



PLANNING SUB-B COMMITTEE
Date: 22.01.2013

AGENDA ITEM NO:
NON-EXEMPT

Application number	P121542
Application type	Full Planning Application
Ward	St. George's Ward
Listed building	Unlisted
Conservation area	Within 50m of Hillmarton Conservation Area
Development Plan Context	Protected Local Shopping Centre
Licensing Implications	NA
Site Address:	30, Brecknock Road, Islington, London, N7 0DD
Proposal	Erection of mansard roof extension plus single storey rear extension in association with change of use of part retail unit and single residential unit to create three self-contained units, plus associated alterations to front and rear elevations.

Case Officer	Matthew Durling
Applicant	Sunil Devalia, Nkana Investments Ltd
Agent	Harvey Langston-Jones, Modern Architectural Practice

ADDENDUM REPORT

Application Deferred

1. The current application LBI reference P121542 was previously heard at the Planning Committee held on the 15 November 2012. The application was deferred by Committee Members for the following reasons:
 - a) To amend the proposed ground floor layout to increase the floor area of the retained Class A1 retail unit and reduce the floor area of the proposed Class C3 residential maisonette.

Reason a)

2. An appeal against the non-determination of this application has now been lodged with the Planning Inspectorate (ref. APP/V5570/A/12/2188968). Whilst the Local Planning

Authority can no longer determine the application the Planning Committee is requested to confirm what its decision would have been if it still had the opportunity to determine it.

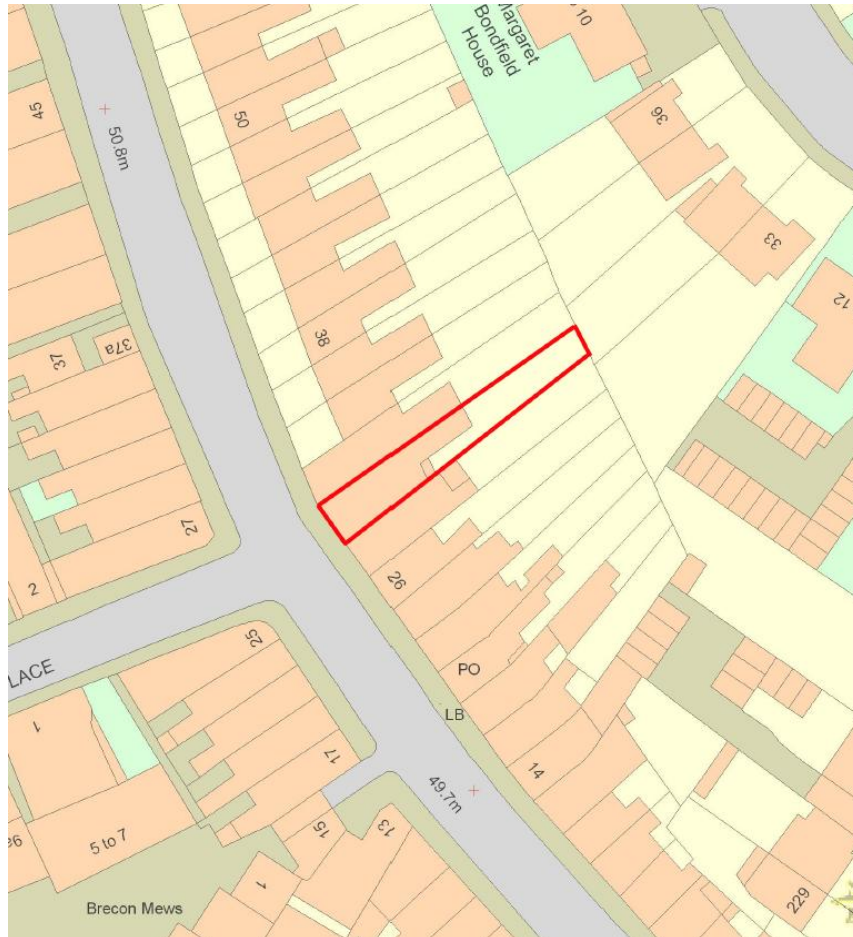
3. The application has not been amended, however for the reasons set out in the original report (below), the officer recommendation remains for approval subject to appropriate conditions.

