



ISLINGTON

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 3333
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PLANNING SUB COMMITTEE B
Date: 4 October 2012

AGENDA ITEM NO: B1

Application number	P112840
Application type	Full Planning Application
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	The demolition of existing public house and replacement with 5 x four storey terraced houses. (3x 4 bed, 1 x 3 bed & 1 x 2 bed)

Case Officer	Paul Conboy
Applicant	Mrs Gabrielle Whelan
Agent	Progetti – Charles Khoo

1. RECOMMENDATION

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

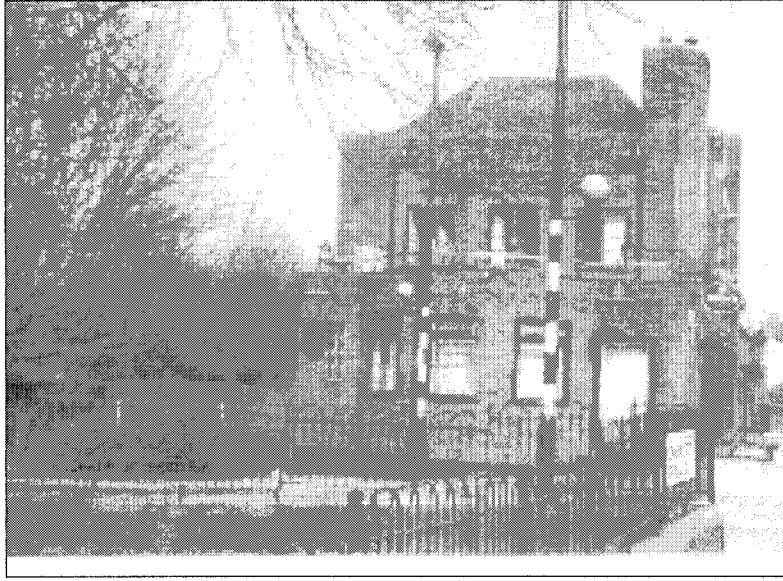
1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;
3. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The proposal is for the replacement of the existing buildings onsite and the erection of 5 four storey terraced dwellings (1 x 3 bed, 1 x 2 bed & 3 x 4 bed).
- 4.2 Consideration will need to be given to the suitability of the proposed use and the quality of the subsequent accommodation. The proposal will also need to be considered in terms of the context of the Barnsbury Conservation Area and the setting of adjacent buildings, as well as its overall design, form and scale.

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 x 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 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 the three central dwellings having an internal courtyard and a kitchen space towards the rear of the site at ground floor level. Above these features the same three dwellings include a first floor rear roof terrace to act as additional amenity space. The two outer dwellings 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 afforded suitable protection.
- 6.4 The scheme has had some design refinements during the application process including a better designed and more lightweight roof storey and the insertion of a more active frontage onto Copenhagen Street with additional windows and a door proposed.

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 (5 x one-bed, 5 x two-bed and 1 x three-bed) 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 whereby the Inspector agreed the development needed to provide more affordable housing units than were being proposed. See attached appeal decision in Appendix 1.

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. Following some changes to the main elevations a further round of consultation was carried out on the 30th May 2012 ending on the 20th June. However, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing this report 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 to 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. (See paragraph 10.19))

External Consultees

- 8.4 English Heritage raised no objection and stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice

Internal Consultees

- 8.5 Access Officer: supportive, as overall in accordance with relevant policies.
- 8.6 Conservation and Design Officer: supportive, as overall the scheme will enhance the character and appearance of the conservation area.
- 8.7 Tree Preservation / Landscape Officer: no tree or landscape objections subject to conditions to ensure the long term health of the tree within the 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 – June 2012 Version

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:

- Land use principle
- Design and conservation
- Impact on neighbour amenity
- Affordable housing and s106 needs.
- Quality of the accommodation itself
- Safety and security
- Trees and landscaping
- Highways and parking
- Accessibility
- Sustainability

Land-use

- 10.2 The site is presently occupied by a vacant public house (Class A4 uses). The surrounding area is predominantly residential in character. Policy DM 27 supports the retention of public houses and opposes their redevelopment, demolition or change of use. The policy goes on to state that four provisos need to be met if redevelopment of public houses can be accepted.
- 10.3 *i Public House has been vacant for a continuous period of 2 years or more and marketing evidence has been provided for the vacant 2 year period to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future:* It is important to note the current site has now been vacant for over four years in total. The unit is located beside a large park and surrounded by very few other commercial properties and mostly residential uses. It is considered that the particular circumstances in this instance do not give compelling reasons why the public house

should be retained. However, it should be noted that no marketing evidence has been submitted to demonstrate that there is no realistic prospect of the pub continuing its use.

