

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE B		
Date:	12 April 2016	NON-EXEMPT

Application number	P2014/1808/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Clerkenwell Green
Development Plan Context	Archaeological Priority Area; Central Activities Zone, Clerkenwell Green Conservation Area, Employment Priority Area, Bunhill and Clerkenwell Core Strategy Key Area, Mayors Protected Vista
Licensing Implications	None
Site Address	Land at Turk's Head Yard, 75A Turnmill Street, London, EC1M 5SY
Proposal	Construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping

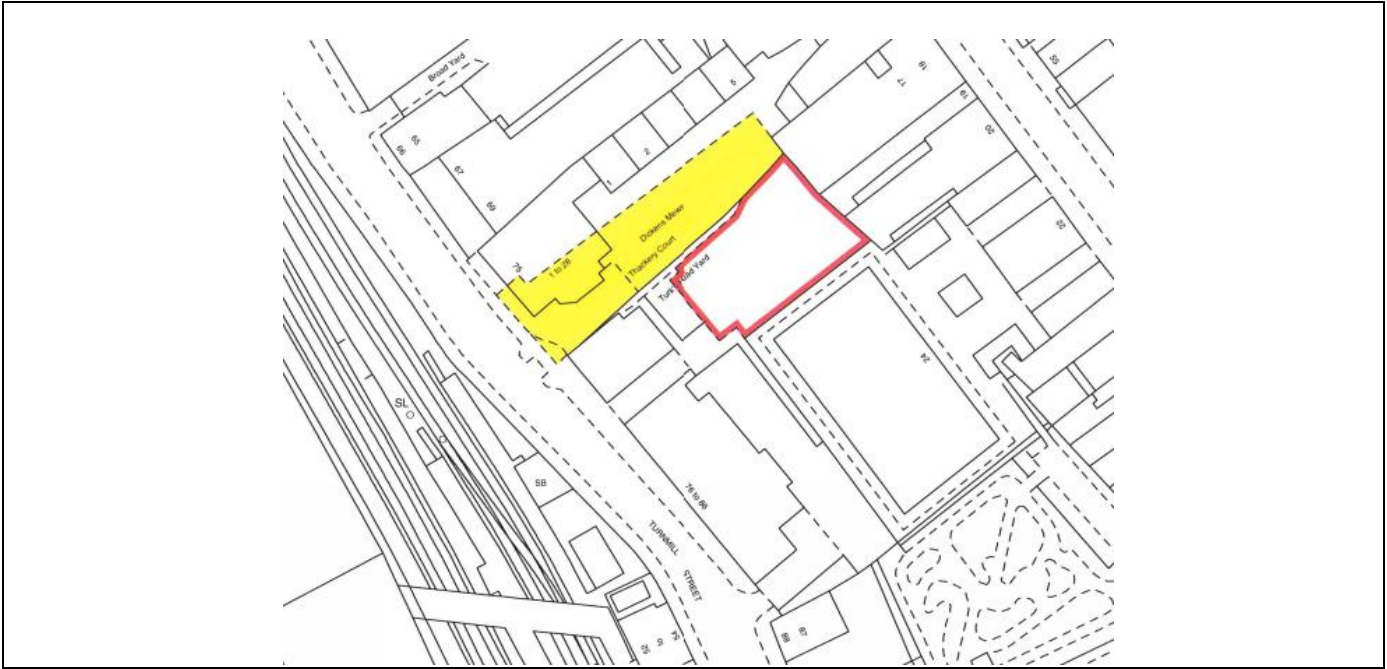
Case Officer	Pedro Rizo
Agent	Mr Matt Bailey

1. RECOMMENDATION

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

- 1.1 Subject to the conditions and legal agreement set out in Appendix 1;

2. Site Plan (Site outlined in BOLD)



3. PHOTOS OF SITE/STREET



Image 1 – View from the site towards Thackery Court and Dickens Mews



Image 2 – View from the site towards 6-storey office building fronting Turnmill Street.



Image 3 – View from the site towards the rear elevation of office buildings at Britton Street.

4. SUMMARY:

- 4.1 The application seeks permission for the construction of a three-storey over basement building, comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping.
- 4.2 The main considerations are the acceptability of the proposed residential use of the site, design and impact on the character and appearance of the site and the Clerkenwell Green Conservation Area, amenity, standard of accommodation, transport, sustainability, archaeology and affordable housing.
- 4.3 The development would be acceptable on visual terms and the proposed building would have no significant harm on amenity in terms of loss of light, outlook or privacy. The proposed standard of

residential accommodation is considered adequate and the proposed building raises no concerns with reference to sustainability, energy efficiency and transport.

4.4 A legal agreement secures the full small sites affordable housing and offset carbon dioxide emissions contribution. The development will be car free and this will be secured via condition.

4.5 The proposal is considered acceptable and it is recommended for approval subject to conditions.

5. SITE AND SURROUNDINGS:

5.1 The application site is a rectangular piece of land to the east of Turnmill Street which is surrounded on 3 sides by buildings and to the northwest by a garden wall. It has most recently been in use as an ad hoc car park for surrounding offices and is accessed via an underpass onto Turnmill Street, adjacent to number 76. There are no buildings on the site. The ground level slopes down from east to west.

5.2 Adjoining the site to the west is a six storey office building and a residential block known as Thackery Court, which front onto Turnmill Street. Adjoining the site to the north is Dickens Mews, which is a 3 storey residential development and an outdoor amenity area immediately adjacent to the shared boundary. To the east of the site lie offices and residential units at 17-20 Britton Street and to the south is a five storey office building.