1. RECOMMENDATION

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

1. for the reasons for approval set out in Appendix 1;
2. subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



ABOVE: Front of site



ABOVE: Terrace to the north



ABOVE: Rear of site

ABOVE: Rear of site and context (to south)



ABOVE: Relationship to rear garden of 32 brecknock road

SUMMARY

- 3.1 This application seeks planning permission for erection of a mansard roof extension plus single storey rear extension in association with change of use of part retail unit and single residential unit to create three self-contained units, plus associated alterations to front and rear elevations.
- 3.2 As set out in the planning history below there is an extant planning permission (reference P110982) for the mansard roof extension and single storey rear extension in association with change of use of the upper floors to create three self-contained units. The main difference between the current application and the extant planning permission relates to the ground floor; the current application seeks the creation of an additional unit of residential accommodation at rear ground floor level whilst the extant planning permission allows for an enlargement of retail floor space.
- 3.3 Whilst the previously granted planning permission is a significant material consideration which should be given considerable weight in the assessment of this proposal, there have been some changes to planning policy since the extant planning permission was

granted. This assessment will therefore consider the implications of the changes in planning policy on the development proposals previously consented. The additional issues requiring assessment therefore relate to the acceptability of the change of use of part of the ground floor retail floor space and the standard of residential accommodation proposed.

4. SITE AND SURROUNDING

4.1 A three-storey mid-terrace building located on the east side of Brecknock Road opposite the junction with Hargrave Place. Brecknock Road forms the borough boundary with London Borough of Camden. The ground floor of the building comprises vacant Class A1 retail floor space and the upper floors are in residential occupation. The site is located within a Protected Local Shopping Centre (as identified within the Unitary Development Plan) and at the northern end of a Local Shopping Area (as identified within the Development Management Policies) comprising units 2 and 6-32 (even) Brecknock Road on the north side of the street and 386-404 (even) York Way. The building is not statutorily listed or located within a designated conservation area; the Hillmarton Conservation Area is however located approximately 50m away and encompasses the buildings fronting Camden Road and Brecknock Road.

5. PROPOSAL (IN DETAIL)

5.1 Erection of mansard roof extension plus single storey rear extension in association with change of use of part retail unit and single residential unit to create three self-contained units, plus associated alterations to front and rear elevations.

5.2 The proposals have been revised in the course of the application to amalgamate the second and third floors to create a two-bedroom maisonette and thereby reduce the total number of residential units from four to three. Rooflights have also been added to the flat roof of the ground floor side extension.

6. RELEVANT HISTORY:

6.1 16/01/2012: Planning permission **granted** (ref. P110982) for erection of single storey rear extension to existing Class A1 retail unit, plus erection of mansard roof extension in association with change of use of upper floors to create three self-contained units.

6.2 23/03/2011: Planning permission **refused** (ref. P102309) for erection of mansard roof extension plus single storey rear extension in association with change of use of part retail unit and single residential unit to create four self-contained units.

Reason for refusal: The proposed reduction in the commercial ground floor area would remove the viability of the protected retail unit, which is a key local shop, leading to a reduction in employment, and harm to the wider viability of the protected local shopping centre (2-32, Brecknock Road). It would be contrary to Strategic Policy 8.3 (Local shops) and detailed policy S18 of the Islington Unitary Development Plan 2002, to policy CS14 of the Islington Core Strategy 2011, and to emerging development management policy DM39.

6.3 The planning appeal decision (dated 07/09/2004) relating to the erection of a roof extension on the adjacent building (32 Brecknock Road) is considered to be relevant. Planning permission was also granted for the erection of a mansard roof extension, in association with conversion of the upper floors on 28 Brecknock Road on 28/06/2007.

ENFORCEMENT:

6.4 None.

PRE-APPLICATION ADVICE:

7.5 13/07/2010: Pre-application request (ref. R100397) for the erection of a roof extension and ground floor rear extension and change of use of the upper floors of the building to create self-contained residential units, plus change of use of the ground floor retail unit to an office. The advice stated that the principle of a traditional roof extension and subdivision of the upper floors into self-contained residential units would be acceptable subject to compliance with relevant standards. The advice also stated that the principle of a replacement ground floor wrap-around extension would be acceptable subject to an assessment of any impact on existing trees and that any extension to rear first floor would not be acceptable. The loss of the retail use would be contrary to planning policies within the Unitary Development Plan.

7. CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of properties adjoining and near to the application site on Brecknock Road and to the rear of the application site on Hilldrop Lane on 31 July 2012. A site notice and press advert were displayed on 02 August 2012. The public consultation of the application therefore expired on 23 August 2012, however it is the Council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of the writing of this report a total of 7 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Proposals similar to those refused planning permission in 2011; (*see para. 9.6*)
- Loss of garden land; (*see para. 9.10 and 9.13*)
- Loss of retail floor space within important shopping centre; (*see para. 9.2-9.5*)
- Retained retail unit too small; (*see para. 9.5*)
- Overdevelopment of the site; (*see para. 9.10 and 10.1*)
- Provision of sub-standard accommodation; (*see para. 9.17-9.19*)
- No provision for refuse storage; (*see para. 9.20*)
- Rear extension would not fit in with others in neighbourhood and there is no precedent; (*see para. 9.10*)
- Mansard roof should match others in the street; (*see para. 9.9*)
- Loss of trees that add to local character to rear of properties; (*see para. 9.13*)
- Inaccuracies regarding the history of the use of the site; (*see para. 9.5*)
- Pre-application advice now redundant.

8. 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

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

Development Plan

- 8.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan (UDP) 2002.

Emerging Policy Documents

Islington's Development Management Policies – Submission Version, June 2012

Designations

- 8.3 The site has the following designations under the London Plan 2011, Islington Unitary Development Plan (2002) and emerging Development Management Policies (2012):
- **Protected Local Shopping Centre (UDP)**
 - **Local Shopping Area (DM Policies)**

Supplementary Planning Guidance (SPG) / Document (SPD)

- 8.4 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

9. ASSESSMENT

- 9.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Accessibility
- Landscaping and trees
- Neighbour amenity
- Quality of resulting accommodation
- Highways and transportation
- Planning Obligations ,Community Infrastructure Levy and local finance considerations

Land-use

- 9.2 The site falls within the Nags Head key area as identified within policy CS3 of the Core Strategy (albeit outside of the designated Nags Head town centre), however there are no specific references to promoting retail uses outside of the main 'high streets' of Holloway Road and Seven Sisters Road. Policy CS14 recognises the importance of retail units that enable people to shop locally and states that it will actively promote independent retail. For the reasons set out below the proposals would not be contrary to this policy.

- 9.3 The site is located within a protected local shopping centre as identified within the Unitary Development Plan. Protected local shopping centres have been designated to strengthen the Council's control over changes of use from retail to non-retail use to ensure the maintenance of local shopping facilities and policy S18 of the UDP therefore applies. Policy S18 states that planning permission will not be granted for a change from retail to non-retail uses within protected local shopping centres and lists a number of criteria that the Council is bound to have regard to when judging the acceptability of alternative non-retail uses. These criteria include reference to the 'loss of a shop' (subsection i), 'the proportion of non-retail uses' (subsection ii) and 'the frontage' (iii). Since the demolition in June 2012 of a former store within a lean to extension comprising 12sqm, the existing retail unit comprises a total of 84sqm. This application would result in the change of use of 22sqm of vacant Class A1 retail floor space at the rear of the premises (formerly used as an access corridor and ancillary kitchen). The proposal would retain 69sqm of retail floor space at the front (64sqm of which would be an accessible trading area and which would be greater than the former trading area of 57sqm). It is considered that as proposed, the development would not compromise the future viability of a Class A1 retail use in this location; it would not result in the loss of a shop use, would not have an impact on the proportion of non-retail uses and would retain a shop frontage. On this basis the proposals would not be contrary to policy S18.
- 9.4 The site is also located within a Local Shopping Area as identified within the emerging Development Management Policies. Local Shopping Areas have been designated to complement Islington's town centres and play an important role in serving the needs of residents across the borough. Emerging policy DM23 seeks to retain retailing within Local Shopping Areas and lists the criteria that development will need to satisfy to be acceptable. These criteria include the retention of an appropriate mix and balance of uses which maintains and enhances the retail and service function of the Local Shopping Area (subsection A), the protection of existing 'ground floor retail units' from change of use unless the site has been vacant for a continuous period of 2 years and marketing evidence for this period is provided (subsection Bi), the proposal would not result in a harmful break in continuity of retail frontages (subsection Bii), and individually or cumulatively the replacement use would not have an adverse effect on the vitality, viability and predominantly retail function of the Local Shopping Area (subsection Biii). Subsection C of policy DM23 states that the change of use of ground floor units to residential use will generally be resisted and will only be acceptable where all other criteria are satisfied and where high quality dwellings with a high standard of residential amenity will be provided.
- 9.5 There is no evidence, and it would be extremely difficult to establish that the proposed change of use of 34sqm of retail floor space (formerly used as a corridor, ancillary kitchen and store) at the rear of the unit would render its future occupation unviable. A survey of the Local Shopping Area was undertaken between September 2011 and January 2012 (see appendix 3) which identified that 10 of the 17 units surveyed comprised tradeable areas of less than 70sqm. The survey was based on GIS mapping data with the assumption that 80% of the floor area would be the tradeable area. On the basis of this survey, the proposal would retain a viable Class A1 retail use and on this basis it is considered that an appropriate mix and balance of uses within the Local Shopping Area (encompassing 2 and 6-32 Brecknock Road) would be retained thereby satisfying subsection A of emerging policy DM23. Subsection B of this policy refers to 'retail units' as opposed to 'retail floor space' and in the context of requiring marketing evidence it is not considered relevant to a proposal for the change of use of a small part of a larger unit such as this. The proposed development would have no impact on the

