

REASON: in order to protect the living conditions of occupiers to Lambton Road.



## APPENDIX 1 – COMMITTEE REPORT 21<sup>st</sup> MARCH 2017



Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department

### PLANNING COMMITTEE REPORT



<b>PLANNING SUB-COMMITTEE A</b>		
Date:	21 <sup>st</sup> March 2017	NON-EXEMPT

Application numbers	P2015/3034/FUL
Application types	Full Planning Application
Ward	Tollington
Listed building	Unlisted
Conservation area	No
Development Plan Context	Cycle Routes (Local/Major)
Licensing Implications	None
Site Address	Land rear of 6 Shaftesbury Road, London, N19
Proposals	Demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1 x 2 bedroom/4 person and 1 x 3 bedroom/5 person, two storey single family dwellings at lower ground and upper ground floors levels with associated amenity space, lowering of land levels plus installation of bike and refuse storage.

Case Officer	Joe Aggar
Applicant	Mr Robert Gutstein
Agent	Create Design Ltd

### 1 RECOMMENDATION

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

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

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



**3. PHOTOS OF SITE/STREET**



Image 1 – Frontage of No. 6 Shaftesbury Road with access to application site between No. 4 and 6 Shaftesbury Road



Image 2 – Aerial view of application site located to the rear of 6 Shaftesbury Road



Image 3 – view of access from Shaftesbury Road



Image 4 – view of front elevation and rear boundary to 6 Shaftesbury Road

#### 4 SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing vacant buildings (previously used as storage/workshop) and for the construction of a 1 x 2 bedroom/4 person and a 1 x 3 bedroom/5 person, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.
- 4.2 The application was reconsulted on the 31/03/2016 as the original site plan submitted with the application was incorrect. At this time updated information was requested and received relating to a new site plan, platform lift for access, marketing information for the disused site and daylight report relating to habitable lower ground floor rooms. A structural method statement was requested by officers in May 2016. Also at this time, the drawings of the neighbouring buildings were identified as incorrect. It was also advised to removed one of the bedrooms to 'house 2' and update the Design and Access Statement. An additional round of public consultation was undertaken on 28/11/2016 to notify neighbours of changes to the scheme and submission of structural method statement.
- 4.3 A total of 7 letters of objection have been received. Councillor Flora Williamson has also objected to the proposal on behalf of local residents.
- 4.4 The main issues arising from this proposal relate to land use, design and appearance, and potential impacts of the development on the amenity levels of adjoining occupiers and standard of accommodation for future occupiers of the proposed units.
- 4.5 This application is submitted following the withdrawal of planning application (ref: P2014/2550/FUL) following officer comments regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements, and pre-application ref: Q2015/1420/MIN which sought to address above officer concerns.
- 4.6 The demolition of the vacant storage/workshop buildings and introduction of residential use in this specific location, given the site constraints and close proximity of residential buildings, is appropriate. The creation of 2 x two-storey dwelling houses to this site is not considered to represent over-development and provides much needed family accommodation within the Borough.

- 4.7 The design, layout, scale and massing of the proposed development is considered acceptable. The application has been reduced in height compared to the previous withdrawn application, through the lowering of the ground levels and sinking the houses 1.5 metres below the existing land level. In addition, effort has been made to minimise impacts on surrounding occupiers.
- 4.8 The impact of the development on neighbours has been considered in detail. There is not considered to be any unacceptable loss of light, outlook or loss of privacy to warrant the refusal of the scheme.
- 4.9 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section H which identifies that all new development shall be car free.
- 4.10 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The application site comprises a parcel of land to the rear of 6 Shaftesbury Road which is a two-storey over basement residential property located on the southern side of Shaftesbury Road. The site is accessed via a passageway between No. 4 and 6 Shaftesbury Road.
- 5.2 The site is approximately 231sqm and presently consists of a vacant and dilapidated building. The existing building is in a state of disrepair and rises from single to two storeys in height, with a maximum height of approximately 5.7 metres. The storage/workshop building covers the majority of the site (approximately 183sqm).
- 5.3 The application site and surrounding use is predominantly residential in character and use. The site is not located within a designated conservation area and the existing buildings are not listed.