5.3 The site is located within the Clerkenwell Green Conservation Area and is within an Archaeological Significance Area, Rail Safeguarding Area and Central Activities Zone (CAZ).

6. PROPOSAL (IN DETAIL):

6.1 The application involves the construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping.

6.2 The proposed three bedroom flats would be positioned at basement and ground floor levels and would provide external amenity spaces at basement level.

6.3 The two two-bedroom proposed flats and the one bedroom flat would be positioned at first and second floor levels and would provide external amenity spaces at first floor level.

6.4 As background information, the proposed scheme follows a previous planning application (Ref. P2013/0976/FUL) for the creation of a four-storey over basement building comprising seven new dwellings (2 x three bed flats, 4 x two bed flats and 1 x one bed flat), with associated landscaping. This application was subject to an appeal for non-determination. This appeal was dismissed on 29 January 2014.

7. RELEVANT HISTORY:

Planning Applications:

7.1 **P2013/0976/FUL** - Creation of a 4 storey plus basement building comprising seven new dwellings- 2 x three bed flats, 4 x two bed flats and 1 x one bed flat, with associated landscaping.

This was appealed under reference APP/V5570/A/13/2203832. Following a full assessment the LPA would have been minded to refuse the application for the following reasons:

REASON: The proposed development, by reason of its size, height and footprint, would detract from the appearance of the surrounding area and would fail to preserve or enhance the character of the Clerkenwell Green Conservation Area, 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 Clerkenwell Green Conservation Area design guidance and the Urban Design Guide (2006).

REASON: *The proposed development, by reason of the inadequate levels of light, outlook and significant sense of enclosure that would be afforded to the future occupiers of the basement units, would provide an unacceptable substandard residential accommodation contrary to policies DM2.1 and DM3.4 of the Islington Development Management Policies 2013.*

REASON: *The site lies within an area of high archaeological potential within the precinct of a heritage asset of national significance. The proposed development, by reason of the failure of the applicant to provide an adequate desk based assessment or archaeological evaluation, would be likely to cause harm to the heritage assets of archaeological interest, contrary to paragraph 128 of the National Planning Policy Framework 2012, policy 7.8 of the London Plan 2011, policy CS9 of the Islington Core Strategy 2011 and policy DM2.3 of the Islington Development Management Policies 2013.*

REASON: *The applicant has failed to provide an adequate contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit an agreed viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. As such, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.'*

REASON: *The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Environmental Design SPD for carbon offsetting, contrary to policy CS12 Part A of the Islington Core Strategy 2011, policy DM7.2 of the Development Management Policies 2013 and the Environmental Design SPD.'*

The appeal was dismissed on 29 January 2014 for one reason. The Inspector concluded the following:

“Although I have found no harm, on the basis discussed above, in relation to archaeology or living conditions, I consider that this is outweighed by the harm in relation to character and appearance. The proposal would make more efficient use of an urban brownfield site and add to the Borough’s housing stock through provision of seven sustainably designed dwellings in a sustainable location. However, while acknowledging the importance of these matters, I do not consider that they would outweigh the harm that I have found in this case.

*Similarly, while the harm to the significance of the Conservation Area itself would be less than substantial, this would not be outweighed by the benefits just outlined. For the reasons given above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed”.*⁹ (The appeal decision is attached as **Appendix 3** for member’s consideration)

Enforcement:

7.2 None.

Pre-Application Advice:

7.3 None relevant

8. CONSULTATION

Public Consultation:

8.1 Letters were sent to occupants of 93 adjoining and nearby properties the 10 June 2014. A site notice was also displayed. The public consultation of the application therefore expired on the 1 July 2014. It is the Council’s practice to continue to consider representations made up until the date of a decision.

8.2 A total of 3 letters of objection were received in response to the consultation. The following issues were raised (and the paragraph numbers responding to the issues are included in brackets):

- (i) The proposed building would result in an over-development for the site [paragraphs 12.3 and 12.4].
- (ii) The proposed building would affect the sunlight/daylight and outlook provided to neighbouring residents [paragraphs 14.6, 14.7 and 14.8].
- (iii) The proposed development would have a detrimental impact on the character and appearance of the Clerkenwell Green Conservation Area [paragraphs 12.4, 12.5, 12.6 and 12.7].

Internal Consultees:

- 8.3 **Conservation and Design Officer:** No objections subject to conditions.
- 8.4 **Waste and Recycling Officer:** The plans are acceptable for waste and recycling.
- 8.5 **Licensing:** No objections.
- 8.6 **Acoustic officer:** No objections subject to conditions.
- 8.7 **Inclusive Design Officer:** A number of the detailed design and layout of the units do not meet Category 2 of the National Housing Standards. However, these points can be secured via a condition.

