



PLANNING SUB-COMMITTEE B

Date: 4 October 2012

AGENDA ITEM NO: B2

Application number	P112890
Application type	Conservation Area Consent
Ward	Barnsbury
Listed building	N/A
Conservation area	Barnsbury Conservation Area (CA10)
Development Plan Context	Barnsbury Conservation Area
Licensing Implications	N/A
Site Address:	The Lark in the Park Public House, 60, Copenhagen Street, Islington, London, N1 0JW
Proposal	Conservation Area Consent application in connection with the demolition of existing public house and replacement with five, four storey town terrace houses.

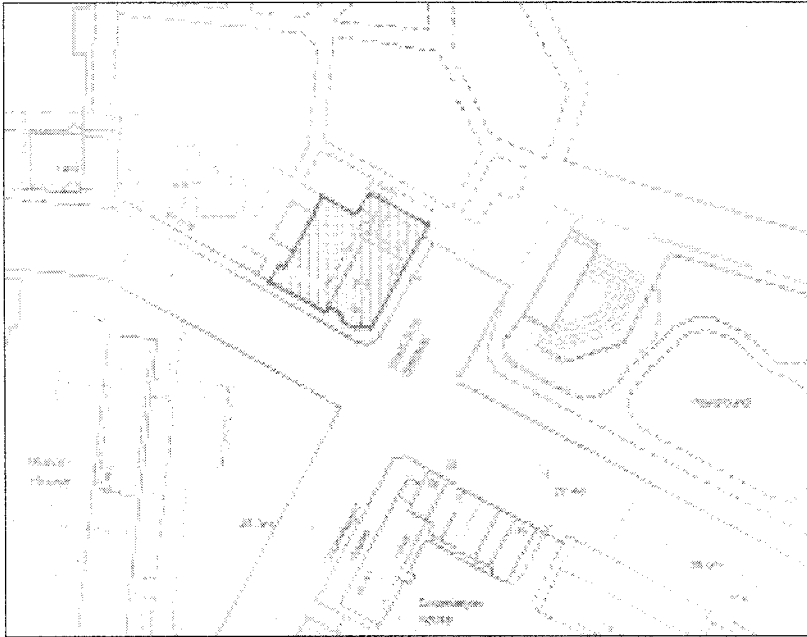
Case Officer	Paul Conboy
Applicant	Ms Gabrielle Whelan
Agent	Progetti

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** conservation area consent

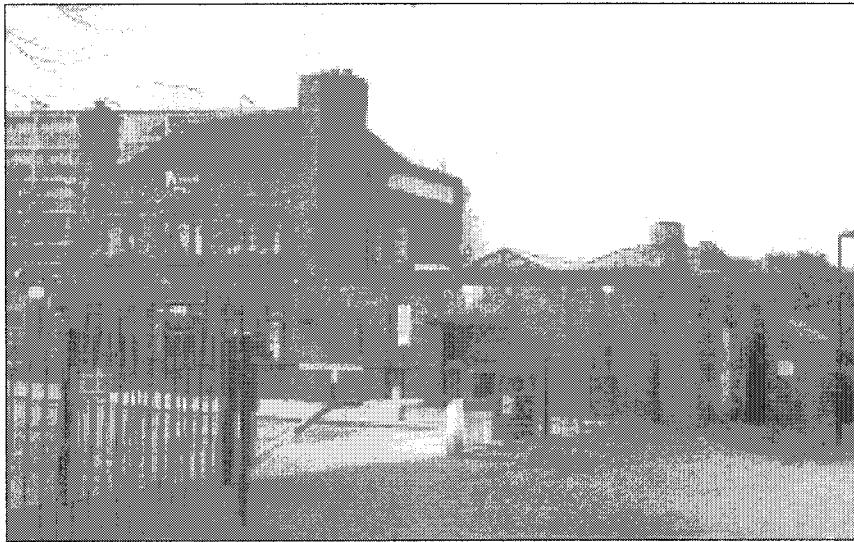
1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The proposal seeks conservation area consent to demolish the existing public house building onsite as part of a comprehensive redevelopment of the site to create 5 x four storey family terraced dwellings.
- 4.2 Provided an acceptable replacement scheme is approved and constructed in its place the demolition of the building is considered acceptable and would not harm the character and appearance of the Conservation area. The broader planning merits of the replacement scheme are covered under the planning application ref P112840.