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

- 6.1 Full planning permission is sought for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1 x 2bedroom/4 person and 1 x 3 bedroom/5 person, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.
- 6.2 Amended drawings were submitted in relation to the scheme on 13/10/2016. In summary the amendments included:
- Changes to 'House 2' from 3 bedroom/5 person to 2 bedroom/4 person dwellinghouse.
  - Alterations to north facing window of House 1 to opaquely glazed
  - Structural Method Statement
  - Overshadowing report
  - New site plan to correctly outline application site
  - Inclusion of a platform lift to enable access to proposed residential units
  - Marketing Information in relation to the existing storage/workshop
- 6.3 Access to the site would be via a footpath between No. 4 and 6 Shaftesbury Road. As a result of excavation to lower the land level there is stepped access down to the proposed to the new dwellings with entrances located at lower ground floor. On request, a platform lift

between nos. 4 and 6 Shaftesbury Road has also been positioned to allow level access to the proposed units.

- 6.4 The proposed 1 x 2 bedroom/4 person and 1 x 3 bedroom/5 person units will be two storey in height but sunk by approximately 1.5 metres through the excavation of the existing site to the rear, resulting in a total building height of 4.2 metres above existing ground level at the site. The units will be contemporary in character and comprise flat green roofs.
- 6.5 Amenity space is provided in the form of lower ground floor courtyards to both properties. These would be 35sqm to House 1 and 19 sqm to House 2. Refuse and recycling is located to the frontage of the site.
- 6.6 The scheme currently being assessed is produced as a result of a pre-application and taking into consideration the reasons the previous application ref: P2014/2550/FUL was withdrawn in October 2014 and through the course of the assessment of the current application.
- 6.7 The application has been referred to Planning Sub-Committee A, due to the development being for the creation of 2 new residential dwellings and the level of objection from the public.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

- 7.1 P2014/2250/FUL - Demolition of existing shed building and erection of two semi-detached three bedroom dwelling houses. Withdrawn by agent on the 10/10/2014. The application was withdrawn following officer comments regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements.

#### **History at 6 Shaftesbury Road**

- 7.2 P2014/4945/FUL - Retention of full width basement extension and first and second storey half-width extension (to be finished in brick), excavation of front lightwell and rear garden, and conversion into one single dwelling, associated alterations external elevations of the house; new timber sash windows to rear elevation. Withdrawn on the 27/02/2015.
- 7.3 P2014/4930/FUL - Retention of full width basement extension and first floor half with rear extension to (removal of second floor half-width rear extension), removal of render to rear extension and finish in brick, excavation of front lightwell and rear garden, conversion into one single dwelling, associated alterations external elevations of the house. Withdrawn on the 27/02/2015.
- 7.4 P2014/3505/FUL - Retention of full width basement extension and first and second storey half-width extension finished in white render, excavation of front lightwell and rear garden, and conversion into one single dwelling, associated alterations external elevations of the house. Refused on the 23/10/2014. Appeal allowed with conditions 18/02/2015.

### **ENFORCEMENT**

- 7.5 E/2014/0382 – Unauthorised operational development at 6 Shaftesbury Road.

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

- 7.6 Q2015/1420/MIN – Pre-application advice was sought following the withdrawn of planning application P2014/2250/FUL. The application was withdrawn following officer comments

regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements. This pre-application presented an amended scheme to the Council addressing these concerns.

