

# PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	24 November 2015	NON-EXEMPT

Application number	P2015/2406/FUL & P2015/2398/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	Clerkenwell Ward
Listed building	Grade II Listed (wall adjacent to the site)
Conservation area	New River Conservation Area
Development Plan Context	<ul style="list-style-type: none"><li>- Article 4.2 Area</li><li>- Angel &amp; Upper Street Core Strategy Key Area</li><li>- Central Activities Zone</li><li>- Within 100m of Strategic Road Network</li><li>- Major Cycle Route</li></ul>
Licensing Implications	none
Site Address	Chadwell Street Car Park, Chadwell Street, London, EC1R 1YE
Proposal	Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (FUL). Listed Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars (LBC).

Case Officer	Emily Benedek
Applicant	Mr Phil Clark – Galliard Homes
Agent	Mrs Philippa Dalton

## 1. RECOMMENDATION

- A) The committee us asked to resolve to REFUSE listed building consent for the reason as set out in paragraph 7.

- B) To review the second reason for refusal in respect of planning application for the gates located on Chadwell street frontage
- C) To note the reason for refusal in respect of the planning permission for the design issues as agreed by the Chair.

## **2. BACKGROUND**

- 2. This report follows the refusal of the item at Planning Sub-B Committee on 8<sup>th</sup> October 2015.
- 3. Following the committee meeting on 8 October 2015 it was noted that the committee only voted (and refused) the application for full planning permission. No decision was made on the listed building consent application which relates to 'the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars.' The application for listed building consent is therefore brought back to this committee for determination.
- 4. The committee determined the planning application and refused the application on two grounds – design and the gated development. The design reason for refusal as agreed in conjunction with the chair is set out below for completeness.
- 5. Reason For Refusal – Design:

“The proposed dwellings 2-6 to the rear part of the site, by reason of the complex plan-form, design, siting and form would appear to be an incongruous addition to the townscape out of keeping with the character and appearance of the New River Head conservation area and having a harmful material impact upon the setting of the adjacent listed buildings. As such the proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013), the Conservation Area Design Guidelines (2002) and the Islington Urban Design Guide (2006).”

### **Listed Building Assessment:**

- 6. At the previous committee meeting, Members had concerns regarding the size, design and layout of the proposed residential units, which formed part of the application for full planning permission, as well as the principle of the gates. It was proposed that the listed wall and brick pillars would be replaced by a new front boundary treatment, which was refused planning permission as part of the wider application. The Inspector's decision letter in relation to the previous appeal on this site states in paragraph 18, “viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area.” In the absence of an approved replacement scheme, Members are therefore recommended to refuse the application for listed building consent.

7. The reason for refusal for Listed Building Consent is recommended as follows: “In the absence of any approved plans to redevelop the site, the removal of the listed dwarf wall and brick pillars will be harmful to the setting of the listed buildings. This is contrary to policies CS8 and CS9 of the Adopted Islington Core Strategy (2011) and policy DM2.3 of the Adopted Development Management Policies 2013.

### **Assessment of Gates**

8. A second reason for refusal relating to the principle of entrance gates was proposed at the meeting. Following the committee meeting, the second reason for refusal was drafted as follows: “The proposed dwellings by reason of their location on a back land site to the rear of Chadwell Street, would result in the creation of a gated residential development. The creation of such a community would isolate future residents from the surrounding area without access to a through route, and failing to meet the requirements of inclusive design principles. The proposal is therefore contrary to policy CS9 of the Islington Core Strategy (2011) and policy DM2.2 of the Islington Development Management Policies (2013).” This has not been agreed.
9. Officers consider this reason for refusal cannot be reasonably substantiated on its planning merits for the following reasons. Firstly, the inclusion of a gate fronting Chadwell Street to provide access to the rear of the site was included as part of the previous development (Planning reference P121042) which was dismissed on appeal. The reasons for refusal for this previous application did not make any reference to the introduction of a gate, or the principle of a gated community, nor was it mentioned as an issue in the Inspector’s decision letter.
10. It is also noted that the site currently has a gate to provide access to the site. It is therefore considered unreasonable to introduce this as a new reason for refusal, given the planning history and it would be difficult to substantiate on planning merits.
11. Officers also consider that the provision of gates in this instance would not be contrary to planning policy. Policy CS9 ‘Protecting and enhancing Islington’s built and historic environment’ of the Adopted Islington Core Strategy (2011) states in part D that ‘Housing developments should not isolate their residents from the surrounding area in ‘gated’ communities.’ Whilst in isolation it appears that Policy CS9 rejects the principle of gated communities, this policy needs to be considered in conjunction with the Development Management Policies, Islington Urban Design Guide and site specific circumstances as set out below.
12. Development Management Policy DM2.1 A part vii notes that development proposals are required to “respect and respond positively to existing buildings, the street scape and wider context, including local architectural language and character, surrounding heritage assets and locally distinctive patterns of development and landscape.” At the same time, the reasoned justification for this policy states in paragraph 2.10 that “gated development is generally unacceptable, other than for backland developments where there is no possibility of creating a through-route.”

13. Development Management Policy DM2.2 'Inclusive Design' requires all developments to "produce places and spaces that are convenient and enjoyable to use for everyone." This is explained in the reasoned justification to mean that barriers are designed out and flexibility built in. Whilst the proposed gate may appear as a barrier, its existence (as discussed below) is for aesthetic purposes rather than to create an exclusive environment. The site benefits from a gate as existing and it is considered that the inclusion of an appropriately designed gate in this setting is an important part of the heritage landscape.
14. Furthermore, the Islington Urban Design Guide (page 85) states that "gates or fortress-style developments will normally be resisted. They will only be considered in backland schemes where there is no potential for creating a through route." The proposed development in Chadwell Street would offer no opportunity for permeability through the site and given that the site is fully enclosed by neighbouring residential buildings, it would not be possible to create a through route.
15. The Council's Design and Conservation officers have always been supportive of gates in this location. The agent has been consistently advised by Design and Conservation officers to copy the front boundary treatment of the properties on the opposite side of Chadwell Street. Gates and railings are a characteristic of this part of the New River Conservation Area. The removal of the gate in this location would undermine the consistent front boundary treatment, which is an important part of the conservation area and a gap in the front boundary treatment as a result of not allowing the gate would be detrimental to the character and appearance of the conservation area.
16. It is therefore considered that taking into account local site context, namely the importance of consistent front boundary treatment in this part of the New River Conservation Area and the lack of permeability through the site, the proposal by reason of the provision of front access gates would not result in the creation of a community which would isolate residents from the surrounding area. The proposal would comply with the requirements of the inclusive design principles.