- 10.4 *ii. the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene:* The proposed building has been designed to provide Charlotte Terrace and Copenhagen Street with active frontages which will increase natural surveillance and security around the site. The design of the buildings are considered to form attractive and visually interesting buildings within their context. The development would also create valuable additional residential accommodation, the dominant surrounding land use in the surrounding area.
- 10.5 *iii. the proposal does not constitute the loss of a service of particular value to the local community:* It is clear that the public house vacant for several years is not and has not contributed for several years as a local service be it valued or not. It is also important to note that no letters of objection have been received from any consultees objecting to the loss of the vacant pub or the buildings themselves.
- 10.6 *iv. significant features of historic or character value are retained:* The existing buildings on site are not considered to be of any material significance and offer little positive contribution to the surrounding conservation area. Therefore the loss of the buildings in their entirety is considered to be acceptable in this instance with a high quality redevelopment of the site proposed.
- 10.7 It is considered that the proposed development would comply with the provisions within Policy DM 27 and that the loss of the public house and the redevelopment of the site for residential purposes is acceptable in land use terms. The proposal is in accordance with policies 3.3, 3.4 and 3.8 of the London plan 2011, CS12 of the Core Strategy 2011 and Emerging DM policy 27.

Design, Conservation and Heritage Considerations

- 10.8 In determining proposals within conservation areas the Council has a statutory duty to have regard as to whether the scheme enhances or preserves the character and appearance of the particular Conservation area.
- 10.9 It is considered that the new proposal is of merit, with an interesting design and will have a positive relationship with the interface along both Copenhagen Street and Charlotte Terrace. The proposed design, scale and massing of the development is considered to respect its context and create an attractive frontage along Charlotte Terrace and Copenhagen Street. Whilst the proposed elevations would enhance the immediate locality it would also increase significantly the natural surveillance of the area due to the proposed front side and rear elevation windows which are welcomed.
- 10.10 The proposed buildings are not considered to be excessive in overall scale or footprint and will create a well designed space while respecting the health of a nearby tree and the green open space character of Barnard Park.
- 10.11 With regard to materials, the front will be finished with new buff stock brickwork with distinctive oak mullion finished projecting bay windows. The fenestration will be in finished with slim line metal frames.
- 10.12 A previous scheme to develop the site created a large four storey block occupying the majority of the site. Policies and room standards have changed and enlarged since the

previous application. However, it is considered that the current application has created a well thought out design which forms an attractive backdrop to the entrance of Barnard Park to the north and along the passageway to the west of the site while not simply replicating the flatted blocked nature of other buildings in the locality. The proposed redevelopment of the site would maintain its open feel and character, particularly important given its backdrop to Barnard Park.

- 10.13 Overall, the revised scheme is considered to be acceptable and provided the quality of construction and the materials proposed are adhered to it will enhance both the character and appearance of the conservation area. 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.

Affordable housing provision and S106 contributions

- 10.14 The development seeks permission to create five terraced dwellings. This is below the affordable housing threshold of ten units. A previous application on this site in 2006 sought permission to create eleven units on the site albeit in a much larger flatted development. It is considered the current application has created the right balance between maximising the use of the site while creating a well designed development which addresses successfully all aspects of the site and its interface with Barnard Park.
- 10.15 The council has yet to adopt its small sites contributions SPG. However, bearing in mind the previous history of the site the applicant has offered a commuted sum of £250,000 for affordable housing provision in other parts of the borough. This is captured by S106 agreement that would be attached to any grant of planning permission.