External Consultees:

- 8.8 **Transport for London:** London Underground Infrastructure Protection has no comment to make on this application.
- 8.9 **Local Government Management Board:** A formal letter of objection dated 16th March 2016 received, on a number of grounds. The paragraph number in response to each point of concern is included in brackets as follows:
 - Due process has not been carried out in relation to the application. Despite Certificate B was completed in the application form, the applicant did not serve formal notification of the proposed development. This should therefore make the application invalid [paragraph 20.1]
 - Due process has not been followed by the Council [paragraph 20.2].
 - The proposed development would prejudice the existing operation of 76-86 Turnmill Street [paragraph 14.6].
 - The proposed development would not provide an acceptable level of residential amenity [paragraphs 14.5, 14.6, 14.7 and 14.8].
 - The proposed development would not provide a satisfactory servicing access and prejudices the turning circle to the rear of 76-86 Turnmill Street, meaning that the development cannot be legally implemented [paragraph 20.3].
- 8.10 **Crossrail:** In response to the previous application, the following comments were provided which remain relevant. The site of the planning application is identified within the limits of land subject to consultation under the Safeguarding Direction. As such, a condition should be placed on any approval of planning permission to ensure that no works below ground level affect the construction of Crossrail.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 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 relevant SPGs and/or SPDs are listed in Appendix 2.

10. ASSESSMENT:

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

- Land Use
- Design
- Neighbouring Amenity
- Standard of Accommodation
- Highways and Transportation
- Sustainability and Accessibility
- Archaeology
- Affordable Housing

11. LAND USE:

- 11.1 The site is vacant and currently used as a car park, surrounded by commercial and residential developments on all sides. The site has been vacant for many years and may have an established sui-generis use as a car park. In the absence of policy objections against the loss of car parking space and given the pattern of residential development in the area, the principle of residential development on this site is considered to be acceptable. There are therefore no policy objections against the introduction of residential use on this site. The proposed residential flats would therefore be compatible to neighbouring land use and the Policy Team has raised no concerns against the proposed scheme with reference to land use.

12. DESIGN:

- 12.1 The site is considered sensitive, as it is positioned within the Clerkenwell Green Conservation Area. It is also extremely significant and sensitive in terms of history, as it sits on potential ground heritage assets. The Clerkenwell Green Conservation Area Design Guidance states how the Council will operate special policies within Clerkenwell Green, in order to preserve and enhance the special character and appearance of the conservation area.
- 12.2 The site was subject to a recent appeal (ref. APP/V5570/A/13/2203832), dismissed purely on design grounds and by reason of harmful impact on the character and appearance Clerkenwell Conservation Area. Overall, it was deemed that in this historically significant and sensitive context and given the existing pattern of development in the area, the previous scheme would neither preserve nor enhance the appearance of the conservation area.
- 12.3 The scheme subject to the appeal proposed a four-storey building. The proposed height and massing was not considered to conform to the height and scale of existing developments within the immediate area. The inspector agreed with the Council's stance and mentioned how "*...I do consider that, in its context and read in conjunction with the news, the building would not be*

sufficiently sympathetic in scale and would be unduly dominant, despite the softening effect of the curved profile of the roof on the north side and the various setbacks proposed”.

- 12.4 The current proposal is for a reduced three-storey above basement building. The scale of surrounding development is relatively modest and is formed by buildings that range from three to six storeys in height, including the three-storey residential mews to the north side of the site, with higher buildings fronting the main street of Turnmill Street within the wider setting. The proposed development would conform to its immediate setting and would not result in a dominating structure within the scale of development in the immediate area.
- 12.5 As with the previous scheme, the articulation in the building’s brick façade and balcony features provide some relief from the proposed massing. The development would be contemporary in design terms and this would not detract from the character and appearance of this part of the Clerkenwell Conservation Area, by reason of the position of the plot of land that is screened by existing buildings with similar height, massing and modern design.
- 12.6 The scheme has been reviewed by the Design and Conservation Team who do not object to the proposed design and scale of the development subject to final conditions in order to ensure that all external materials, including brickwork, are submitted to and approved by the Local Planning Authority prior to works commencing on site.
- 12.7 Overall, the proposed development is considered acceptable on design terms and in accordance with policies CS8 and CS9 of Islington’s Core Strategy 2011, policies DM2.1 and DM2.3 of Islington’s Development Management Policies Document June 2013 and the Conservation Area Design Guidelines.

13. Principle of Basement Development:

- 13.1 The application was made valid prior the adoption of the Islington’s Supplementary Planning Document for Basement Extensions. Although the submission includes a ‘Structural Engineering Planning Report’ (dated February 2013) and an ‘Archaeological desk-based Assessment’ of the site (dated March 2013), the planning application is being recommended for approval subject to conditions requiring the approval of a Structural Method Statement and a Construction Management Plan before any building works commence.
- 13.2 The site is rectangular and has multi-storey buildings on three sides and a garden wall at the rear. The Structural Engineering Planning Report mentions that *“it is clear that properties on at least three sides have existing basements. There is also an existing basement beneath the site which extends approximately three quarters of the length of the North West elevation. It is thought that this basement extends into the site by approximately 5 metres, but this is subject to further investigation”.*
- 13.3. Given the predominance of basement developments within the immediate setting, the prevailing scale of development in the area and the fact that there is an existing basement underneath the site, the principle of a basement development to enable the creation of additional floorspace under ground level is considered acceptable.
- 13.4. In the absence of trees within the site or any other structure that might be affected with the construction of a basement, the construction of a basement development within the site is considered acceptable, subject to conditions. The site has no planting and contains some coverage of hard standing that facilitates parking on the western side of the site.