## 8 CONSULTATION

### Public Consultation

- 8.1 A total of 38 letters were sent to occupants of adjoining and nearby properties at Horney Road, Shaftesbury Road and Lambton Road on 14 October 2015. A site notice was also displayed.
- 8.2 Re-consultation took place on 31/03/2016 and 28/11/2016 due to updated information being submitted. This updated information included a revised site plan, inclusion of a platform lift for level access, marketing information in relation to the existing use, an internal daylight assessment for the proposed units, removal of one of the bedrooms to House 2, an overshadowing report, a structural method statement in relation to the proposed excavation and the inclusion of an opaque window to House 1. Councillor Flora Williamson has raised objection on the grounds that residents are concerned by the precedent being set for family homes being built in back gardens, and their homes being overlooked.
- 8.3 In addition, 17 letters of objection (plus additional letters from the same residents following additional consultation) had been received from the public with regard to the application at the time of writing this report.
- 8.4 The grounds of objection raised are as follows (with the paragraph that provides response to each indicated in brackets):
- Excavation and disruption (10.22)
  - Precedent for further development (10.5)
  - Loss of light to surrounding properties (See paragraph 10.17 – 10.19)
  - Overlooking / loss of privacy to surrounding properties (See paragraph 10.14)
  - Use of roof as a terrace (10.20)
  - Increase in the overall mass and bulk (10.11)
  - Loss of outlook, sunlight and increased sense of enclosure to no. 4 Shaftesbury Road (10.17-10.19)
  - Principle of development (10.5, 10.11)
  - Location of bins alongside No 6 Shaftesbury Road (See paragraph 10.31)
  - Poor internal living conditions of the proposed development (10.27-10.28)
  - Requirement for inclusive design (10.30)
  - No details of sewage (10.31)
  - Private amenity space for House 2 is poor (See paragraph 10.29)
  - Security risk (10.11, 10.21)
  - Building materials not in keeping with surrounding area (See paragraph 10.11)
  - Result in additional competition for parking spaces on street (See paragraph 10.20)
  - Increase in the height of the proposed building (10.10)

### External Consultees

- 8.5 None.

### Internal Consultees

- 8.6 **Access & Inclusive Design:** The provision of the lift is considered acceptable.

- 8.7 **Design and Conservation:** The overall height, bulk and massing and when viewed in context is considered to be acceptable.
- 8.8 **Planning Policy:** No objection to loss of storage/workshop space in this instance.
- 8.9 **Tree Preservation:** The impacts to the existing trees in adjacent gardens to the site are limited because of the deep footings of the existing boundary wall. The adjacent trees will have little rooting volume affected by the proposal. The juxtaposition between the existing structure and trees and the proposed development is similar and any pruning works considered relatively minor and acceptable. No arboricultural reason to recommend refusal of the application.
- 8.10 **Refuse and Recycling:** No comments provided.
- 8.11 **Highways Officer:** No comments provided.

## 9 RELEVANT POLICIES

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

### National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
  - Deregulation Bill received Royal Assent 26th March 2015

### Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 1 to this report.

### Designations

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

None.

### 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 and Appearance;
- Neighbouring amenity impacts;
- Quality of resulting accommodation and Dwelling mix;
- Sustainability, Energy Efficiency and Renewable Energy;
- Highways;
- Trees;
- Basement/Excavation
- Small Sites Contributions/Carbon Offsetting

### Land Use

- 10.2 The application site comprises a parcel of land to the rear of 4 and 6 Shaftesbury Road. The lawful planning use is unclear however the site presently consists of a vacant and dilapidated building formerly used as storage/workshop. The existing building rises from one to two storeys in height. Based on the sites current location within immediate proximity to residential dwellings and that the premises has been vacant and is in a poor state there is no objection to the loss workshop/storage space.
- 10.3 The site is physically constrained as it is enclosed on each side by existing residential use. The introduction of a residential use to this rear section of the site is considered to be acceptable in principle and in keeping with the surrounding use.
- 10.4 The existing vacant buildings at the site are in a dilapidated state and are of no merit to the site or surrounding area. The demolition is therefore not contentious and would be supported.
- 10.5 The introduction of residential use in this specific location, given the site constraints and close proximity of residential buildings, would appear most appropriate. Since the site lies within an established residential area, was in previously use as a joiners workshop, and has not been used in recent times, there is no objection to the principle of its redevelopment for residential use. Each application should be considered on its own merits. Although the site is constrained by tight boundaries and the proximity of other residential properties the proposal would make effective use of previously developed land within the urban area.

### Design and Conservation

- 10.6 This application concerns a proposal to build two modern 2-storey houses on this backland site. The existing building on site is neither listed nor located within a conservation area. The surrounding area is predominantly residential in character and appearance. The site is located to the rear of No. 6 Shaftesbury Road, a two-storey over basement semi-detached; single family dwellinghouse located on the southern side of Shaftesbury Road and can be accessed via a narrow walkway between no. 4 and no.6 Shaftesbury Road. To the south of the site are residential properties located on Lambton Road and to the west are residential uses and a public house located on Hornsey Road.
- 10.7 The Islington Urban Design Guide (2017) states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or

street that it defines. It is important that any development on this site respects the local context.