Safety and security considerations

- 10.16 The site itself has a crucial relationship to Barnard Park. To the north the entire site backs directly onto the park and to the west the site backs onto a passageway into the Park. It is considered that the existing building offers no active frontage or natural surveillance of the site against anti-social behaviour. The proposed development would instead create an active residential use in this section of the road with several large windows towards the front, side and rear elevations all of which will greatly increase natural surveillance around the site. This is very much welcomed in safety and security terms.
- 10.17 The dwellings themselves will have defensible space in front of each main entrance. Towards the rear there would be a high boundary wall and a first floor rear roof terrace which create a secure area within the site while still facilitating surveillance, activity and safety around the site.

Accessibility

- 10.18 In general, the design is in accordance with the requirements of the Lifetime Homes Standards and is acceptable. The proposal is considered to be in 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 Supplementary Planning Document 2008.

Landscaping and Trees

- 10.19 There is one large mature horse chestnut tree within the site. The proposed dwelling in closest proximity to this tree has had its rear building line re-positioned away from the trees roots during the course of negotiations. The council's tree officer recognises that this tree requires pruning at present and would not object to the reasonable cutting back of this tree. This would be agreed separately between the council and the applicants as the development progresses. Subject to standard tree protection conditions the officer is satisfied the development can be implemented without adversely affecting the health of this mature horse chestnut tree in this location. The proposal is considered to be compliant with policy 7.21 of the London Plan 2011, policy Env6 of the Islington Unitary Development Plan 2002 and policy CS15A, B and F of the Islington Core Strategy 2011.

Neighbouring Amenity

- 10.20 The proposal has been developed to ensure that light, overlooking, enclosure and privacy implications for adjacent residents, have been kept to a reasonable minimum. It is important to highlight that the site occupies a rather open island site adjacent to Barnard Park. The nearest residential frontage, unit's at 80-82 Copenhagen Street, would be located 12 metres from the site's western boundary and 19 metres from the proposed development's rear upper floor windows.
- 10.21 The proposed rear first floor roof terraces will have suitable screens towards the rear to ensure no material overlooking or loss of privacy is caused as a result. Therefore the proposed development is not considered to have any material adverse impacts on the amenity levels of adjoining occupiers in terms of loss of daylight/light, outlook, privacy or any increased sense of enclosure. The proposed development is therefore considered to accord with UDP policy D3.

Quality of Resulting Residential Accommodation

- 10.22 The proposal will provide 3 x 4 bed dwellings, 1 x 3 bed and 1 x 2 bed unit. This mix is considered to be acceptable and would create attractive family units beside a very large public park. The internal layouts of dwellings are considered to offer functional and attractive internal living environments. All the proposed units each comfortably exceeds London Plan and emerging Development Management policy figures for internal floor areas.
- 10.23 In terms of outdoor space, all five units have outdoor space measuring between 35 to 40 sq metres sq metres. Moreover, all the proposed units have extremely good access to a very large green space in the form of Barnard Park. Overall these are acceptable outdoor space standards and in general comply with policy.
- 10.24 All five units are dual aspect (east/west orientation) and all windows will have either an acceptable or a good outlook level, and a good standard of light sources. All habitable rooms exceed London Housing SPG standards. The proposal is considered to be compliant with policies CS9 of the Core Strategy 2011, D3, H3 and H7 of the UDP 2002 and emerging Development Management policy (2012) DM1.

Sustainability, Energy Efficiency and Renewable Energy

- 10.25 The redevelopment of the site for a more intensive residential use is inherently sustainable. The commitment to achieve Code for Sustainable Homes Level 4 is

welcome and will be secured by condition. The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

Highways and Transportation

- 10.26 In accordance with policy and all new housing developments this is a car free scheme. It is well located in regard to public transport links. The proposal makes provision for internal, secure bicycle provision in accordance with emerging Development Management policy on bicycle provision, ie, one bicycle space per bedroom. The proposal is in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.

Planning Obligations ,Community Infrastructure Levy and local finance considerations

- 10.27 The proposal is subject to a S106 agreement in regard to the reinstatement of the public highway and closing up of a crossover. The development will also be liable for the Major's CIL charges.

