



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **7 June 2016 at 7.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Zoe Lewis
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 26 May 2016

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

Committee Membership

Councillor Klute (Chair)
Councillor Nicholls (Vice-Chair)
Councillor Convery
Councillor O'Halloran
Councillor Poyser

Wards

- St Peter's;
- Junction;
- Caledonian;
- Caledonian;
- Hillrise;

Substitute Members

Councillor Fletcher
Councillor Chowdhury
Councillor Khan
Councillor Donovan
Councillor Caluori
Councillor Gantly
Councillor A Perry
Councillor Picknell
Councillor Wayne
Councillor Ward
Councillor Webbe

Wards

- St George's;
- Barnsbury;
- Bunhill;
- Clerkenwell;
- Mildmay;
- Highbury East;
- St Peter's;
- St Mary's;
- Canonbury;
- St George's;
- Bunhill;

Quorum: 3 councillors



A.	Formal Matters	Page
-----------	-----------------------	-------------

- | | | |
|----|------------------------------------|--|
| 1. | Introductions | |
| 2. | Apologies for Absence | |
| 3. | Declarations of Substitute Members | |
| 4. | Declarations of Interest | |

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a)Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

- | | | |
|----|-----------------------------|-------|
| 5. | Order of Business | |
| 6. | Minutes of Previous Meeting | 1 - 6 |

B.	Consideration of Planning Applications	Page
-----------	---	-------------

- | | | |
|----|-----------------------------------|--------|
| 1. | 15 Blythwood Road, London, N4 4EU | 9 - 30 |
|----|-----------------------------------|--------|

2.	4, Union Wharf, Arlington Avenue, London, N1 7BL	31 - 48
3.	Former Public Convenience, Clerkenwell Green, London, EC1	49 - 70
4.	Moreland Street and Central Street (North of Macclesfield Road), adjacent to Kestrel House, Islington, London, N1	71 - 82

C. Consideration of other planning matters

D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

F. Confidential/exempt items

G. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Sub Committee A, 18 July 2016

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Lewis/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

London Borough of Islington

Planning Sub Committee A - 12 April 2016

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 12 April 2016 at 7.30 pm.

Present:	Councillors:	Kat Fletcher (Chair), David Poyser (Vice-Chair), Jilani Chowdhury and Martin Klute (Substitute) (In place of Marian Spall)
Also Present:	Councillors:	Clare Jeapes

Councillor Kat Fletcher in the Chair

162 INTRODUCTIONS (Item A1)

Councillor Fletcher welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

163 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Khan and Spall.

164 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Klute substituted for Councillor Spall.

165 DECLARATIONS OF INTEREST (Item A4)

In relation to Agenda Item B3, Councillor Poyser declared that he was a member of the Whitehall Park Residents' Association.

166 ORDER OF BUSINESS (Item A5)

The order of business would be B4, B1, B2, B7, B10, B3, B5, B6, B9, B8.

167 MINUTES OF PREVIOUS MEETING (Item A6)

That the minutes of the meeting held on 23 February 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

168 14 FREEGROVE ROAD, LONDON, N7 9JN (Item B1)

Construction of a single storey rear extension with flat roof and evacuation works to create basement level accommodation with roof lights set in the patio.

(Planning application number: P2015/4363/FUL)

In the discussion the following points were made:

- This application was submitted prior to the council's Basement Development SPD being adopted in January 2016.
- The basement was not under the existing building.
- Due to national policy, it was not possible to include construction impacts on neighbouring amenity. Conditions and the Party Wall Act minimised impact.
- The adjoining neighbour was advised to use a party wall surveyor.

Councillor Fletcher proposed a motion for officers to consult all residents previously consulted about the proposal on Condition 4 – Construction Method Statement (Details) and Condition 5 - Structural Methods Statement. This was seconded by Councillor Klute and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report with residents being consulted on Conditions 4 and 5 as outlined above.