14. Neighbouring Amenity

- 14.1 Development Management Policy DM2.1 states that development is required to 'provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook'.
- 14.2 There is a requirement to safeguard existing residential amenity of the occupiers of adjacent residential units and ensure there is no unacceptable overlooking. It is crucial that careful consideration is given to ensure that there is no loss of privacy to the existing occupiers of adjoining units, and also that the occupiers of the proposed residential units have sufficient privacy.
- 14.3 The proposal has been reduced in height/scale and is now deemed acceptable. This issue and the resultant impact on the surrounding Clerkenwell Green Conservation Area has been addressed above in the character and appearance section.
- 14.4 Adjoining the site to the southwest is a 6 storey office building and a residential block known as Thackery Court, which front onto Turnmill Street. Adjoining the site to the northwest is Dickens Mews, a 3 storey residential development with small 'pods' on top and an outdoor amenity area immediately adjacent to the shared boundary. To the southeast of the site lies the rear of offices with residential flats at 17-20 Britton Street and to the south the 5 storey office building behind Montford House.
- 14.5 The main area of contention is to the northwest where the residential mews development is located. The distance between the proposed development and the existing residential use fails to meet the 18 metre distance between windows serving habitable rooms. There is just one window being proposed at second floor facing towards the Mews. A condition is required to ensure the window is obscurely glazed/fixed shut. There is another window serving this living room so natural light would be adequate.
- 14.6 Although concerns have been raised over how the proposal would prejudice any further development at No. 76 – 86 Turnmill Street, the application is assessed upon the conditions of the site and the current visual relationship of the proposed building with neighbouring buildings as these stand when the scheme is reviewed for determination. Whilst it has been advised that there is a future intention to extend this building in order to provide additional office space, this point is not a factual consideration over the current site constraints of the site and its immediate setting and cannot be seen as a reason to refuse the application. At the time of writing of this report there is no submitted planning application for any works to 76-86 Turnmill Street.
- 14.7 The Council previously expressed concern about the impact on outlook from the proposed new units. However, the Inspector concluded on appeal decision (ref. APP/V5570/A/13/2203832) that the development would not have a materially harmful effect on the living conditions of future occupiers or neighbouring residents. As advised, the Planning Inspector considered the following: *"As regards outlook, the windows of the basement rooms concerned would be surrounded by retaining walls of one or two storeys. However, they are bedrooms (office/study in one case) and, given their relationship with the proposed amenity spaces (which would have hard and soft landscaping), I do not consider that the effect would be unduly enclosing or overbearing, or the outlook of the rooms otherwise unacceptable, allowing for the existing buildings in the vicinity. Similarly, at ground-floor level, I do not consider that the outlook from living room windows would be unduly compromised, or feel unacceptably enclosed, by the presence of a wall (to the north) or buildings (to north and west), given the distances involved"*.
- 14.8 In terms of impact on daylight/sunlight, the 'Site layout and planning for daylight and sunlight: A guide to good practice' commonly known as the BRE guidelines would be considered. Additionally, adopted Development Management policy DM3.4 (Housing standards) sets out the required standards for new residential accommodation, including part A which requires consideration of light and outlook to habitable rooms and part E which requires that the design of residential accommodation maximise natural light into rooms and states that glazing to habitable rooms should aim to be not less than 20% of the internal floor area of the room.

14.9 The surrounding residential uses are to the northwest at Thackery Court and the northeast at 19 and 20 Britton Street. Overall, the daylight and sunlight results show that all the surrounding residential properties would experience very minimal impact. The report concludes that no windows within Thackery Court and the upper parts of 19 and 20 Britton Street would fail to meet the BRE recommendations and would satisfy the overall sunlight standard. Where there are reductions, these are within the parameters set out in the BRE guidelines.

15. Standard of Accommodation

15.1 The applicant is proposing 3 x 3 bed units, 2 x 2 bed units and a 1 x 1 bedroom unit. This is an acceptable mix with regard to DMP policy DM3.1. Development Management Policy DM3.4 sets out the various housing standards which residential development is required to meet. Policy DM3.4 part B and table 3.2 sets out minimum space standards for residential units.

15.3 The table below sets out the spatial standards that are provided for the residential units. The proposed flats would exceed the spatial requirements set out in policy DM3.4.

Flat Number	Floor Space Provided	Minimum Required Floor Space	Amenity Space Provided	Amenity Space Required
Flat 1	144.00 sq. m	95.00 sq. m	13.00 sq.m	25.00 sq. m
Flat 2	167.30 sq. m	95.00 sq. m	34.00 sq. m	25.00 sq. m
Flat 3	166.90 sq. m	95.00 sq. m	54.00 sq. m	25.00 sq. m
Flat 4	144.80 sq. m	70.00 sq. m	38.00 sq. m	7.00 sq. m
Flat 5	69.00 sq. m	61.00 sq.m	20.00 sq. m	5.00 sq. m
Flat 6	142.10 sq m	70.00 sq.m	44.00 sq. m	7.00 sq. m

Although the floor space provided per each unit largely exceeds the minimum required spatial standards, the proposed flats have been reduced in size from the previous submission reference P2013/0976/FUL.

15.4 Policy DM3.5 of the Islington's DMP details that all new residential development should provide good quality private outdoor space in accordance with the minimum required figures. The policy requires a minimum of 7 square metres on upper floors for four occupants and 35 square metres on ground floor/lower ground floor for five occupants. Although proposed Flat 1 fails to meet the above criteria, additional communal external amenity space (44.00 square metres) would be provided in the development. Due to the site constraints and the additional communal external amenity space provided, the failure to provide the minimum required private amenity space for one flat would not warrant a refusal of the planning application.