Conclusion

- 10.28 The proposed redevelopment of the site is acceptable in relation to DM policy 27. Although no marketing evidence has been submitted the public house has been vacant for in excess of 24 months. The form, design and standard of accommodation is considered to be of sufficient quality to warrant approval and the redevelopment does not have an adverse impact on the amenities of surrounding residents nor the character and appearance of the Conservation area. Subject to this it is recommended that planning permission be granted subject to conditions and a S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader:

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made valid, the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation the proposed development is not acceptable in planning terms. . ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the following heads of terms as

1. A commuted sum contribution of £250, 000 towards affordable housing provision within the borough.
2. Compliance with the Code of Local Procurement
3. .Compliance with the Code of Construction Practice, including a monitoring fee (£1,277). This amount is index-linked from the date of committee and is due upon implementation of the planning permission.
4. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
5. Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

RECOMMENDATION B

That if members are minded to approve this proposal (subject to conditions and ~Deed of Planning Obligation) 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;
- The development proposal offers a well designed and efficient use of the existing site. The proposed development will create useable and valuable residential accommodation and is therefore considered to be acceptable in land use terms. The loss of the vacant public house has been justified in line with Emerging Development Management policy DM27. The development complies with policies 3.3 3.4 & 7.5 of the London Plan 2011 and policies 9, 10 & 12 of Islington's Core Strategy 2011.
- o The bulk, height and scale of the scheme has been developed to ensure that it is contextual and that it will not have any adverse impact on neighbouring residential amenity (ie loss of daylight or sunlight, loss of privacy and unreasonable sense of enclosure for neighbours, overshadowing and outlook0. The proposal is considered to be compliant with policy D3 of the UDP 2002 and policy DM1 of the emerging Development Management policies 2012.
- The proposal provides inclusive and convenient access for all within the development. The development therefore complies with policies 7.2 of the London Plan 2011 and policies Env12 and D3 of the Unitary Development Plan 2002 which seek to secure appropriate and inclusive designs for developments.
- The resulting residential accommodation is considered to be of good quality and standard of design. The design and appearance of the new residential units subject to compliance with conditions, is considered positive and would enhance the character and appearance of the surrounding Highbury Fields Conservation Area. The scheme is in line with policies 3.5, 3.8 & 7.1 of the London Plan 2011 and policies D3, D4, D20, D24 of the Islington Unitary Development Plan 2002 and policies 9, 10 & 12 of Islington's Core Strategy 2011 which seeks to secure the appropriate overall design of buildings.
- The use of the application site for residential uses is inherently sustainable in land-use terms. The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and emerging Development Management policies (2012) DM41, DM43 and DM38.

RECOMMENDATION C

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 dated 22nd May 2012 Planning Statement by Robinson Escott Planning, Arboricultural Implication Report by Marshall Thompson Group dated 06th December 2011, Addendum to Arboricultural Implication Report by Marshall Thompson Group dated 23rd of May 2011, drawing numbers: 261/9, 261/1/REV D, 261/2/REV E, 261/3/REV D, 261/5/REV E, 261/6/REV E, 261/7/REV E, 261/8/REV E, 261/10/REV E & 261/11.

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: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

- a) Samples of all facing brickwork types, including mortar and pointing.
- b) Window and door treatment (including sections and reveals);
- c) Roofing materials;
- d) Any other materials to be used.

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

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies: 5.3; 7.4; 7.5 and 7.6; of the London Plan 2011, policies: D4 and D24 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.

4 Tree protection measures 1

CONDITION: Prior to the commencement of works on site detailed engineer's/construction drawings and foundation detail, showing cross-sections including existing and proposed levels, underpinning or reinforcing works of the

boundary wall foundations, shall be submitted to and for the approval by the Local Planning Authority.

No preparatory excavations for foundation shall be carried out until formal written approval has been given of the proposed foundation design of the building and any associated excavation have been agreed.

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 Env 6 of the Islington UDP 2002.

CONDITION: The bicycle storage areas hereby approved, which shall be secure and provide for no less than six bicycle spaces, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.

5 No tree pruning without further consent

CONDITION: Notwithstanding any other plans or documents hereby approved, no pruning of trees adjacent or over hanging the site (including branches or roots) are permitted without obtaining written approval of the local planning authority.

Tree pruning shall be carried out strictly in accordance with the details yet to be approved and no change shall take place without prior written approval of the Local Planning Authority.

