

# PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department  
 PO Box 333  
 222 Upper Street  
 LONDON N1 1YA

<b>PLANNING SUB-COMMITTEE B</b>		<b>AGENDA ITEM NO:</b> 53
Date:	7 <sup>th</sup> January 2014	NON-EXEMPT

Application number	P2013/3432/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Unlisted
Conservation area	n/a
Development Plan Context	Kings Cross and Pentonville Road Core Strategy Area and Site allocation KC4.
Licensing Implications	n/a
Site Address	Mechanised Services Depot, 29 - 36 Outram Place, Randell's Road, London N1 0UX
Proposal	The retention of office space and parking for service vehicles for mechanised services provided to council estates.

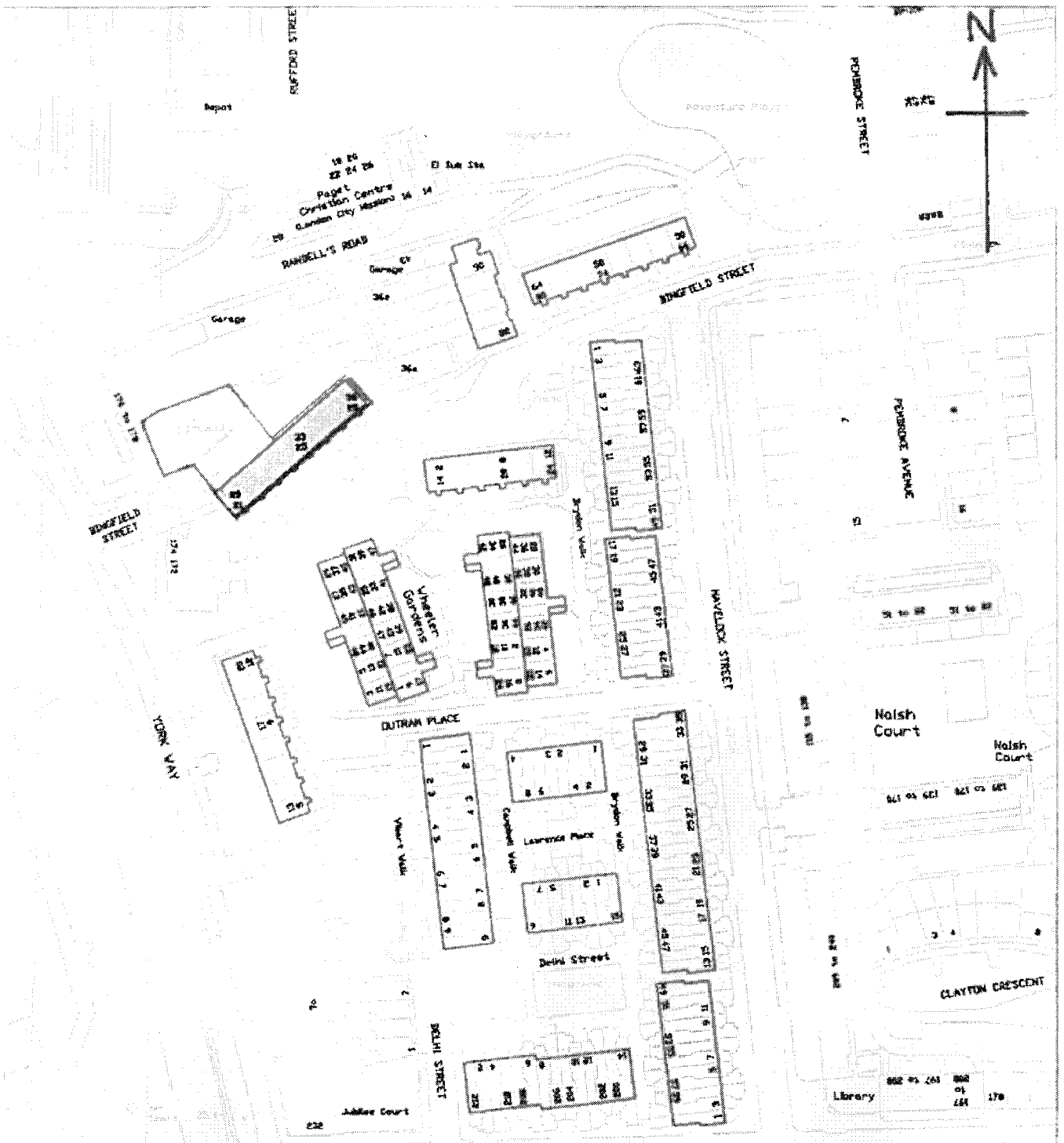
Case Officer	Nathaniel Baker
Applicant	London Borough of Islington (Mr John Mootealoo)
Agent	n/a