15.5 In terms of noise and disturbance, the Council's Pollution Team were consulted and advised that the development is conditioned in order to protect the future occupiers from the plant noise from the neighbouring offices.

15.6 Overall, it is concluded that the proposed development would provide acceptable living conditions to future occupiers and acceptable levels of amenity space.

16. Transportation

16.1 The application site has a PTAL rating of 5. The development would be car free with future occupiers prohibited from obtaining parking permits. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.

16.2 Although the approved scheme retains three parking spaces from the existing car park, these are subject to a lease with the adjoining office building fronting Turnmill Street, which is positioned above the arched entrance to the site. A condition is recommended which secures these car parking spaces to remain in use for the office and not used as residential parking.

16.3 The proposed drawings include the provision of cycle parking on the north-western side of the site. Whilst no clear details are provided in the drawings, a condition is recommended requiring the provision of fourteen cycle parking spaces (one per bedroom), in accordance with the requirements of policy DM8.4.

17. Sustainability

17.1 Policy DM7.2 (Energy efficiency and carbon reduction in minor schemes) of the Islington Development Management Policies 2013 requires that all new residential developments should meet Code for Sustainable Homes level 4. However policies have changed and a condition will secure a reduction on CO2 emissions of 19% over 2013 building regulations. A condition is recommended to ensure the development achieves the water consumption target of 95l/p/d in accordance with policy CS10 (Sustainable design) of the Islington Core Strategy 2011.

18. Archaeology

18.1 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasizes that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments (DBA), and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision.

18.2 The application lies within the Clerkenwell Archaeological Priority Area (APA1) as defined in Islington's Local Plan. The site lies in an area of high archaeological potential within the precinct of a heritage asset of national significance.

18.3 As concluded in the Inspector's Report on appeal for the previous proposal, the proposed development would not have a materially harmful effect on heritage assets of archaeological interest. As such, there is no conflict with the objectives of LP Policy 7.8, CS Policy CS 9 or DMP Policy DM2.3.

19. Affordable Housing

19.1 The proposal is a minor application for six 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 pay the full affordable housing and small sites contribution of £360,000 (£60,000 per new unit).

19.2 The applicant has also agreed to pay the environmental off-set contribution of £12,000 (£1,500 per unit). The unilateral agreement has been signed.

19.3 The proposed development would also be liable for the Mayor's CIL.

20. Other Matters:

20.1 A letter of objection claims due planning process was not followed in this application, in that no formal notification of the proposed development was served in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 14, despite Certificate B being completed in the application form. However, the agent has provided a copy of the notification notice (dated 28 April 2014) in relation to the planning application, as declared in the application form. The application is therefore determined with the documentation submitted during the application process in good faith.

20.2 A letter of objection also raises that due process has not been followed by the Local Authority, as additional representations were not followed-up, after alterations were carried out during the application process. The only amendments that were proposed during the application process relate to replacing the initially proposed render with new brickwork and minor alterations to the internal layout of the residential units, in order to meet inclusive design guidelines. Given the minor nature of these works, which followed comments provided by Inclusive Design Officers and

Design and Conservation Officers, the changes did not warrant additional consultation and the Local Planning Authority has followed proper procedures during the application process.

- 20.3 Concerns with reference to accessibility to the site via a right of way have also been noted. However, this concern is not a planning consideration and constitutes a civil matter.

21. SUMMARY AND CONCLUSION

Summary

- 21.1 The application seeks permission for the erection of a three-storey building in order to enable the creation of six flats. The principle of residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the Clerkenwell Green Conservation Area.
- 21.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 21.3 The redevelopment of the site does not provide additional vehicle parking on site and the occupiers would have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people) in accordance with Islington Core Strategy CS10 Section H, which identifies that all new development shall be car free. The site also has sufficient space for cycle storage in accordance to the Council's Policies.
- 21.4 A unilateral planning obligation with reference to contributions for the provision of affordable housing and offset carbon dioxide emissions was signed on the 15th January 2016.
- 21.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

Conclusion

22. It is recommended that planning permission be granted subject to conditions and S106 Agreement for the reasons and details as set out in Appendix 1 – RECOMMENDATIONS:

APPENDIX 1 – RECOMMENDATION:

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:

- £360,000.00 contribution towards affordable housing within the Borough
- £6,000.00 towards carbon off-setting.

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

Recommendation B:

Grant of planning permission subject to **conditions** to secure the following:

List of Conditions:

1	Commencement (Compliance)
	<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: (Compliance)
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A-PL010 (Rev. A), A-PL-099 (Rev. A), A-PL-100 (Rev. A), A-PL-101 (Rev. A), A-PL-102 (Rev. A), A-PL-103 (Rev. A), A-PL-201 (Rev. B), A-PL-202 (Rev. B) and area schedule sheet dated 11/07/2014.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>

<p>3</p>	<p>Biodiversity Roofs (Details)</p> <p>GREEN/BROWN BIODIVERSITY ROOFS (DETAILS): Details of the biodiversity green roofs 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> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); b) 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).</p> <p>The biodiversity green 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 prior to the first occupation of the hereby approved residential units and be 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>
<p>4</p>	<p>Construction Method Statement (Details)</p> <p>CONDITION: No development works shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. measures to control the emission of dust and dirt during construction v. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
<p>5</p>	<p>Structural Methods statement</p> <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 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 requirements of Islington's Basement SPD 2016 and 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 buildings.</p>