### **Conclusion**

17. The application is therefore re-presented to Members of the Planning Sub-Committee, in order to make a decision on the Listed Building Consent, note the first reason for refusal in respect of design for the full planning application and decide if a second reason for refusal should be included as part of the decision.

### **Other Matters**

18. At the previous planning sub-committee meeting on 8<sup>th</sup> October it was noted that on 1<sup>st</sup> 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

19. As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

20. The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.

21. Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.

22. Therefore, if Members had approved the application the following condition would have been added to the permission:

CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, all residential units (except units 1 and 7 as detailed on drawing numbers E14-042/P002 RevP1,P104 RevP1, E001.1 RevP2, P002 RevP2, P001 RevP1 and P100 RevP1 , which shall be constructed to Category 1) 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).

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.

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8

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Case Officer	Emily Benedek	
Applicant	Mr Phil Clark	
Agent	Mrs Philippa Dalton	

## 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 the 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: Aerial view of the site





Image 2: Photo of the site from Chadwell Street



Image 3: View of the site





Image 4: View of the site



Image 5: View of the site

#### 4 SUMMARY

- 4.1 Planning permission is sought for the redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements.
- 4.2 Listed Building Consent is also sought for the removal of the front boundary wall fronting onto Chadwell Street comprising of a dwarf wall and brick pillars.
- 4.3 The proposed residential units would provide a good level of amenity for future occupiers and proposed dwellings would not detract from the character and appearance of the surrounding properties or the conservation area and would not detrimentally impact upon neighbour amenity. Furthermore, the removal of the dwarf wall and brick pillars would not harm the setting of the adjacent Grade II Listed Buildings, nor the surrounding conservation area.

- 4.4 The application is therefore recommended for approval subject to conditions and completion of a S106 Agreement.

## **5 SITE AND SURROUNDING**

- 5.1 The site is an irregular shaped triangular piece of land comprising 0.0835 hectares, located on the south side of Chadwell Street and surrounded by residential dwellings. It is located within both the New River Conservation Area and the Angel and Upper Street key area.
- 5.2 The site is currently vacant and covered in hardstanding. There is one tree within the site, a Lime, which is located on the eastern boundary and is not covered by a TPO and there are a number of other trees on land adjacent to the site. The site slopes downwards from north to south.
- 5.3 The immediate area is defined by the large, formally planned streets and squares of the New River company estate and is residential in character. There are numerous listed buildings abutting and close to the site.
- 5.4 Bounding the site to the north lie the rear gardens of the residential properties at 8-11 Chadwell Street, a grade II listed Georgian residential terrace which steps down in height from five storeys to three storeys moving from west to east and has accommodation at basement level. To the west of the site lie the rear gardens of the residential properties at 22-30 Myddleton Square, a Georgian Grade II listed residential terrace over four storeys with accommodation at basement level.
- 5.5 Bounding the site to the south and east lie the post war residential blocks of flats known as Arlington House which comprise a three storey block and a smaller two storey block, both set back from the shared boundary. Adjacent to the shared boundary to the rear of Arlington House is an ancillary service yard and car park with lock up garages.
- 5.6 On the northern boundary of the site fronting Chadwell Street is a dwarf wall, upon which a timber fence is mounted. There are brick pillars with timber gates at the entrance, which provide vehicular access to the site. This front boundary treatment is grade II listed, as is the boundary treatment around the site to the rear, which comprises a mixture of brick wall, concrete wall and timber fencing.
- 5.7 The site is located within the New River Conservation Area. The front wall adjacent to the site fronting Chadwell Street is Grade II Listed.

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

- 6.1 The proposal comprises the demolition of the listed boundary wall and pillars fronting Chadwell Street and the erection of 7 residential units - a Gatehouse

fronting Chadwell Street and a further six units within the site itself. Each property would have accommodation at basement level.

- 6.2 Unit 1, the Gatehouse, would have one storey above ground level and would be set back slightly from the neighbouring properties on Chadwell Street. There would be basement level amenity space to the front of the property with a gate to the west providing pedestrian access to the site.
- 6.3 The existing listed wall fronting Chadwell Street would be replaced by brick wall and railings. Other listed boundary treatments to the rear of the site would be replaced with reclaimed stock brick walls.
- 6.4 Five of the proposed properties to the rear would be 2 storeys in height above ground level, with the exception of unit 7 which would be located at basement level only.
- 6.5 Unit 7 would be accessed via steps to basement level. All other properties would be accessed at ground level. All private amenity space for the units would be at basement level.
- 6.6 The table below, compiled from the submitted drawings, provides a breakdown of accommodation the development would provided:
  - Unit 1 'Gatehouse'-1 storey above ground level- 2 double bedrooms.
  - Unit 2- 2 storeys above ground level- 2 double, 1 single bedrooms
  - Unit 3 - 2 storeys above ground level- 4 double bedrooms
  - Unit 4- 2 storeys above ground level- 4 double bedrooms
  - Unit 5- 2 storeys above ground level- 3 double, 1 single bedrooms
  - Unit 6- 2 storeys above ground level- 2 double bedrooms
  - Unit 7- basement only- 2 double bedrooms
- 6.7 Units 2-6 would be modern in design with flat roofs, stepped front and rear elevations and straight edges. The external walls of the units would be London stock brick and reconstituted stone. The basement levels of these units would be made from glazed brick.
- 6.8 The Lime tree on the site would be removed during the construction period. This tree is not covered by a TPO.
- 6.9 In terms of landscaping, a hard surfaced courtyard of stone and cobbles would mark the centre of the site. Soft landscaping would be provided in the form of trees and planting boxes in the courtyard and to the western boundary of the site.
- 6.10 There would be no windows on the east elevation facing the rear gardens of properties along Myddelton Square or the north elevation facing Chadwell

Street. There would be windows facing south, looking towards Arlington House, although these will be an angle to Arlington House and there will be a minimum of 10 metres between the two properties.