5. SITE AND SURROUNDING

- 5.1 The site is located on the south western corner of Copenhagen Street and Charlotte Terrace. The site itself is occupied by a 2 storey building with a pitched roof and the existing public house building has frontages to both Copenhagen Street and Charlotte terrace. The site is bounded by Barnard Park to the north and a paved walkway with a

small public garden to the west which separates the site from a new 3 storey housing development at 80-82 Copenhagen Street. There is a large mature horse chestnut tree located within the south west corner of the site along Copenhagen Street. To the east of the site there is a single storey community centre located within Barnard Park itself. There is a small parade of shops located further eastwards along Copenhagen Street numbered 49-50. Apart from these units the surrounding area is wholly residential in character with large flatted blocks of flats dominating the immediate area surrounding the site. The application site is located within the Barnsbury conservation area.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks to redevelop the site to create a row of 5 four storey terraced dwellings which would have their main frontages onto Charlotte Terrace. The proposal would seek permission to create 3 x 4 bed units, 1 x 3 bed unit and a 1 x 2 bed unit. The development seeks to create a modern interpretation of traditional scaled and styled terraces which predominate within the wider Barnsbury conservation area.
- 6.2 The front elevation of the proposal facing onto Charlotte terrace would include recessed front entrances to each dwelling with distinctive projecting first floor windows with oak mullions. The main material finish would be new buff stock brickwork. At the third floor level the development includes a recessed largely glazed roof storey. All proposed windows are proposed to be finished with slim line metal frames. The proposed building also allows for a defined frontage along Copenhagen Street with doors and upper floor large windows along this façade.
- 6.3 At ground floor level the dwellings would contain the main living spaces with three of the central dwellings having an internal courtyard and a kitchen space towards the rear of the site at ground floor level. Above these feature the proposal includes a first floor rear roof terrace to act as further amenity space. Two of the units would not have these features due to the constraints of the site and the need to ensure the large chestnut tree in the south western corner of the site is protected as a result of the development.

7. RELEVANT HISTORY:

- 7.1 P061480/481: Refusal of planning permission and conservation area consent for the erection of a four storey building to accommodate 11 residential flats (7x 2 beds, 3 x 1beds & 1 x 3 beds) and the creation of 97 sq metres of A3 ground floor space.
- 7.2 Reason for refusal: The proposed development with over-sized residential units fails to achieve the full potential of the site in terms of the number of dwellings and in doing so lacks the appropriate provision of affordable housing.
- 7.3 A subsequent appeal was dismissed by the planning Inspectorate in June 2008 where the Inspector agreed the development needed to provide more affordable housing provision than what was offered (See appendix 1 for appeal decision)

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties along Copenhagen Street and Charlotte Terrace on the 3rd January 2012. A site notice and press advert were displayed on 3rd January 2012. Following some changes to the main elevations a

further round of consultation was carried out on 30th May 2012 and ended on the 20th of June 2012. However, it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 To date one letter of objection has 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):
- 8.3 The objector raises concerns regarding the loss of the horse chestnut tree on site (This tree is not proposed to be removed as part of the development of the scheme.)

External Consultees

- 8.4 English Heritage advise the development should be determined in line with national and local policies and the councils expert conservation advice.

Internal Consultees

- 8.5 Conservation and Design Officer: supportive as overall the scheme will enhance the character and appearance of the conservation area. No objection to the removal of the existing buildings on site.

9. RELEVANT POLICIES

DETAILS OF ALL RELEVANT POLICIES AND GUIDANCE NOTES ARE ATTACHED IN APPENDIX 2. THIS REPORT CONSIDERS THE PROPOSAL AGAINST THE FOLLOWING DEVELOPMENT PLAN DOCUMENTS.

National Guidance

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

Development Plan

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

Emerging Policy Documents

- A. Islington's Development Management Policies – Proposed Submission, October 2011.

Designations

- 9.3 The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Barnsbury Conservation Area** -

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and conservation, and the loss of the existing buildings onsite.

Design, Conservation and Heritage Considerations

10.2 The proposed development site is currently occupied by a two storey public house. The existing buildings on site occupy a prominent junction position between Copenhagen Street, Charlotte Terrace and a main entrance into Barnard Park. The existing buildings appear out of context with their surroundings which are dominated by 4 storey and higher flatted developments. Within this context and coupled with the plain appearance of the existing buildings themselves it is considered the public house offers a limited positive contribution to the character and appearance of the surrounding Barnsbury Conservation area. The Council's conservation officer has considered the merits of the existing building but concludes that subject to a well designed replacement building the demolition of the existing building can be justified in conservation terms.

