



# Appeal Decision

Inquiry held on 28, 29 & 30 September  
and 1 & 5 October 2010

Site visit made on 5 October 2010

**by Terry G Phillimore MA MCD MRTPI**

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

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**Decision date:  
24 November 2010**

## **Appeal Ref: APP/V5570/A/10/2129052**

### **465 and 465a Caledonian Road, London N7 9BA**

- 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 Mortar Developments (Caledonian Road) Ltd against the decision of the Council of the London Borough of Islington.
- The application Ref P091813, dated 26 August 2009, was refused by notice dated 20 April 2010.
- The development proposed is demolition of 465 (excluding east elevation/façade) and 465a Caledonian Road and the erection of a part 6 storey, part 8 storey and part 11 storey building plus basement for student accommodation, comprising 350 bed spaces, common room and administrative facilities, office accommodation (Class B1a 589 sqm) and ground floor commercial uses (Class A1/A3/A5 671 sqm) together with outdoor amenity space and landscaping.

## **Decision**

1. I allow the appeal, and grant planning permission for demolition of 465 (excluding east elevation/façade) and 465a Caledonian Road and the erection of a part 6 storey, part 8 storey and part 11 storey building plus basement for student accommodation, comprising 346 bed spaces, common room and administrative facilities, office accommodation (Class B1a 589 sqm) and ground floor commercial uses (Class A1/A3/A5 671 sqm) together with outdoor amenity space and landscaping at 465 and 465a Caledonian Road, London N7 9BA in accordance with the terms of the application, Ref P091813, dated 26 August 2009, and the plans submitted with it, subject to the conditions set out in the attached schedule.

## **Procedural matters**

2. Before the inquiry the appellant submitted revised drawings nos. P-11D and P-26D. These show some changes to fenestration and materials, and substitute storage space in place of 4 student accommodation units (out of a total of 350 in the refused scheme). The Council raises no objection to my considering the appeal as amended. Against the scale and nature of the overall proposal the changes are minor and would result in no prejudice to any party, and at the inquiry I agreed that I would determine the appeal incorporating the revisions.

3. At the inquiry the appellant submitted a unilateral undertaking pursuant to section 106 of the Act. This contains planning obligations which I consider below.

### **Main issues**

4. The main issues are:
  - a) the effect the proposal would have on the character and appearance of the area;
  - b) whether the proposal would create a satisfactory standard of student accommodation having regard to daylight, outlook and privacy;
  - c) the effect the proposal would have on highway safety and free flow of traffic on Caledonian Road with respect to servicing arrangements.

### **Reasons**

#### ***Character and appearance***

5. No. 465, a three storey warehouse dating from the end of the 19<sup>th</sup> century, is a locally listed building. It has a symmetrical façade in stock brick, with round headed windows, stucco detailing and a small pediment. With the proposal the façade would be altered by the addition of brickwork equivalent to a further storey and the consequent raising of the pediment. The window openings within the new level would follow the existing upward diminution in scale of fenestration, and the façade is sufficiently robust to accept the raised height without harm to its proportions.
6. The new development behind the façade would be set back from it, and the floor levels of this would not relate to those signalled by the window openings in the façade. The Council describes the treatment of the façade as a 'veneer'. The lack of inter-connectivity between the old and new fabric is also reflected in the appellant's description of the retained façade as a 'floating' element. However, there is agreement that the significance of no. 465 as an historic asset relates to the façade, and the Council does not seek the retention of any more of the existing fabric than this as part of a redevelopment scheme on the site. The new building would rise above the façade as well as expand to either side of it, but in a contrasting lighter weight form. The façade treatment of the appeal scheme was evidently supported by officers at pre-application stage and is welcomed by the Greater London Authority. It would provide for continuity and interest in the street scene, and preserve the significance and setting of the historic asset.
7. The scale and design of the new building were similarly supported during the proposal's evolution up to a late stage of negotiation with the Council, although adverse comments emerged subsequently. The height onto Caledonian Road of 6 storeys would be consistent with that of new developments on this side of the road immediately to the south, and also with an unimplemented development previously approved on part of the appeal site at no. 465a. Further to the north on the east side of the road are new developments rising to 10 storeys, which are a relevant part of the wider context. That at nos. 464-476 steps down to a lower street frontage opposite the site. This acknowledges the scale of three adjacent buildings to its south: Pierre House,