- 6.11 There would be storage for seven cycles on the boundary with properties along Myddelton Square and to the rear of house 1. Communal refuse and recycling would be sited close to the boundary with Chadwell Street, behind the low rendered wall in front of the entrance gate.
- 6.12 Unit 6 would sit 1m from the shared boundary with the rear gardens of properties along Chadwell Street. Unit 5 would be set 1m further back from this boundary.
- 6.13 The rear walls of units 4, 5 and 6 would abut or sit very close to the boundary with Arlington House. Units 2 and 7 would sit close to the boundaries with properties along Myddelton Square.
- 6.14 In summary, the proposal is considered to be acceptable and is broadly in accordance with the Development Plan policies.

## **7 RELEVANT HISTORY**

### **PLANNING APPLICATIONS**

- 7.1 P121042 – Demolition of existing front boundary treatment and erection of seven dwelling homes including excavation to create accommodation at basement level, with associated hard and soft landscaping. Refused (21/05/2013).  
Reasons for Refusal:
  - 1) The proposed development would cause substantial harm to the significance of the designated heritage assets that comprise the listed front boundary wall with gate piers and the New River Conservation Area, and would substantially harm the setting of the listed terraces on Chadwell Street and Myddelton Square, adversely affecting their special architectural and historic interest. Therefore, the proposal would be contrary to policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS5 (Angel and Upper Street) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, policies D4 (Designing in Context), D5 (Townscape), D11 (Alterations and Extensions), D21 (Control Over Demolition) and D31 (Boundaries) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design) and DM3 (Heritage) of the Islington Development Management Policies (EiP Submission 2012), and the relevant guidance contained in the Islington Urban Design Guide SPD and Islington Conservation Area Design Guidelines SPG. In the absence of the provision of any significant public benefits to weigh against the harm to the significance of the designated heritage assets and their setting the development is also contrary to paragraphs 131, 132, 133 and 134 of policy 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.
  - 2) The proposal would have an unacceptable detrimental impact on the amenity of neighbouring residential occupiers as a result of increased sense of enclosure, loss of outlook and loss of light. Therefore, the proposal is contrary to policy 7.6 (Architecture) of the London Plan 2011, policies H3 (New Housing and Changes of Use to Residential) and D3 (Site Planning) of the Islington Unitary Development

- Plan 2002, and emerging policy DM1 (Design) of the Islington Development Management Policies (EiP Submission 2012).
- 3) The proposal fails to provide an appropriate mix of unit sizes as required by the Local Housing Needs Assessment and consequently is contrary to emerging policy DM9 (Mix of housing sizes) of the Islington Development Management Policies (EiP Submission 2012).
  - 4) The proposed development would fail to provide an adequate level of inclusive access and associated future adaptability within the new residential units. Furthermore, units 1 and 7 would suffer from a lack of natural light and poor outlook from habitable rooms. Consequently, the proposal would provide unacceptable substandard residential accommodation, which would fail to provide an adequate standard of amenity for future occupiers. Therefore, the proposed development is contrary to policies 3.5 (Quality and design of housing developments), 7.2 (An inclusive environment) and 7.6 (Architecture) of the London Plan 2011, policy CS12 (Meeting the housing challenge of the Islington) of the Islington Core Strategy 2011, policies H3 (New Housing and Changes of Use to Residential) and H10 (New Development) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design), DM2 (Inclusive Design) and DM12 (Housing standards) of the Islington Development Management Policies (EiP Submission 2012).
  - 5) The proposed development fails to make adequate provision for cycle parking and is therefore contrary to emerging policy DM48 (Walking and cycling) of the Islington Development Management Policies (EiP Submission 2012).

The application was dismissed on appeal on 21/02/2014 following a public inquiry. In his statement the Inspector concluded that “the proposal would cause harm to the special architectural and historic interest of a listed building, the character and appearance of the conservation area, and the setting of listed buildings.” However, in his report the Inspector rebutted the Council’s other reasons for refusal. An award for costs was granted against the Council. Copies of both the appeal statement and the award for costs are attached at the end of this report.

- 7.2 P122468 – Listed building consent for demolition of the front boundary treatment, comprising dwarf wall and brick pillars, and demolition of boundary walls to the rear of site, in associated with the development of the site to provide seven residential units proposed under full planning application P121042. Refused (24/05/2013). Reason for Refusal:
- 1) The proposed development would cause substantial harm to the significance of the designated heritage assets that comprise the listed front boundary wall with gate piers and the New River Conservation Area, and would substantially harm the setting of the listed terraces on Chadwell Street and Myddleton Square, adversely affecting their special architectural and historic interest. Therefore, the proposal would be contrary to policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS5 (Angel and Upper Street) and CS9 (Protecting and enhancing Islington’s built and historic environment) of the Islington Core Strategy 2011, policies D4 (Designing in Context), D5 (Townscape), D11 (Alterations and Extensions), D21 (Control Over Demolition) and D31 (Boundaries) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design) and DM3 (Heritage) of the Islington Development Management Policies (EiP Submission 2012), and the relevant guidance contained in the Islington Urban Design Guide SPD and Islington Conservation Area Design Guidelines SPG. In the absence of the provision of any significant public benefits to weigh against the harm to the significance of the designated heritage assets and their setting the development is also contrary to paragraphs 131, 132, 133 and 134 of policy 12 (Conserving and enhancing the



historic environment) of the National Planning Policy Framework. Dismissed on Appeal (21/02/2014) for the reasons listed in paragraph 7.1.

- 7.3 P111928 – Erection of 7 x houses on vacant carpark site behind Chadwell Street and Myddleton Square. Removal of existing gates and boundary wall fronting Chadwell Street and redevelopment of land to the south of Chadwell Street to provide seven new houses together with associated access, amenity space and landscaping. Withdrawn (22/11/11)

#### **ENFORCEMENT:**

- 7.4 None

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

- 7.5 Q2014/4152/MIN - Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (13/02/15)