continuity of the retail frontage or a demonstrable adverse effect on the vitality, viability and predominantly retail function of the Local Shopping Area, thereby satisfying subsection B of the policy. Notwithstanding that the change of use of ground floor units to residential use is generally resisted by subsection C of policy DM23, it is not considered that the proposals contravene the overriding policy objectives which are to safeguard local shopping areas and their role in serving local communities. There is some disagreement about the history of the site and specifically the past existence of a ground floor residential unit. Although no evidence has been submitted to substantiate either position, the existence of previous residential use on the site would have little bearing on the consideration of this case which is assessed on its merits. The proposed development would provide a residential unit that complies with relevant standards.

- 9.6 Whilst it is acknowledged that similar proposals for the change of use of an element of retail floor space were refused planning permission in 2011, the circumstances in relation to the site and planning policies have changed since this time. Specifically the site is now vacant, the National Planning Policy Framework has been adopted and the emerging Development Management Policies have been submitted for examination.
- 9.7 Policy H8 of the UDP states that the conversion of properties in existing residential use into a larger number of self-contained units will normally only be permitted in certain circumstances, including where the gross floor area of residential use is in excess of 120sqm. Policy H8 also requires that in properties of between 120 and 150sqm floor area at least one unit should comprise two bedrooms or more. The upper floors are in excess of 120sqm and, as revised, the proposed creation of two two-bedroom units, and one one-bedroom unit would provide a range of unit sizes in conformity with both adopted and emerging conversion policies.

Design

- 9.8 Adopted and emerging planning policies and guidance require that the design and appearance of all development is of a high standard, is well planned to make the best use of the site and respects the scale, form and character of its surroundings. Whilst the building is not located within a designated conservation area, it does form an integral part of an important terrace of buildings and therefore all alterations and extensions should respect its existing architectural character and detail. The proposed external alterations, including rear extension and mansard roof extension are as granted planning permission in January 2012.
- 9.9 With the exception of two roof level extensions at 32 (approved in 2004) and 42 (approved in 2000) Brecknock Road, the terrace of buildings remains largely unimpaired at roof level. There are however examples of mansard roofs in the vicinity of the site and are features typical of the wider area. The proposal to erect a roof extension of a similar size, design and location to the mansard roof extension on the adjoining building, specifically in terms of its height and set back from the front parapet is considered to be acceptable. The examples at 32 and 42 show the degree to which the extension would be visible, and from street level it would only be glimpsed behind the parapet. It is recommended that a condition be imposed (as on the planning permission granted in January 2012) prohibiting any alterations to the form or height of the roof level parapet on the boundary with 32 Brecknock Road. On this basis the development would not result in the building appearing out of place or particularly dominant, it would not cause harm to the appearance or integrity of the building, the terrace or the wider streetscene.