the former Police House and the former Pocock Arms public house (which is locally listed). Together with the existing buildings on the appeal site and the Caledonian Road tube station which immediately adjoins it to the north (also locally listed), these form a stretch of lower buildings along this part of Caledonian Road. However, those on the east side are individual, distinctive buildings, and there is not a relationship of scale across the street of such importance that the scale of development proposed on the appeal site should be resisted on this ground. The development would step back adjacent to the tube station, which is a building of strong character and townscape presence. The settings of neither this nor the Pocock Arms building would be harmed by the proposal. The scale and massing on the Caledonian Road frontage could be acceptably accommodated in the street scene.

8. The higher parts of the development above 6 storeys would be set back from the exposed front and side elevations, with the 11-storey section restricted to the south-west corner of the site. In longer views from the north the additional height above the Caledonian Road frontage would be seen in the context of the taller developments on the east side of the road and appear in keeping with these. Approaching from the east along Roman Way the higher sections would be viewed above the frontage block, but these would be perceived as set back and the impact would not be harmful. In other views in which the higher parts would be seen they would generally be unobtrusive, including from the rear as viewed across the railway.
9. In more detailed design terms, a modular grid reflected in levels and windows would extend across the new development. Nevertheless, the elevations would incorporate a variety of treatments in addition to the brick of the retained façade. These would comprise render, glazed curtain walling, and aluminium/zinc cladding. Changes in materials across the frontage would also be expressed by differing planes, providing for a degree of articulation. Street level interest would be created by the commercial unit frontages. The development would achieve an acceptable balance of variety and cohesion, rather than create undue visual confusion.
10. Overall I conclude that the proposal is of sufficient quality to meet the design requirements of Islington Unitary Development Plan 2002 policies D1, D4, D5 and D42, London Plan 2008 policies 4B.10, 4B.11 and 4B.12, and local and national guidance.

### ***Student accommodation***

11. The proposed student accommodation comprises a mixture of studio units and cluster flats of bedrooms with shared kitchens. All would be occupied by students of University College London, which has a binding agreement with the appellant. UCL is entirely satisfied with the standard of the proposed accommodation, placing it in the top quartile of the halls occupied by its students in terms of the quality it would achieve. This does not supplant an assessment of acceptability of the accommodation on planning merits, but is an important material consideration in reaching a conclusion on this issue.
12. There is agreement that the nature of the accommodation warrants some departure from the amenity standards that would be applied to residential accommodation intended for normal domestic occupation. Relevant factors in

this are that individual students would occupy the accommodation for less than a year, and that its main function would be for sleeping due to intensive day-time activities taking place at the University campus. It is also reasonable to take a broad view of amenity as this is likely to be perceived by students. The convenient location of the site for the main facilities of the University, the units being fully en-suite, the degree of security, and the availability of internal and external communal areas are all aspects that could be expected to be rated highly.

13. I assess the three specific areas of concern identified by the Council within this context, before drawing together an overall conclusion on the accommodation.

#### *Daylight*

14. The evidence includes detailed Vertical Sky Component and Average Daylight Factor calculations for all of the student accommodation. Some 179 units (just over half) of rooms would have windows with VSCs above the level of 27% which the BRE good practice guide (1991) indicates gives potential for good daylighting. This is confirmed by the ADF levels calculated for these units.
15. For the remainder, some of the VSC levels are very low, with around 100 units having VSCs below 10%. However, in almost all cases the ADF levels would exceed the 1% minimum level of ADF applicable to bedrooms contained in the British Standard (BS 8206 2008). There is agreement that this is the appropriate BS standard to use, given the principal nature of use of the student accommodation as bedrooms which would generally be occupied during restricted hours. With the new build nature of the accommodation and the scope to control daylight within individual rooms through design, the ADF levels which are based on a number of inputs including skylight provide more relevant information than the VSC levels. Where the minimum standard of ADF is achieved the daylight levels would be satisfactory for the proposed occupation.
16. Four rooms would have ADF levels only marginally below the 1% minimum, and these would also be acceptable in terms of daylight. Three other rooms would be significantly below 1%, at levels of 0.59, 0.74 and 0.76. These would have a poor standard of daylight, but represent less than 1% of the student accommodation units as a whole.