### **8 CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 98 adjoining and nearby properties at Chadwell Street, Myddleton Square and Arlington Way on 30 June 2015. A site notice was placed at the site and the application advertised in the Islington Gazette on 9 July 2015. The public consultation of the application therefore expired on 30 July 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 nine (9) 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):
- Lack of clarity in the plans because no 3D images have been provided (para 8.3)
  - Application site is previously undeveloped greenfield land (paras 10.12)
  - Frontage to Chadwell Street does not reflect the rest of the street (paras 10.19-10.20)
  - The footprint of the proposed development is the same as the previously rejected proposals (10.21-10.22)
  - Overcrowding and loss of amenity to neighbouring properties is the same as before (10.36-10.37)
  - Loss of outlook from the basements (10.36)
  - Houses 2-6 are very close to the western boundary (10.21-10.22)
  - No consideration given to boundary issues with neighbouring properties (8.3)
  - Concerns about damage to trees and run-off as a result of the proposed basements (para 10.27-10.29)
  - Working hours should be restricted to avoid evenings and weekends (para 10.18-8.3)
  - There should be secure, effective protection for early 19<sup>th</sup> Century neighbouring properties (8.3)
  - Need for affective traffic management during construction works (10.41)
  - Impact on protected trees (10.29)
  - Density of the development (10.21)
  - Loss of light and loss of outlook to 22, 23 and 24 Myddleton Square (10.36)

- No attempt at community consultation (8.3)
- New pastiche elements such as railings and brick lintels clash with the conservation area creating incongruous additions to the properties and are ugly and inconsistent with the conservation area (10.19-10.20)
- Windows in house 1 are badly designed (10.20)
- Detrimental to character of the area (10.14-10.25)
- Increased sense of enclosure (10.35)
- Concerns about width of pedestrian entrance way (10.24)
- Green roofs if not properly maintained could be an eyesore (10.29)
- Noise and disturbance from construction works (8.3)
- Impact of basement on neighbouring basement at 11 Chadwell Street (10.28)
- Party wall issues (8.3)
- New development should not be gated – associated safety impacts (10.24)
- Proposal contrary to Islington Urban Design Guide regarding backland developments and gated communities (10.24)

8.3 It must be noted that matters relating to noise and disturbance from the building works including hours of working and party wall matters are not material considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act and the Environment Protection Act. There is no requirement to consult neighbours prior to submitting an application or provide 3D images of the site in order to validate an application, although sometimes they provide a useful visual tool.

### **Internal Consultees**

8.4 **Design and Conservation Officer:** Raised some concerns about the initial plans for the following reasons:

- 1) the units too closely following the profile of the site resulting in an excessively stepped / staggered development which would remain 'incongruous' (to use the Inspector's wording) and that again 'the alien presence of block housing units 2-6' would cause some harm.
- 2) the single storey brick projections have an unsuccessful visual appearance with the corners of the main massing appearing to have been simply 'cut off'. These single storey brick projections should be omitted.
- 3) Wide square windows at first floor level are not successful with the narrower ground floor windows (with a more contextual vertical emphasis). All windows should be as per those at ground floor with a contextual vertical emphasis, they should be paired and aligned to front elevations as per properties to the conservation area.

However, the officer did note that the detailing of the housing units has improved the new scheme has flat roofs, straight edges and is constructed from yellow stock brick leading to a more traditional and contextual appearance. In addition, the appearance of the building fronting the street and the boundary treatment has substantially improved. However, the detail of the window frames (there should be no transom) and entrance gate (utilitarian style flat top) must be revised subject to condition of any approval.

Following the Design and Conservation Officer's comments changes were made to the windows of houses 2-6, the transom was removed from House 1 and the railings to the entrance gates were altered. The Conservation Officer welcomed these changes.

8.5 **Sustainability Officer:** Raised the following points:

- 1) The proposed drainage run off rates meet the quantity standards required by policy DM6.6, and the proposed SuDS strategy for green roofs, rainwater

harvesting planters and geocellular storage meet the quality SuDS standards of the policy, subject to detail via condition.

- 2) Given the proximity of the basement to Listed Building terraces on two sides (Myddleton Square and Chadwell Street), I would recommend these concerns (structural and hydrogeological ) be further addressed by the applicant through a condition.

8.6 **Planning Policy Officer:** No objection

8.7 **Inclusive Design Officer:** Objects to the proposal because of the use of narrow spiral staircases on several properties and the split floor plan to House 1 makes it impossible to provide a lift link between the entrance accommodation and other essential living accommodation ie a bedroom and a bathroom,

8.8 **Acoustics Officer:** No objection subject to condition

8.9 **Waste Management and Recycling Officer:** No objection

8.10 **Trees and Landscaping Officer:** No objection

8.11 **Highways Officer:** No objection

### **External Consultees**

8.12 **Amwell Society** – Object to the proposal for the following reasons:

- Overdevelopment of the site
- Virtually the entire space will be built up and built down as the whole site is excavated as basement
- Basement will exacerbate run-off problems
- No objection if fewer units on the site

8.13 **London Fire Brigade:** Response awaited

8.14 **Crime Prevention Officer:** No comments

## **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, 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)**

9.3 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:

- Planning History and the Previous Appeal
- Design Conservation
- Landscaping and Basement
- Amenity for Future Occupiers
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Access
- Refuse
- Affordable Housing

### **Planning History and the Previous Appeal**

- 10.2 Planning permission and listed building consent were refused in May 2013 and subsequently dismissed at appeal in February 2014 for ‘the redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space and landscaping arrangements.’
- 10.3 The full planning application was refused for five reasons. These related to the harm the proposed development would cause to the heritage assets including the listed front boundary wall and gates, the New River Conservation Area and the setting neighbouring terrace of listed buildings; the impact on neighbouring amenity including the increased sense of enclosure, loss of light and loss out outlook; the inappropriate mix of unit sizes; inadequate levels of inclusive access and future adaptability and inadequate provision of cycle parking spaces.
- 10.4 The application for Listed Building Consent was refused because of the harm the proposed development would cause to the heritage assets including the listed front boundary wall and gates, the New River Conservation Area and the setting neighbouring terrace of listed buildings.
- 10.5 Both appeals were subsequently dismissed due to the impact the proposal would have on the significance of the heritage assets. The report will discuss this aspect of the proposal and subsequent amendments to the current scheme in the next section of this report ‘Design and Impact on the Conservation Area.’
- 10.6 The Inspector addressed (in his appeal letter) the second reason for refusal, namely the harm to the amenity of the surrounding occupiers including loss of privacy, overshadowing, daylight, sunlight, over-dominance of the scheme, sense of enclosure and outlook. He noted that it was important to ensure new developments provide a good standard of living for existing and future occupiers adjoining the site in order to comply with Development Management Policy, DM2.1.

