

# PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE A</b>		<b>NON-EXEMPT</b>
<b>Date:</b>	18 July 2016	

Application number	P2016/0840/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Unlisted
Conservation area	Hillmarton
Development Plan Context	None
Licensing Implications	None
Site Address	Garages at Quemerford Road London N7 9SG
Proposal	Demolition of three existing garages and excavation works for the construction of a ground floor over basement two-bedroom residential dwelling with green roof and bin store at entrance level.

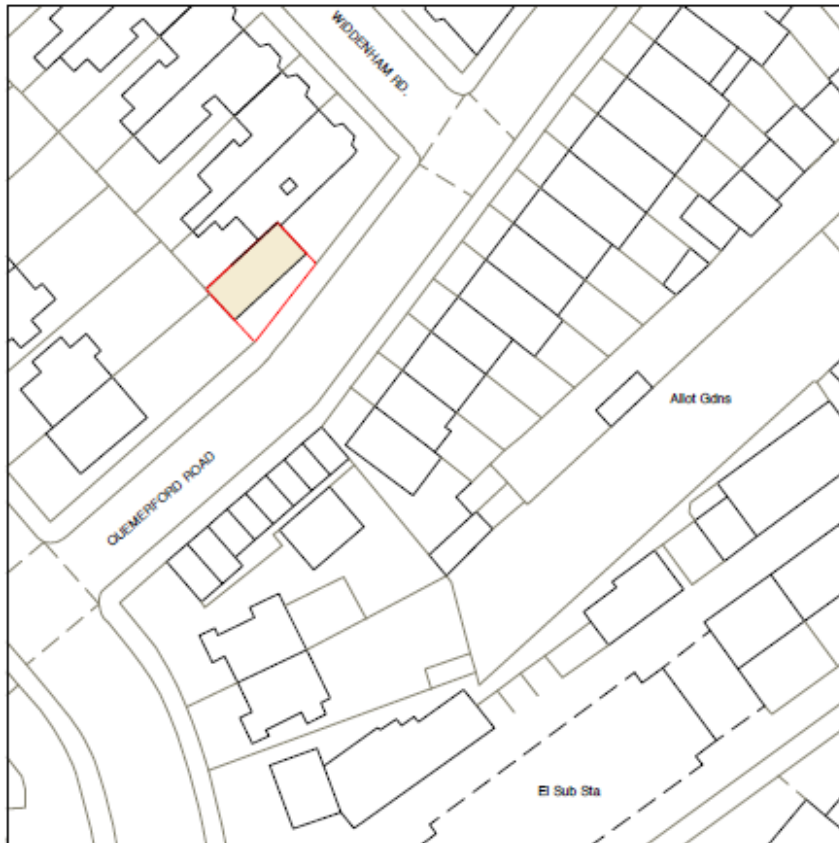
Case Officer	Pedro Rizo
Applicant	Mr John Rabbini
Agent	Gpad London Ltd

## 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 black)**



**3. PHOTOS OF SITE/STREET**



Image 1 - View of the existing garages from Quemerford Road



Image 2 – Quemerford Road’s street scene

#### **4. SUMMARY:**

- 4.1 The application seeks permission for the demolition of three single storey garages and the construction of a two-storey (basement and ground floor levels) two bedroom house. The existing pitched-roof profile of the garages, which has a maximum height of 3.69 and slopes down to 2.40 metres, would be replaced with a flat-roofed building that would measure 3.25 metres in height from ground floor level.
- 4.2 The main considerations are the impact of the development on the character and appearance of the site and its surrounding residential area, the impact on the residential amenity of neighbouring occupiers, the quality of residential accommodation and the acceptability of the proposed excavation works to enable the creation of a basement.
- 4.3 The development would have no significant harm on neighbouring amenity, by virtue that it would have no effects on the outlook and daylight/sunlight of adjoining properties. The development would be of an acceptable scale and would incorporate appropriate principles of design that would enhance the character and appearance of the street scene and the Hillmarton Conservation Area. Furthermore, the proposed dwelling house would provide acceptable residential accommodation in terms of floor area, outlook, access to sunlight/daylight and privacy.
- 4.4 The proposal is considered acceptable and broadly in accordance with the Development Plan policies.