#### *Outlook*

17. The Council identifies some 151 units (around 44% of the total) which it considers would suffer from poor outlook and a sense of enclosure due to the proposed layout of the development. Most of these are inward facing units within the courtyard on the rear faces of each block. The distances between windows and facing parts of the building in these cases range between 5-13m. The height of the facing buildings would be up to 9 storeys. Some of the units would be below the bridge section linking the west and east blocks. At higher levels the landscaped amenity area on the ground floor of the courtyard would provide little benefit to outlook as experienced from within rooms due to the relative height differences.
18. Nevertheless, the shortest distances measured are at pinch points rather than representing continuous obstructions with this separation. There is no doubt that the outlook of much of the accommodation facing the courtyard would be

dominated by the substantial built form of other parts of the development. However, with the varied geometry and the finishes of this, and given the restricted nature of occupation of the accommodation, the outlook is unlikely to be perceived as overly oppressive by the occupiers.

19. Also included in the units of concern are 44 in the east block facing towards the retained façade. Due to different floor levels and the partition arrangements in the new development the windows in many units would not align with the openings in the façade, from which they would be set back by around 2m. The outlook from windows would therefore vary across the frontage. For around 23 units, comprising the units at 1<sup>st</sup> floor level and two at each end of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors, the extent of brick wall would limit direct eye-level outlook. However, all would have a view towards the street albeit in some cases at oblique angles. The effect again would not be unacceptably oppressive within the context of the intended typical nature of occupation.

### *Privacy*

20. The Council identifies some 60 units (around 18%) which it considers would have inadequate privacy. These are units with inward facing windows located near to the junction of the three blocks at the south end of the site. Distances of 8.6 to 11m between windows in the west and east blocks are well below the Council's normal separation standard of 18m in its residential guidelines. However, with the type and layout of accommodation the level of privacy at these distances would be adequate. In some cases there would be views at a distance of around 5m between windows in the south and other blocks, but these would be at oblique angles. Although four units in the south block on each floor (three on the 1<sup>st</sup>) would face onto a walkway which would enable potential views into these, the use of this is likely to be restricted. These units in the south block and the closest units in the other blocks (around 30 units in total) would have limited privacy without curtains or blinds drawn, but this is likely to be regarded as adequate by the occupiers within the context of the scheme's nature.

### *Overall amenity assessment*

21. Policy 4B.10 of the London Plan expects high quality design with particular attention to privacy and amenity, among other things. The requirements of UDP policy D3 on amenity apply to all development, and include providing satisfactory aspect and daylight. There are shortcomings on all three specific aspects in contention in relation to certain of the proposed units, with some in multiple respects. In these particular elements the policy expectations are not fully complied with. Nevertheless, in taking an overall view of the amenity of the accommodation, it is reasonable to balance the positive aspects against the limitations of these units. I consider that the shortcomings are not so severe as to make the accommodation unacceptable for the proposed purpose. This outweighs the degree of conflict with the development plan on this matter, and warrants an overall positive finding on the issue.

### **Highways**

22. Servicing requirements would arise from the proposed student and office accommodation and the commercial units. No off-street servicing facilities are proposed. Servicing would therefore take place from the street. A loading bay

is intended to be marked out in front of the site on Caledonian Road, with the provision of this to be secured by a planning obligation.