- 10.8 The proposal seeks to construct 1 x 2 bedroom and 1 x 3 bedroom, two storey dwellinghouses to the rear of no. 6 Shaftesbury Road. Most of the site would be excavated by approximately 1.5m so that the proposed units are sunken to reduce the overall height. The proposed dwellings would consist of lower and upper ground floors. The proposed building would have a maximum height of 4.2 metres above existing ground level in comparison to the existing shed which is 5.7 metres in height. This reduction in height is achieved by excavating part of the site by 1.5 metres in depth.
- 10.10 The proposed development would have flat green roofs. Concern was raised during the previously withdrawn application (P2014/2250/FUL) about the bulk of the roof form and finish resulting in an incongruous form of development. It is noted that whilst the rear section of the site will result reduced mass and bulk than that existing on structure on site, there will be additional height/bulk towards the rear elevations of residential properties on Shaftesbury Avenue. Notwithstanding this, the revised scheme has sufficiently overcome this concern and the overall height, bulk and massing and when viewed in context of the existing building on site at present is acceptable.
- 10.11 The proposed development is of contemporary design, with an irregular footprint, using a simple material palette including London stock at upper ground floor, aluminium cladding at lower ground floor, aluminium framed windows/doors and hardwood timber front doors. The upper ground floor level would cantilever over the lower ground floor in parts. The development will also comprise a large expanse of glazing at lower ground floor to facilitate a better internal living environment. The proposed materials are considered acceptable in this context. Overall the proposal would introduce a new development of modern design, but given its backland location, it would not have a significant visual impact on the surrounding street scene. There is not considered to be a heightened security risk based on the natural surveillance if the dwellings were to be inhabited. The replacement of previous structures and an untidy site with new development will improve the overall appearance of this site.
- 10.12 Overall, the proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2016, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) of the Development Management Policies 2013.

#### **Neighbouring Amenity**

- 10.13 The southern boundary of the site abuts the rear gardens of residential properties along Lambton Road. There is an existing high boundary wall in this location. There are no proposed southern facing windows. As such, there is considered to be no privacy/overlooking issues to the south of the site. The upper ground floor windows at the site are positioned to overlook the private amenity spaces or the gardens to neighbouring properties. Given the mutual degree of overlooking in relation to gardens this would not compromise a reason for refusal.
- 10.14 In terms of the north elevation of the development, there is one window proposed at first floor facing towards the rear elevation of No's 6-8 Shaftesbury Road. It is acknowledged that this one window on the proposed new unit and the rear windows of properties along Shaftesbury Road fall short of the 18 metre separation distance between habitable windows. To overcome this, the window will be an obscure glazed clearstorey window and shall be fixed shut. A condition is attached to ensure this window is maintained as such thereafter. Based on this, there is not considered to be any unacceptable loss of privacy/overlooking as a result of the development. In relation to the properties to the south the southern facing windows to the proposed development would not protrude above the

existing boundary wall and therefore no undue overlooking would occur to the rear of the properties on Lambton Road

- 10.15 Concern has been raised about the use of the proposed green roofs as roof gardens. A condition is proposed to restrict the green roof areas being used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- 10.16 In terms of the issue over the height of the building, as noted above, the proposed development involves an element of excavation so that the units are sunken below existing ground floor level to reduce the overall height to 4.2m. The proposed units will therefore be read as 1.5 storeys above the existing ground level. In comparison to the existing ridge height which stands at 5.7 metres. The proposed building would rise 650mm (1100mm including the parapet) above existing southern boundary wall with the rear gardens of 11-17 Lambton Road. Overall the height of the building is considered acceptable, and any negative impact has been mitigated by the excavation work proposed at the site.