169

1A SUDELEY STREET, LONDON, N1 8LB (Item B2)

Application for Variation of Condition 11 (hours of operation) of Planning Permission (ref: P2015/1015/FUL) dated 07/05/2015 for extension to the approved opening hours, from 11:00 to 00:00 Mondays to Saturdays and 12:00 to 23:00 on Sundays; to 08:00 to 00:00 on Mondays to Saturdays and 08:00 to 23:00 on Sundays, in order to offer a breakfast service between the hours of 08:00 and 11:00 hours Monday to Sunday.

(Planning application number: P2015/4465/S73)

In the discussion the following points were made:

- The planning officer advised that an additional condition should be added to require the submission of an operation management which should detail that there would be no outdoor seating for breakfast customers and that there would be no queueing outside the premises at any time.
- The timing of deliveries was considered.
- The applicant confirmed there were no plans to extend the licensing hours.

Councillor Poyser proposed a motion to amend the earliest delivery time on Sundays to 10am. This was seconded by Councillor Klute and carried.

Councillor Klute proposed a motion to add a latest delivery time of 10pm Monday-Saturday and 8pm on Sundays. This was seconded by Councillor Poyser and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report plus the conditions as outlined above.

170

32 FITZWARREN GARDENS, LONDON, N19 3TP (Item B3)

Partial demolition of roof and creation of new hipped roof with two rear dormer windows, obscurely glazed rear terrace to create new loft floor (comprising bedroom and bathroom and small terrace) and new roof light on flank elevation facing No. 34. Partial demolition of garage and erection of single storey extension over remainder; partial over cladding with facing brickwork; creation of new front porch and internal reconfiguration of the existing single family dwelling house.

(Planning application number: P2016/0128/FUL)

In the discussion the following points were made:

- The site was a difficult site as the land varied in height by one storey from front to back.
- It was not considered that the proposed development would harm the Arts and Crafts feel of the street.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

171 44 ECCLESBOURNE ROAD, LONDON, N1 3AE (Item B4)

Section 73 application for the variation to conditions 2 (approved drawings);

- addition of a storey to accommodate a bedroom and bathroom with green roof and photovoltaic panels
- lowering of the floor level to the ground floor
- alteration to design of ground floor roof
- enlargement of ground floor and first floors
- alterations to materials including brickwork
- alterations to fenestration and introduction of perforated brick screens with balconies to front and side elevations
- alteration to height and design of front boundary treatment, plus alterations to boundary walls

Plus removal of conditions 4 (projecting white glazed frame) and 10 (roof terrace) of planning consent ref P112814 dated 29/3.2012.

(Planning application number: P2015/4462/S73)

In the discussion the following points were made:

- The proposal was on a larger scale than the other modern homes in the area. In line with policy modern buildings should be subservient to the other buildings.
- Concern was raised that the proposed house would be overbearing and not sympathetic to the conservation area.
- The size of the gap between the houses and planning policy on this was considered.
- The tree shown in some of the elevations would remain.

Councillor Klute proposed a motion that if planning permission was to be refused, the reason for refusal as set out in Appendix 1 of the officer report be amended to include the proposed house being overbearing in a general sense. This was seconded by Councillor Chowdhury and carried.

RESOLVED:

That planning permission be refused for the reason set out in Appendix 1 in the officer report as amended by the motion above with the wording being delegated to officers in conjunction with the Chair.

172 52-54 ST JOHN STREET, LONDON, EC1M 4HF (Item B5)

Refurbishment works comprising installation of replacement windows, doors and new canopies to front façade, lift overrun and plant enclosure at roof level of front building and glazed infill between front and back building at ground floor level.

(Planning application number: P2015/1947/FUL)

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

173 CANONBURY COURT, HAWES STREET, ISLINGTON, LONDON (Item B6)

Replacement of existing single glazed windows with double glazed aluminium framed windows. Installation of additional railings onto the existing flat roof of the staircase.

(Planning application number: P2015/0166/FUL)

In the discussion the following points were made:

- The replacement windows would have a different fenestration pattern to the existing windows.
- There was currently a mix of different types of windows.
- Replacing the windows would give consistency across the building.
- The conservation officer had raised concerns about the original crittall windows being replaced by aluminium windows. Officers had tried to address this by sourcing as thin as possible frames. Cost was also a factor and aluminium was the most cost effective solution.
- Members were shown an example window frame.
- It was considered that the grey frames would minimise the impact of the windows.