## 1.0 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a directors agreement securing the heads of terms as set out in Appendix 1;

2.0 SITE PLAN (site outlined in red)



### 3.0 PHOTOS OF SITE/STREET

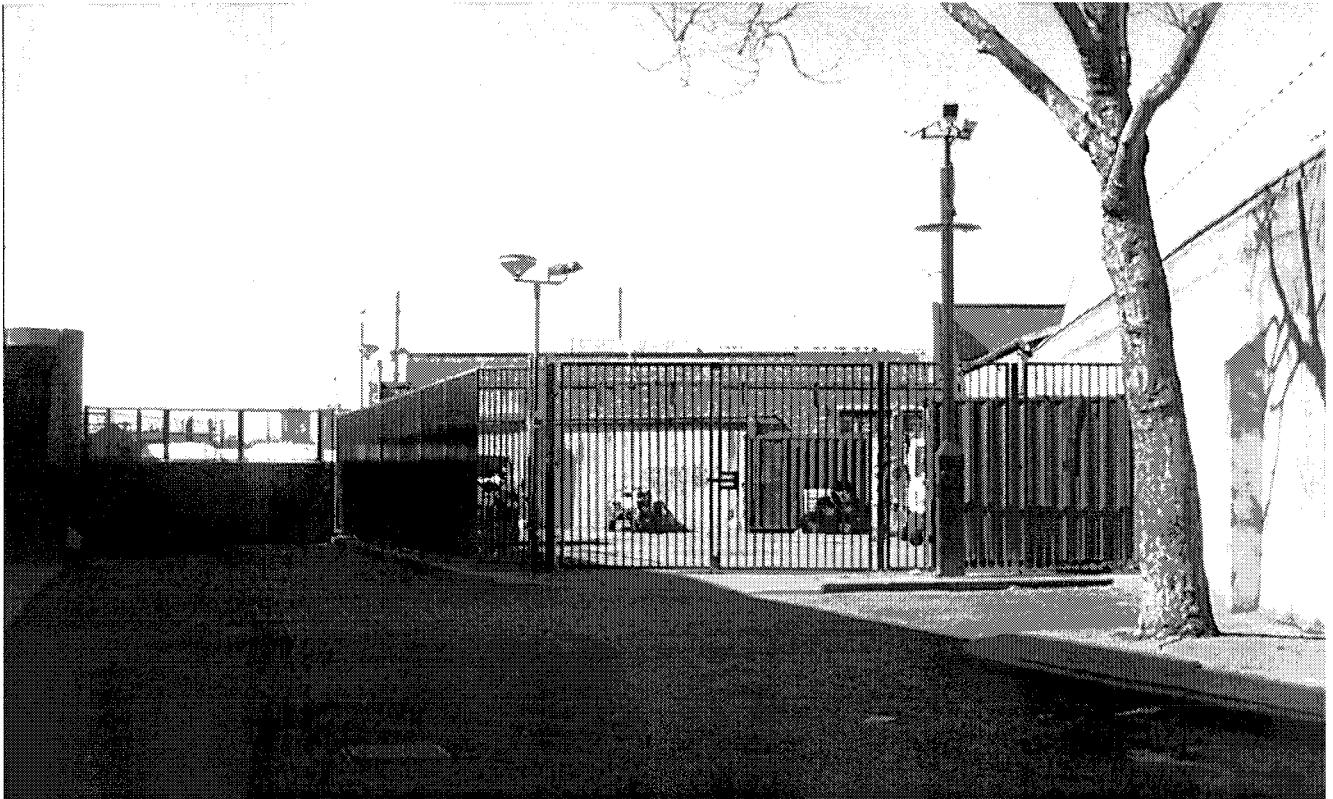
Photo 1: View of office space (previous undercroft):