- 10.7 A daylight/sunlight analysis was submitted with the appeal and the Inspector confirmed that  
“the largely uncontested, technical evidence provided by the appellant...demonstrates that there would be no easily discernible loss of light to any adjoining property. Moreover, while the development would be visible from adjoining properties, and their gardens, from what I saw at my site visits, it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.”
- 10.8 It was therefore concluded from the above statement that the appeal scheme would not have a detrimental impact on the amenities of the adjoining occupiers.
- 10.9 Turning to the third and fifth reasons for refusal, namely in the inappropriate mix of unit sizes and the provision of adequate cycle parking spaces, the Council removed these reasons for refusal prior to the start of the appeal. The Inspector therefore did not address these reasons in his report.
- 10.10 The final reason for refusal concerned inadequate levels of inclusive access and future adaptability, especially the lack of level access to Unit 7 (the basement unit). Having reviewed Islington’s Development Management Policies the Inspector stated that the requirement for Inclusive Design  
“is a demonstration that the design of any new dwelling is flexible, and able to adapt to the changing needs to those who live in it. In that context, it seems to me sufficient for the appellant to show that level access, through the vehicle of a lift, could be provided in the future, if required. It would be disproportionate to require one at the outset when those who choose to live in Unit 7 might not need it, at that stage.”
- 10.11 As such, this reason for refusal was dismissed by the Inspector and the proposal was considered to accord with Islington’s Development Management Policies in terms of Inclusive Design.

### **Land Use**

- 10.12 In terms of land use the proposal would introduce seven new dwellings (including six above ground and one entirely at the basement level) on the site which was previously used as a car park. The application site is surrounded by residential units on all three sides and therefore residential use would be most appropriate for the area. In addition, in his report the Inspector stated (paragraph 21) that  
“I see no reason, in principle, why redevelopment of the appeal site would necessarily cause harm to the designated heritage assets affected and there does appear to be the potential for redevelopment to bring a degree of enhancement.”
- 10.13 Given the above, it is considered that the principle of the proposed residential use was accepted under the previous application and was established at the appeal by the Planning Inspector and the proposal is considered acceptable in terms of land use.

### **Design and Conservation**

- 10.14 The application site is located in the New River Conservation Area adjacent to a Grade II listed terraced properties on Myddelton Terrace. The front boundary wall and entrance gates of the application site are also Grade II listed. These form the heritage assets against which any application on this site is assessed. Both the full



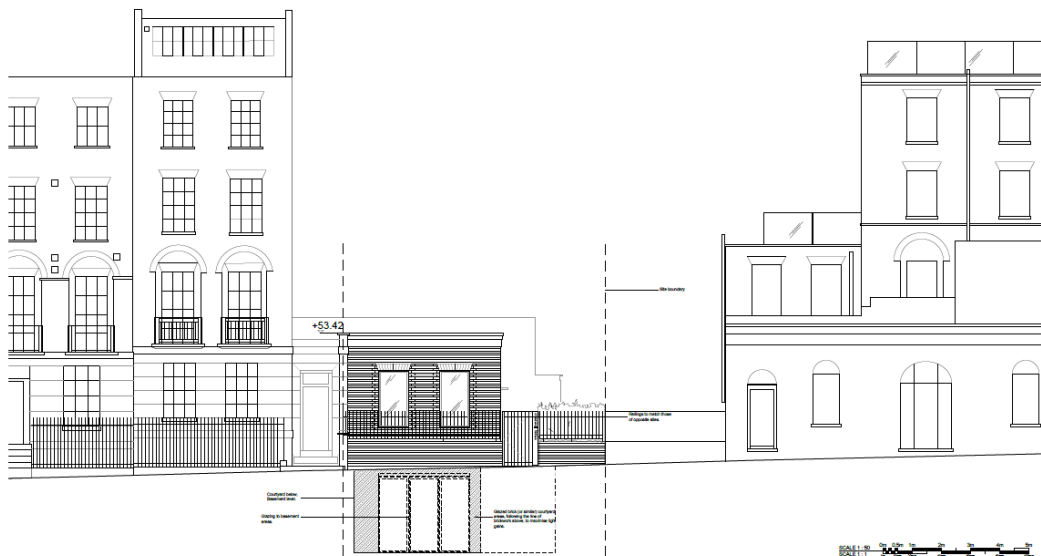
planning application and the listed building consents for the previous appeal scheme were dismissed by the Inspector because of the impact the proposals would have on the significance of these heritage assets. Therefore any new development on this site needs to ensure it has overcome the Inspector's previous concerns, which will be discussed below.

- 10.15 Development Management Policies DM2.1 deals with the importance of good quality design whilst policy DM2.3 relates to heritage and ensures that all new development continues to preserve and enhance the character and appearance the significance of the heritage assets. Development which causes substantial harm to, or results in the loss of a listed building is likely to be refused without clear justification for the proposal.
- 10.16 The front part of the wall on Chadwell Street adjacent to 30 Myddelton Square is a Grade II listed asset which forms an important part of the historic fabric of the site. The Inspector stated in his report that "viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area."
- 10.17 The Inspector also had concerns about the block housing units 2-6 which "too closely followed the profile of the site...The translation of that plan form into three dimensions has resulted in a building that would lack discipline in its form, with various angles and shapes that would appear highly incongruous against the much more rigid architectural treatment of the adjoining terraces." The Inspector's comments have been interpreted to mean that the previous design of units 2-6 which took a more curved approach to the buildings appeared at odds with the adjoining terraces with their much more rigid plan form.
- 10.18 The Inspector concluded that the previous scheme would cause less than substantial harm to the heritage assets. This is because the listed wall only represents a small part of the listed building, which would remain mostly intact and the proposal would only affect a small part of a relatively large conservation area. However the previous scheme did result in "some harm caused to the listed buildings and their settings, and the character and appearance of the conservation area."
- 10.19 Minor amendments have been made to the replacement front boundary treatment in front of Unit 1, from the appeal plans. The application for listed building consent relates to the demolition of the existing listed wall, however it is important to consider the replacement wall in order to ascertain whether or not the application for listed building consent is acceptable. The proposed replacement brick wall and railings will match those immediately opposite the site in terms of height, proportions and design and are therefore considered to be of high quality to justify the loss of the listed front boundary wall. As such, the proposed front boundary treatment is considered to preserve and enhance the character and appearance of the conservation area and the demolition of the listed wall is therefore considered acceptable.
- 10.20 The design of unit 1 'The Gate House' has been significantly amended since the previous scheme and the boundary treatment has substantially improved. The plans for the appeal scheme and the current application have been included below to highlight the significance of the changes on the Chadwell Street elevation in design terms. The design is now for a more contextual yellow stock brick building with two ground floor windows with a contextual vertical emphasis. Minor amendments have been made to the windows fronting Chadwell Street to remove the transoms and ensure they are more appropriate for the setting of the conservation area. The new

railings replicate the historic railings opposite and help screen the lightwell and glazed opening. This substantial enhancement to the most sensitive part of the site fronting the street could be weighed against harm to the rear of the site, which would not be visible from the public domain.