<p>6</p>	<p>Sustainable Design and Construction (Details)</p> <p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the 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 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 95L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<p>7</p>	<p>Refuse and Recycling Store (Details)</p> <p>CONDITION: Details of the dedicated refuse / recycling storage shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The approved refuse / recycling stores shall be completed prior to the first occupation of the new flats 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>
<p>8</p>	<p>Materials (Details)</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"> a) brickwork; b) cladding; c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); <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>
<p>9</p>	<p>Parking (Compliance)</p> <p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> (1) In the case of disabled persons; (2) In the case of units designated in this planning permission as 'non car free'; or (3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: In the interests of sustainability.</p>
<p>10</p>	<p>Archaeology (Details)</p> <p>CONDITION: A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.</p>

	<p>B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.</p> <p>C) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).</p> <p>D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.</p>
11	Sound Insulation (Details)
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, Kitchens, bathrooms, WC compartments and utility rooms (07.00 - 23.00 hrs) 45 dB LAeq</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the residential amenities of the future occupiers.</p>
12	Plant Noise (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To protect the residential amenities of the future occupiers.</p>
13	Crossrail (Compliance)
	<p>CONDITION: No works below ground level comprised within the development hereby permitted shall be undertaken at any time when crossrail are undertaking tunnelling or shaft works within 100m of the land on which the development hereby permitted is situated, unless specifically agreed in advance and in writing by Crossrail Limited.</p> <p>REASON: To ensure that no works below ground level would affect the construction of Crossrail.</p>

14	<p>Construction Environmental Management Plan (Details)</p> <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.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the residential amenities of the future occupiers.</p>
15	<p>Land Contamination (Details)</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> <p>a) A land contamination investigation.</p> <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> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <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> <p>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> <p>REASON: In the interest of sustainability.</p>
16	<p>Noise Exposure (Details)</p> <p>CONDITION: Groundborne noise shall not exceed 35dB LAmax,Slow as measured in the centre of any residential room.</p> <p>REASON: To safeguard residential amenity.</p>
17	<p>Privacy Screen (Details)</p> <p>CONDITION: Notwithstanding the hereby approved plans, detailed drawings of an appropriate screening treatment for the roof top terrace space shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

18	Inclusive Design (Compliance)
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance to LPP 3.8.</p>
19	Cycle Parking (Details)
	<p>CONDITION: CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance of the bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 14 cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
20	Parking (Compliance)
	<p>CONDITION: Notwithstanding the drawings hereby approved, the three parking spaces shall not be used in connection with the approved residential units and shall be retained for the exclusive use of the surrounding B1 Office Space.</p> <p>REASON: In the interest of sustainability.</p>

Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Car-Free Development
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>

3	Section 106
	SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
4	Sustainable Sourcing of Materials
	SUSTAINABLE SOURCING OF MATERIALS: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2011, 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

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

B) Islington Core Strategy 2011

- Policy CS7 (Bunhill and Clerkenwell)
- Policy CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

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

D) Finsbury Local Plan

Finsbury Local Plan Policy BC8 (Achieving a balanced Mix of Uses)

3. Designations

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

- Archaeological Priority Area
- Central Activities Zone
- Clerkenwell Green Conservation Area
- Mayors Protected Vista
- Bunhill and Clerkenwell Core Strategy Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan:

- Housing
- Sustainable Design & Construction

Appeal Decision

Hearing held on 12 December 2013

Site visit made on 12 December 2013

by Christopher Bowden MA (Oxon)

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

Decision date: 29 January 2014

Appeal Ref: APP/V5570/A/13/2203832

Turk's Head Yard, Turnmill Street, Clerkenwell, London EC1

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
 - The appeal is made by Sennen Capital Limited against the Council of the London Borough of Islington.
 - The application Ref. P2013/0976/FUL is dated 28 February 2013.
 - The development proposed is: *creation of seven new dwellings comprising one x three-bed flats, four x two-bed flats and two x one-bed flats, with associated landscaping.*
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's statement indicates that, had the Council determined the application, it would have been refused for reasons concerning character and appearance, archaeology, living conditions, and financial contributions towards affordable housing and carbon offsetting. The reasons cite Policies CS 8, CS 9 and CS 12¹ (Parts A and G) of Islington's Core Strategy, adopted in 2011 (CS), Policies DM2.1, DM2.3, DM3.4 and DM7.2 of the Council's Development Management Policies, adopted in 2013 (DMP), and Policy 7.8 of the London Plan 2011 (LP).
3. CS Policies CS 8, CS 9, CS 10 and CS 12 and LP Policy 7.8 appear to be consistent with the thrust of the National Planning Policy Framework, published in 2012, as do the DMP policies mentioned above, adoption of which post-dates publication of the Framework. At the Hearing, it was agreed that the changes made to the text supporting LP Policy 7.8 by the Revised Early Minor Alterations to the LP (adopted in October 2013) made no material difference to consideration of the main issues in this appeal.
4. After the reasons mentioned above were framed, the appellant reached agreement with the Council on financial contributions and submitted a related unilateral undertaking, signed and dated 11 December 2013.
5. During the course of the appeal, the appellant submitted a revised basement floor plan (drawing No. A-PL-099 Rev C) to clarify the proposed use of one room shown in the version considered by the Council. It was agreed at the

¹ At the Hearing, the Council confirmed that Part A of Policy CS 10 was intended (and Part G of Policy CS 12)

Hearing that this did not alter the scheme materially and I have taken the drawing into account (in place of the previous version) in determining the appeal.