Photo 2: View of storage space (previous undercroft):



Photo 3: View of parking area (former playground):



#### **4.0 SUMMARY**

- 4.1 Planning permission is sought for the retention of office space and the change the use of a former playground to provide parking for service vehicles used by the Council's mechanised services department. The site has been operating in this use since 2009 and the application seeks to regularise these works.
- 4.2 The loss of the semi-private open space would be off-set by the extension and improvement of other play facilities within the estate and the provision of parking for service vehicles are considered to be an over-riding planning benefit within this context of the open space being reprovided. The loss of the parking would be in accordance with the Council's car free policy.
- 4.3 The hours of operation proposed are 0800 to 1600 hours, which are within normal working hours and there would be a limited number of both employees and vehicles at any one time at the site. The works to the undercroft and CCTV column are acceptable and the physical works to the parking area fall within permitted development.
- 4.4 Any permission would be subject to suitably worded conditions and a Service Level Agreement set out in Appendix 1 to ensure that the loss of amenity space is compensated and that residential amenity is protected.

#### **5.0 SITE AND SURROUNDING**

- 5.1 The site previously consisted of a rear undercroft below flats No. 29 to 36 Outram Place and a former playground area to the north of the undercroft set within part of a Council owned housing estate. The proposed works have been undertaken, with mechanised services occupying the site from 2009. The works enclosed the undercroft area to provide office space and the playground area had a vehicular access created, a surrounding fence erected and a light and CCTV camera on a pole erected. The current parking area was

previously in use as a playground, but is anecdotally understood to have not been used as a play space since 2004. The vehicular parking area also includes a number of temporary container structures.

5.2 No. 29-36 Outram Place consist of a four storey residential terraced row incorporating an undercroft to the north. The playground is set to the south of a former petrol station, which is currently in use as a car sales outlet, and a two storey warehouse/office building. The site is accessed from a driveway leading onto Randell's Road to the north.

5.3 The site falls within the Kings Cross and Pentonville Road Core Strategy Area and the former playground area falls within site KC4 of the site allocations.

## **6.0 PROPOSAL (in Detail)**

6.1 The proposal is to retain the works to the site to provide office space and change the use of a former playground to provide parking for service vehicles for the mechanised services provided to council estates.

6.2 The works to the office space consist of the infill of 4 bays with facing brickwork, metal grill covered windows and a steel doors, the infill of two bays with steel grilles and the partial infill of one bay with a secure mesh fence.

6.3 The works to create the parking area consist of the erection of a 2.8 metre high black painted metal fence around the south and east extent of the former playground, the creation of a vehicular crossover on the east side and the erection of a CCTV camera post and a security light on the eastern side of the site.

### **Revision 1**

6.4 Amended plans were received on 3<sup>rd</sup> December 2013 which accurately detailed the elevations and floor plan of the office/store area.

## **7.0 RELEVANT HISTORY:**

### **Planning Applications**

7.1 **P091512** - Construction of a service depot for central estate services - Withdrawn (20/03/2013).

### **Enforcement:**

7.2 **E/2013/0473** – Unauthorised change of use and erection of fencing – Invite application (22/11/2013).

