

Appeal Decisions

Inquiry held on 21-24 February 2017

Site visit made on 24 February 2017

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/V5570/W/16/3151534 (Appeal A)
Chadwell Street Car Park, Chadwell Street, London EC1R 1XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Petchey Islington Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/2406/FUL, dated 11 June 2015, was refused by notice dated 4 December 2015.
 - The development proposed is redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements.
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Appeal Ref: APP/V5570/Y/16/3151535 (Appeal B)
Chadwell Street Car Park, Chadwell Street, London EC1R 1XD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Petchey Islington Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/2398/LBC, dated 11 June 2015, was refused by notice dated 4 December 2015.
 - The works proposed are removal of front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements at Chadwell Street Car Park, Chadwell Street, London EC1R 1XD in accordance with the terms of the application Ref P2015/2406/FUL, dated 11 June 2015, subject to the conditions set out in the attached Schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for removal of front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars at Chadwell Street Car Park, Chadwell Street, London EC1R 1XD in accordance with the terms of the application Ref P2015/2398/LBC, dated 11
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June 2015, and the plans submitted with it subject to the conditions set out in the attached Schedule.

Procedural Matters

3. At the inquiry the appellant submitted a unilateral undertaking containing planning obligations pursuant to section 106 of the Act.
4. Appeals against refusals of planning permission and listed building consent for a similar scheme were dismissed on 21 February 2014 (appeal refs APP/V5570/A/13/2199042 and APP/V5570/E/13/2199043). These decisions and the Inspector's reasoning were referred to extensively in evidence and at the inquiry and form an important material consideration in relation to the current appeals.

Main Issue

5. Against this background the main issue is the effect the proposal would have on the significance of designated heritage assets comprising listed buildings and the New River Conservation Area.

Reasons

6. As identified by the previous Inspector, the site lies on the south side of Chadwell Street. It is enclosed to the north by Nos 6-11 Chadwell Street. This terrace dates from 1828-1829 and, along with the attached railings, is a Grade II listed building. To the west, the site is bounded by a terrace of houses that front Myddleton Square, Nos 12A to G, 12 to 30 (consecutive) and the attached railings, which date from 1824-1827 and together make up a Grade II listed building. To the south-east of the site is Arlington House, a relatively modern block of flats fronting Arlington Way.
7. All of the above lie within the New River Conservation Area, which encompasses a wide area south of Pentonville Road including Myddleton Square, Great Percy Street and Lloyd Baker Street. This Conservation Area has outstanding architectural and historic significance by virtue of its high quality late-Georgian and early-Victorian residential development, containing one of the few true circuses in London and some of its finest squares and terraces.
8. The site originally formed the rear gardens of terraced houses to the west, fronting Myddleton Square, and to the north, fronting Chadwell Street. There was a single-storey gate or carriage house adjacent to no. 11 Chadwell Street. Sometime between 1966 and 1981 this building was removed, the rear gardens shortened and new boundary walls erected, in order to allow the site to be used as a car park.
9. At the previous inquiry the contribution that the appeal site, in its open state, makes to the Conservation Area and the setting of the listed buildings that bound it appears to have been at issue. The Inspector noted that, as it stands, it is relatively easy to appreciate that the site must once have been subdivided to form part of the rear gardens of the surrounding terraces and, in that sense, it has some resonance as a vestige of the historical layout. Against that, the site has been divorced from the terraces it once served and there seems to be no realistic prospect of reunion. That divorce involved some rather unfortunate boundary treatments. Public views into the site may be limited but, nonetheless, it has the air of a derelict, leftover space, bereft of discernible

function. The Inspector concluded that, in that sense, it has a harmful impact on the character and appearance of the Conservation Area and the setting of the adjacent listed buildings. Such an assessment of the current position is now accepted by the Council, and I have no reason to take a different view.