Main issues

6. Having regard to the above, and to third party representations, I consider that these are the effect of the proposed development on:
 - the character and appearance of the Clerkenwell Green Conservation Area;
 - heritage assets of archaeological interest; and
 - the living conditions of future occupiers, with particular reference to outlook and daylight, and of neighbouring residents, with particular reference to outlook, sunlight and daylight, and privacy.
7. The unilateral undertaking is considered under 'Other matters' below.

Reasons

Character and appearance

8. The site is a compact area of vacant land, currently used as a car park, surrounded by commercial or residential development on all sides. It lies to the rear of buildings fronting Turnmill Street (from which it is reached) and Britton Street and is adjacent to other backland development to north and south. Although vacant for many years, the site was once part of the distillery that was in this area.
9. The site is in the Clerkenwell Green Conservation Area (CA), a designated heritage asset whose significance lies in its mix of uses, its architecture and its history, reflected in a street pattern that includes narrow side streets, courtyards and alleyways. This and neighbouring CAs are subject to "special policies" designed to ensure that the tightly-built and small-scale character and appearance of the area and variety of land-uses are protected and enhanced.² These include a requirement that new development should conform to the scale of existing buildings in the area.
10. Although the site, by virtue of its openness, provides some visual relief from the surrounding built form, the car park itself makes no great contribution to its appearance. As noted above, there was development on the site at one time and the Council does not object in principle to residential development on it now. Neither do I. Any such development would be likely to have some impact on the site's current openness.
11. However, the footprint of the building proposed in the appeal scheme would cover most of the site. There would be gaps at ground level to the west and to the south (partly above basement amenity space) roughly opposite the access from Turnmill Street. Setbacks at higher levels (including the gap above ground level to the east) would add to a sense of space and distance from various perspectives, as would the large courtyard of the mews development to the north. Nevertheless, I share concern that, in this urban backland setting and taking account of the historic pattern of development, the building proposed would be insufficiently linear in form and occupy too great a proportion of the site. Viewed in conjunction with existing buildings, the

² Islington's Conservation Area Design Guidelines 2002

development would still appear too dense and cramped for this site, an effect compounded by its height.

12. Development in the immediate area is of varying heights. However, in terms of application of the requirement mentioned above, I consider that it is the mews to the north that is most relevant in this backland setting. The taller buildings to east and west relate to the streets that they front and, at the Hearing, the Council said that the building to the south was a refurbishment of one constructed in the 1970s that would not be permitted under current planning policy. I understand the point about the transitional role of the proposal in stepping down from taller structures and mediating between the surrounding levels. Nevertheless, I do consider that, in its context and read in conjunction with the mews, the building would not be sufficiently sympathetic in scale and would be unduly dominant, despite the softening effect of the curved profile of the roof on the north side and the various setbacks proposed.
13. Although the appellant says that the maximum height of the proposed roof would be some 1.3m higher than the top storey of the mews (and the parapets in line), I consider that the comparison has its limitations as the "top storey" comprises no more than a series of fairly small "pods" (or "access lobbies" to the roof terraces) that are set well back and have appreciable gaps between them. The building would be significantly higher than the main body of the mews.
14. I have no objection to the contemporary design of the building. Its articulation would help to break up the bulk and use of hard and soft landscaping (including green roofs) would add to visual amenity compared to the present car park. However, I do not consider that these features would outweigh the harm discussed previously, recognising that views from the street itself would be limited.
15. On balance, therefore, although the harm to its significance would be less than substantial³, I consider that the proposed development would have a materially harmful effect on the character and appearance of the Clerkenwell Green Conservation Area. It would not therefore preserve or enhance the character or appearance of the CA as a whole. As such, it would conflict with the objectives of CS Policies CS 8 and CS 9 and of DMP Policies DM2.1 and DM2.3 and of the CA Design Guidelines mentioned above.

Archaeology

16. The site also lies within the Clerkenwell Archaeological Priority Area and within the outer precinct of the priory of the Order of the Hospital of St John of Jerusalem (Clerkenwell Priory). The appellant submitted an archaeological desk-based assessment (DBA) carried out by Museum of London Archaeology. This looked at the potential for and significance of buried remains and the likely impact of the development. Its findings and recommendations have been reviewed by English Heritage (EH).
17. There is no dispute that the DBA should be supplemented by field evaluation on-site. There is, however, a difference of view on whether such an evaluation should take place before the proposed development could be approved (other things being equal) or whether it would suffice to proceed on the basis of a

³ Paragraph 134 of the Framework; weighed in the conclusions below

suitable condition requiring an evaluation before development began to determine any further investigation and mitigation that might be needed.

18. While the inner precinct of the priory may be considered of national or even international significance, it is not evident that this extends to the outer precinct on the basis of the information provided about archaeological investigations on other sites that lie within it. I acknowledge the EH view that the whole of the priory site should be regarded as a non-designated heritage asset of equivalent significance to a scheduled monument⁴ but I do not consider that the submitted information supports this approach in relation to the outer precinct.
19. In relation to the site itself, the DBA includes the assessment that both the potential for later mediaeval remains and their likely significance is high. However, it considers that in-situ preservation would not be warranted in view of subsequent development on the site (which included basement construction) and thus that a suitable programme of investigation before construction of the proposed scheme and its own basement would be sufficient to mitigate the effect on any surviving remains⁵. This seems a reasonable approach, bearing in mind existing evidence of the chronology and pattern of development in the outer precinct derived from archaeological investigations.
20. In light of the above, therefore, and taking account of discussion at the Hearing, I consider a field evaluation would not be "necessary"⁶ before determination of the appeal and that the imposition of a suitable condition would suffice in this case. This approach also appears to be consistent with that adopted in relation to other planning applications for development within the outer precinct.
21. I conclude that the proposed development would not have a materially harmful effect on heritage assets of archaeological interest. As such, I find no conflict with the objectives of LP Policy 7.8, CS Policy CS 9 or DMP Policy DM2.3.