10.3 A previous appeal decision, when commenting on a redevelopment proposal in 2008, mentioned the contribution the Inspector considered the building made, locally:

"The existing public house is a substantial, free standing building occupying a prominent position on the road frontage on the corner of Copenhagen Street and Charlotte Terrace. It has a simple and functional appearance and although it is not unsightly, it makes little positive contribution to the character and appearance of the conservation area, which is largely based on well preserved squares and terraces of late Georgian and early Victorian residential development and areas of public open space such as Barnard Park."

10.4 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, D4, D5, D22 and D24 of the UDP 2002 and emerging Development Management policies (2012) DM1 and DM3, and the Barnsbury Conservation Area Guidelines subject the approval of a well designed replacement building.

Conclusion

10.5 It is recommended that conservation area consent granted subject to conditions 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 Committee on the 4 October 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;

There is no conservation or design objection to the demolition of the existing building onsite. Subject to conditions ensuring a positive replacement building for the site, consent for demolition is recommended. The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, D4, D5, D22 and D24 of the UDP 2002 and emerging Development Management policies (2012) DM1 and DM3, and Conservation Area Guidelines for Barnsbury.

RECOMMENDATION B

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

List of Conditions:

1 Commencement

CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.

REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

2 Demolition

CONDITION: No demolition shall take place unless and until a contract for the associated re-development of the site in accordance with planning permission P121068 has been secured and evidence of such contract(s) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent premature demolition in a Conservation Area in accordance with policy 12 of the National Planning Policy Framework 2012, policy CS9 of the Core Strategy 2011 and policy D21 of the Islington Unitary Development Plan 2002.

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

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

C) Islington Unitary Development Plan (2002)

Conservation and Design Policies:
D3 (Site Planning)
D4 (Designing in Context)
D5 (Townscape)
D20 (Land Use)
D22 (New Development)
D24 (Materials)

3. Emerging Policy Documents

A) Islington's Development Management Policies – Proposed Submission, October 2011

Design and Heritage
DM1 Design
DM3 Heritage

5 Designations

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Barnsbury Conservation Area**

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

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

Islington UDP

- **Conservation Area Design Guidelines**
- **Urban Design Guide 2006**



Appeal Decisions

Site visit made on 11 June 2008

by **Kevin Ward BA (Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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Decision date:
27 June 2008

Appeal A: APP/V5570/A/08/2069480 60 Copenhagen Street, Islington, London N1 0JW

- 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 G Doyle against the decision of the Council of the London Borough of Islington.
- The application Ref P061480, dated 30 June 2006, was refused by notice dated 14 November 2007.
- The development proposed is demolition of existing Lark In The Park public house and erection of 11 No. residential units and 97sqm of A3 use space.

Appeal B: APP/V5570/E/08/2069478 60 Copenhagen Street, Islington, London N1 0JW

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by G Doyle against the decision of the Council of the London Borough of Islington.
- The application Ref P061481, dated 30 June 2006, was refused by notice dated 14 November 2007.
- The demolition proposed is of the Lark In The Park public house.

Decisions

Appeal A: APP/V5570/A/08/2069480

1. I dismiss the appeal.

Appeal B: APP/V5570/E/08/2069478

2. I dismiss the appeal.

Main Issues

3. The main issues are:
 - a) whether the proposed development should make provision for affordable housing and if so, whether adequate provision would be made; and,
 - b) whether the proposed development would preserve or enhance the character or appearance of the Barnsbury Conservation Area and whether the demolition of the existing building is appropriate in the light of the plans for redevelopment.