10. Going further, the Inspector stated that he saw no reason, in principle, why redevelopment of the appeal site would necessarily cause harm to the designated heritage assets affected and that there does appear to be the potential for redevelopment to bring a degree of enhancement. Consistent with this, the Council and other parties at the inquiry agreed with the general acceptability of a residential development on the site.
11. The current proposal retains a similar layout to that of the previous scheme. This comprises Unit 1 of basement and 2 upper floors located on the street frontage adjacent to no. 11 Chadwell Street; Unit 7 in the central part of the site with accommodation only at basement level; and Units 2-6 in a stepped arrangement across the wider rear part of the site and also with basement and 2 upper floors.
12. The previous Inspector found Unit 1 as then proposed to be a positive aspect of the scheme, addressing the street frontage in a manner reminiscent of the gate or carriage house that once stood in a similar position, and mirroring the garage, traditional in appearance, that has been inserted on the opposite side of the street. While clearly contemporary, this unit would reflect the width of the terraced houses alongside and form a respectful relationship with them. In the current scheme the design of the unit is agreed by the Council to have been improved by way of the incorporation of more contextual elements. This new dwelling would be an enhancement on the existing position in townscape and heritage terms.
13. The Inspector identified no harm that would result from Unit 7. The Council advances no case that any would arise from the currently proposed similar unit, other than with respect to concern about the scale of basement excavation across the site in relation to its second reason for refusal of the planning application (Appeal A), which I deal with later.
14. The Inspector's finding of harm on the previous scheme was directed at Units 2-6, which are also specifically referred to in the Council's first reason for refusal of the Appeal A application. The wording in the Inspector's paragraphs 23-25 was closely scrutinised at the inquiry. In paragraph 23 he identified the treatment of the dwellings proposed in the body of the site as an area of concern. He commented that, where similar sites have been developed in the Conservation Area, notwithstanding the contemporary approach to design, the layout of the dwellings, in plan and elevation, has a distinct discipline that reflects strongly, and therefore relates well, to the form of adjoining terraces.
15. In paragraph 24 he accepted that the shape of this site makes such an approach more of a challenge and appreciated the policy requirement to make best use of the facility the site offers. While also noting that there is policy support for innovative and contemporary designs, he stated that all that must be balanced against the need to pay proper respect to context. The national and development plan policy position remains unchanged in these respects and, appropriately, the approach set out is agreed as common ground between the main parties.

16. Paragraph 25 reads as follows:

"It appears to me that in seeking to maximise site coverage the block housing Units 2-6 has too closely followed the profile of the site. This has led to a relatively complex plan-form, lacking the discipline evident in the adjoining terraces. The translation of that plan form into three dimensions has resulted in a building that would lack discipline in its form, with various angles and shapes that would appear highly incongruous against the much more rigid architectural treatment of the adjoining terraces."

17. In paragraph 26, describing Units 2-6 as an "alien presence", the Inspector concluded that the proposal viewed in its entirety would cause a degree of harm not only to the special architectural and historic interest of the listed building affected, but also to both the character and appearance of the Conservation Area and the setting of adjacent listed buildings.
18. In essence, the present dispute on this point between the main parties is one of whether the new scheme has achieved an appropriate degree of architectural discipline, as represented by the qualities of regularity and order in the design and how this relates to the surrounding context.
19. The current proposal continues with a relatively complex plan form for Units 2-6 which reflects the profile of the rear part of the site. In this respect it is only marginally different from the previous proposal, with a very similar site coverage. However, it has a stepped form which is dominated by right angles to both front and rear, omitting the central curved element that was a feature of the earlier scheme. Such angles are consistent with the geometry in the footprints of the neighbouring listed terraces. While concerned about the degree of stagger in the building line, the Council accepts that the inclusion of some stepping in itself would not preclude the achievement of appropriate discipline in the layout. In this respect it can be noted that the rears of the listed terraces feature projecting elements rather than being flat facades. Furthermore, the appellant's plot division analysis indicates that the proposal gives rise to a plot arrangement that is in keeping with the townscape grain of the surrounding locality.
20. As identified by the previous Inspector, of importance is the three dimensional form of the building. In this respect the current proposal differs significantly from the earlier scheme, which included pitched as well as flat roofs and a central rendered curved bay element reflecting that aspect of the footprint. The form now is a regular rectangular one with entirely flat roofs and repeating right angles, giving a relatively uniform module character which is reasonably in keeping with that of the listed buildings. This consistency would not be negated by the inclusion of single storey wings at the ends of the block, with lower protrusions of varied sizes existing on the rears of the listed terraces. In addition, the detailed architectural treatment of the proposal would also be reflective of the listed buildings. While there would be some mix of window openings and orientations, and the inclusion of blind windows, there would be a degree of order from the pairing of these, and similarly in part of the doors. The materials comprising stock brick with stuccoed highlights would also be in keeping with the neighbouring buildings.
21. Having regard to all these points, Units 2-6 as now proposed would not appear incongruous or alien within the context. Elements in the previous Inspector's assessment can reasonably be interpreted as a concern about the implications

of the proposed site coverage. In this respect the current proposal is largely unchanged. However, what is important is whether it successfully overcomes the harmful impact of the previous proposal, rather than the extent of development in itself, in particular given the agreed policy imperative to maximise the amount of this albeit subject to the caveats expressed by the Inspector. In this regard I consider that the current design of Units 2-6 has achieved an acceptable balance.