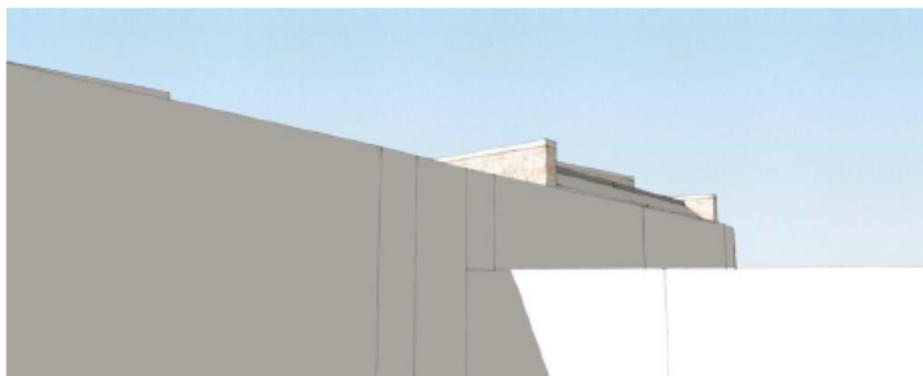


Image 5: Proposed illustrative view from rear of Lambton Road (Taken from Design & Access Statement prepared by Create Design + Architecture).

- 10.17 The site has a particular sensitive relationship to the rear elevations of no. 4 and no. 6 Shaftesbury Road given the proximity of the proposed buildings to these properties. Although the new houses would be some 8m away from the rear windows of No.6, the proximity of this new building would be relieved to some degree by the open amenity/garden areas immediately adjoining the property, which currently is a single storey part of the existing structure on site. Moreover, whilst there may be an appreciable change in the sense of enclosure and the outlook, due to the height, bulk and design of the facing elevation of the new houses, this would tend to be balanced by the overall visual improvement in the appearance of the site with the new development and overall reduction in the height. The loss of light to surrounding properties has been raised as an issue. The proposed dwellings have been designed considering the constraints of the site such as the impact on the surrounding properties in terms of its design and the potential impact on daylight and sunlight. The development includes excavation to result in the proposed units being 1.5metres below existing ground level. In terms of daylight/sunlight the 25 degree test is used where the development is opposite a window of a neighbouring dwelling. The centre of the lowest habitable window is used as the reference point for the test.
- 10.18 Drawing No. 234 1PL(20) E00 rev A shows that the proposed development falls beneath the 25 degree line (taken from the centre point of the lowest rear habitable window at 6 Shaftesbury Road) and therefore there is unlikely to be a substantial effect on daylight and sunlight.

- 10.19 An overshadowing assessment for the garden at 4 Shaftesbury Road has been submitted in support of the application. No. 4 has a south facing garden is located to the north of the application site. The report outlines that the garden is currently overshadowed below the BRE recommended sunlight target. The proposal which results in an increased height to the flank wall at the rear of the garden would cause a further loss of sunlight. However, this would meet the recommended ratio of 0.8 and therefore the slight reduction in the amount of sunlight received is considered to be adequate for the occupants of no. 4 Shaftesbury Road. In relation to outlook, to the west of No 4 Shaftesbury Road there are two storey dwellings with blank elevations and a single storey element to the rear of the garden of no. 4. The proposal would increase the northern flank elevation in relation to no. 4 Shaftesbury Road to 4m from 3.4m. Whilst this is considered an appreciable change it is also considered modest and would not cause an unacceptable loss of outlook or an undue sense of enclosure.
- 10.20 An objection has been raised over the use of the flat roof as a roof terrace. A condition is recommended to overcome this concern. An objection has been raised that the proposal will result in additional competition for on street parking. In accordance with policy all new development is 'car-free' and a condition is attached to ensure all future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit.
- 10.21 Concern has been raised that there is no security gate proposed and that the proposal will result in security concerns to adjoining residents. The UDG 2017 generally advises against gating development. As such the proposal is considered acceptable in this regard and is not considered to give rise to an unsafe environment.
- 10.22 The demolition, excavation and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by an objector. A condition requiring the submission of a Construction Management Plan including hours of work has been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction
- 10.23 Overall the proposal would result in some change to the outlook and general amenity for adjoining residents, at no. 4 and no.6 Shaftesbury Road as these are in the closest proximity to the site. However for the reasons stated above this would not be to a degree that would justify refusing planning permission.