#### **5. SITE AND SURROUNDINGS:**

- 5.1 The application site is formed by a single storey garage with three bays and lean-to, which are located on the northern side of Quemerford Road. The site abuts No. 150 Widdenham Road and adjoins the rear garden of No. 10 Stock Orchard Crescent. A

ground floor side conservatory has been built on the adjoining property No. 150 Widdenham Road, which abuts the north eastern section of the site.

- 5.2 The site is currently being used for residential storage.
- 5.3 The surrounding area is residential in character. Although the garages are not listed, these are positioned within the Hillmarton Conservation Area.

## **6. PROPOSAL (IN DETAIL):**

- 6.1 The application involves the demolition of the existing single storey garages and the construction of a ground floor over basement two-bedroom dwelling house, which would measure 11.745 metres in length x 5.060 metres depth. The existing pitched-roofs of the three garages, which measures 3.69 metres at ridge line and slopes down to 2.40 metres, would be replaced with a flat-roofed building that would have parapet walls with a maximum height of 3.25 metres.
- 6.2 The proposed house would be accessed by a timber door that would provide access to a front courtyard, which would contain a lightwell that would provide sunlight/daylight to the proposed habitable rooms at basement level.
- 6.3 The house would have a brick wall elevation when viewed from the Quemerford Road's street scene and would therefore read as a continuation of the existing side boundary treatment of adjoining properties at No. 150 Quemerford Road and No. 10 Stock Orchard Crescent.
- 6.4 The scheme involves excavation works to create a basement, which would have a maximum depth of 3.40 metres that would accommodate two double bedrooms with an internal ceiling height of 2.60 metres.
- 6.5 The proposed house would have 90 square metres in internal floor area and would provide 21 square metres of private amenity space. The scheme includes the installation of a green roof with a small roof light.

### **Revisions:**

- 6.6 Revised drawings were received on the 23<sup>rd</sup> June 2016 showing the following amendments:
- The footprint of the proposed basement extension was reduced by approximately 5.00 square metres.
  - The plans introduce soft landscaping at ground floor level in order to support the provision of mature planting to allow natural drainage.

## **7. RELEVANT HISTORY:**

### **Planning Applications:**

- 7.1 None.

### **Enforcement:**

7.2 None.

### **Pre-Application Advice:**

7.3 A pre-application (Council Ref. P2015/3612/MIN) for the “Replacement of the existing garages with a new two storey (ground floor over basement) two-bedroom house” was submitted on the 20<sup>th</sup> August 2015. A pre-application report was issued on the 14<sup>th</sup> October 2015.

## **8. CONSULTATION**

### **Public Consultation:**

8.1 Letters were sent to occupants of 22 adjoining and nearby properties at Stock Orchard Crescent, Quemerford Road and Widdenham Road on the 04<sup>th</sup> April 2016. On the 07<sup>th</sup> April 2016, a site notice was placed outside the site and the application was advertised in the Islington Gazette on the 07<sup>th</sup> April 2016. The public consultation of the application therefore expired on the 28<sup>th</sup> April 2016.

8.2 At the time of writing this report, a total of 6 letters of objection and 2 letters of support were received in response to the consultation. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

### **8.3 Objections:**

- (i) Proposed house would affect the privacy of neighbouring residents. [paragraphs 10.22, 10.23, 10.24 and 10.25].
- (ii) Proposed replacement of the garages with a new modern building would be out of character with the surrounding conservation area [paragraphs 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10 and 10.11].

### **8.4 Support:**

- (i) The proposed garages would improve the appearance of the area.
- (ii) The proposed contemporary design would enhance the character of the street.