RESOLVED:

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

174 LAND AT TURK'S HEAD YARD, 75A TURNMILL STREET, LONDON, EC1M 5SY (Item B7)

Construction of a three storey over basement building comprising six new residential units (3x3 bed flats, 2x2 bed flats and 1x1 bed flat) with associated amenity space and landscaping.

(Planning application number: P2014/1808/FUL)

In the discussion the following points were made:

- The planning officer advised that recommendation A in the officer report should be amended to state that the heads of terms be paid "prior to commencement" rather than "on practical completion of the development" as currently stated.
- Concern was raised that the visualisations did not show brickwork. Officers confirmed that the approved drawings showed the brickwork. However the elevations had not been included in the list of drawings. This would be amended.
- The building was sympathetic to the area.
- Residential provision in the area was welcomed.
- The appeal decision did not discuss land use.

RESOLVED:

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 securing the heads of terms as set out in Appendix 1 of the officer report and subject to the conditions and informative set out in Appendix 1 of the officer report as amended above.

175 PLAYGROUND AT REAR AND UNDERCROFT AREA OF 21-36 OUTRAM PLACE, LONDON, N1 0UX (Item B8)

Retention of the construction and conversion of undercroft car parking area into offices, locker rooms, storage and kitchen facilities and the use of the playground, to the north of Bingfield Street for parking for service vehicles.

(Planning application number: P2016/0339/FUL)

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

176 **TOP FLOOR FLAT, 63 AMBLER ROAD, LONDON, N4 2QS (Item B9)**

Second floor addition on top of existing 2 storey flat roofed rear wing.

(Planning application number: P2015/3283/FUL)

In the discussion the following points were made:

- The planning officer advised that there was an open enforcement case against the next door extension as the roof had been built flat rather than as per the slope on the approved drawings.
- The proposed extension had been designed to match the neighbouring extension.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

177 **WORCESTER POINT, CENTRAL STREET, LONDON, EC1V 8AZ (Item B10)**

Erection of a single storey structure at sixth floor (roof) level to create a 1 x 2 bedroom flat and a 1 x 1 bedroom flat.

(Planning application number: P2016/0060/FUL)

In the discussion the following points were made:

- The potential for setting a precedent was not a material consideration.
- If similar schemes were submitted for other parts of the building they would be more visible from the public realm.
- The proposed extension would not be very visible from the public realm.
- The application was consistent with policy.
- The biodiversity on the roof would remain.
- Objectors' frustrations with additions being put on new build development were understood.

RESOLVED:

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 securing the heads of terms as set out in Appendix 1 of the officer report and subject to the conditions and informative set out in Appendix 1 of the officer report.

WORDING DELEGATED TO OFFICERS

MINUTE 171

44 ECCLESBOURNE ROAD, LONDON, N1 3AE

REASON FOR REFUSAL: The proposed additional storey and external alterations including the perforated brick screens and recessed balconies to the front elevation by reason of their inappropriate design, scale, bulk, massing and height would form a visually overbearing, dominant and detrimental feature when seen from both the public and private realm. For these reasons the proposed alterations are harmful to the appearance of the building, the character of the streetscene, fails to preserve the character and appearance of the East Canonbury Conservation Area. The proposal is contrary to the guidance within the Urban Design Guide 2006, Conservation Area Design Guidelines, Islington's Development Management Policies DM2.1 and DM2.3, CS8 and CS9 of the Core Strategy 2011 and the NPPF (2012).

The meeting ended at 9.55 pm

CHAIR

COMMITTEE AGENDA

1 15 Blythwood Road London N4 4EU

2 4, Union Wharf, Arlington Avenue, London, N1 7BL

3 Former Public Convenience, Clerkenwell Green, London EC1

4 Moreland Street and Central Street (North of Macclesfield Road), Adjacent to Kestrel House, Islington, London, N1.

1 15 Blythwood Road London N4 4EU

Ward: Hillrise

Proposed Development: Demolition of the existing building and erection of a building containing 9 apartments with associated access, refuse and cycle storage (application identical to previously approved P2014/5121/FUL except for affordable housing contribution).