#### **Quality of resulting accommodation and Dwelling mix**

- 10.24 In terms of new residential development, as well as having concern for the external quality in terms of design it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offer sufficient storage space and also be dual aspect.
- 10.25 London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space. In addition, Planning policy and guidance require a range of unit sizes to be provided to meet specific housing demand and to help foster stable and balanced communities. Policy DM3.1 (Mix of housing sizes) of the Islington Development Management Policies (2013) seeks to secure a good mix of housing sizes on all sites.
- 10.26 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Standards.

These new standards came into effect on 1 October 2015 and from this date Councils are expected to refer to the NDSS as a material consideration.

- 10.27 The proposal seeks to create 1 x 2 bedroom and 1 x 3 bedroom residential units, both of which meet the minimum requirement as set out in Table 3.2 of the DMP. The units comprise main living accommodation at ground floor and bedrooms and bathrooms would be located at first floor. Both the units are dual aspect at ground floor in accordance with policy and include expansive glazing to the living/kitchen space to allow plentiful light to reach the main living space. At first floor, it is acknowledged the window to Bedroom 1 House 1, is obscured. However given the general compliance in relation to the internal living accommodation this is not considered to form a reason for refusal.
- 10.28 An Internal Daylight assessment for living rooms in the proposed development has been submitted. This has tested the Average Daylight Factor in relation to the living rooms at lower ground floor level. The BRE advises minimum values for kitchens and living rooms. The proposed dwellings have joint living rooms and kitchens. An ADF of 1.5% is required for living rooms and 2% for kitchens. The internal daylight assessments for the lower ground floor habitable areas measures 1.9% and 2.21%. Overall the application scheme is deemed to provide the residential occupants with satisfactory levels of daylight in the main living spaces at lower ground floor given the urban location of the site.
- 10.29 DM Policy 3.5 requires all new residential development to provide good quality private outdoor space in the form of gardens, balconies roof terraces or glazed winter gardens. The minimum requirement for outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1 to 2 person dwellings. For each additional occupant an extra 1sqm is required on upper floors and an extra 5sqm on ground floors. The two residential properties would have private amenity space in the form of ground floor patio/terrace areas. These spaces measure 35sqm for the 3 bedroom/5person unit and 19sqm for the 2 bedroom/4 person unit. 'House 2' has been amended from a 3 bed/5 person unit to a 2 bed/4 person unit and therefore 19sqm of private amenity space is acceptable.
- 10.30 Access to the site is via a footpath between No. 4 and 6 Shaftesbury Road. Given the proposed varying land levels at the site there is stepped access. However, on request, a platform lift has been incorporated into the design to ensure there is level access to the site. A condition is suggested to ensure samples of the courtyard and ground surface treatment along the access to the development from Shaftesbury Road is submitted and approved in writing prior to the occupation of the properties on the site.
- 10.31 Waste storage and recycling facilities are integrated into the developments to the frontage of the site alongside No. 6 Shaftesbury Road which is considered appropriate and accessible. Details relating to sewage are not considered material to the merits of this application.

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

- 10.32 The design and access statement notes that the development is designed to be energy efficient adopting sustainable design and construction measures, minimising greenhouse gas emissions. A natural ventilation strategy is to be employed in each dwelling with mechanical extract ventilation in bathrooms and kitchens.
- 10.33 In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved should be conditioned to be in accordance with standards in DM 6.6 of the DMP.
- 10.34 The proposed green roof will be biodiversity based with an extensive substrate to a depth of 80-150cm. The provision of green roofs is encouraged and a condition is attached to control

this. Rainwater recycling will be incorporated and a target of 110litres/day will be set for water usage in each dwelling.

- 10.35 The design and access statement illustrates that various renewable energy technologies were explored at the site. However, due to the special circumstances at the constrained site no decentralised renewable energy technologies are proposed.

#### **Highways**

- 10.36 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no liability to obtain car parking permits, except for parking needed to meet the needs of disabled people. Residents of the development will not be eligible to attain on-street parking permits, unless required to meet the needs of occupiers registered disabled.
- 10.37 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. A bike storage area for six bicycles is provided at the site. A condition will be attached to ensure compliance with the cycle parking requirement in accordance with policy DM8.4.