Reasons

Affordable housing

4. The objective of new residential development helping to meet local housing needs is set out in Policy H3 of the Islington Unitary Development Plan (UDP). Policy H14 of the UDP includes reference to the need for a variety of different types of housing and in particular the need for affordable housing.
5. Given that Policy H16 was not saved beyond September 2007, there is no policy within the UDP which specifies the threshold for seeking affordable housing or the proportion to be sought when considering residential development schemes. The Council refer to the Core Strategy Advice Note of June 2007 and the Guidance Note on Affordable Housing of October 2006. Both of these documents refer to seeking 50% affordable housing on schemes involving ten or more dwellings. However, whilst both documents may have been adopted by the Council, they do not form part of the development plan and have not been produced as Supplementary Planning Documents. I have given them little weight therefore.
6. Policy 3A.11 of The London Plan (adopted in February 2008) states that affordable housing provision should normally be required on sites with capacity to accommodate ten or more dwellings. Policy 3A.9 of the London Plan sets out the strategic target of 50% of total housing provision being affordable.
7. I appreciate that the applications for planning permission and conservation area consent were submitted and determined prior to the adoption of Policy 3A.11 of The London Plan. I also note the appellant's concerns in relation to the consistency of the Council's approach and advice from officers. However, I must determine the appeals in relation to current development plan policies and any other material considerations. The number of dwellings proposed is above the threshold identified in Policy 3A.11 of The London Plan, and notwithstanding the concerns of the appellant, I find no evidence to justify why a proportion of affordable housing should not be provided.
8. The appellant has provided a planning obligation in the form of a unilateral undertaking, which amongst other matters refers to the provision of one affordable housing unit. There is no specific target in the development plan for the proportion of affordable housing to be sought in schemes in Islington. Policy 3A.10 of The London Plan states that the maximum reasonable amount of affordable housing should be sought on individual schemes. Taking into account the strategic target set out in Policy 3A.9 of The London Plan and noting the requirement of 25% previously applied under Policy H16 of the UDP, I consider that the provision of one affordable housing unit, representing only 9% of the total dwellings, would not be sufficient to make an appropriate contribution towards meeting affordable housing needs. There is no evidence to demonstrate why more affordable housing could not feasibly be provided.
9. I consider therefore that the unilateral undertaking would not make the proposed development acceptable in relation to the provision of affordable housing. In any event it is not signed by the mortgagee and the signature of the owner has not been witnessed. I have consequently given the unilateral undertaking no weight.
10. The Council argued that the proposed development would involve oversized units which would fail to achieve the full potential of the site. Apart from the single

unit on the third floor, the flats would be close to the minimum size standards set out in the Supplementary Planning Guidance on Planning Standards Guidelines. The proposed development would also achieve the minimum density standards set out in the Planning Standards Guidelines and The London Plan. The proposed building would also make full use of the site available. Whilst it may be feasible to develop a slightly increased number of smaller units, the proposed development strikes an appropriate balance between maximising the potential of the site and providing for a reasonable mix of dwelling sizes as required by Policy H14 and H15 of the UDP.

The conservation area

11. The appeal site lies within the Barnsbury Conservation Area between the main entrance to Barnard Park from Charlotte Terrace and a modern three storey housing development. The existing public house is a substantial, freestanding building occupying a prominent position on the road frontage on the corner of Copenhagen Street and Charlotte Terrace. It has a simple and functional appearance and although it is not unsightly, it makes little positive contribution to the character and appearance of the conservation area, which is largely based on well preserved squares and terraces of late Georgian and early Victorian residential development and areas of public open space such as Barnard Park.
12. Whilst the proposed building would be of a modern and innovative design and four storeys high, it would be compatible with the adjacent modern housing development and provide a distinctive feature in the built form along Copenhagen Street. It would also be seen in the context of the large scale residential developments on the opposite side of Copenhagen Street and would not impinge on the integrity of the open space provided by Barnard Park. It would preserve the character and appearance of the conservation area.
13. However, paragraph 4.27 of Planning Policy Guidance Note 15: Planning and the historic environment (PPG15) makes it clear that, even where an existing building makes little or no contribution to the character or appearance of a conservation area, consent for demolition should not be given unless there are acceptable plans for redevelopment. Given my findings in relation to the issue of affordable housing provision, the plans for the redevelopment of the site are not acceptable.

Conclusions

14. For the above reasons and taking into account other matters raised, I find that whilst the proposed development would preserve the character and appearance of the Barnsbury Conservation Area, it should make provision for affordable housing and that adequate provision would not be made. I conclude therefore that it would be contrary to Policies H3 and H14 of the UDP and Policies 3A.10 and 3A.11 of The London Plan and that Appeal A should be dismissed. I find that the demolition of the existing building is not appropriate in the absence of acceptable plans for redevelopment. As such I conclude that it would be contrary to advice in PPG15 and that Appeal B should be dismissed.