22. The Council's second reason for refusal of the planning application did not form part of its original decision but was introduced following the adoption of its Basement Development Supplementary Planning Document (SPD) on 14 January 2016. The extent of basements within the proposal is essentially the same as the previous scheme. According to the Inspector, given that the terraces bounding the site have basements, he saw nothing in the inclusion of basements in the scheme proposed that creates difficulty in design terms. There has been no change in the development plan policies relevant to basement development that the SPD relies upon. According to the SPD (paragraph 7.1.12), for infill residential development the scale and extent of basement 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 its surrounds. Such a contextual assessment was made by the previous Inspector, and I have no reason to reach a different conclusion.
23. There is a debate about the proportion of basement coverage within the scheme in the context of the indication given in the SPD that basements should not significantly exceed the footprint of above ground buildings in infill developments. The scheme includes lower ground lightwells and gardens in addition to true basements, with the latter at around 111% of the ground floor footprints. Regardless of whether the former should also properly be included within the ratio calculation, the appellant puts forward a persuasive case that the siting of these areas of excavation in relation to the proposed buildings is in keeping with the neighbouring Georgian terraces and their form of construction.
24. The extent of site coverage and of basement and lowered ground level areas within the scheme does limit the opportunity for new soft landscaping. Most of this would be of a marginal ornamental type or within raised planters. New trees would be of a maximum height of 4-4.5m, and a need for future management including watering at times of drought is accepted by the appellant. The scheme would thus not replicate an open garden setting with mature planting that might be associated with use of the site for its former purpose. However, in the context of the agreed acceptability in principle of development of the site for residential purposes, the Council appears to favour a 'mews style' development, as suggested by the Islington Urban Design Guidance SPD 2017 for infill sites and illustrated by the nearby schemes at Ingle Mews and River Street which appear generally to be regarded as good examples of such development. In such a residential setting a dominance of hard rather than soft landscaping would typically be expected. The appeal scheme does include all green roofs, which would provide landscape and ecological benefits. The site presently contains only one poor quality tree which is not of a condition that warrants retention. By comparison the proposal would amount to an enhancement. Overall the landscape content of the scheme would not result in heritage harm.

25. In the context of local concerns about the potential impact that excavation might have on the structural stability of adjoining properties, the previous Inspector drew attention to the appellant's evidence that the development, if carefully controlled, need cause no great difficulty in this regard. That remains the case, and the approach of implementation in accordance with an approved method statement would be consistent with the Basements SPD.
26. The Council properly accepts that a generalised concern about basement development in the Borough, although a factor underlying the preparation of the SPD, should not be a reason to reject a proposal that is otherwise acceptable. While the SPD is a material consideration, I find that its adoption does not provide grounds that warrant resisting the current scheme.
27. I note above the common ground position that the site in its present condition has a harmful impact on the character and appearance of the Conservation Area and the setting of the adjacent listed buildings, and that a residential development of the site is acceptable in principle. I find that the proposed scheme the subject of Appeal A appropriately respects the context of the site, and that there would be elements of enhancement.
28. Appeal B relates to removal of part of the wall connected to 30 Myddleton Square. This wall has been altered over time but contains historic fabric, and marks the original street boundary. Its loss in isolation would be harmful in heritage terms, but it is proposed to be replaced in a sympathetic manner that is also consistent with an approved scheme for rebuilding the adjoining section of wall. There is no dispute that listed building consent should be granted for the proposed works of removal were Appeal A to be allowed. This would nevertheless involve an element of heritage harm by way of loss of original fabric.