23. Policy T32 of the UDP states that the Council will seek ways of eliminating on-street servicing particularly on bus lanes, by promoting rear access arrangements where possible. Policy T21 is also relevant. The text of this policy, applicable to non-residential development, states that only off-street parking and servicing space to meet essential needs will be allowed. This is qualified in the reasoned justification by a statement that non-residential development must accommodate within its curtilage adequate facilities for loading, unloading and servicing to meet the needs of the development. Further clarification is added that there is no intention to preclude the provision of adequate off-street servicing/loading space and that loading space off the public highway will normally be required for business and retail (among other) developments over 500sqm gross floor area. In this case the commercial floorspaces would exceed this threshold. Policy 3C.25 of the London Plan includes a requirement for developments to include appropriate servicing facilities, off-road wherever practicable. Taken together, the policy context amounts to an expectation for off-street servicing facilities to be provided with new development, and not merely for an existing situation to be preserved.
24. Nevertheless, the current position on on-street servicing and the likely impact of the proposal are relevant considerations. There is some off-street space at no. 465 but delivery vehicles associated with the existing storage and distribution business all park on-street adjacent to the premises. Such loading is permitted outside peak hours, and the appellant's survey information shows it is common on Caledonian Road in the vicinity. It has been accepted in other nearby recent developments. There is no evidence that this arrangement causes any adverse effect on traffic flows or safety. There is no dispute that the proposal would generate around 11 service vehicles a day. This would only marginally exceed the number of delivery vehicles currently generated by the servicing requirements of no. 465. While there is some doubt raised by the Council about the appellant's estimate of the number that could be generated by no. 465a, it is clear that in full use the appeal site would give rise to more servicing vehicles on-street than the proposal. In addition, the appellant's estimate that the extant permission for residential and commercial redevelopment of no. 465a could generate 15 servicing movements has not been challenged. The proposal would therefore amount to a reduction in on-street servicing by comparison with the fallback positions.
25. The proposal would give rise to a significant number of additional pedestrian movements around the site. These would include students crossing the road to the bus stop on the east side. However, this would not amount to such a change in the character of the environment as to materially increase the extent of pedestrian risk arising from on-street servicing. The accident record does not demonstrate convincingly otherwise. In this respect it is also relevant that the proposal would secure improvements to nearby crossing facilities by way of planning obligation. Conversely, an off-street facility as sought by the Council would involve vehicular movements across the footway into the site, which in this location near to Caledonian Road tube station could in itself even in forward gear have an adverse effect on safety of pedestrians. The proposed loading bay could be satisfactorily accommodated to allow for passing vehicles

and cyclists. Transport for London has no objection to the loading bay with respect to bus operations. A delivery and servicing plan would be subject to approval by way of condition to ensure that the details of loading arrangements are satisfactory.

26. It is clear that the appeal site is large enough for a redevelopment to accommodate delivery vehicle access and turning, so that the scheme has been designed not to provide for this rather than it not physically being possible. However, the use of a large part of the ground floor area to accommodate vehicular requirements would run counter to the car-free nature of the development, and in particular severely limit the potential to include outdoor landscaped amenity space, which is an important part of the attractiveness of the student housing.
27. I conclude that the proposal would not have a harmful effect on traffic movement and safety in the vicinity. To the extent that the relevant development plan policies amount to a requirement for off-street facilities to be provided, the circumstances of the case warrant an exception to these.

### ***Other matters***

28. The technical evidence demonstrates that the development would not materially harm the daylight or sunlight of nearby properties, and there would be no serious amenity effects in other respects.
29. The Council has raised no objection to the principle of student accommodation on the site as part of a mixed use development. In the current development plan this has the support of London Plan policy 3A.25, and potential future changes of policy on this matter carry little weight at this stage. The Council points out that it has met minimum targets for provision of such accommodation. However, UCL puts forward a compelling case on its need for additional student accommodation, the difficulties of bringing forward schemes, and the value of its continued success as an education establishment. These are strong factors in support of the proposal. Also in its favour are the agreed regeneration benefits of the scheme, the expectation of the London Plan for optimising the intensity of development, and the proposed commercial uses. Emily Thornberry MP advocates use of the site for affordable housing, but there is no policy requirement for this under the development plan.

### ***Planning obligations***

30. The submitted planning obligations include financial contributions for sustainable transport and public realm measures, with a number of specific schemes identified in the vicinity of the site towards which they would be directed. These reflect upgrades of facilities in response to the intensification of pedestrian activity around the site and to encourage sustainable means of transport, addressing the potential local transport impact of the proposal. Contributions towards public open space, leisure and community facilities are warranted by the recreational and library needs that could be expected to arise from the student population, again with schemes specified that would benefit from these.
31. A policy basis for obligations on compliance with the Council's code of employment and training and its code of local procurement has been identified.