Kevin Ward

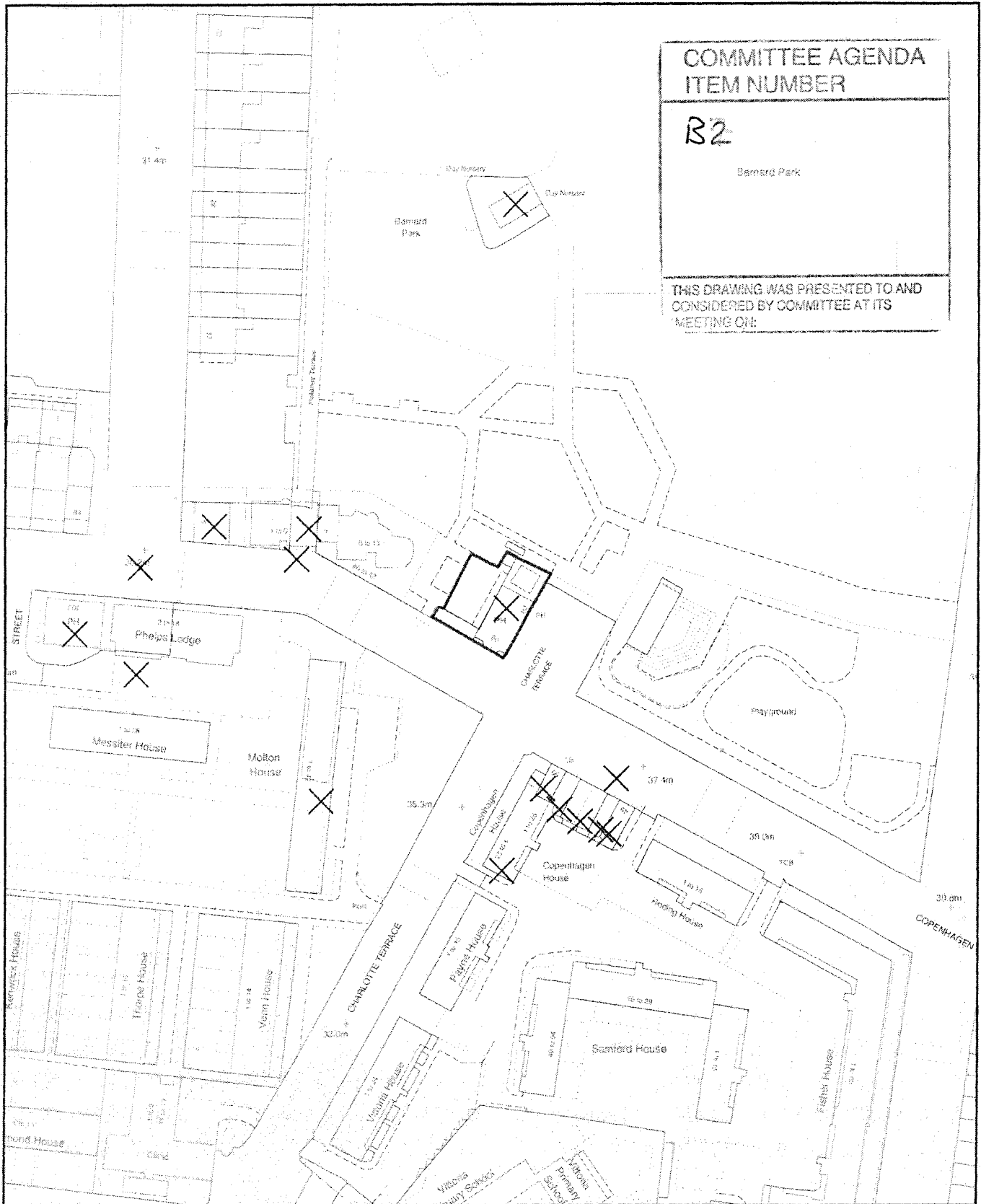
INSPECTOR

COMMITTEE AGENDA
ITEM NUMBER

B2

Barnard Park

THIS DRAWING WAS PRESENTED TO AND
CONSIDERED BY COMMITTEE AT ITS
MEETING ON:



ISLINGTON

Planning Division

Planning Application Ref No:- P **112890**

LOCATION.....

X = Properties consulted



Scale - 1:1250

Time of Plot 11:52

Date of plot: 25/09/2012

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