### **Pre-application Advice:**

7.3 Informal meeting to discuss submission documents (16/08/2013).

## **8.0 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 107 adjoining and nearby properties at Wheeler Gardens, Brydon Walk, York Way, Randell's Road, Bingfield Street and Outram Place on 5<sup>th</sup> November 2013. A site notice was displayed on 14<sup>th</sup> November 2013. The public consultation of the application therefore expired on 5<sup>th</sup> December 2013, 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 of this report a total of 3 objections 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):

- The mechanised service depot will be allowing 18 persons and 14 vehicles to allowed in a very small area (Para 10.8);
- This has taken over from what was a children's play area and is now not safe for children because of vehicles (Para10.2 - 10.4);
- The movement of vehicles causes noise to the residents of Outram Place (Para10.7 - 10.10);
- Vehicle movements cause traffic issues in and out of Randells Road (Para 10.13);
- The proposal would involve the removal of a refuse storage area within the undercroft (Para 10.20);
- There is a shortage of parking for the residents of the block, the space should be allocated for parking (Para 10.5);
- The Anti Social Behaviour case put forward by the applicant is outdated and not as prominent as it was in 2007 (Para 10.21);
- The design of the infill area is not in keeping with the block (Para 10.16-10.18); and
- No consultation has been made with the residents of Outram place to ascertain what service charges the mechanised service depot should be paying (Para 10.19).

### **Internal Consultees**

#### **8.3 Planning Policy –**

The re-provision of play space at another nearby site meets the requirements of DM6.3, part D:

*D. For semi-private amenity spaces:*

*i) Development is not permitted on semi-private amenity spaces, including open space within housing estates and other similar spaces in the borough not designated as public open space within this document, unless the loss of amenity space is compensated and the development has overriding planning benefits.*

The provision of essential maintenance services is an over-riding planning benefit, and the applicant (London Borough of Islington) have committed to compensate for the loss of open space.

There are no issues purely with the land use in general terms, as an ancillary function to the housing estate.

On the issue of parking, policy DM8.5 part B, i) of the Development Management Policies talks about parking only being allowed for non-residential developments where it's essential for operational requirements, which is clearly the case here.

#### **8.4 Public Protection Division (Noise) –**

The application form lists the hours of operation as 08:00 - 16:00 Monday to Friday. If these hours are conditioned then there would be no objections to the proposal. No further response received.

#### **8.5 Parks and Open Space – No response received.**

- 8.6 **Access and Inclusive Design Officer** – No response received.
- 8.7 **Spatial Planning and Transport (Transport Officer)** – No response received.
- 8.8 **Highways** – No response received.
- 8.9 **Housing Department** – No response received.

**External Consultees**

- 8.10 **London Borough of Camden** – Confirmed receipt of notification. Will aim to provide comments by 26<sup>th</sup> November 2013.
- 8.11 **Ellington Street Residents’ Association** – No response received.
- 8.12 **Peabody** – No response received.

**9.0 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, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

**Designations**

- 9.4 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

**Islington Local Plan – Core Strategy**

- Kings Cross and Pentonville Road Core Strategy Area
- Site allocation KC4 (Playground area only)

**Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.5 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

**10.0 ASSESSMENT**

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

- Land Use
- Neighbour Amenity
- Highways and Transportation

- Design

### **Land-use**

- 10.2 The parking area replaces a previous semi-private open space within the housing estate; policy DM6.3 of the Development Management Policies sets out that development is not permitted on semi-private amenity spaces, including open space within housing estates, unless the loss of amenity space is compensated and the development has overriding planning benefits.
- 10.3 This open space has been in use as a service vehicle parking area since at least 2009 and the applicant has detailed that prior to this, the site was fenced off, secured and overgrown for a period of approximately five years. Notwithstanding this, the applicant has detailed in the submitted Open Space Statement that under the remit of the fairness commission the Council has allocated funding to provide an improved community facility for the estate. Following a consultation exercise with local residents, the applicant has detailed an extension to and improvement of an existing play area located to the south of 9-15 Delhi Street. These works are expected to start shortly with works completed before the end of this financial year (March 2014) and a Directors Agreement is recommended place to ensure that these works are carried out.
- 10.4 The provision of essential maintenance services is an ancillary function to the housing estate and is therefore considered to be an over-riding planning benefit in light of the fact that the playground has not been used since 2004 and an alternative suitable provision is to be provided within close proximity. Furthermore, the previous play space falls within Site KC4 of Islington's Local Plan: Site Allocations (2013), where it is stated as being disused and is designated to be redeveloped.
- 10.5 The office/storage space within the undercroft replaces a previous parking area. The loss of parking spaces is not resisted by the Council and it would be in accordance with the Council's car free policy. Furthermore, prior to its conversion in 2009 it was a known location for anti-social behaviour
- 10.6 As such, it is considered that the use of the site to provide office/storage space and a service vehicle parking area is acceptable in land use terms, subject to an assessment of all other relevant policy and any other relevant material planning consideration.