Balance

29. Applying the terminology of the National Planning Policy Framework, the previous Inspector concluded that the harm he found would be caused by the proposals before him would in all cases be less than substantial. In such a situation the Framework requires that the less than substantial harm be weighed against public benefits.
30. He went on to identify the benefits as being, in the context of the aims of national and development plan policy to secure more housing, the provision of 7 open-market houses of a size in short supply, together with a financial contribution of £420,000 towards the provision of affordable housing off-site. He described these as considerable public benefits. However, he went on to conclude that the public benefits were not sufficient to outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets affected. He added that he reached that conclusion largely because it seemed to him to be entirely possible for a scheme to be brought forward that secured much the same benefits without causing the same degree of harm.
31. The Council draws support from this statement for its argument that it is necessary for the amount of development to be reduced from the previous proposal to achieve an acceptable scheme. However, that does not necessarily follow, and the Inspector's conclusion was plainly reached without knowledge of

the current scheme. As the appellant notes, the Inspector did indicate that a scheme causing a lesser degree of harm could be judged to be acceptable.

32. In assessing the current scheme my only finding of material harm to the significance of heritage assets is the direct effect of loss of part of the existing wall. In overall terms the net effect of the proposal would not be harmful to heritage assets. Examining the element of harm in isolation, and giving this considerable importance and weight as required by the legislation, I find that it is outweighed by the specific benefit of the townscape improvement of Unit 1 on the street frontage together with the gains of using the site for a housing development. This applies even with the lesser weight that the Council argues should be given to the scheme's family housing provision on the basis of evidence on housing mix supply and demand in the Borough.
33. The proposal complies with the requirements of the development plan relating to design quality, respect for context and safeguarding of heritage as set out in particular in policies CS 5 and CS 9 of Islington's Core Strategy 2011 and DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies 2013. Policy DM6.5 on landscaping is also complied with.

Obligations

34. The unilateral undertaking contains planning obligations on three matters. These are supported by evidence from the Council as to their necessity, which is not disputed.
35. First is a payment of £420,000 towards off-site affordable housing in the Borough. This is in accordance with policy CS 12 of the Core Strategy, which requires proposals of 9 units or fewer to contribute to affordable housing provision through a financial contribution in lieu of on-site provision. The amount put forward is in line with the Borough's Affordable Housing Small Sites Contributions SPD 2012. The Written Ministerial Statement of 2014 that contributions should not be sought for developments of 10 units or fewer, reiterated in the national Planning Practice Guidance, is a material consideration of great weight. However, the Council has put forward substantial evidence on local problems of housing affordability, reflecting housing costs relative to incomes, and on the relative importance of small site developments and the contributions from these to new affordable housing provision. On balance and based on the local circumstances I find that the Statement does not outweigh the development plan policy, which is consistent with the Framework.
36. The second obligation is for a contribution of £10,500 to be spent on the reduction of carbon dioxide emissions from the existing building stock of the Borough. Such carbon offsetting contributions are in line with policy CS 10 of the Core Strategy, and the amount follows the pricing mechanism of the Environmental Design SPD 2012.
37. Third is a covenant to restrict occupation of the dwellings by occupants with car parking permits. This is consistent with the car free nature of the development, and policy CS 10.
38. I find that the obligations all meet the relevant policy and statutory tests of being necessary, directly related to the development and fairly and reasonably related to it, and can be accorded weight in support of the proposal.

Conditions

39. The suggested conditions were discussed at the inquiry, with a number of deletions and points of amendment agreed. I have incorporated these in the proposed conditions, together with some other minor changes to improve precision.
40. With respect to Appeal A, the scheme should be based on the submitted details and plans in order to ensure that it reflects these details as assessed and to provide for certainty. Additional details are required on storage for bicycles and refuse to ensure that these are properly provided for within the site. The latter should include details of the method of closure in order to ensure that this adequately safeguards neighbouring amenity.
41. Control over the details of the green and brown roofs and of landscaping is needed in the interests of ensuring a high quality development and enhancing biodiversity. A management plan for the non-private amenity areas is needed to secure the long term quality of the landscaping.
42. Requirements on window glazing and on construction methods are necessary in order to safeguard amenity. Hours of HGV movements would be appropriately agreed and controlled through the latter.
43. A condition on archaeology is warranted by the site's potential interest on this matter. The residential units should be provided as specified to ensure that the scheme is implemented in the form assessed.
44. Certain detailed design elements of the proposal should be the subject of future submissions in order to ensure a high quality. I have made appropriate additions to the condition on this so that (together with the enclosures part of the landscape details condition) there is scope for the final design to have regard to the detailed points of criticism raised by the Council and which warrant further consideration. A requirement on drainage is needed in the interests of sustainable development.
45. The extent of excavation within the scheme warrants control over the details of this in order to safeguard neighbouring properties.
46. Having regard to the specific nature of the site and development and the relationship to neighbouring listed buildings the removal of certain permitted development rights is justified.
47. For Appeal B, a condition to ensure recording of the wall to be demolished is warranted by its historic interest. I have added a condition to require that demolition is carried out only as part of an approved development scheme.