The regeneration and employment benefits of the scheme are factors in its land use acceptability.

32. Compliance with the Council's code of construction practice and a monitoring fee on this are warranted by the scale of the development and potential impact on the surrounding area.
33. Obligations on the preparation of green travel plans would build on the information submitted at application stage and contribute towards sustainable travel. Removal of rights to resident parking permits would similarly discourage car use.
34. A requirement to submit a management and security agreement to deal with student arrivals and departures and safety impacts would be in mitigation of these effects of the development.
35. A contribution towards local biodiversity projects would supplement the proposed measures on site and address impact having regard to the former nature conservation interest of part of the site.
36. Both parties consider that the obligations are all necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. Based on the evidence before me and having regard to relevant development plan policies and the Council's Supplementary Planning Document (July 2009), I agree that this is the case, and they can be given weight in support of the proposal.

### **Conditions**

37. At the inquiry the main parties reached full agreement on a set of suggested conditions. I have considered these in the light of the discussion that took place and the advice in Circular 11/95. Where appropriate I have made detailed changes to wording to reflect the advice.
38. A condition specifying the approved plans is needed for the avoidance of doubt and in the interests of proper planning. Various detailed design elements require approval to ensure that the appearance of the building is satisfactory and to safeguard the amenity of the area, including with respect to security. Approval of sustainable procurement of materials is warranted under policy 4A.3 of the London Plan.
39. Specific requirements on the student accommodation are needed to ensure that this has appropriate facilities and standards, including noise insulation in view of the adjoining railway. On the commercial units conditions are needed to ensure that these are provided as proposed and assessed, and to safeguard amenity.
40. The objectives of sustainable development warrant a number of conditions directed towards achieving this, pursuant to the specifications for the scheme already submitted. Landscaping and biodiversity conditions are needed to ensure that the scheme meets design and ecology objectives.
41. Requirements on storage for cycles and refuse are needed to ensure that these are properly catered for within the development. Delivery and servicing



arrangements should be approved to reflect the need for on-street servicing. The requirements of transport undertakers need to be addressed in relation to works potentially affecting their facilities.

42. Contamination measures are necessary in view of the former and proposed uses of the site.

### **Conclusion**

43. For the reasons given above I conclude that the appeal should be allowed.

*T G Phillimore*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:  
8622 465 P.01; 8622 465 P.09-P.10 Rev B; 8622 465 P.11 Rev D; 8622 465 P.12-P.22 Rev B; 8622 465 P.25 Rev B; 8622 465 P.26 Rev D; 8622 465 P27-P28 Rev B; 8622 465 P30-P38 Rev B; 0560-001E; 0560-002A; Accommodation Schedule SC01; Accommodation Schedule SC02.

#### *Design details*

- 3) Details and samples of all facing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority before any superstructure work is commenced on site. The samples and details shall include:
  - a) curtain walling, brick work, render, timber cladding;
  - b) window treatment (including sections and reveals);
  - c) roofing materials;
  - d) balustrading treatment (including sections);
  - e) louvres/treatment to refuse and substation enclosures;
  - f) any other materials to be used;
  - g) a sustainable procurement plan outlining commitments to sustainable sourcing of materials.

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

- 4) Details of the schemes of: a) CCTV; b) general lighting; and c) security lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures. The approved schemes shall be installed prior to the first occupation of the building.

*Student accommodation*

- 5) The student accommodation's essential facilities comprising student common rooms, kitchen/lounge rooms and the reception/main office hereby approved, shall be provided, fitted out and operational prior to the first occupation of the student accommodation.
- 6) The wheelchair/wheelchair adaptable student units hereby approved shall be provided as part of the development prior to the first occupation of the student accommodation.
- 7) 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):

Bedrooms (23.00-07.00 hrs) 35 dB  $L_{Aeq}$  and 45 dB  $L_{max}$  (fast)

Kitchens and utility rooms (07.00-23.00 hrs) 45 dB  $L_{Aeq}$

The measures to achieve these targets shall be implemented prior to the first occupation of the student accommodation.