Application Number: P2015/2584/FUL

Application Type: Full Planning Application

Case Officer: Sandra Chivero

Name of Applicant: Self Sustaining Property Ltd

Recommendation:

2 4, Union Wharf, Arlington Avenue, London, N1 7BL

Ward: St. Peters

Proposed Development: Erection of roof level extension to replace existing roof level conservatory.

Application Number: P2016/0765/FUL

Application Type: Full Planning (Householder)

Case Officer: Duncan Ayles

Name of Applicant: Mr Nicholas Szczepaniak

Recommendation:

3 Former Public Convenience, Clerkenwell Green, London EC1

Ward: Clerkenwell

Proposed Development: Proposed change of use of former public toilets in a A3/D1 space (sui generis), plus external alterations to surface including structural glazing, new surfacing, new ventilation housing, removal of asphalt to steps, new entrance door.

Application Number: P2015/4907/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Joe Aggar

Name of Applicant: London Borough of Islington - Mr Steve Cross

Recommendation:

4 Moreland Street and Central Street (North of Macclesfield Road), Adjacent to Kestrel House, Islington, London, N1.

Ward: Bunhill

Proposed Development: Stopping Up Order under Section 247 of the Planning Act 1990 to un-adopt part of the existing pavement on Moreland Street and Central Street.

Application Number: P2016/1703/FUL

Application Type: Full Planning Application

Case Officer: Thomas Broomhall

Name of Applicant: The Mayor and Burgesses of the London Borough of Islington

Recommendation:

PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE A		
Date:	7th June 2016	NON-EXEMPT

Application number	P2015/2584/FUL
Application type	Full Planning Application
Ward	Hillrise
Listed building	Not Listed
Conservation area	Not in a Conservation Area
Development Plan Context	Adjoining Metropolitan Open Land (MOL)
Licensing Implications	None
Site Address	15 Blythwood Road London N4 4EU
Proposal	Demolition of the existing building and erection of a building containing 9 residential units (flats) with associated access, refuse and cycle storage

Case Officer	Sandra Chivero
Applicant	Self Sustaining Property Ltd
Agent	WS Planning & Architecture

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1;
2. Subject to 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 black)



3. PHOTOS OF SITE/STREET



Image 1: The existing building from Blythwood Road



Image 2: Application site viewed from Blythwood Road

4.0 SUMMARY

- 4.1 The current application scheme is identical to the previous scheme at the site which was granted planning permission in June 2015 under application ref. P2014/5121/FUL. The proposal is for the demolition of an existing two storey property and the erection of a five storey apartment building consisting of 9 residential units, with associated access refuse, cycle storage and landscaping.
- 4.2 The only difference in the proposal from the previous scheme is the affordable housing contribution. The applicant previously signed a Unilateral Undertaking securing the full required affordable housing contribution of £350,000 and the full carbon-offset contributions of £9000. The current application includes a financial viability assessment of the proposal which concludes that affordable housing contributions are not financially viable. The applicant has agreed to make the full carbon off set contributions.
- 4.3 Following an extensive assessment and further testing of the submitted financial viability information by the Council's appointed independent viability consultant and the Council's Planning Policy (s106) Officer, it is considered that a contribution of £86 000 is the maximum viable amount. The applicant has signed a statutory declaration confirming that the financial viability information set out in the Council's appointed independent viability consultant's appraisal is a true and fair reflection of the viability of the proposed development and that the scheme as recommended for approval is fully capable of being delivered at the date of the declaration.
- 4.4 Since the previous application was granted there has been no change in terms of site context and it is maintained that the previously approved development would not be detrimental to the amenity of the neighbouring occupiers and would be of an acceptable design and appearance. All other aspects of the proposal are considered to be acceptable.

- 4.2 It is therefore recommended that planning permission be granted subject to conditions and a signed legal agreement (UU).