### **Internal Consultees:**

#### **8.5 Design and Conservation Officer:**

The proposed demolition of the garages is considered acceptable in principle. The Council accepts that the garages have some historic value; however, their contribution to the conservation area is considered to be limited. The proposed design and massing of the proposed development is considered acceptable. The materials should be conditioned as well as the details of the new entrance doors and door to the refuse store along the boundary wall.

#### **8.6 Tree Preservation Officer:**

There are no trees on site and the four trees that are situated adjacent to the development would not be removed. Given that the trees directly adjacent to the development are of limited scale and amenity, these would not be considered a constraint for development.

## 8.7 Inclusive Design Officer:

Minor concerns raised over WC access door at basement level, which does not open outwards. However, given that the layout has been amended, the door would be acceptable as designed.

## 8.8 Sustainability Officer:

The amended plans show the reduction in extent of basement and the introduction of an unimpeded landscaped area that is capable of supporting mature planting and allowing natural drainage. The proposed development is therefore in principle compliant with the Basement Development Supplementary Planning Document, subject to conditions requiring landscaping and drainage details.

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

9.2 The Development Plan is comprised of the London Plan 2015 (consolidated with alterations since 2011), 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
- Standard of Proposed Residential Accommodation
- Impact on Amenity
- Sustainability
- Inclusive Design
- Refuse
- Transportation
- Trees
- Planning Obligations

### **Land Use**

10.2 The garages comprise an internal floor area of 59.45 square metres. The proposed development has been reviewed by policy officers, who advised that solely in terms of

land use principles, there is no objection for the construction of a residential dwelling on this location, by reason that the development does not involve the loss of B8 (storage and distribution) floor space and the development meets car free policies (CS10 of the Islington's Core Strategy and DM8.5 of the Islington's Development Management Policies (2013)).

- 10.3 The three domestic garages were originally built for off-street parking and are presently used for storage by the current owner of the land. Given that the site is used as private domestic storage and is not under B8 use class, the requirements of Policy DM5.2 of the Islington's Development Management Policies (2013) would not be applicable. The introduction of a residential dwelling house is therefore acceptable on this site.

### **Design and Conservation:**

- 10.4 The site is within the Hillmarton Conservation Area and is considered sensitive, by reason of its prominent position within the Quemerford Road's streetscape and its location within close proximity to two residential houses. Any form of development should therefore be carefully assessed, with reference to how any proposed building is integrated to neighbouring properties in terms of scale, massing and design, while respects the existing boundary treatment and the overall character and appearance of the streetscape and conservation area.
- 10.5 The Islington's Urban Design Guide aims for new buildings to consider the most important elements of the urban context. In this instance, any replacement of the existing garages and the construction of an individual building should respect the integrity of terrace houses along Widdenham Road and semi-detached houses along Stock Orchard Crescent, by properly integrating to the street frontage of this side of Quemerford Road and its visual relationship with neighbouring residential properties.
- 10.6 The proposed scheme involves the demolition of the existing three garages and the construction of a single family dwelling house. The development includes excavation of the site in order to create a basement level. Although the new dwelling will be located at lower ground and ground floor level, it would read as a single storey structure when viewed from the street. The proposed boundary treatment would continue the language of the traditional brick walls of the site and would therefore appear appropriate, in that the front of the building would remain visually related to neighbouring properties at both sides of the site and would not result in a substantial alteration to the front boundary treatment, when viewed from the public realm.
- 10.7 Given the acceptable height and the fact that the proposed house would have a distance at ground floor level from the front boundary wall of 3.20 metres, the design approach is considered to remain subservient to the adjoining properties at Stock Orchard Crescent and Widdenham Road. The visual gap between No. 10 Stock Orchard Crescent and No. 150 Widdenham Road would be maintained and therefore the development would have minimal visual impact on the conservation area. The development would therefore be consistent with the Hillmarton's Conservation Area Design Guidelines, which mentions how *"the gaps between detached, semi-detached and groups of villas afford pleasant views of trees and rear gardens and contribute to the spacious appearance of the area"*.
- 10.8 The proposal involves the replacement of the existing pitched roofs (maximum height of 3.69 metres) with a flat-roofed structure that would measure 3.49 metres in height. Given that the proposed flat roof would not be higher than the existing ridge line of the 'saw-tooth' profile of the existing roofs, the proposed building would not be seen as a visually dominating structure when viewed from public and private vantage points.