Picture 1: Previous appeal scheme (proposed elevation – ‘Gate House’)



Picture 2: Current scheme (proposed elevation – ‘Gate House’)

10.21 The most significant changes to the design in comparison to the previous appeal schemes relate to units 2-6, the mews houses to the rear of the site, which are only visible from the rear gardens of the adjoining residential properties. While the dismissed scheme was marginally lower than the current proposal, with hipped roofs, the new scheme has flat roofs, straight edges and is constructed from yellow stock brick leading to a more traditional and contextual appearance. In addition, the proposed basements will be constructed from glazed bricks to maximise light gain to the basements. The proposed windows have also been altered in design terms to ensure both the proposed windows and the blind windows are of the same size and scale on the front and rear elevations at the ground and first floor levels. As amended, the windows provide a contextual vertical emphasis, and are paired and aligned to front elevations as per properties to the conservation area.



Picture 3: Previous appeal scheme (units 2-6 proposed courtyard elevation)



Picture 4: Current scheme (units 2-6 proposed courtyard elevation)

- 10.22 As previously stated, units 2-6 would not be visible from the street elevation. However, the significant improvements to the design, in comparison to the previous scheme ensures the development, as amended, is much more appropriate to the design of the adjoining residential properties and is therefore in keeping with the character and appearance of the New River Conservation Area. Whilst the layout of the scheme remains largely unaltered, the improvements to the design ensure the proposal no longer appears incongruous against the much more rigid architectural treatment of the adjoining terraces.
- 10.23 The Inspector raised no concerns with unit 7 (the underground house) and the design therefore remains largely unchanged from the previous appeal scheme.
- 10.24 Concerns have been raised by neighbours regarding the principle of a gated development and the proposal being against the Islington Urban Design Guide policies as well as the impact on safety. However, historically there was always a gate on this site and the proposal is a reinstatement of the historic frontage rather than a dominant or high barrier to permeability through the site and therefore should be seen as an aesthetic feature reflecting local context. Furthermore, the Islington Urban Design Guide advises that gates (page 85) “will only be considered to backland schemes where there is no potential for creating a through route.” It is also noted that the Council never objected to this aspect of the scheme at the appeal and the Inspector did not raise an issue with the gates.
- 10.25 As such, it is considered that the proposed development would integrate with the surrounding properties and would not cause harm to the setting of the heritage assets. The proposed development is not considered to result in harm to the conservation area and is in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

## **Landscaping and Basement**

- 10.26 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 10.27 The proposal will involve the full excavation of the site to provide basement levels for each of the new houses including Unit 7 which will be entirely at the basement level. Identically sized basements were proposed as part of the previously refused (and subsequently dismissed at appeal) scheme and in his report the Inspector stated that “given that the terraces bounding the site have basements, I see nothing in the inclusion of basements in the scheme proposed that creates difficulty in design terms.” The Inspector therefore had no issue with the distinctive basements in the Conservation Area and the principle of providing basements to the same size as the appeal scheme is therefore established.
- 10.28 As part of the current proposal, and given the emergence of a Supplementary Planning Document on basements, the applicants have provided a Basement Impact Assessment. This statement asserts that as the neighbouring properties are at least 10 metres away from the site boundaries the construction of the basements will not have any significant impact on the neighbouring listed buildings. However, in order to confirm this, and to satisfy any potential concerns, a condition has been proposed regarding a structural engineers report which is to be submitted to the Local Planning Authority prior to the commencement of works. In addition, a condition has been recommended relating to sustainable urban drainage in order to mitigate the surface runoff.
- 10.29 It is noted that given the provision of basements, the proposed hard and soft landscaping will take place at the lower ground floor level. In addition, the roofs of all the proposed houses (with the exception of the basement unit) will contain green roofs which will soften the appearance of the dwellings. It is proposed as part of the scheme that only one category U tree (a lime tree) will be removed and 7 small trees will be planted on site. Conditions have been recommended to ensure that details of the proposed landscaping and green roofs are submitted to the Local Planning Authority prior to the commencement of works to ensure the details submitted are satisfactory.
- 10.30 Given the improvements to the hard and soft landscaping listed above, the addition of green roofs to the development and the provision of a structural engineers report prior to the commencement of basement works, the proposal is considered to be in accordance with policy DM6.5 of the Development Management Policies.

## **Amenity for Future Occupiers**

- 10.31 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Garden Space	Minimum Required Garden Space	Storage	Minimum Storage Required
1	2/4	113.74	79	12.6	17	3.19	2
2	3/5	130.05	99	40.5	30	8.24	2.5
3	4/8	156.75	130	40.25	30	3.87	3
4	4/8	167.66	130	26.36	30	4.66	3
5	3/5	156.83	121	23.71	30	4.49	3
6	2/4	99.51	79	18.91	17	2.74	2
7	2/4	111.14	70	27.78	17	3.85	2

- 10.32 The proposed residential units would meet/exceed the minimum required floor space as set out in the London Plan and the Development Management Policies and are therefore acceptable in terms of size. All the units would be dual aspect and would allow acceptable levels of light into the properties. Minor amendments have been made during the course of the application to houses 4 and 5 to ensure that windows on the flank elevation are obscurely glazed in order to prevent overlooking between bedroom windows of the neighbouring residential units.
- 10.33 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 15 square metres on ground floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre. 3 bedroom family sized units should provide 30 square metres of amenity space.
- 10.34 The majority of units (4 out of 7) would exceed the minimum floor space requirements providing generous outdoor amenity space. The remaining 3 units which fail to meet the requirements would still provide a satisfactory amount (at least 75% of the minimum requirement) of amenity space and given the existing site constraints and dense urban environment it would be considered unreasonable to refuse the application for this reason.

