

PLANNING COMMITTEE REPORT

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

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

1. RECOMMENDATION

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

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

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



EXISTING SITE PLAN
1:500 @ A3, 1:250 @ A1

3. PHOTOS OF SITE/STREET

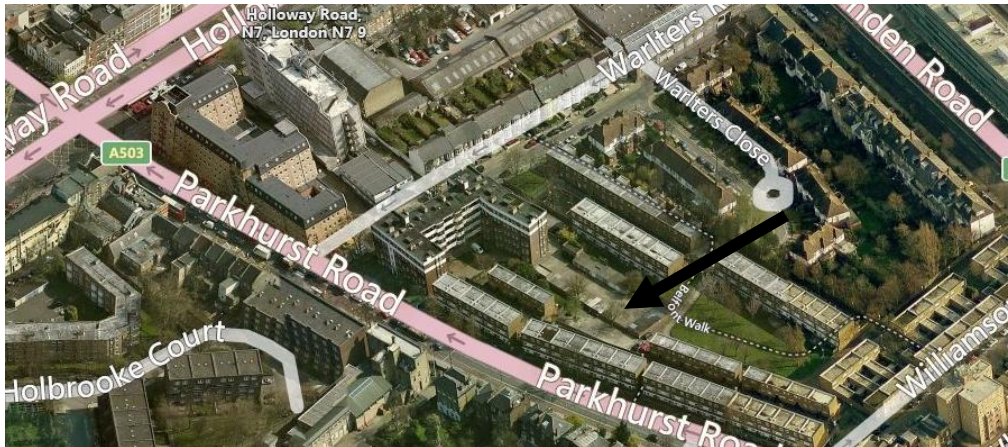


Image 1: Aerial view of the site.



Image 2: View into the site.



Image 3: View of the site

4. SUMMARY

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

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

5. SITE AND SURROUNDING

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

6. PROPOSAL (IN DETAIL)

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

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

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

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

Surrounding Area

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

ENFORCEMENT:

- 7.3 None

PRE-APPLICATION ADVICE:

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

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 229 adjoining and nearby properties at Warlters Road, Parkhurst Road, Belfont Walk, Penrhos House and Trefil Walk on 23 February 2015. A site notice was displayed on 23 February 2015. The public consultation of the application therefore expired on 26 March 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report a total of 12 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

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

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

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

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

External Consultees

8.3 None

Internal Consultees

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

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

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

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

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

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Designations

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

- Nags Head/Upper Holloway key area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

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

Land-use

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

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

Density

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

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

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

Design Considerations

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

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

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

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

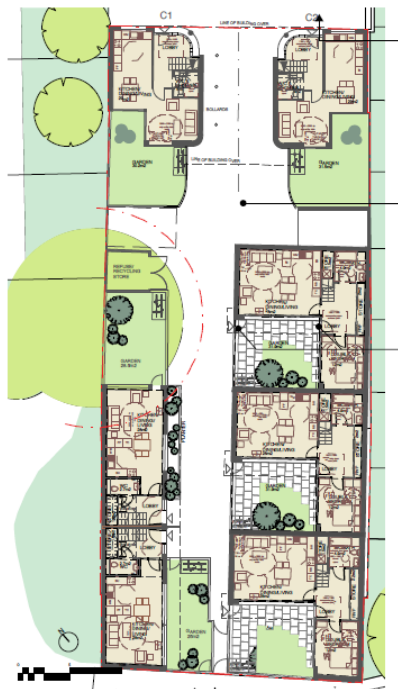
- 10.10 It is considered that this design approach to the site will immeasurably improve its current appearance, providing a low scale mews style development that does not overwhelm either the site itself or neighbouring buildings, and can be considered as appropriate contextual development.
- 10.11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



Accessibility

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

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



Ground floor plans and accessways into the proposed development.

Landscaping and Trees

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

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

Neighbouring Amenity

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

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

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

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

Quality of Resulting Residential Accommodation

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

Dwelling Mix

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

Energy Efficiency, Renewable Energy and Sustainability

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

Highways and Transportation

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

Contaminated Land

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

Planning Obligations, Community Infrastructure Levy and local finance considerations

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

Refuse and recycling

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

Access for construction

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



View of main accessway into the application site.

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

11. CONCLUSION

Summary

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

Conclusion

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

APPENDIX 1 –RECOMMENDATIONS

RECOMMENDATION A

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

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

The Heads of Terms are:

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<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	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans,</p> <p>AP(0)001 P2, AP(0)002 P2, AP(0)100 P2, AP(0)101 P3, AP(0)102 P3, AP(0)103 P2 , AP(0)120 P2, AP(0)201 P2, AP(0)202 P2, AP(0)203 P2, AP(0)204 P2, AP(0)205 P2, AP(0)206 P2, AP(0)207 P2, AP(0)208 P2, AP(0)209 P2, AP(0)210 P2, AP(0)211 P2, Design and Access Statement (Burrell Foley Fischer , 2015), VSC Lighting Analysis (Lighting Analysts, 12th May 2015), Arboricultural Impact Assessment (DF Clark, Ref DFCP3321, 24th October 2014)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials

	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) Samples of all facing brickwork types, including mortar and pointing, and panels. b) Window and door treatment (including sections and reveals); c) Metal Cladding</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Construction Management Plan
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <p>a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. the erection and maintenance of security hoarding; e. wheel washing facilities; f. measures to control the emission of dust and dirt during construction; and g. a scheme for recycling/disposing of waste resulting from demolition and construction works. h. Access routes and turning details of vehicles using the site.</p> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
5	Sustainable design and energy efficiency
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: In the interest of sustainable development.</p>
6	SUDS Details
	<p>CONDITION: No works shall take place to the superstructure of the residential development hereby permitted until details of surface water drainage of the site have</p>

	<p>been submitted to and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme. The drainage details as approved shall be installed and made operational before the first occupation of the development and retained as such thereafter, in accordance with the approved maintenance scheme.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
7	Construction Controls
	<p>CONDITION: During the clearance and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:</p> <p>1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.</p> <p>2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.</p> <p>3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.</p> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p>
8	Accessible Housing
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Inclusive Design in Islington' SPD 2014) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
9	Car Free Housing
	<p>CONDITION: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of units designated in this planning permission as "non car free"; or</p> <p>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
10	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. AP (0) 101 P3 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p>

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

	<p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
14	<p>Arboricultural method statement.</p> <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Specific issues to be dealt with in the tree protection plan and AMS:</p> <ul style="list-style-type: none"> a. Location and installation of services/ utilities/ drainage b. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees c. Details of construction within the RPA or that may impact on the retained trees d. Details of replacement trees e. Arboricultural site supervision <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
15	<p>Obscure Glazing</p> <p>CONDITION: All windows shown on the plans hereby approved (AP(0)207 P2) as being angled (with fins) or obscurely glazed shall be provided as such prior to the first occupation of the development</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room</p>
16	<p>Removal of permitted development rights</p> <p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: To ensure any future development is considered appropriate in terms of character and appearance and impact on neighbouring amenity.</p>
17	<p>Refuse/Recycling Contract</p> <p>CONDITION: A contract for waste management collection shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.</p> <p>REASON: To ensure that responsible waste management practices are adhered to.</p>

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List of Informatives:

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

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.13 Opportunity areas and intensification areas

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.9 Cycling

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS15 (Open Space and Green

Policy CS8 (Enhancing Islington's Character)

Infrastructure)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

Health and open space

DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

Transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

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

London Plan

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