- 9.10 The replacement of the former infill extension to the rear with a larger single storey extension to wrap around the original two-storey projection is considered to be acceptable in this location. The extension would project 5m beyond the existing building line (3m beyond the first floor level platform) and would not materially reduce the area of available amenity space. There is no established rear building line to the south of the site with a number of very deep extensions; whilst it is more consistent to the north it is not completely unimpaired and the principle of extending beyond the existing is considered acceptable. Subject to a condition (as imposed on the planning permission granted in January 2012) requiring the side and rear parapets of the extension to be reduced in height by at least 1m, the proposed full-width extension would be subordinate to the mass and height of the existing two-storey wing and the main host building and would retain a good sized rear garden. The rear of the property cannot be seen from Brecknock Road or the public realm generally and so the extension would not be visible in the street scene. The development would not materially harm the appearance of the building or its surroundings.
- 9.11 In terms of detailed design and materials, the roof extension would comprise traditional slate and the rear extension London stock brick to match existing. The proposal to reinstate traditional timber-framed sash windows and doors to the front elevation is welcomed and it is recommended this be required by condition (as imposed on the planning permission granted in January 2012). Notwithstanding the proposals to install new and replacement uPVC windows to the rear elevation, it is considered necessary and reasonable to require these to be timber-framed by condition (as also imposed on the planning permission granted in January 2012).

Accessibility

- 9.12 In recognition of the constraints of the existing building it is considered that all reasonable measures to promote accessibility have been incorporated. The proposals will be in general accordance with policy 7.2 of the London Plan 2011, policies H3, H7 and H10 of the Islington Unitary Development Plan 2002, policy CS12H of the Islington Core Strategy 2011 and the Accessible Housing in Islington SPD 2008.

Landscaping and Trees

- 9.13 The proposed extension would necessitate the loss of two trees to the rear of the site (an established Fig tree and Tulip tree), which are both in fair condition. It is also proposed to remove an Elder tree towards the rear of the garden which is in poor condition. These trees are not protected and their loss, whilst regrettable cannot be controlled. It is recommended that a planning condition be imposed (as imposed on the planning permission granted in January 2012) requiring the replacement of these trees and for the protection of the large Walnut tree in accordance with the measures proposed in the submitted Arboricultural report.

Neighbouring Amenity

- 9.14 The proposed rear extension mirrors that granted planning permission in January 2012. It would be built on the boundary with 28 and 32 Brecknock Road and would result in the erection of a boundary wall to a height of 3.7m projecting to a depth of 3m. The existing boundary comprises a low wall with broken trellis and planting. The ground floors of 28 and 32 Brecknock Road are in commercial use. The upper floors of 32 Brecknock Road are in residential use, the first floor of which has direct access to a section of the garden adjacent to the proposed extension.

- 9.15 The extension would have no impact on the amenities of the ground floor level occupiers on either side or the habitable room windows of the first floor level residential unit of 32 Brecknock Road in terms of loss of daylight, outlook or privacy. Notwithstanding that there is no planning policy to protect the amenities of garden areas, the proposed extension does incorporate an unnecessarily high parapet at roof level and it is considered reasonable to impose a condition (as imposed on the planning permission granted in January 2012) requiring the height of this to be reduced by 1m to reduce the bulk and overbearing impact of the extension.
- 9.16 Issues relating to sound insulation would be regulated separately by the Building Regulations.

Quality of Resulting Residential Accommodation

- 9.17 The conversion of the existing residential unit, in association with the proposed roof extension is considered to be acceptable in principle and would broadly comply with the requirements of policy H7 of the UDP which requires all accommodation to be of an adequate standard with respect to the size, shape and disposition of rooms in terms of function and design.
- 9.18 The two-bedroom maisonettes on the ground and first floor and second and third floors would be 81sqm and 82sqm (above the minimum recommended floor area in the emerging Development Management Policies of 70sqm). The one-bedroom unit on the first floor would be 42sqm (below the minimum recommended floor area in the emerging Development Management Policies of 50sqm). In order to address this shortfall it is recommended that the first floor unit be altered to a studio unit (thereby complying with the minimum recommended floor area in the emerging Development Management Policies of 37sqm) by condition (as imposed on the planning permission granted in January 2012).
- 9.19 All of the habitable rooms would exceed the recommended minimum guidelines. The two units on the upper floors would be dual aspect, benefit from good levels of natural light, ventilation, outlook and privacy. Whilst the ground and first floor maisonette would be single aspect and the second bedroom would be deep and narrow, it would benefit from good outlook to the rear garden and by virtue of its overall size and layout would be capable of functioning comfortably and efficiently. The provision of roof lights over the living area would ensure the living space benefits from good levels of natural light. It is considered that the standard of accommodation proposed is acceptable and would provide a good standard of amenity to future occupiers in accordance with policy H7 of the UDP, policy CS12 of the Core Strategy and emerging policy DM12 of the Development Management Policies 2012.
- 9.20 In the absence of any forecourt area to accommodate refuse and recycling storage facilities, on-street collection is considered to be acceptable. All units have in built storage and there is a daily refuse and recycling collection from Brecknock Road.