5.0 SITE AND SURROUNDING

- 5.1 The application relates to 15 Blythwood Road, a detached Victorian two storey property (split into 2 flats) located adjacent to Parkland Walk, which extends to the rear, and is designated as Metropolitan Open Space. The building is not listed and is not sited within a conservation area
- 5.2 Blythwood Road is predominantly characterised by two rows of traditional terraced three storey properties. A more modern property has been added to the eastern end of the terrace opposite the application site. There is also a large four storey apartment block to the south of the site. A previous Planning Inspector for application P120768 (4th March 2013) described the street scene as varied in terms of character and appearance.

6.0 PROPOSAL (in Detail)

- 6.1 The application proposes the demolition of the existing two storey building and the erection of a 5 storey building containing 9 (2 x 3 bed, 6 x 2 bed and 1 x 1 bed) flats, reaching a height of 13.7m.
- 6.2 The contemporary designed building would be located centrally within the site, with the bin area and cycle storage area adjacent to the existing garage on the eastern side of the site
- 6.3 The site is subject to a number of extant planning permissions for the residential development on the site. With the exception of the financial viability assessment, the current scheme is identical in all respects to the previous scheme at the site granted planning permission in June 2015 under ref. P2014/5121/FUL.

7.0 RELEVANT HISTORY:

Planning applications

- 7.1 **P2014/5121/FUL** - Demolition of the existing building and erection of a building containing 9 apartments with associated access, refuse and cycle storage - **Granted Permission** (08/06/15).
- 7.2 **P090131** - The construction of a three storey residential block in the side garden of 15 Blythwood Road to provide five residential units (one x 3 bedroom, two x 2 bedroom, two x 1 bedroom); demolition of conservatory of 15 Blythwood Road; communal and private gardens and landscaping. This application has been amended further in regard to landscaping and design – **Granted Permission** (26/03/2012).
- 7.3 **P100139** - Conversion of the existing house into 2 self-contained units. One 3 bedroom family unit with private garden on the ground floor and one 1 bedroom flat on the first floor. Erection of roof terrace, demolition of both the existing side extension and the free standing brick garage - **Appeal Withdrawn** (08/09/2010).

- 7.4 **P102526** - Proposed demolition of existing building and construction of new building of four storeys to provide four residential units. **Appeal Allowed** (12/01/2011).
- 7.5 **P120768** - Proposed demolition of existing building and erection of a 5 storey building to accommodate 4 x 2 bedroom, 3 x 3 bedroom flats, 2 x1 bedroom with associated landscaping, boundary treatments and roof terraces - **Appeal Allowed** (04/03/2013).
- 7.6 **P2013/1879/S73** - Application to vary condition 2 (Development in accordance with approved plans) of planning permission ref: P120768 for 'Proposed demolition of existing building and erection of a 5 storey building to accommodate 4 x 2 bedroom, 3 x 3 bedroom flats, 2 x1 bedroom with associated landscaping, boundary treatments and roof terraces.' - **Appeal Allowed** (07/02/2014).

Enforcement

- 7.7 None relevant

Pre-application advice

- 7.8. None.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 15 adjacent properties on 13 July 2015. The consultation period expired on 03 August 2015. However, it is the Councils policy to accept representations up until the date of determination.
- 8.2 At the time of writing this report 1 objection 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):
- Increase of density of site (para 10.25)
 - The development would place strain on parking demand on this road (para 10.23)
 - Loss of privacy (para 10.20)
 - Appearance of building visually out of keeping with the rest of the street (para 10.18)

External Consultees

- 8.4 None.

Internal Consultees

- 8.5 **Planning Policy (s106) Officer** – initially raised concerns regarding the sales values adopted for the appraisal. However, in all other aspects agreed with the

appraisal as prepared by the Council's Appointed Independent Viability Consultant in December 2015.

- 8.6 Following extensive testing and further review the Planning Policy (s106) Officer is satisfied that the contribution of £86 000 is the maximum possible.
- 8.7 **Tree Officer** - This application has limited additional impact on the existing trees on Parkland Walk in comparison to the previously permitted schemes. There is an impact to the trees but it is broadly acceptable if these impacts can be controlled subject to a condition to secure a measure of control over tree pruning.
- 8.8 **The Inclusive Design Officer** – The new housing should be conditioned to meet Category 2 of the new National Housing Standard. However, details of a safe drop of point and storage and charging facilities for mobility scooters, as required by Development Management Policy DM2.2 have not been submitted.