- 10.9 Concerns have been raised regarding the loss of the historic garages. However, the existing structure is not statutory listed and the existing garages have limited architectural merit. The Conservation and Design Officer therefore does not object to their demolition.
- 10.10 The refuse store and bicycle storey would be located in concealed positions and would therefore not detract from the street scene. Notwithstanding the approved drawings, a condition requiring details of the proposed entrance door and refuse store shutters is recommended, in order to ensure that these features are appropriate in terms of design and materials.
- 10.11 Overall, it is considered that the character and appearance of the surrounding Hillmarton Conservation Area would be preserved. The proposal is also considered to accord with policies CS8 and CS9 of the Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington's Development Management Policies (2013) and the guidance contained within the Conservation Area Design Guidelines and the Islington Urban Design Guide.

**Standard of Residential Accommodation:**

- 10.12 Tables 3.2 and 3.3 of policy DM3.4 of the Islington's DMP provide the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected for the proposed house, which would accommodate two double bedrooms. The table below sets out the expected spatial standards that should be met for this type of residential dwelling:

<b>No. Bedrooms/ Expected Occupancy</b>	<b>Habitable Floor Space Provided</b>	<b>Minimum Required Floor Space</b>	<b>Provided Storage</b>	<b>Required Storage</b>
two double bedrooms (four people)	Approx. 87 m <sup>2</sup>	83.00 m <sup>2</sup>	Approx. 5.0 m <sup>2</sup>	3.0 m <sup>2</sup>

<b>Bedrooms:</b>	<b>Floor Space Provided</b>	<b>Minimum Required Floor Space</b>
Double Bedroom 1	Approx 12.50 m <sup>2</sup>	12.00 m <sup>2</sup>
Double Bedroom 2	Approx 13.90 m <sup>2</sup>	12.00 m <sup>2</sup>

- 10.13 The proposed house would be east facing and single aspect. Whilst single aspect, it is considered that the constraints of the site restrict the ability for providing a dual aspect development. An east facing development would therefore be acceptable in this instance, considering the site constraints and the acceptable size of the front courtyard at ground floor level.
- 10.14 The proposed double bedrooms meet the minimum spatial requirements, in that these exceed 12.00 square metres. Although initial concerns were raised over with reference to the limited outlook provided at basement level, the bedrooms would overlook a courtyard that would have 3.50 metres x a maximum depth of 2.60 metres and would have sufficient daylight and outlook and would not feel enclosed.
- 10.15 In terms of internal floor to ceiling height, the proposed bedrooms at lower ground floor level would have 2.60 metres and would therefore be acceptable. Whilst the internal floor to ceiling height at ground floor level would be 2.50 metres and would fail to achieve the recommended height of 2.60 metres under policy CS9 of the Islington's Core Strategy (2011), the 10 centimetres shortage would be considered acceptable in this case, by



reason of the constraints of the site and the considerable glazing that is proposed, which would face eastwards, towards the front courtyard.