*Commercial uses*

- 8) The Ground Floor A1 (Shop), A3 (Restaurant/Café) and A5 (Hot Food Takeaway) uses hereby approved shall be laid out/divided as shown on drawing no. P-11 Rev D hereby approved and shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.
- 9) Notwithstanding the open class A1, A3, A5 uses hereby approved, further details of the proposed flues/extraction systems for any future A3 (restaurant/café) units shall be submitted to and approved in writing by the Local Planning Authority and these systems shall be installed prior to A3 use commencing. The filter systems of the approved flue/extraction units shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 10) The flexible A3/A5 commercial uses shall not operate except between the hours of 07:00 – 23:00 on any day.

*Sustainable development*

- 11) Details of the renewable energy technologies set out within the Energy Statement Revision E prepared by RPS dated 16 February 2010 shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:
  - a) the resulting scheme, together with any flue/stack details, machinery/apparatus location, specification and operational details;
  - b) an energy assessment confirming that the resulting scheme shall provide for the relevant carbon dioxide savings by on-site provision of renewable sources;
  - c) a management plan and maintenance strategy/schedule for the operation of the technologies.

Should, following further assessment, the approved renewable energy option be found to be no longer suitable, a revised scheme of renewable energy provision, which shall provide for no less than 20% onsite CO<sub>2</sub> reduction and address sub-points a) to c) above, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and in operation prior to the first occupation of the development.

12) Details of the Combined Heat and Power facility including:

- a) its location, specification, flue arrangement, operation/management strategy; and
- b) the method of design to allow for the future connection to any neighbouring heating and cooling network

shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be operational prior to the first occupation of the development hereby approved.

13) Evidence confirming that the development achieves a BREEAM Multi-residential and BREEAM Office rating of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:

- a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to commencement of superstructure works on site; and
- b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and prior to the first occupation.

14) Prior to any superstructure works commencing on site, details of the sustainable drainage system (SUDS) for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how quantity, quality, amenity and biodiversity criteria have been met and shall be implemented in accordance with the approved details before the development is occupied. The submitted information shall include details of:

- a) the runoff rate and storage volume;
- b) how the design follows the SUDS 'management train', maximises source control, provides the relevant number of 'treatment stages' and identifies how the 'first flush' will be dealt with;
- c) how biodiversity and amenity benefits have been maximised, including by maximisation of above-ground flows;
- d) the design of key SUDs features to demonstrate how they have delivered on sub-points a) to c) above;
- e) the timetable for its implementation; and
- f) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority

or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

*Landscaping and biodiversity*

- 15) Notwithstanding the submitted details, further details of 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 scheme shall include the following details:
- a) existing and proposed underground services and their relationship to both hard and soft landscaping;
  - b) trees: their location, species and size;
  - c) tree-pits: their exact location, depth, design and irrigation system;
  - d) soft plantings: including grass and turf areas, shrub and herbaceous areas; the water feature(s);
  - e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;
  - f) enclosures and boundaries: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, bollards, 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;
  - h) biodiversity features such as pond habitat;
  - i) any other landscaping feature(s) forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the building hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any trees or shrubs which die within five years of completion of the development shall be replaced with the same species or with an alternative agreed in writing by the Local Planning Authority.

- 16) Details of the biodiversity (green/brown) roofs as shown on drawing no. P-22 Rev B shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity roofs shall be:
- a) biodiversity based with extensive substrate base (depth 50-150mm);
  - b) laid out in accordance with drawing no. P-22 Rev B 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 biodiversity 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.

- 17) Details of the scheme of bird nesting boxes/bricks and bat boxes/roosts shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats. The boxes/brick/roosts shall be installed prior to the first occupation of the development.
- 18) The green walls hereby approved, which shall comprise indigenous climbing plants, shall be installed/planted within the first planting season following the practical completion of the building hereby approved.