Highways and Transportation

- 9.21 The site is located in an accessible part of the Borough meaning that future occupiers would have an excellent level of access to public transport facilities. The residential units would be car-free such that future occupiers would not be eligible to apply for on-street parking permits. The development would be unlikely to place an unacceptable level of

additional demand on existing on-street parking provision, the local highway network or public transport infrastructure and is considered to be acceptable in this regard.

- 9.22 With the exception of the communal entrance, which has a limited 1100mm width there is no viable space for the provision of cycle storage facilities. The constraints of the site are considered to warrant an exception to emerging planning policies requiring the provision of on site cycle storage facilities.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.23 The proposed development would be liable for the Mayor's CIL.

National Planning Policy Framework and Final Balancing Exercise

- 9.24 The NPPF recognises that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The NPPF also recognises that Local Plans are key to delivering sustainable development. As outlined above the proposed development would be broadly consistent with the policies contained in the Local Plan and on this basis are considered to be acceptable. On balance it is considered that the planning benefits of creating three good quality self-contained residential units and of enhancing the appearance of the building outweigh any unlikely harm to the Local Shopping Area arising from the loss of a portion of retail floor space in this location.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 Notwithstanding that the site is located within a designated protected local shopping centre and Local Shopping Area, the change of use of a portion of the Class A1 unit would not undermine the potential for a retail unit to function in this location and on this basis the proposals are not contrary to land use policies. The sub-division and extension of the existing residential accommodation would also be acceptable in terms of providing a good standard of amenity to future occupiers. Subject to appropriate conditions, the erection of a mansard roof extension identical to that for which planning permission has previously been granted is considered to be acceptable. The erection of a single storey rear extension identical to that which has previously been granted would also be acceptable and subject to necessary conditions would comply with relevant planning policy. The proposals are considered to be acceptable in all respects and do not therefore represent overdevelopment of the site.

Conclusion

- 10.2 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That if members are minded to approve this proposal (subject to conditions) officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.

- This decision was made by the Members of the Planning Sub-B Committee on the 15/11/2012.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The change of use of a small portion of the existing Class A1 retail space would not compromise the future viability of a Class A1 retail use in this location and notwithstanding its location within a protected shopping centre and local shopping area would not be contrary to policy S18 of the Islington Unitary Development Plan 2002 or policies CS3 or CS14 of the Core Strategy 2011 or emerging policy DM23 of the Development Management Policies 2012;
- The proposed roof and rear extensions are as approved in January 2012 and subject to appropriate conditions are considered to be appropriate in terms of size, scale and design and would not cause harm to the appearance or integrity of the building, the terrace or the wider streetscene in accordance with policies D4 and D11 of the Islington Unitary Development Plan 2002 and policy CS9 of the Core Strategy 2011;
- The subdivision of the residential use to create two two-bedroom units and one studio unit would provide a range of unit sizes and provide an adequate standard of amenity for future occupiers in accordance with policies H3, H7 and H8 of the Islington Unitary Development Plan 2002, policy CS12 of the Core Strategy 2011 and emerging policy DM12 of the Development Management Policies 2012 and guidance contained within the Planning Standards Guidelines 2002;
- Subject to appropriate conditions requiring the protection and where necessary replacement of trees to the rear of the site, the development would be in accordance with policy Env6 of the Islington Unitary Development Plan 2002 and policy CS15 of the Core Strategy 2011;
- Subject to appropriate conditions restricting access to the first floor level flat roof and requiring the parapet height to be reduced, the rear extension would have no harmful impact on the amenities of the ground floor level occupiers on either side or the habitable room windows of the first floor level residential unit of 32 Brecknock Road in terms of loss of daylight, outlook or privacy in accordance with policy D3 of the Islington Unitary Development Plan 2002.