- 10.16 The scheme would incorporate a roof light and large glazing area, in order to maximise daylight and sunlight levels to the new residential accommodation at ground floor and lower ground floor levels. The proposed bedrooms at lower ground floor would have corner windows that would provide glazed areas of 5.05 square metres for bedroom 1 and 1.30 square metres for bedroom 2. The applicant has confirmed that the proposed bedrooms at basement levels would meet the Average Daylight Factor (ADF) target level of 1 percent for bedrooms (as recommended in BS8206-2). Additionally, the ADF target level for the ground floor habitable space would be higher, as the proposed east facing glazing would have 13.20 square metres in area and the living area would have an additional roof light (1.45 square metres). The proposal therefore exceeds the 1.5% ADF target value for living area, as confirmed by the applicant on the 5<sup>th</sup> July 2016.
- 10.17 In terms of external amenity space, policy DM3.5 of the Islington's Development Management Policies (2013) details how all new residential development should provide good quality private outdoor space, in accordance with the minimum required figures. In this case, the minimum requirement for a ground floor residential unit (over basement) is 25 square metres (15 square metres on ground floor and additional 5 square metres per additional occupant). The house would provide 13 square metres of external amenity space at ground floor and an additional external area of 8.0 square metres at lower ground floor. Although the provision of a total of 21.00 square metres of outdoor amenity space would fall short by 4 square metres, the site is positioned within walking distance to the public spaces of Paradise Park. As such, the failure to meet the requirements of policy DM3.5 of the Islington's DMP (2013) by a marginal floor area of 4.0 square metres, would not warrant a reason of refusal in this instance.
- 10.18 Due to the above considerations, the proposed house would provide acceptable and adequate living accommodation, in compliance with policies DM2.1 and DM3.4 of the Islington's DMP (2013).

**Impact on Amenity:**

- 10.19 The site adjoins the rear gardens of No. 9 and No. 10 Stock Orchard Crescent to the south and abuts the flank wall of No. 150 - 152 Widdenham Road to the northwest. Any impact on residential amenity should therefore be assessed against these two neighbouring properties with the following considerations:

**150 - 152 Widdenham Road:**

- 10.20 No. 150 Widdenham Road has been extended with a single storey side/rear conservatory extension that has a mono-pitched roof with a maximum height of approximately 3.50 metres that slopes down to 3.00 metres. The existing conservatory extension at No. 150 Widdenham Road abuts the rear wall on the north western boundary of the site. Given that the proposed building would have a flat roof that would measure 3.25 metres in height when measured from ground floor level, the development would not exceed the maximum height of the existing conservatory extension and would therefore respect the outlook and sunlight/daylight provided to the rear and side windows at No. 150 Widdenham Road.
- 10.21 The proposed building would largely follow the footprint and height of the existing garages. The 'saw tooth' pitched roof profile of the existing garages has a maximum height of 3.69 metres and slopes down to 2.40 metres. Whilst the proposed flat roof would measure 3.25 metres in height and the 'saw-tooth' element of the existing garages

would be partially in-filled, the proposed house would largely follow the massing of the existing garages and would therefore have no harmful impact on the rear and side views of No. 150 Widdenham Road.

- 10.22 The proposed windows would be positioned towards the east side of the property and would not face the rear garden of No. 150 Widdenham Road. Due to these considerations, the proposed development would not include windows that overlook No. 150 Widdenham Road. The neighbouring residents of this adjoining property therefore support the application and have raised no concerns in terms of harmful impact on loss of privacy, loss of sunlight/daylight or loss of outlook.