### **Neighbour Amenity**

- 10.35 The proposal would introduce seven new dwellings to the site (including one at basement level). The proposed dwelling fronting Chadwell Street would be two storeys in height, with one storey above ground level. Five of the properties to the rear would be three storeys in height with two storeys above ground level. Development Management Policy DM2.1 seeks to ensure developments provide a good level of amenity including consideration of overlooking, privacy, over-dominance, sense of enclosure and outlook. The dwellings have been designed so that they do not have any windows facing onto Myddelton Square and Arlington House. In addition, there is a minimum distance of 14 metres at first floor level of facing habitable room windows between the new properties and the existing residential dwellings in Chadwell Street. As such, the proposal is not considered to result in loss of privacy to the occupiers of the neighbouring residential properties. Furthermore, given the dense urban context of the site and the borough as a whole as well as the generous 12 metre deep rear gardens afforded to the properties in Myddelton Square, the proposal is not untypical of a situation for a backland development throughout the borough to justify refusal on the basis of overlooking.



The proposed distances are the same as the appeal scheme and the Inspector stated with regards to amenity that

“while the development would be visible from adjoining properties, and their gardens...it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.”

- 10.36 Concerns have also been raised with regards to loss of daylight. A daylight/sunlight analysis has been submitted with the application and demonstrated that all windows in neighbouring properties pass the ADF and VSC tests and will maintain acceptable levels of daylight/sunlight if this development is constructed. The proposal is therefore considered acceptable for this reason and the proposal would comply with Development Management Policy DM2.1.

### **Highways and Transportation**

- 10.37 The site has a PTAL of 5, which is 'Good', with Angel Underground Station and a number of major bus routes in close proximity to the site.

- 10.38 A total of 15no. cycle storage spaces will be provided on site (2 cycle per dwelling) in accordance with the requirements stated in Development Management policy DM8.4 These spaces will be located to the side and rear of Unit 1. A condition is attached to ensure these are provided in accordance with the proposed plans.

- 10.39 All new dwellings are required to be car-free in accordance with Development Management policy DM8.5. A condition has been attached restricting the occupiers from applying for a parking permit in accordance with the Council's Car Free Housing policy. Therefore, it is not considered that the proposal will give rise to increase on-street parking congestion.

### **Noise and Vibration**

- 10.40 The Council's Acoustics Officer has reviewed the plans in terms of noise and vibration and has also assessed the site with regards to land contamination. He concluded that as the site history has no previously potential polluting uses listed and is described as having been used for residential gardens, it would be unreasonable to attach a condition relating to contaminated land investigation. In addition, the site is screened by the surrounding buildings from traffic noise and therefore no noise conditions are required.

- 10.41 However, given that Chadwell Street is a quiet residential street and there is potential for disruption to the neighbouring residential units as a result of the basement excavation and construction phase. A condition has therefore been recommended regarding a Construction Environmental Management Plan in order to identify and mitigate any potential impacts from the construction works to neighbours prior to the commencement of works.

### **Access**

- 10.42 The Council's Inclusive Design officer has raised concerns about the development, with regards to access and inclusive design, especially with regards to the use of spiral staircases, the use of half levels on 'House 1' and bathroom doors not opening outwards. Development Management Policy DM2.2 requires all developments to ensure they provide ease and versatility of use, deliver safe, logical and legible environments and provide spaces and places that are enjoyable for everyone. The Inspector stated in his report (with regards to House 6) that it is sufficient to show

level access through a possible lift (which does not need to be provided at this stage) in order to demonstrate future adaptability of the site. The proposed plans outline the position of a future lift if needed for this unit, in order to provide future adaptability. The remaining 6no. units have level access and provide living space and bedrooms on the ground floor. The internal layout has not fundamentally changed from the previously refused scheme and given the points raised by the Inspector with regards to access and inclusive design, no objections are raised to this aspect of the scheme.

## **Refuse**

10.43 It is proposed that new refuse storage containers will be provided to the front of the property just behind the entrance. The size of the refuse storage containers are in accordance with Core Strategy policy CS11. This will be immediately adjacent to the highway and is therefore considered acceptable. A condition has been proposed to ensure the refuse and recycling facilities (as well as the cycle storage spaces) are provided prior to the first occupation of the development and permanently maintained on site in accordance with the proposed plans.

## **Affordable Housing and Carbon Offsetting**

10.44 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.

10.45 The applicant has agreed to pay the full amount of £420,000 towards affordable housing in the borough and £10,500 towards carbon offsetting. These contributions have been secured in a Unilateral Undertaking which has been signed by the applicant.

## **Community Infrastructure Levy (CIL)**

10.46 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

# **11 SUMMARY AND CONCLUSION**

## **Summary**

11.1 The proposed development is considered to be acceptable with regards to the land use, design, amenity, neighbour amenity, highways and transportation, noise levels, access, refuse and affordable housing provision. The reasons that the previous scheme was dismissed at appeal have been overcome with regards to the design of

the scheme, and the proposal is no longer considered to have a detrimental impact on the New River Conservation Area or the setting of the adjacent listed buildings.

- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

**Conclusion**

- 11.3 It is recommended that planning permission be granted subject to conditions and S106 agreement as set out in Appendix 1 - RECOMMENDATION.

## 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:

1. A contribution of £420,000 towards affordable housing within the Borough.
2. A contribution of £10,500 towards carbon offsetting

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

### RECOMMENDATION B

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

#### List of Conditions for P2015/2406/FUL:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement - PC Dalton Planning - (June 2015), Design &amp; Access Statement - OSEL Architects - (June 2015) Revision P2, Heritage Statement - Montagu Evans - (June 2015), Daylight and Sunlight Assessment - Anstey Horne - (June 2015), Arboricultural Statement (updated) - Dr Frank Hope - (May 2015), Lifetime Homes Assessment - OSEL Architects - (May 2015), Sustainable Design and Construction Statement - Metropolis Green (June 2015), Landscape Design Statement - Justin Davis - (August 2015), Basement Impact Assessment - Packman Lucas - (May 2015), Flood Risk Assessment - Cole Easdon - (August 2015), Transport Statement - Cole Easdon - (July 2011), E14-042/DP001 Revision P1, E14-042/E001.1 Revision P2, E14-042/P001 Revision P1, E14-042/P002 Revision P2, E14-042/P003 Revision P1, E14-042/P100 Revision P1, E14-042/P101 Revision P2, E14-042/P102 Revision P2, E14-042/P103 Revision P1, E14-042/P104 Revision P1, E14-042/S001 Revision P1, E14-042/S002 Revision P1, E14-042/S003 Revision P2.</p> <p>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.</p>