Living conditions

22. The Council raised concerns about the effect of the proposal on the amenities of future residents in terms of outlook and daylight (and confirmed at the Hearing that this did not extend to enjoyment of sunlight).
23. As regards outlook, the windows of the basement rooms concerned would be surrounded by retaining walls of one or two storeys. However, they are bedrooms (office/study in one case) and, given their relationship with the proposed amenity spaces (which would have hard and soft landscaping), I do not consider that the effect would be unduly enclosing or overbearing, or the outlook of the rooms otherwise unacceptable, allowing for the existing buildings in the vicinity. Similarly, at ground-floor level, I do not consider that the outlook from living room windows would be unduly compromised, or feel unacceptably enclosed, by the presence of a wall (to the north) or buildings (to north and west), given the distances involved (with landscaping also proposed adjacent to flat 1).

⁴ Thereby engaging paragraph 139 of the Framework

⁵ Including potential remains preserved within the channel of the 'Little Torrent' watercourse

⁶ Paragraph 128 of the Framework and taking account of the advice in paragraph 141

24. Turning to daylight, the GVA report⁷ submitted with the application indicates that all the basement bedrooms would achieve average daylight factor (ADF) values well in excess of the 1% recommended for bedrooms in the BRE guidelines⁸. Having regard to discussion at the Hearing, I accept that ADF is the appropriate measure for new-build dwellings and that this approach and the values achieved address the concerns set out in the Council's statement (eg in relation to areas of glazing and the Vertical Sky Component (VSC)). In short, the amount of daylight would be adequate.
25. There were a number of representations about the effect of the proposals on neighbours' amenity, although I note that the Council itself did not object on this basis. The development would bring built form appreciably closer to the dwellings of existing residents and their communal courtyard. It would be plainly visible but, taking account of the distances involved and the size and nature of the courtyard, I do not consider that a building of the height and design proposed would damage outlook unacceptably. The GVA report found that the proposals would not have a material effect on the daylight and sunlight enjoyed by existing dwellings, on the basis of the BRE guidelines. As discussed at the Hearing, given the relative positions and orientations of the proposed building and the existing courtyard, and the height and design of the former, I do not consider that unacceptable loss of daylight or sunlight to the courtyard itself would arise. The Council's suggestion of obscure glazing and fixing shut a north-facing first-floor living room window⁹ would meet concerns about overlooking, bearing in mind the position of other windows in the proposed development.
26. On the above basis, therefore, I conclude that the proposed development would not have a materially harmful effect on the living conditions of future occupiers or neighbouring residents. As such, I find no conflict with the objectives of DMP Policies DM2.1 or DM3.4.

Other matters

27. The unilateral undertaking makes provision for financial contributions of £130,399 towards affordable housing in the Borough and of £7000 towards measures to reduce carbon dioxide emissions from the Borough's existing building stock. Contribution on the latter is required in the interests of sustainability in accordance with CS Policy CS10 and DMP Policy DM7.2 and the amount is in line with the methodology in the Council's *Environmental Design Supplementary Planning Document (SPD)*, adopted in 2012.
28. As regards the former, the Council's policy is to provide more affordable housing. In the case of a scheme of this size, CS Policy CS12 requires a financial contribution towards the provision of such housing off-site. This is elaborated in the Council's *Affordable Housing Small Sites Contributions SPD*, adopted in 2012. This document requires a sum of £60,000 per unit in relation to schemes in this part of the Borough. The appeal proposal would involve seven dwellings, producing a required contribution of £420,000. However, the SPD allows for submission of viability assessments to justify making less than the full contribution. In this case, such an assessment was submitted in support of the lower sum that is included in the undertaking. In the light of the

⁷ Daylight and Sunlight Report March 2013

⁸ *Site Layout Planning for Daylight and Sunlight* A guide to good practice (BRE: Second edition: 2011)

⁹ The room would also be served by another window (not facing north)

assessment, which the Council has accepted, I agree that this amount is justified.

29. The undertaking also makes suitable provision to ensure that the development would be car free, except in defined circumstances. This is justified in the circumstances of the site and in the interests of sustainability in accordance with CS Policy CS10 and DMP Policy DM8.2.
30. In the light of the above, I am satisfied that the undertaking meets the relevant policy and statutory tests. I therefore give it significant weight in this appeal.

Conclusions

31. Although I have found no harm, on the basis discussed above, in relation to archaeology or living conditions, I consider that this is outweighed by the harm in relation to character and appearance. The proposal would make more efficient use of an urban brownfield site and add to the Borough's housing stock through provision of seven sustainably designed dwellings in a sustainable location. However, while acknowledging the importance of these matters, I do not consider that they would outweigh the harm that I have found in this case. Similarly, while the harm to the significance of the CA itself would be less than substantial, this would not be outweighed by the benefits just outlined.
32. For the reasons given above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed.

Christopher Bowden

INSPECTOR