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. The National Planning Practice Guidance 2014 document provides further guidance in this respect.

Development Plan

- 9.2 The Development Plan comprises of the London Plan 2015, 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

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Adjacent to Metropolitan Open Space

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 With the exception of the affordable housing contribution, the proposal remains unchanged from the previously approved, and extant scheme at the site (ref:

P2014/5121/FUL). Therefore the contemporary design of the scheme, the number of units, the quality of accommodation, transport issues, impact upon residential amenity and landscaping and tree issues have all previously been assessed and considered acceptable. As such, a brief assessment of these elements is set out below.

- 10.2 The main issues arising from the current proposal that require detailed assessment are the new affordable housing financial viability, and due to updates in planning policy the accessibility of the units and the sustainability of the development.

Affordable Housing

- 10.3 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) “.... all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.” The SPD ‘Affordable Housing Small Sites’ states that in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough. The SPD does state, in accordance with the NPPF, that in instances where the applicants consider that this level of contribution would leave the development unviable, that the council will accept viability assessments where the applicants should provide a statement with their application with a justification for not providing the full financial contribution.
- 10.4 In this instance, given that two units exist on site the policy requirement is for a contribution of £350,000. The applicants had previously agreed to pay this figure under the previous approval (application ref. P2014/5121/FUL) without a financial viability assessment having been submitted. However, under the current application the applicant has submitted a financial viability assessment of the proposal, which seeks to demonstrate that an off-site affordable housing contribution is not financially viable.
- 10.5 The Council’s Appointed Independent Viability Consultant reviewed the applicant’s submission and provided a report dated December 2015. This report took into account the land value from the extant permission (£1,316,347) appraisal and showed a surplus of £76, 956, based on this land value and a 20% profit level of GDV. It was therefore demonstrated that the scheme could only support a contribution of £76, 956.
- 10.6 The applicant contested this figure relying on their originally submitted viability assessment and asserted that their appraisal found the scheme not to be viable. However, the applicant stated that they were willing to make this contribution.
- 10.7 Further to the Council’s Appointed Independent Viability Consultant’s assessment the Council’s Planning Policy (s106) Officer raised concern regarding the sales values adopted for the appraisal. The Policy Officer did however, agree with the appraisal (December 2015) in all other aspects. To ascertain that the affordable housing contribution was the maximum reasonable amount, the Planning Policy Officer reviewed further up to date comparables, as well as those detailed in the applicant’s viability assessment, and tested different inputs into the viability

assessment model to ascertain whether a revision of sales values would make a difference that would necessitate rerunning the appraisal.

- 10.8 The Council's Appointed Independent Viability Consultant made a further assessment of the relevant comparable values provided by the Planning Policy Officer and added further comparables from their own research. The appointed viability consultant concurred that sales values were increasing and are likely to be higher than in the December 2015 report. The Independent Viability Consultant stated that while it was difficult to obtain truly comparable properties to the subject site it was felt that those identified provided a good comparable to the scheme and adjusting to account for difference in the quality of location were within a reasonable distance. Based on all of the different comparables examined, the Council's Appointed Independent Viability Consultant considered that an average sale value of £770 per sqft is fair and reasonable assumption.
- 10.9 The Council's Appointed Independent Viability Consultant concluded that the proposed scheme could support an affordable housing small site contribution of £86,000. After extensive reviewing and testing the Planning Policy Officer is satisfied that the Council are obtaining the maximum possible contributions.
- 10.10 To ensure that the scheme would continue to be deliverable, in accordance with the NPPF, the applicant has signed a Statutory Declaration in which they declare that the financial viability information contained in the document produced by the Council's Appointed Independent Viability Consultant is a true and fair reflection of the viability of the proposal and that the proposal is fully capable of being delivered as at the date of the declaration. The contribution of £86 000 will be secured by a Unilateral Undertaking, which at the time of writing the report engrossed copies of the legal agreement had been send out to the applicant.