<b>3</b>	<b>Cycle Parking Provision Compliance</b>
	<p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>4</b>	<b>Sustainable Design and Construction Statement</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. 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: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<b>5</b>	<b>Green/Brown Biodiversity Roof (Details)</b>
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>d) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>e) laid out in accordance with plan E14-042/P003 REV:P1 hereby approved; and</li> <li>f) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <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>
<b>6</b>	<b>Landscaping (Details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>b) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>c) proposed trees: their location, species and size; tree pit details and soil volumes.</li> <li>d) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types. Where possible, in areas to be vegetated, at least 1m of permeable soil should</li> </ul>

	<p>be provided above the top of the basement, to allow a variety of plants to be supported.</p> <p>f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>h) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>7</b>	<b>Windows Obscured</b>
	<p>CONDITION: All windows shown on the plans hereby approved as being angled 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 windows</p>
<b>8</b>	<b>Defensible Space (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, an area of defensible space no less than 1.5m deep shall be provided outside the ground floor south facing residential window at proposed unit 1. The details of the proposed delineation of the defensible space, through the use of low railings, walls and/or soft planting, shall be submitted to and agreed in writing by the Local Planning Authority. The space shall be provided prior to the first occupation of the dwelling it would serve.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: The habitable room window does not benefit from any defensible space that would adequately divorce them from the communal courtyard; the arrangement would result in an undue loss of privacy and security to those future residential</p>

	<p>dwellings.</p>
<b>9</b>	<b>Boundary Treatment</b>
	<p>CONDITION: Details of all boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure.</p>
<b>10</b>	<b>Car Permits (Compliance)</b>
	<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 in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.</p>
<b>11</b>	<b>Construction Management Plan</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. 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>
<b>12</b>	<b>Archaeology</b>
	<p>CONDITION: No development shall take place unless and until the applicant, or their agent or successors in title, has submitted a desk based archaeological assessment which has been approved in writing by the Local Planning Authority (in consultation with English Heritage). Should such an assessment indicate the potential for significant archaeology then a written scheme for investigation shall be submitted and a programme of archaeological work implemented subject to approval in writing by the Local Planning Authority (in consultation with English Heritage).</p>



	<p>REASON: Important archaeological remains may exist on this site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p>
<b>13</b>	<p><b>No Amalgamation/Subdivision</b></p>
	<p>CONDITION: The residential units hereby approved shall be laid out / divided as shown on drawings and shall not be amalgamated or further subdivided.</p> <p>REASON: The amalgamation or further subdivision of the units may have operational, transportation, security and amenity implications, which should be the subject of consultation and a full planning application.</p>
<b>14</b>	<p><b>Materials (Details)</b></p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections);</li> <li>f) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>15</b>	<p><b>Wheel Washing Facilities</b></p>
	<p>CONDITION: No works shall commence unless and until details of construction vehicle wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. Any vehicle carrying mud, dust or other debris on its wheels must use the facilities before leaving the site.</p> <p>The wheel washing facilities shall be provided in accordance with the details so approved and installed at the site preparation stage and maintained in working order at all times during the construction phase.</p> <p>REASON: To ensure that construction traffic does not result in pollution of the surrounding street environments</p>
<b>16</b>	<p><b>Sustainable Urban Drainage</b></p>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by 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</p>

	<p>rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>REASON: To ensure the sustainable drainage of water.</p>
<b>17</b>	<b>Structural Engineers Report</b>
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring listed buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>
<b>18</b>	<b>Removal of Permitted Development Rights</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, alterations or satellite dishes shall be carried out or constructed to the dwellinghouses hereby approved 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>19</b>	<b>Listed Wall</b>
	<p>CONDITION: The distance between House 6 and the Listed Boundary Wall should be a minimum of 0.85 metres along the full length of the wall and maintained as such. Any changes to the proposed layout of this unit will need to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on site.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the</p>

	requirements of the NPPF.
<b>2</b>	<b>Unilateral undertaking</b>
	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>3</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <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 payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>4</b>	<b>Boundary Walls</b>
	The applicant is reminded that all works to the boundary walls to the rear of properties along Chadwell Street, Myddelton Square and Arlington House which bound the site require the benefit of listed building consent and planning permission.
<b>5</b>	<b>Definitions</b>
	INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>6</b>	<b>Hours of Working</b>
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

**List of conditions for P20152398/LBC:**

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Recording</b>
	<p>CONDITION: No works shall take place unless and until the applicant has submitted a written scheme of investigation (to include a photographic survey and measured drawings) which records the front boundary wall, including its architectural detail and archaeological evidence.</p> <p>REASON: The Local Planning Authority wishes to secure the provision of recording of the historic structures prior to demolition.</p>

**List of Informatives:**

<b>1</b>	<b>Boundary Walls</b>
	<p>The applicant is reminded that all works to the boundary walls to the rear of properties along Chadwell Street, Myddelton Square and Arlington House which bound the site require the benefit of listed building consent and planning permission.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **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.

### **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**

##### 3 London's people:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice

##### 6 London's transport:

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking

##### 7 London's living places and spaces:

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and enhancing soundscapes

##### 8 Implementation, monitoring and review:

- 8.2 Planning obligations
- 8.3 Community infrastructure levy

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

### Spatial Strategy

**CS8** (Enhancing Islington's Character)

### Strategic Policies

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

**CS12** (Meeting the Housing Challenge)

## **C) Development Management Policies June 2013**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM3.3** Residential Conversions and Extensions

**DM3.4** Housing standards

**DM3.5** Private Outdoor Space

**DM3.7** Noise and Vibration

**DM7.1** Sustainable Design and Construction

**DM7.2** Energy Efficiency and Carbon Reduction in Minor Schemes

**DM8.2** Managing Transport Impacts

**DM8.4** Walking and Cycling

**DM8.5** Vehicle Parking

**DM9.2** Planning Obligations

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

The following SPGs and/or SPDs are relevant:

### **Islington**

- Accessible Housing in Islington
- Car Free Housing
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD
- Conservation Area Design Guidelines
- Inclusive Design

### **London Plan**

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

**APPENDIX 3 - APPEAL DECISION**

**APP/V5570/A/13/2199042 & APP/V5570/E/13/2199043**



**APPENDIX 4 – COSTS DECISION**