Other matters

48. The previous Inspector assessed that the earlier scheme would have no detrimental impact of any significance on the living conditions of existing occupiers and would provide an acceptable living environment for prospective occupiers. There is no evidence in relation to the current scheme which leads me to a different conclusion, and I consider that the requirements of the development plan on residential amenity are satisfied.

49. Some criticism has been made of the incorporation of a front entrance gate for the development, but this would be appropriate given the contained nature of the site and would give rise to no material heritage harm.

Conclusion

50. Overall I find that the proposal is in accordance with the development plan.

51. For the reasons given above I conclude that the appeals should be allowed.

T G Phillimore

INSPECTOR

Schedules of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted particulars and approved plans:
Planning Statement - PC Dalton Planning (June 2015), Design & Access Statement - OSEL Architects (June 2015) Revision P2, Heritage Statement - Montagu Evans (June 2015), Daylight and Sunlight Assessment - Anstey Horne (June 2015), Arboricultural Statement (updated) - Dr Frank Hope (May 2015), Lifetime Homes Assessment - OSEL Architects (May 2015), Sustainable Design and Construction Statement - Metropolis Green (June 2015), Landscape Design Statement – Justin Davis (August 2015), Basement Impact Assessment - Packman Lucas (May 2015), Flood Risk Assessment - Cole Easdon (August 2015), Transport Statement – Cole Easdon (July 2011), Site Investigations Report - Card Geotechnics (October 2013); drawings nos. 617-P-01, E14-042/DP001 Revision P1, E14-042/E001.1 Revision P2, E14-042/E003 Revision P1, E14-042/E002 Revision P2, E14-042/P000 Revision P1, E14-042/P001 Revision P1, E14-042/P002 Revision P2, E14-042/P003 Revision P1, E14-042/P100 Revision P1, E14-042/P101 Revision P2, E14-042/P102 Revision P2, E14-042/P103 Revision P1, E14-042/P104 Revision P1, E14-042/S001 Revision P1, E14-042/S002 Revision P1, E14-042/S003 Revision P2.
- 3) Details of the bicycle storage and refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority and the areas shall be provided in accordance with the approved details prior to the first occupation of the development hereby permitted and permanently retained as such thereafter. The refuse store details shall include the type and method of closure.
- 4) Details of the biodiversity (green/brown) 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) roofs shall be: a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan E14-042/P003 Rev:P1 hereby approved; and c) 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). The biodiversity (green/brown) roofs 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. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 5) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:
- a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
 - b) existing and proposed underground services and their relationship to both hard and soft landscaping;
 - c) proposed trees: their location, species and size; tree pit details and soil volumes;
 - d) soft plantings: including grass and turf areas, shrub and herbaceous areas;
 - e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types. Where possible, in areas to be vegetated, at least 1m of permeable soil shall be provided above the top of the basement, to allow a variety of plants to be supported;
 - f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, railings and rails, retaining walls and hedges;
 - g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and
 - h) any other landscaping feature(s) forming part of the scheme (excluding green/brown roofs as covered by condition 4).

All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be retained as such thereafter.

- 6) Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas

- excluding the private gardens of each unit, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 7) All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development. All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open only to a degree which would not result in undue overlooking of neighbouring habitable room windows. The development shall be carried out strictly in accordance with the details so approved and retained as such thereafter.
- 8) No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; viii) mitigation measures for controlling noise from construction machinery during business hours; xi) site access plan - detailing which roads will be used to access the site; xii) details of hours of operation of vehicle movements of HGVs arriving at and departing the site during the construction phase of the development. 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.
- 9) No development shall take place unless and until the applicant, or their agent or successors in title, has submitted a desk based archaeological assessment which has been approved in writing by the Local Planning Authority. Should such an assessment indicate the potential for significant archaeology then a scheme for investigation and a programme of archaeological work shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details.
- 10) The residential units hereby permitted shall be laid out/divided as shown on the approved drawings and shall not be amalgamated or further subdivided.
- 11) Notwithstanding the details shown on the approved plans, design details and samples of facing materials as follows 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: a) solid brickwork (including brick panels and mortar courses); b) render (including colour, texture and method of application); c) window and door treatment (including sections and reveals and blind openings); d) rooflights; e) balustrading treatment (including sections);