### **Neighbouring Amenity**

- 10.7 Relevant Council policy identifies that residential amenities should be appropriately safeguarded when assessing the implications of development proposals. The office/storage space infilled an undercroft area and the works to the playground consist of small scale fences and columns. As such the main amenity consideration relates to potential disturbance from the use.
- 10.8 The site has 18 full time employees, parking for 14 vehicles and the hours of operation are detailed to be between 0800 and 1600 hours Monday to Friday. Due to the limited office space at the site and the nature of mechanised services provision, it is likely that numbers of employees at the site at any one time would be limited outside of peak times. Whilst there would be likely to be a peak of employees at the start and end of the working day, this would be for a limited time and within normal working hours. It is noted that the Public Protection Noise Team have not raised any objection to the use of the site.
- 10.9 It is noted that concern has been raised regarding potential disturbance from vehicle movements and repair works at the site. The number of vehicles at the site is limited to 14 and again due to the nature of the use there would be peak times of vehicle movements,



but these would be within normal working hours. With regard to repairs being undertaken within the site, the site is detailed to be used for parking only.

- 10.10 Subject to conditions restricting the hours of use, the number of vehicles at the site and the use of the former playground for solely parking use for the mechanised services vehicles and employees, the office and vehicle parking use of the site is considered to be in accordance with policy DM2.1 of the Development Management Policies and policy 7.15 of the London Plan with regard to neighbour amenity.

### **Highways and Transportation**

- 10.11 Policy DM8.5 of the Development Management Policies states that non-residential parking will only be allowed where this is essential for operational requirements and therefore integral to the nature of the business or service. Furthermore, any parking should be off-street and located to be accessible and convenient in relation to the development.
- 10.12 Mechanised services, by its very nature, requires vehicles for its daily operation. Therefore the parking of these vehicles is integral to operational requirements and service provision. The parking provision is off-street and is located in close proximity to the offices.
- 10.13 With regard to parking and manoeuvring, the site is located within a cul-de-sac with a turning 'T' which previously provided sufficient turning space for vehicles parking within the undercroft area. Furthermore, there is sufficient space within the parking area for the manoeuvring of vehicles, whilst the Junction with Randell's Road is of a sufficient size to allow vehicle to access and egress the site.
- 10.14 The site is located within close proximity to Kings Cross/St Pancras Railway Station and a number of bus routes whilst the store areas would provide sufficient space for cycle parking.
- 10.15 The parking space is considered to be in accordance with policies DM8.2, DM8.3, DM8.4 and DM8.5.

### **Design**

- 10.16 The built up wall sections and steel walled bays which create the offices incorporate regular spacing and are of a small scale, facing onto the service vehicle parking area, which forms the end part of a cul-de-sac. The fenced area is set back from the rear elevation of the undercroft area and due to its open nature is not intrusive within the locality. The infilled bays provide an active frontage to a previously open and inactive space. By reason of this, the regular bay spacing and the simple form of the development, the office space is considered to be acceptable.
- 10.17 Whilst the floor plans detail a CCTV column to the east of the former playground, elevational plans have not been submitted as part of the application. However, the CCTV column was viewed at the time of the site visit and a photo with written dimensions has been submitted. The CCTV column is of a typical design and scale and is not overly prominent within the locality.
- 10.18 The 2.8 metre high black painted metal fence, vehicular crossover and security light which were erected at the site would fall within the provisions of Schedule 2, Part 12, Class A of the Town and Country planning (General Permitted Development) Order 1995, as amended by the 2011 Order and would therefore do not require express planning permission.