RECOMMENDATION B

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

List of Conditions:

- 1 Commencement**
CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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).
- 2 Approved plans list**
CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:

Design and Access Statement (09/07/2012), DR.01; 02; 03; 04; 05; 06/A; 07/A; 08/A; 09; 10; 11, Pre-development Tree Survey (dated 15/11/2010), TCP_BR_A/A.

REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
- 3 Materials**
CONDITION: All new external work shall be carried out in materials of such colour or texture and with architectural detailing to match the existing facing work of the building.

REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building, and to accord with policies CS3 and CS9 of the Islington Core Strategy 2011 and policies D4 (Designing in context) and (Alterations and extensions) of the Islington Unitary Development Plan 2002.
- 4 Replacement windows and doors**
CONDITION: Notwithstanding the plans hereby approved, any replacement and all new windows and doors on the rear elevation of the building shall be timber-framed unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building, and to accord with policies CS3 and CS9 of the Islington Core Strategy 2011 and policies D4 (Designing in context) and D11 (Alterations and extensions) of the Islington Unitary Development Plan 2002.
- 5 Rear parapets**
CONDITION: Notwithstanding the details shown on the hereby approved drawings, the side and rear parapets to the single storey rear extension shall be reduced in height by at least 1m.

REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building, and to accord with policies CS3 and CS9 of the Islington Core Strategy 2011 and policies D4 (Designing in context) and D11 (Alterations and extensions) of the Islington Unitary Development

Plan 2002.

6 Replacement windows and doors – front elevation

CONDITION: The hereby approved timber sliding sash windows and doors at first and second floor levels on the front elevation of the building shall be installed before the first occupation of any of the residential units hereby approved. The windows and doors shall match the design and method of opening of the windows and doors at first and second floor levels on the front elevation of 32 Brecknock Road.

REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building, and to accord with policies CS3 and CS9 of the Islington Core Strategy 2011 and policies D4 (Designing in context) and D11 (Alterations and extensions) of the Islington Unitary Development Plan 2002.

7 No terrace

CONDITION: The roof area of the single storey rear extension hereby approved shall not be used other than for essential maintenance or repair, or escape in case of emergency and shall not be used as an amenity or sitting out space of any kind whatsoever.

REASON: To avoid overlooking of the neighbouring properties in accordance with policy D3 (Site planning) of the Islington Unitary Development Plan 2002.

8 Roof level parapet

CONDITION: Notwithstanding the details shown on the hereby approved drawing DR-03, the form and height of the roof level parapet wall located on the boundary with 32 Brecknock Road shall be retained as existing.

REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building, and to accord with policies CS3 and CS9 of the Islington Core Strategy 2011 and policy D4 (Designing in context) of the Islington Unitary Development Plan 2002.

9 Tree protection

CONDITION: The existing Walnut tree located at the rear of the site shall be protected throughout the construction period in strict accordance with the hereby approved Arboricultural Tree Report and Method Statement.

REASON: To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy CS15 of the Islington Core Strategy 2011 and policy Env6 (Trees) of the Islington Unitary Development Plan 2002.

10 Tree replacement

CONDITION: Prior to the commencement of any works on site, details including the size, species and location of two replacement trees to mitigate the loss of the Fig and Tulip trees, shall be submitted to and approved in writing by the Local Planning Authority.

The replacement trees shall be planted in accordance with the details so

approved and shall be completed during the first planting season after the date of the first occupation of any of the residential units hereby approved. The trees planted must have a two year maintenance/watering provision commencing at completion of the planting of the final tree. Trees or shrubs which die within five years of completion of planting of the final plant shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.

REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy CS15 of the Islington Core Strategy 2011 and policy Env6 (Trees) of the Islington Unitary Development Plan 2002.

11 Studio flat

CONDITION: Notwithstanding the approved drawing DR-02 flat 2 shall be a studio flat.

REASON: To ensure that the quality of the accommodation is acceptable given the size of the unit, and to accord with policy 3.5 of the London Plan 2011, policy CS12 of the Islington Core Strategy 2011 and emerging policy DM12 of the Development Management Policies Submission Version 2012.

List of Informatives:

1 Car free

IMPORTANT NOTE TO POLICY CHANGE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. 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.

2 CIL

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 Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with 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 <mailto:cil@islington.gov.uk>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal here: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>.