- f) corning and parapets; g) any other facing materials to be used. The development shall be carried out strictly in accordance with the details and samples so approved and shall be retained as such thereafter.
- 12) Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity, and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development. The drainage system shall be installed/operational prior to the first occupation of the development.
- 13) 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. The report shall be endorsed by a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MIStruct.E). The report shall have regard to the requirements of Appendix B (Guidance on Structural Method Statement) of the Islington Basement Development Supplementary Planning Document 2016. The strategy shall be fully implemented in accordance with the approved details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, extensions, alterations or satellite dishes shall be carried out or constructed to the dwellinghouses hereby approved other than those expressly authorised by this permission.

Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works shall take place unless and until the applicant has submitted to the local planning authority a written scheme of investigation (to include a photographic survey and measured drawings) which records the front boundary wall, including its architectural detail and archaeological evidence.
- 3) The works of demolition authorised by this consent shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission shall have been granted for the redevelopment for which the contract provides.

APPEARANCES

Ned Westaway of Counsel	Instructed by Head of Legal Services, London Borough of Islington
He called:	
Kristian Kamiński BA(Hons) MA IHBC FSA	Deputy Team Leader, Design and Conservation Team, London Borough of Islington
Eloise Lobsey BAEnvSc GradDipUrbRegPlan	Sustainability Officer/Planning Officer, London Borough of Islington
Tom Broomhall MA(Hons) MTCP	Principal Planning Officer, London Borough of Islington

FOR THE APPELLANT:

Christopher Katkowski QC Assisted by Andrew Byass of Counsel	Instructed by Philippa Dalton, pcdalton planning
He called:	
Victoria Shipton BA(Hons)Arch DipArch RIBA MA	Director, Osel Architecture
Justin Davis BA(Hons) DipLA CMLI	Managing Director, Davis Landscape Architecture
Chris Miele IHBC MRTPI FRHS FSA	Senior Partner, Montagu Evans
Philippa Dalton BSc(Hons) DipTP MRTPI	Planning consultant, pcdalton planning

INTERESTED PERSONS:

Timothy Lyons QC	Local resident
Mary Aylmer	Local resident
Paul Keene	Local resident
David Plume	Local resident
Rob Hull	Local resident
Jacqueline Worswick	Local resident
Paul Thornton	Amwell Society
Gail Stoten BA(Hons) MCIfA FSA	Heritage Director, Pegasus Group, on behalf of Timothy Lyons QC

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Core Documents (4 volumes)
- 2 Costs decision for appeal ref APP/V5570/A/13/2199042
- 3 Judgment [2016] EWCA Civ 1243
- 4 Judgment [2007] EWCA Civ 236
- 5 Previous appeal scheme images
- 6 Appellant's landscape plan A3 size
- 7 A3 size appeal scheme images (with trees amended)
- 8 Appellant's basement extent comparison
- 9 Appellant's opening submissions
- 10 Council's opening submissions
- 11 Judgment [2015] EWHC 109 (Admin)
- 12 Policy DM6.2 from Islington Development Management Policies 2013
- 13 Jacqueline Worswick's statement
- 14 Council's note on carbon offsetting and car free development obligations
- 15 Islington AMR dwelling mix figures
- 16 Victoria Shipton's presentation
- 17 Extract from Philippa Dalton's proof for inquiry dated 22 October 2013 with attached tables
- 18 Code of measuring practice extract
- 19 Errata to Chris Miele's proof
- 20 Section 106 unilateral undertaking dated 23 February 2017
- 21 DCLG letter dated 19 December 2014 re: Strategic Housing Market Assessments
- 22 North London Strategic Housing Market Assessment 2010: Technical report dated March 2011
- 23 North London Strategic Housing Market Assessment Local Area Report dated March 2011
- 24 Inspector's Report on Examination of Islington Development Management Policies Local Plan
- 25 Suggested planning conditions
- 26 Suggested listed building consent conditions
- 27 Judgment [2013] EWCA Civ 1610
- 28 Council's closing submissions
- 29 Appellant's closing submissions