#### 9 and 10 Stock Orchard Crescent

- 10.23 The proposed house would have a setback of 15.40 metres from the rear elevations at No. 9 and No. 10 Orchard Crescent. Although the proposed house fails to achieve the recommended separation of 18 metres under policy DM2.1 of the Islington's Development Management Policies (2013), the proposed building would have an acceptable height of 3.25 metres and would only result of a partial infill of the existing 'saw tooth' pitched roof profile of the garages, with an additional height of 85 centimetres if measured from the eaves of the existing structure. Due to the acceptable separation from the rear elevations of properties at Orchard Crescent and the modest height of the proposed building, the development would not create a 'canyon effect' or sense of enclosure on No. 9 and No. 10 Stock Orchard Crescent and would have no impact on the daylight/sunlight and outlook provided to the rear windows of these two semi-detached properties.
- 10.24 The proposed development would not include side windows to the south side of the site towards the rear gardens of No. 9 and No. 10 Stock Orchard Crescent. In the absence of windows overlooking these neighbouring properties, the proposed development would have no ability to overlook the rear garden and windows of these properties.
- 10.25 In the absence of harm on the residential amenities of residents at No. 9 and No. 10 Stock Orchard Crescent, the concerns raised by neighbouring residents on these properties refer to the design and impact on the character of the conservation area, but raise no objections with reference to harm on amenity.
- 10.26 Given the fact that the principle of residential use is well established within the immediate setting and the low intensity use of the site for a two bedroom residential dwelling, the proposed development would not create unreasonable disturbance to the residents of neighbouring properties. The proposal is therefore considered to accord with policy DM2.1 of the Islington's Development Management Policies (2013), which requires all forms of development to provide good level of amenity including considerations of noise, overshadowing, overlooking, privacy, directly sunlight and daylight, over-dominance, sense of enclosure and outlook.

#### **Sustainability:**

- 10.27 The site is not within a Local Flood Risk Zone and the proposed basement extension would measure 3.40 metres in depth. The development is reviewed against the Basement Development Supplementary Planning Document (January 2016), which advises that for infill residential development, the scale and extent of basement development within a site should respond to the site context and the prevailing scale of development in the area. Basements should be proportionate, subordinate to the above ground building element and reflect the character of the surrounds.

10.28 The scheme was amended on the 23<sup>rd</sup> June 2016 and the proposed basement has been reduced in floor area by 5.00 square metres, in order to provide soft landscaping for the provision of natural drainage at ground floor level. Given that the existing garages provide no area for soft landscaping and the proposed scheme would introduce a landscaped area and a green roof that would aim to maximise the creation of habitats for biodiversity within the site and environmental quality of the building, the Council's Sustainability Officer supports the application and advised that *"the introduction of an unimpeded landscaped area that is capable of supporting mature planting in order to allow natural drainage would be supported."*

10.29 However, whilst the proposal is in principle acceptable, a further condition is recommended requiring the submission of a Sustainable Design and Construction Statement, in order to achieve that the proposed house achieves the best practice sustainability standards with reference to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwelling will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2015 and not exceed water use targets of 110L/person/day.

### **Inclusive Design:**

10.30 Since the application was submitted, the lifetime homes standard has been revoked and replaced with National Standards for Housing Design, set out within Building Regulations.

10.31 On 1<sup>st</sup> October 2015, a new National Standard for Housing Design was introduced, as an enhancement to 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 25<sup>th</sup> March 2015.
- Deregulation Bill (amendments to Building Act 1984) to enable 'optional requirements'
- Deregulation Bill received Royal Assent 26<sup>th</sup> March 2015.

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

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

10.34 It is only permitted to require (by Condition) that housing be built to Category 2 or 3 if evidence is found of such local need for 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.

10.35 The Inclusive Design Officer advised that the proposed house should incorporate the following:

- Step free access at ground floor level;

- Accessible and entrance level WC;
- The provision of an accessible courtyard at ground floor level
- The provision of stairs that meet the minimum clear width of 850mm.
- The provision of a minimum of 750 mm clear access route from the doorway on every bedroom.

10.36 The above requirements are met and have been confirmed by the applicant in writing. The proposed development would therefore aim to provide adequate and inclusive residential accommodation, in line with policies DM2.1 and DM2.2 of the Islington's Development Management Policies (2013).

**Refuse:**

10.37 The details for refuse and recycle store are considered adequate in terms of position and size. Although concerns have been raised over the design and appearance of the proposed entrance door and roller shutters, a condition is recommended requiring further details of these two external features, in order to ensure that the design of the bin stores is adequate and is not seen as an obtrusive feature along the street scene.

10.38 However, the proposed development would have proper regard to bin storage and given that its position is in principle acceptable with direct access to the pavement, the scheme raises no concerns with reference to bin and recycle stores.