APPENDIX 2: RELEVANT POLICIES

This appendices list all relevant development plan polices and guidance notes pertinent to the determination of this planning application.

1 National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.7 Large residential developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.10 Urban greening

Policy 5.13 Sustainable drainage

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's

Policy 3.14 Existing housing

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS3 (Nag's Head and Upper Holloway Road)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env5 & 6 (Protecting Trees)

Env16 & 17 (Protection of Amenity)

Env37 (Waste and Recycling)

Housing Policies:

H3 (New Housing and Changes of Use to Residential)

H7 (Standards and Guidelines)

H8&H9 (Conversion of existing property)

Shopping & Town Centres Policies:

S18 (Loss of retail)

S27 (New Retail Developments Serving Local Needs)

S29 (Access to Shops)

Sustainable Transport Policies:

T18 (Parking and Traffic Restraint)

T32 (On-Street Servicing)

T34 (Cycle Parking)

T52 (Facilities for Cyclists)

Conservation and Design Policies:

D3 (Site Planning)

D4 (Designing in Context)

D11 (Alterations and Extensions)

3. Emerging Policy Documents

A) Islington's Development Management Policies – Submission Version, June 2012

The Submission Stage version of Islington's Development Management Policies and Finsbury Local Plan documents were presented to and approved by full Council on 26/06/2012. This document is considered to be 'sound' (i.e. positively prepared, justified, effective and consistent with the National Planning Policy Framework) and was submitted to the Planning Inspectorate for Independent Examination on 16/08/2012. The documents set out in detail the Council's approach to determining proposals for the next 15 years and, whilst not adopted, contains emerging policies that are a material planning consideration and to which weight can be attached.

Design and Heritage

DM1 Design

DM2 Inclusive Design

DM3 Heritage

Housing

DM9 Mix of housing sizes

DM11 Residential conversions and extensions

DM12 Housing standards

Shops, Culture and services

DM23 Local Shopping Areas

Health and open space

DM38 Landscaping, trees and biodiversity

Transport

DM48 Walking and cycling

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

The following SPG's and/or SPD's are relevant:

Islington UDP

- **Accessible Housing in Islington**
- **Conservation Area Design Guidelines**
- **Planning Standards Guidelines**
- **Urban Design Guide**

London Plan

- **Accessible London: Achieving and Inclusive Environment**
- **Housing**
- **Sustainable Design & Construction**

APPENDIX 3: LOCAL SHOPPING AREA SURVEY (SEPT 2011)

Tradable area sqm	NPI	PAON	STREET	Use Class
98.89076738	ANDREWS OFFICE FURNITURE	2	Brecknock Road	A1
47.43479496	BENGAL BALTI HOUSE	6	Brecknock Road	A3
46.09805659	FRANCINO PIZZA	8	Brecknock Road	A5
43.9837969	STELLA DI MARE	10	Brecknock Road	A3
80.77671514	KIM MARIE	12	Brecknock Road	A1
60.54799798	SUNRISE CAFE	14	Brecknock Road	A1
101.0907625	CLEARVIEW	16	Brecknock Road	A2
64.93601196	CORRIGANS	18	Brecknock Road	A1
66.27972911	BRECKNOCK ROAD POST OFFICE	20	Brecknock Road	A1
80.54326342	CHICKEN AND RIB TIME	22	Brecknock Road	A5
79.32315323	ANYTHING & EVERYTHING	24	Brecknock Road	A1
59.65883635	PARMENTERS	26	Brecknock Road	A1
77.51392239	BRECKNOCK ROAD LONDIS	28	Brecknock Road	A1
97.98068297	BUMBLEBEE NATURAL FOODS	30	Brecknock Road	A1
62.67019368	PAULS EMPORIUM	386	York Way	A1
50.2737176	GREEN FARM SUPERMARKET	388	York Way	A1
51.53071103	L AND B NEWS	390	York Way	A1
46.31733302	CRAMERS BUTCHERS	392	York Way	A1
43.86216142	KRIS WINES	394	York Way	A1
57.54254733	AUSTIN FLOWERS	396	York Way	A1
43.69070998	H F C FRIED CHICKEN	398	York Way	A5
255.6927481	COSTCUTTER	400	York Way	A1
125	YORK PHARMACY	404	York Way	A1