#### **Trees**

- 10.38 An arboricultural report and impact assessment has been submitted in support of this application. The report notes that all trees within the survey are to be retained. The only pruning works that shall be required shall be the trimming back to the boundary of the canopies of two fruit trees (one cherry and one apple tree). This shall require the removal of secondary branches which should be pruned back to a secondary growth point. The report states that given the pruning works are undertaken sympathetically, the trees shall not be significantly harmed. No foundations are proposed within the areas where roots are anticipated to proliferate.
- 10.39 The Council's Tree Officer has reviewed the details submitted in support of the application and has no reason to recommend refusal of the application.

#### **Basement/Excavation**

- 10.40 The Islington Basement SPD is used in the assessment of any planning application which involves the excavation for the creation of new or additional subterranean/basement floor space. The general principles within the guidance are also relevant for a range of sites including infill residential development, such as this. A Structural Method Statement has been submitted in conjunction with the application. The extent of basement development appropriate for a site is influenced by a number of factors. The site is already developed with the presence of a workshop covering the majority of the site. It is acknowledged that there would be a change in the land levels. Based on the extent of the existing building's coverage at present; the opportunity to provide some open space in the form of garden areas; and an attempt to achieve other policy aims; the excavation of 1.5m in this instance is considered acceptable.

#### **Small Sites Contributions/Carbon Offsetting**

- 10.41 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the

provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision, subject to viability.

- 10.42 The applicant has submitted a viability assessment which has been independently reviewed. The outcome being that the scheme can support full contribution of £100,000 towards affordable housing (£50,000 per unit).
- 10.43 The granting of planning permission is subject to the applicant entering and agreeing into a Unilateral Undertaking in respect of the above plus £3,000 (£1,500 per unit) for carbon offsetting contributions.
- 10.44 The proposed development would also be liable for the Mayoral and Islington CIL.

## 11.0 SUMMARY AND CONCLUSION

### Summary

- 11.1 The application seeks the erection of an end of terrace single family dwelling house.
- 11.2 The principle of the development and providing additional residential accommodation would be acceptable in land use terms, have an acceptable impact upon the character and appearance of the adjacent properties and street scene. In addition, the proposal would not be unduly harmful to the amenities of adjoining residents.
- 11.3 Overall it is considered that the development would not result in the loss of daylight, sunlight to the occupiers of the adjoining residential properties, undue increase in enclosure levels, loss of outlook or have a significant detrimental impact upon their amenity levels taken as a whole, notably in relation to nos.4 and 6 Shaftesbury Road.
- 11.4 The proposed residential dwelling would provide acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and meet the required private amenity space standards. The proposal would achieve Category 2 Homes in relation to Building Regulation for wheelchair accessible units and level access to the entrance.
- 11.5 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

### Conclusion

- 11.6 It is recommended that planning permission and advertisement consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission be granted subject to the prior completion of a 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:

- A CONTRIBUTION OF £100,000 TOWARDS AFFORDABLE HOUSING WITHIN THE BOROUGH.
- A CONTRIBUTION OF £3,000 TOWARDS CARBON OFFSETTING.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date when the decision was made by the Committee, the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b> CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  234 B(10) P00 revB; 234 B(20) P00; 234 B(20) E01; 234 B(20)E00; 234 B(20)E02; 234 1PL(90) P00 revA; 234 1PL(20)P00 revA; 234 1PL(20)P01 revB; 234 1PL(20)P02 revB; 234 1PL(20) E01 revB; 234 1PL(20)E00 revB; 234 1PL(20)E02; 234 1 PL(20) S00 revA; Design and Access Statement; Structural Method Statement; Arboricultural Report dated 3 <sup>rd</sup> August 2015; letter dated 09 March 2016; Internal Daylight Assessment dated 26/02/2016; Overshadowing Assessment dated 20/06/2016.  REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.