**Trees:**

10.39 The application includes the submission an arboricultural report, which has been reviewed by the Council's Tree Officer. The proposed development would have no impact on the existing tree along the footpath, by virtue of a considerable distance. Given that the existing trees on adjoining properties have limited scale, these would not represent a constraint for development. The Tree Officer therefore advised that the scheme would be acceptable and any impact on trees should not be seen as a reason for refusal.

**Transportation:**

10.40 The proposed residential scheme would be car free. Although the existing garages were originally built for parking, these are presently used for storage and the development does not represent the loss of off street parking on site. The demolition of the garages is therefore supported by policy officers, by virtue that the development does not conflict with car-free policies CS10 of the Islington's Core Strategy and policy DM8.5 of the Development Management Policies (2013), which expects all forms of development to be 'car free'.

10.41 The provision of two cycle parking spaces for the two bedroom house is considered acceptable and consistent with Policy DM8.4 of the Islington's Development Management Policies (2013), which requires one cycle space provision per bedroom. The proposed cycle spaces would be well designed and properly sheltered and integrated to the dwelling house, located at entrance level.

**Planning Obligations:**

10.42 The Core Strategy Policy CS12 'Meeting the Housing Challenge' requires all sites capable of delivering 10 or more units gross to provide affordable homes on site. Schemes below this threshold will be required to provide financial contribution towards

affordable housing provision elsewhere in the borough. The SPD 'Affordable Housing Small Sites' states that line with the evidence base.

10.43 In addition, the Environmental Design Planning Guidance Supplementary Planning Document (SPD) and Islington's Core Strategy Policy CS10 require minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type is £1,500.00 per house.

10.44 The applicant has therefore agreed to pay the full affordable housing and small sites contribution of £50,000. The applicant has also agreed to pay the environmental off-set contribution of £1,500.00.

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

## **11. Other Matters:**

11.1 A letter of objection advises that the existing garages were constructed at the same time as the existing houses at Widdenham Road and therefore the existing roofline mimics the existing rooflines at Widdenham Road. However, the visual relationship between the existing garages and the terrace properties at Widdenham Road has been reviewed by the Design and Conservation Officer. The existing garages are not part of the Widdenham Road's street scene and the proposed continuation of the brick boundary wall is considered visually acceptable. Although the proposed entrance door and roller shutters are considered inappropriate, a condition is recommended, advising that notwithstanding approved drawings, further details of the entrance door and roller shutters shall be approved by the Local Planning Authority prior the commencement of building works.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 The application seeks permission for the erection of a ground floor over basement dwelling house, which would replace three single storey garages. The principle of residential development on this land is considered acceptable and the proposed building, by virtue of limited height and massing would not detract from the character and appearance of the Hillmarton Conservation Area.

11.2 The impact on neighbours has been assessed and it is considered that the development would not harm the residential or visual amenities of neighbouring properties in terms of loss of sunlight/daylight, overlooking or overbearing sense of enclosure. The internal layout and spatial standards of the proposed residential dwelling meet the policy standards and would provide adequate outdoor amenity space, in accordance with the Council's objectives and planning policies.

11.3 The proposed basement would not represent the loss of soft landscaping in the site and would meet the guidelines under the Supplementary Planning Document SPD for basement extensions (adopted January 2016), in that the basement would not alter any perceived garden area on the site and would enhance the biodiversity value of the site by incorporating a green roof.

11.4 Whilst neighbouring residents have objected on the basis of harm on residential amenity and harm on the visual appearance of the site and surrounding Hillmarton Conservation Area, the scheme is acceptable under design, massing, scale and position grounds. The proposal is therefore considered in accordance with the Development Plan Policies.

