

PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	3 rd September 2015	NON-EXEMPT

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

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

1. RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: Photograph of the Front of the Application Site



Image 2: Photograph of the Rear of the Application Site



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



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

4 SUMMARY

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

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

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

5 SITE AND SURROUNDING

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

6 Proposal (in Detail)

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

Planning Applications:

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

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

Pre-application:

- 7.3 None

8 CONSULTATION

Public Consultation

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

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

9 REVELANT POLICIES

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

National Guidance

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

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

Principle of Development

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

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

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

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

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

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

- 10.7 While it is acknowledged that the properties within the terrace at 144-52 Mercers Road did not originally contain lightwells at lower ground floor level, a significant number of properties within the vicinity of the application site have been altered to include front lightwells, including at nos. 50, 86, 88, 90 106 and 118 Mercer Road. With this context it is considered that the proposed front lightwell would not appear as a discordant or uncharacteristic feature within the area.
- 10.8 The proposed front lightwell includes a flush horizontal grill over the lightwell, which avoids the need to erect a second set of railings behind the existing boundary treatment. This treatment accords with the guidance within the Islington Urban Design Guide and Emerging Basement SPD, as it reduces the visual prominence of the lightwell and associated development.
- 10.9 The Islington Urban Design Guide confirms that basement windows should align with, and match the windows above. While the windows align with those above, they do not match the windows above, as the proposal contains a pair of doors rather than a sash window within the central opening. However, due to the limited projection of the lightwell from the front of the property, the bottom part of the door will not be visible from the street. Consequently the creation of a door rather than window at basement level will have a limited impact on the character and appearance of the area, and would not cause harm to the visual amenity of the streetscene.
- 10.10 The treatment of the lightwell at the rear is not in compliance with the IUDG guidance, vertical railings are proposed rather than a grill. However, the railings will be visible from a limited number of viewpoints within the rear garden, as they are within an existing side return and have no public, street views. Consequently the impact of the use of railings in this location will not lead to any material impact on the character and appearance of the area.
- 10.11 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2015, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

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

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

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

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

11. SUMMARY AND CONCLUSION

Summary

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

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

Conclusion

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

APPENDIX 1- RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement (Compliance)</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved Plans List: (Compliance)</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, MS 15007/P/01, MS 15007/P/02, MS 15007/P/03, MS 15007/P/04, MS 15007/P/05, MS 15007/P/06, MS 15007/P/07 & Construction Method Statement by Cowpe Lowe Engineering dated 29th May 2015.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Construction Management Plan</p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii mitigation measures of controlling noise from construction machinery during business hours xi. site access plan - detailing which roads will be used to access the site. <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>

List of Informatives:

1.	<p>Positive statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2.	<p>Other legislation</p> <p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act</p>
3.	<p>Part M Compliance</p> <p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> • The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', <p>For this proposal, this may include</p> <ul style="list-style-type: none"> - colour contrast nosing to the external steps; - improvements to the handrail profile - glass marking manifestations <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>
4.	<p>Construction hours</p> <p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday, ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </div>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

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

1 Context and strategy

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

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

Policy 7.8 (Heritage Assets and archaeology)

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS17 (Sports and recreation provision)

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)

Policy DM 6.5 (Landscaping, Trees and Biodiversity)

Policy DM 6.6 (Flood Prevention)

DM 8.2 (Managing Transport Impacts)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide 2006
- Draft Basement Development SPD