*Storage*

- 19) The bicycle storage areas/enclosures, which shall be secure and provide for no less than 178 cycle spaces along with the associated lifts, shall be provided/erected prior to the first occupation of the building hereby approved.
- 20) Details of the dedicated refuse/recycling enclosures (which shall provide adequate circulation space in accordance with BS8300:2009) together with a detailed waste management strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site; and the approved enclosures shall be provided/erected prior to the first occupation of the development.

*Transport*

- 21) Notwithstanding the details of the submitted Framework Delivery and Servicing Plan, further details of a Full Delivery and Servicing Plan(s) (DSP) specifying time periods, location and frequency of servicing shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant part of the development hereby approved. The development shall thereafter be operated strictly in accordance with the revised DSP(s).
- 22) No development shall be commenced (excluding demolition and site clearance) unless and until details of the proposed works/foundation arrangements and their relationship to existing London Underground infrastructure have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details thus approved.
- 23) Further details of the fence adjacent to Network Rail's boundary shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried in accordance with the details thus approved prior to the first occupation of the development.
- 24) No development shall be commenced (excluding demolition) unless and until a method statement for the proposed excavations/pilings/building arrangements and their relationship to the existing Network Rail infrastructure have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details thus approved.

### *Contamination*

25) Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 26 to 29 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 29 has been complied with in relation to that contamination.

26) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

27) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

28) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 29) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 25, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Guy Williams of Counsel	Instructed by Deborah Norman, Head of Legal Services, London Borough of Islington
He called:	
Kingsley Hughes BA(Hons) BArch(Nottm) ARB RIBA	Consultant to L B Islington
Martijn Cozijmans MA MA	Team Leader (Spatial Planning and Transport), L B Islington
John Kaimakamis BSc MPlg MPIA	Principal Planning Officer, L B Islington
Anne Banyai	Planning Obligations Officer, L B Islington

### FOR THE APPELLANT:

Sasha White of Counsel	Instructed by Walsingham Planning
He called:	
Simon Webb BSc (Hons) CEng MICE FCIHT	Senior Partner, i-Transport LLP
Colin Pullan BA(Hons) DipUD	Urban Design Director, RPS Planning
Kaivin Wong MRICS	Director, Anstey Horne & Company
Colin Plank BSc MRICS	Chief Estates Surveyor, University College London
Mark Krassowski BA(Hons) BSc MRICS	Director, Walsingham Planning

### DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Set of A3 size application plans
- 2 Draft section 106 unilateral undertaking
- 3 Appellant's images of views from behind façade of no. 465
- 4 Appellant's opening statement
- 5 Council's opening statement
- 6 Mr Kaimakamis's figures 1-5
- 7 Appeal decisions on 65-70 White Lion Street, London N1
- 8 RPS figures A8 and A9
- 9 Extract from Mayor's Transport Strategy



- 10 Agreed conditions 5 and 22
- 11 Inspector's note on agreed draft conditions
- 12 Appellant's summary of planning chronology
- 13 117-119 Seven Sisters Road Design and Access statement
- 14 Extract from Anstey Horne report on Angel House, London E14
- 15 Revised Appendix 8 to Mr Kaimakamis's appendices
- 16 Extract from Caledonian Road accident records
- 17 Drawing no. P-26 Rev D
- 18 Illustrative UCL undergraduate timetable
- 19 Photo and plans of UCL Ramsey Hall scheme
- 20 L B Islington Supplementary Planning Document on Planning Obligations (July 2009)
- 21 Council's bundle of appeal decisions
- 22 Statement from Yann Jones, local resident
- 23 Appellant's bundle of emails and correspondence
- 24 L B Islington Traffic Management Order extracts
- 25 Policy Imp 6 from Islington Unitary Development Plan
- 26 Drawing no. P-11 Rev D
- 27 Drawing no. 0560.002 (Landscape image board) and drawing no. 0560.001 E (landscape proposals)
- 28 Revision to Section 1 of Statement of Common Ground (list of plans)
- 29 Certified copy of Section 106 unilateral undertaking dated 30 September 2010
- 30 Revised agreed conditions
- 31 Mr Hughes's note on façades
- 32 Council's closing submissions
- 33 Appellant's closing submissions