### **Other Matters**

- 10.19 Concern has been raised regarding service land charge for the use of the land as a mechanised service depot. This does not form a material planning consideration and cannot therefore be assessed here. However, this is currently being assessed by the Council's Home Ownership Unit.
- 10.20 Further concern has been raised regarding refuse storage being displaced due to the location of the caged storage area at the eastern end of the previous undercroft. It was noted at the time of the officer's site visit that the shared bins at the site were adequately stored clear of the highway and partly below the undercroft where the recessed caged storage area is located, which is considered to be acceptable.
- 10.21 It has been set out by the applicant that the undercroft area previously attracted a number of anti-social behaviours. Regardless of this detail, the proposal is considered to be acceptable on its own merits.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposal would not result in a loss of any social infrastructure, provides a suitable parking and office space for mechanised services, would not detrimentally impact upon the amenity of the neighbouring occupiers and would provide an over-riding planning benefit
- 11.2 As such, the proposed market is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

- 11.3 It is recommended that planning permission be granted subject to the directors agreement and conditions as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission be granted subject to the prior completion of a memorandum of understanding between the Service Director of the Council's Housing and Adult Services department and relevant officers in the local planning authority 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 Deputy Head of Service or Area Team Leader:

1. Improvement and extension of playground at Delhi Outram Estate opposite 9-15 Delhi Street to be completed prior to 31<sup>st</sup> March 2014.

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans: Location plan, Existing plan and elevation to estate with drainage layout, LS006 Rev A, Planning Statement, Open Space Statement, CCTV photo and email dated 26/11/2013 .</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>2</b>	<b>Hours of Operations</b>
	<p>CONDITION: The Office space and parking area for services vehicles operating as part of the mechanised services department hereby approved shall only operate between the hours of 0800 and 1600 Monday to Friday and not at all on any other day.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
<b>3</b>	<b>Service Vehicle Parking</b>
	<p>CONDITION: The service vehicle parking area hereby approved shall only be used for the parking of vehicles and shall not be used as an area for repair works to be undertaken.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
<b>4</b>	<b>Number of Vehicles</b>
	<p>CONDITION: The service vehicle parking area hereby approved shall have a maximum of 14 vehicles parked at any one time.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

	<p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Memorandum of Understanding</b>
	<p>You are advised that this permission has been granted subject to completion of a memorandum of understanding between the Director of Housing and Adult Services and the Director of Environment and Regeneration.</p>

## APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### 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.

### Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. 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 3.16 Protection and enhancement of social infrastructure	Policy 6.12 Road network capacity Policy 6.13 Parking
4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices	7 London's living places and spaces Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.15 Reducing noise and enhancing soundscapes
6 London's transport Policy 6.3 Assessing effects of development on transport capacity	Policy 7.18 Protecting local open space and addressing local deficiency

#### B) Islington Core Strategy 2011

Spatial Strategy  
Policy CS6 (King's Cross)  
Policy CS8 (Enhancing Islington's Character)

Strategic Policies  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS13 (Employment Spaces)  
Policy CS15 (Open Space and Green Infrastructure)  
Policy CS16 (Play Space)  
Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation  
Policy CS18 (Delivery and Infrastructure)

#### C) Development Management Policies June 2013

Design and Heritage DM2.1 Design DM2.2 Inclusive Design	Health and Open Space DM6.3 Protecting open space
Shops, culture and services DM4.12 Social and strategic infrastructure and cultural facilities	Transport DM8.2 Managing transport impacts DM8.4 Walking and Cycling DM8.5 Vehicle parking

Employment  
DM5.1 New business floorspace

**D) Site Allocations June 2013**

**SA1** Proposals within allocated sites  
**KC4** 176-178 York Way

**Designations**

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

**Islington Local Plan**

- Kings Cross and Pentonville Road Core Strategy Area
- Site allocation KC4 (Playground area only)