Sustainability

- 10.11 The Code for Sustainable Homes: technical guidance was withdrawn in April 2015. The Council can therefore no longer insist that developers meet the requirements of Code for Sustainable Homes.
- 10.12 To ensure that the development would be sustainable, in accordance with Development Management Policy DM7.4 a condition is recommended requiring the submission of a Sustainable Design and Construction Statement detailing how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.
- 10.13 A contribution of £1000 per unit towards carbon offsetting would be secured through a legal agreement.

Inclusive Design

- 10.14 A result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD

standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

- 10.15 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.16 Planners are only permitted to require (by condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.
- 10.17 To reflect the changes to policy and ensure an acceptable level of accessibility is maintained in the proposal a condition (14) has been added requiring all of the new housing to be design and built to Category 2 of the new National Housing Standard. Furthermore, while a safe drop off point and storage and charging facilities for mobility scooters have not been submitted, a condition (no. 15) requires details of this to be submitted to and approved in writing by the Local Planning Authority.

Design

- 10.18 The proposal would involve the demolition of an existing building at the site and the erection of a five storey building (with a recessed top floor) with associated access, refuse and cycle storage. The design of the proposal has previously been considered to be acceptable under application ref. P2014/5121/FUL which was granted planning permission in June 2015. There have been no material changes to the surrounding context, relevant planning policy or design guidance that would result in the scheme now being considered unacceptable. As such, the proposed scale, mass and design of the proposal is considered to be acceptable and would not detract from the character of the area.

Quality of Residential Accommodation

- 10.19 In terms of the quality of the proposed residential accommodation, the internal floor space, aspect, outlook and amenity space provision for each of the units remains the same as the previously approved scheme. As such, the proposal would continue to provide an acceptable quality of accommodation for future occupiers.

Amenity of neighbouring properties

- 10.20 In terms of neighbour amenity, the proposal is unchanged in terms of its scale, location, design, fenestration details and balconies from the previously approved scheme. As there are no proposed amendments to the proposal from the previously approved scheme and there are no significant changes to the surrounding context, the proposal is still considered to be acceptable.

Landscaping and impact on trees

- 10.21 The layout of the amenity area remains unchanged from the previously approved application and condition 4 requires the submission of landscaping details prior to the commencement of development.
- 10.22 With regard to the trees and Metropolitan Open Space to the rear of the site, the Council's Tree Officer has stated that subject to a condition (no. 8) requiring details of tree pruning to be submitted, no objections are raised.

Transport and Highways

- 10.23 Policy CS 10 requires all new developments to be car-free. As such a condition (no. 6) is recommended preventing residents from obtaining further on street parking permits unless they have already held a permit for in excess of one year.
- 10.24 The proposal would provide cycle and refuse stores on the east side of the site. The cycle store would provide an acceptable number of cycle spaces and the refuse store is considered to be sufficient. There are no proposed amendments to the previously approved details of the cycle and refuse stores.

Other

- 10.25 An objection has been received raising concern regarding an increase in density at the site. This was assessed under the previous application and there would be no change to the density figures as a result of this application. As such, the density is considered to be acceptable.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed demolition of an existing two storey property and the erection of a five storey apartment building consisting of 9 residential units, with associated access, refuse, cycle storage and landscaping, is acceptable in land use terms; would have an acceptable impact upon the character and appearance of the street scene and will not have a detrimental impact upon the amenities of neighbouring properties.
- 11.2 Following an extensive assessment and further testing of the submitted financial viability information by the Council's Appointed Independent Viability Consultant and the Council's Planning Policy (s106) Officer, it is considered that a contribution of £86 000 is the maximum viable amount.
- 11.3 As such, the proposed development 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 is recommended for approval subject to appropriate conditions.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to a s106 agreement and conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the completion of a section 106 agreement to secure

- A financial contribution of £86,000 towards the provision of offsite affordable housing.
- A financial contribution of £9000 towards CO2 off setting.