REASON: In the interest of the protection of trees and to safeguard visual amenities in accordance with policy Env 6 of the Islington Unitary Development Plan 2002.

6 Landscaping scheme details

CONDITION: Notwithstanding the indicative landscaping scheme shown on the approved plans. A landscaping scheme, including trees to be retained and proposed together with details of positions of planned and existing underground services; proposed groundwork's; enclosures; drainage; hard ground surfaces and details of all surface treatment and boundary walls, as appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby granted permission is commenced.

No underground services shall be installed within the Root Protection Area (RPA) of the trees to be retained.

All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.

REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site in accordance with policy ENV 6 of Islington's Unitary Development Plan 2006.

7 Code of Sustainable Homes

CONDITION: The development shall achieve a Code for Sustainable Homes rating of no less than 'Level 4'.

REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011.

8 No permitted development rights

CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwelling houses hereby approved shall be carried out or constructed without express planning permission.

REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwelling house(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme. The removal of Permitted Development rights would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.

9 Screening to rear roof terrace

CONDITION: Detailed drawings and samples of a scheme of screening for the first floor rear roof terrace of the buildings shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of the residential units of the hereby approved scheme and maintained to the satisfaction of the Local Planning Authority thereafter

REASON: In order to safeguard the amenity levels of prospective occupiers of the units and adjacent occupiers in accordance with policy D3 of Islington's Unitary Development Plan 2002.

10 Construction Controls

CONDITION: During the demolition and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:

1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.

2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.

3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process in accordance with policy D3 of Islington's Unitary Development Plan 2002.

11 Accessible Housing

CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.

REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs, in 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 Supplementary Planning Document 2008.

12 Boundary Treatment (Details)

CONDITION: Details of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.

The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.

REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure in accordance with policies: 7.4; 7.3 and 7.6 of the London Plan 2011 and policies: D8 & D24 of the Islington Unitary Development Plan 2002.

List of Informatives:

1 S106

SECTION 106 AGREEMENT

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

2 Superstructure

DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'

A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

3 **Car-Free Development**

INFORMATIVE: (Car-Free Development) 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.

4 **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 partners must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council. This should be received by the Council within the next 21 days. 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. Persistent failure to pay CIL liabilities due may result in the Council imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due. The above forms can be found on the [Planning Portal](#).

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

3 London's people
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice

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 5.7 Renewable energy
Policy 5.13 Sustainable drainage
Policy 5.15 Water use and supplies

6 London's transport
Policy 6.9 Cycling

7 London's living places and spaces
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.21 Trees and woodlands

8 Implementation, monitoring and review
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

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)
Policy CS10 (Sustainable Design)
Policy CS12 (Meeting the Housing Challenge)

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env5 & 6 (Protecting Trees)
Env16 & 17 (Protection of Amenity))

Conservation and Design Policies:

D3 (Site Planning)
D4 (Designing in Context)
D5 (Townscape)
D8 (Boundary Walls, Paving and Street Furniture)
D20 (Land Use)
D22 (New Development)
D24 (Materials)

Housing Policies:

H3 (New Housing and Changes of Use to Residential)
H7 (Standards and Guidelines)
H10 (New Development)

Sustainable Transport Policies:

T18 (Parking and Traffic Restraint)
T34 (Cycle Parking)

3. Emerging Policy Documents

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

Design and Heritage

DM1 Design
DM2 Inclusive Design
DM3 Heritage

DM12 Housing Standards
DM13 Private outdoor space

Health and open space

DM38 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM40 Sustainable design and construction statements

DM43 Sustainable design standards

Transport

DM48 Walking and cycling
DM49 Vehicle parking

Infrastructure

DM52 Planning obligations

5. Designations

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

- Barnsbury Conservation Area

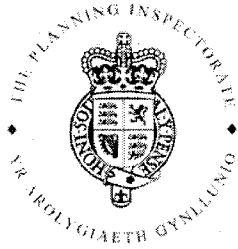
7. Supplementary Planning Guidance (SPG) / Document (SPD)

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

Islington UDP

- Accessible Housing in Islington

- **Conservation Area Design Guidelines**
- **Planning Standards Guidelines**
- **Planning Obligations and S106**
- **Urban Design Guide**