## **12. CONCLUSION**

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

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A:

That the grant of 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:

- £50,000.00 contribution towards affordable housing within the Borough.
- £1,500.00 contributions 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 A

subject to **conditions** to secure the following:

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>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: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved documents and plans:</p> <p>Sustainable Design and Construction Statement dated 23rd February 2015, Structural Method Statement (Project No. 7376), Planning Document (dated March 2016), Arboricultural Impact Assessment Report dated 22nd February 2016 and Drawing Numbers 509-EX.01, 509-EX.02 (Rev. P1), 509-EX.03 (Rev. P1), 509-EX.04 (Rev. P1)509-EX.05 (Rev. P1),509-EX.06 (Rev. P1), 509-EX.07 (Rev. P1), 09-PA.01 (Rev. A), 09-PA.02 (Rev. A), 09-PA.03 (Rev. P1), 09-PA.04 (Rev. P1), 09-PA.05 (Rev. A), 09-PA.06 (Rev. P1) and 09-PA.07 (Rev. A).</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>
<b>3</b>	<p><b>Materials to Match (Details):</b></p> <p>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) details of new entrance door and refuse store within the boundary wall (Note: the materials of the entrance door and refuse store doors should be sympathetic to the surrounding conservation area and the use of aluminium doors and solid metal shutters is not considered appropriate)</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>4</b>	<p><b>Sustainable Design and Construction (Details)</b></p> <p>A Sustainable Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwelling hereby approved achieves best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwelling 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>
<b>5</b>	<p><b>Green Biodiversity Roof (Details)</b></p> <p>Details of the biodiversity (green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof 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 509-PA.03 (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 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</p>



	<p>essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof 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>Inclusive Design (Details)</b>
	<p>Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit 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>
<b>7</b>	<b>Structural Method Statement (Details)</b>
	<p>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 buildings.</p>
<b>8</b>	<b>Construction Method Plan (Details)</b>
	<p>No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> <li>a) identification of construction vehicle routes</li> <li>b) how construction related traffic would turn into and exit the site (including appropriate traffic management)</li> <li>c) the method of demolition and removal of material from the site</li> <li>d) the parking of vehicles of site operatives and visitors</li> <li>e) loading and unloading of plant and materials</li> <li>f) storage of plant and materials used in constructing the development</li> </ul>

	<p>g) the erection and maintenance of security hoarding  h) wheel washing facilities where applicable  i) measures to control the emission of dust and dirt during construction a  scheme for recycling/disposing of waste resulting from demolition and  j) construction works</p> <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>
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**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. 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>
<b>2</b>	<b>S106 Agreement</b>
	<p>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.</p>
<b>3</b>	<b>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>Definitions (Superstructure and Practical Completion)</b>
	<p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>5</b>	<b>Working Hours of Development</b>
	<p>The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am - 5:00pm on Mondays to Fridays  9:00am - 1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>
<b>6</b>	<b>Thames Water</b>
	<p>Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Furthermore, it is recommended, in line with best practice for the disposal of fats, oils and grease, the collection of waste by an oil contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.</p> <p>Thames Water would recommend that petrol / oil interceptors be fitted in all car-parking / washing / repair facilities. Failure to do enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</p> <p>A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution.</p>
<b>7</b>	<b>Car-Free Development</b>
	<p>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>
<b>8</b>	<b>Excavation</b>
	<p>The applicant is advised to consider the construction impacts of the proposed excavation of a considerable basement in close proximity to neighbouring residential properties and refer to LBI's Code of Construction Practice, BS5228:2009, the GLA's SPG on control of dust and emissions during</p>

	construction and demolition.
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## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

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

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 5.3 Sustainable Design and Construction
- Policy 5.18 Construction, excavation and demolition waste
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.19 Biodiversity and Access to Nature
- Policy 7.21 Trees and Woodlands

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

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

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

- DM2.1 Design
- DM2.2 Inclusive Design
- DM2.3 Heritage
- DM3.5 Private outdoor space
- DM6.5 Landscaping, trees and biodiversity
- DM7.1 Sustainable design and construction statement
- DM7.4 Sustainable design standards
- DM9.2 Planning Obligations

### **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: Hillmarton Conservation Area

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines - Hillmarton
- Urban Design Guide
- Basement Development