**Supplementary Planning Guidance (SPG) / Document (SPD)**

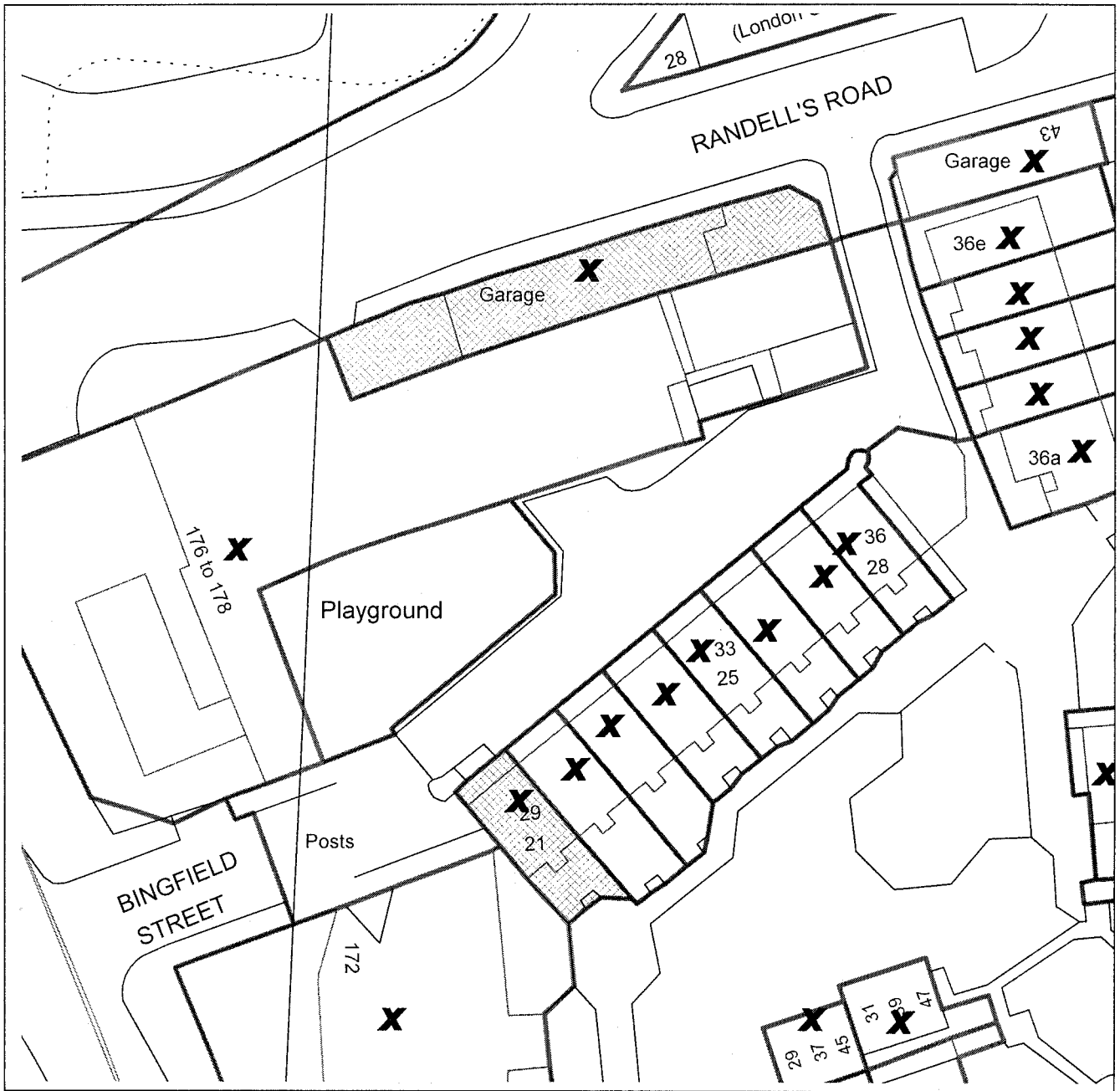
The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

Urban Design Guide



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/3432/FUL

LOCATION: MECHANISED SERVICES DEPOT, 29 - 36 OUTRAM PLACE, RANDELL'S ROAD, LONDON N1 0UX

SCALE: 567

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