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

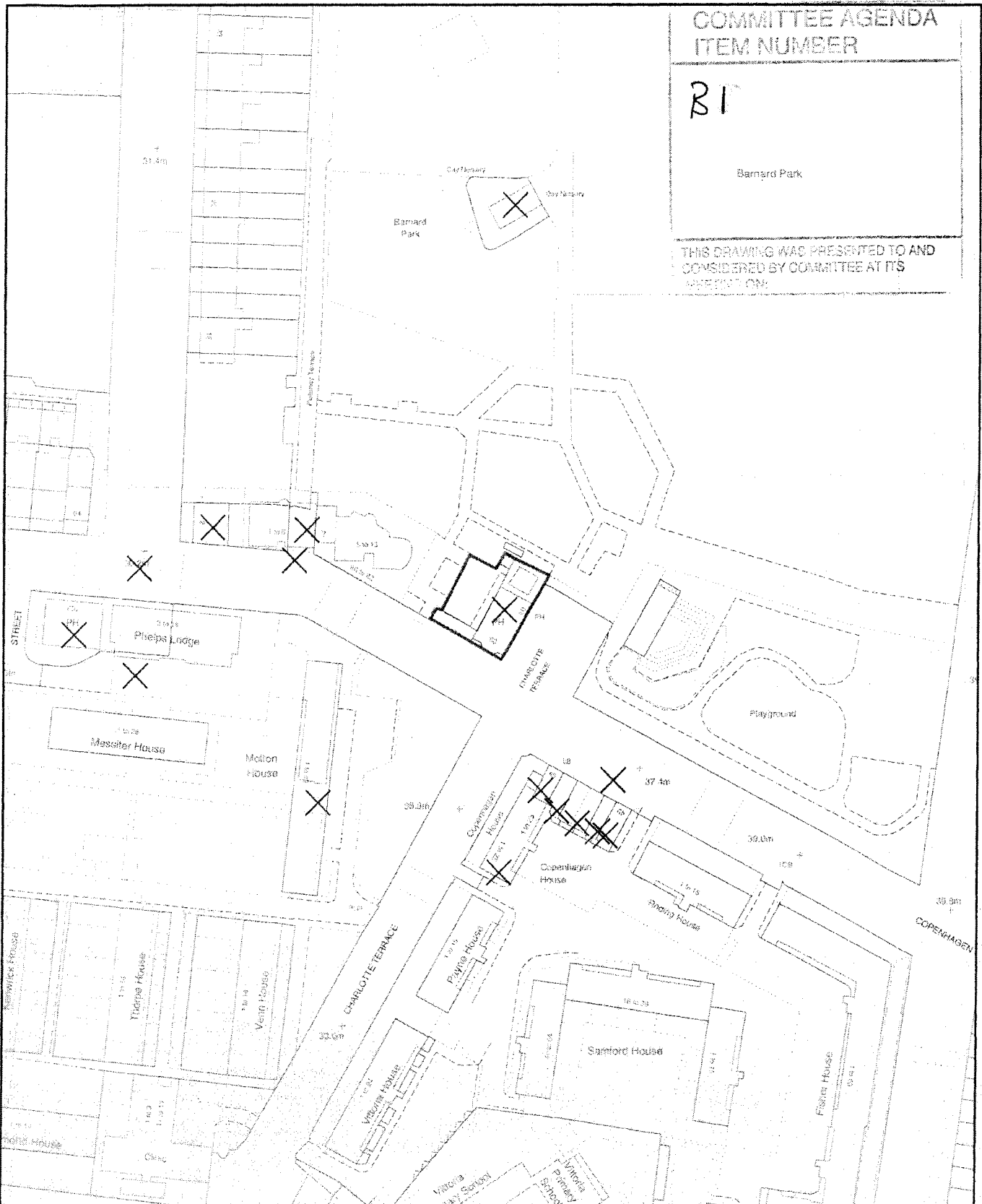
INSPECTOR

COMMITTEE AGENDA
ITEM NUMBER

BT

Barnard Park

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



ISLINGTON

Planning Division

Planning Application Ref No:- P 112840

LOCATION.....

X = Properties consulted



Scale - 1:1250

Time of Plot 11:52

Date of plot: 25/09/2012