3	<b>Materials and Samples</b>
	<p><b>MATERIALS (DETAILS):</b> Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork</li> <li>b) aluminium cladding</li> <li>c) window/door treatment (including sections and reveals);</li> <li>d) 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><b>REASON:</b> In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<b>Paving and Hard Surfaces</b>
	<p><b>CONDITION:</b> Notwithstanding the approved plans, samples of the courtyard paving and ground surface treatment along the access to the development from Shaftesbury Road shall be submitted to and approved in writing prior to occupation of the properties on the site.</p> <p><b>REASON:</b> In order to safeguard the character and appearance of the development and the existing setting.</p>
5	<b>Drainage</b>
	<p><b>CONDITION:</b> Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water run-off from the site post-development. The drainage system shall be installed /operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p><b>REASON:</b> To ensure that sustainable management of water.</p>
6	<b>Green Roofs (Compliance)</b>
	<p><b>CONDITION:</b> The biodiversity green roofs as indicated on Drawing No. 234 1PL(20) P02 rev B shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan 234 1PL(20) P02 rev B hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity green roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter.</p> <p><b>REASON:</b> To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>

<b>7</b>	<b>Car Free Housing</b>
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except :</p> <p>(1) In the case of disabled persons;</p> <p>(2) In the case of units designated in this planning permission as "non car free"; or</p> <p>(3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
<b>8</b>	<b>Cycle Parking</b>
	<p>CONDITION: The bicycle storage area(s) shown on drawing No. 234 1PL(20) P00 rev A hereby approved, shall be secure and provide for no less than 6 bicycle spaces and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>9</b>	<b>Accessible homes</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the dwelling 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>10</b>	<b>Removal of Permitted Development Rights – Houses (Compliance)</b>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>11</b>	<b>Waste Management</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 234 1PL(90) P00 rev A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>

<b>12</b>	<b>Platform Lift Provision</b>
	<p>CONDITION: The lift as shown on drawing number 234 1PL(90)P00 Rev A shall be installed and operational prior to the first occupation of the proposed dwellings and shall be maintained as such thereafter.</p> <p>REASON: To ensure inclusive access to all properties is achieved.</p>
<b>13</b>	<b>Construction Management Plan</b>
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of security hoarding;</li> <li>e. wheel washing facilities;</li> <li>f. measures to control the emission of dust and dirt during construction; and</li> <li>g. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ul> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
<b>14</b>	<b>Carbon and water efficiency</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>15</b>	<b>Landscaping</b>
	<p>CONDITION: A landscaping scheme, including details of proposed trees, together with details of the positions of planned and existing underground services, proposed groundworks, enclosures, drainage, hard ground surfaces and details of all surface treatment and boundary treatment, as appropriate, shall be submitted to and approved in writing by the local planning authority before any part of the development hereby permitted is commenced. All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two-year maintenance/watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the local planning authority with the same species or an approved alternative.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>16</b>	<b>Window to House 1</b>
	<p>CONDITION: Notwithstanding the approved plans the north facing window to 'Bedroom 1' in 'House 1' shall be obscurely glazed and fixed shut before first occupation of the dwelling and shall be maintained as such thereafter.</p>

	REASON: In order to protect neighbouring residential amenity.
17	<b>Roof Access</b>
	CONDITION: No roof of any part of the building(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.  Reason: To safeguard the privacy of the occupiers of adjoining properties.

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.  A pre-application advice service is also offered and encouraged. 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. The LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant or have been dealt with by condition.  This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages.
<b>2</b>	<b>Definition of Superstructure and Practical Completion</b>
	<b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</b> A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>3</b>	<b>Community Infrastructure Levy (CIL)</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.  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>
<b>4</b>	<b>Sustainable Sourcing of Materials</b>
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled

	content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>5</b>	<b>Hours of Construction</b>
	No building work shall be carried out at the site outside the following hours: <ul style="list-style-type: none"> <li>• 8am - 6pm, Monday to Friday;</li> <li>• 8am - 1pm, Saturday; and</li> <li>• no audible building works to be carried out on Sunday or public holidays</li> </ul>
<b>6</b>	<b>Section 106</b>
	SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>7</b>	<b>Thames Water</b>
	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.  With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.
<b>8</b>	<b>Highways Requirements</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing.  Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Section 50 license must be agreed prior to any works commencing.  Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> .  Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> .  Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.  Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk)

Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.

Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.

Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".

Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".