RECOMMENDATION B

That the grant of planning permission be subject to conditions:

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
2	Approved plans list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning, Design & Access statement (WS Planning & Architecture June 2015), Arboricultural and Planning Integration Report (GHA Arboricultural Consultancy February 2015), BLR DEV4-001, BLR DEV4-11-001, BLR DEV4-11-002, BLR DEV4-11-003, BLR DEV4-11-004, BLR DEV4-20-002, BLR DEV4-10-002, BLR DEV4-10-003, BLR DEV4-10-004, BLR DEV4-10-005, BLR DEV4-10-006, BLR DEV4-10-007, BLR DEV4-10-010, BLR DEV4-10-0022.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details)
	<p>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:</p> <ul style="list-style-type: none">a) solid brickwork (including brick panels and mortar courses)b) render (including colour, texture and method of application);c) window treatment (including sections and reveals);d) roofing materials;

	<p>e) balustrading treatment (including sections);</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>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.</p>
4	Landscaping (Details)
	<p>CONDITION: No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) Details of how the landscaping scheme maximises biodiversity; c) Details of soft landscaping, including grassed areas, shrub and herbaceous planting as well as the location, species and size of proposed trees; d) A topographical survey and details of proposed earthworks, ground levels and drainage; e) Details of hard landscaping, including surface finishes; f) Details of means of enclosure, within and around the site, both constructed and planted; and, g) Details of any other landscaping features forming part of the scheme. <p>All landscaping shall be carried out in accordance with the approved scheme in the first planting season following first occupation of the first of the residential units hereby approved. The soft landscaping and tree planting shall be subject to maintenance for a minimum period of two years following planting. Any tree or soft landscaping planted as part of the approved scheme which is removed, dies, becomes severely damaged or diseased within two years of the completion of the development shall be replaced with the same species or an alternative approved in writing by the local planning authority within the next planting season.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
5	Cycle parking (Details)
	<p>CONDITION: Prior to the first occupation of any of the dwellings hereby permitted at least sixteen secure bicycle storage spaces shall be provided within the site. These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
6	Car Free Housing (Compliance)

	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ol style="list-style-type: none"> 1) In the case of disabled persons 2) In the case of units designated in this planning permission as 'non car free';or 3) In the case of the resident who is an existing holder of residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year. <p>REASON: To ensure that the development remains car free.</p>
7	Construction Method Statement (Details)
	<p>CONDITON: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works viii mitigation measures of controlling noise from construction machinery during business hours <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
8	Tree Pruning (Compliance / Details)
	<p>CONDITION: Notwithstanding any other plans or documents hereby approved no pruning of trees beyond the boundary of the site (including branches or roots) are permitted without obtaining written approval of the Local Planning Authority.</p> <p>Where any tree pruning is required, prior to any pruning works being carried out full details of the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The tree pruning shall be strictly carried out in accordance with the details so approved and no change shall take place without prior written approval of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not prejudice the life, health and stability of trees to be retained adjacent to the site.</p>

9	Obscure glazing (Compliance)
	<p>CONDITION: All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
10	A Sustainable Design and Construction Statement (Details)
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
11	Construction Environmental Management Plan (Details)
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason: In order to mitigate the impact of the development to nearby residents and businesses.</p>
12	Accessibility (Compliance)
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p>

	<p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8</p>
13	Inclusive Design (Details)
	<p>CONDITION: Prior to the commencement of development on site details of a safe drop off point and storage and charging facilities for mobility scooters shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>

List of Informatives:

1	Positive Statement
	<p>INFORMATIVE: 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> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	CIL
	<p>INFORMATIVE: 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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p>

	<p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Car Free
	<p>INFORMATIVE: All new developments are car free. 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.</p>
4	Section 106 Agreement
	<p>INFORMATIVE: 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.</p>
5	Definitions
	<p>INFORMATIVE: (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.</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. The National Planning Practice Guidance 2014 is material consideration in the assessment of 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 2015, 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 2015 - Spatial Development Strategy for Greater London

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 7.8 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) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM3.1 Housing Mix

DM3.4 Housing Standards

DM3.5 Private Amenity Space

Transport

DM8.4 Walking & Cycling

DM8.6 Delivery & Servicing

Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

Adjacent to Metropolitan Open Land

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

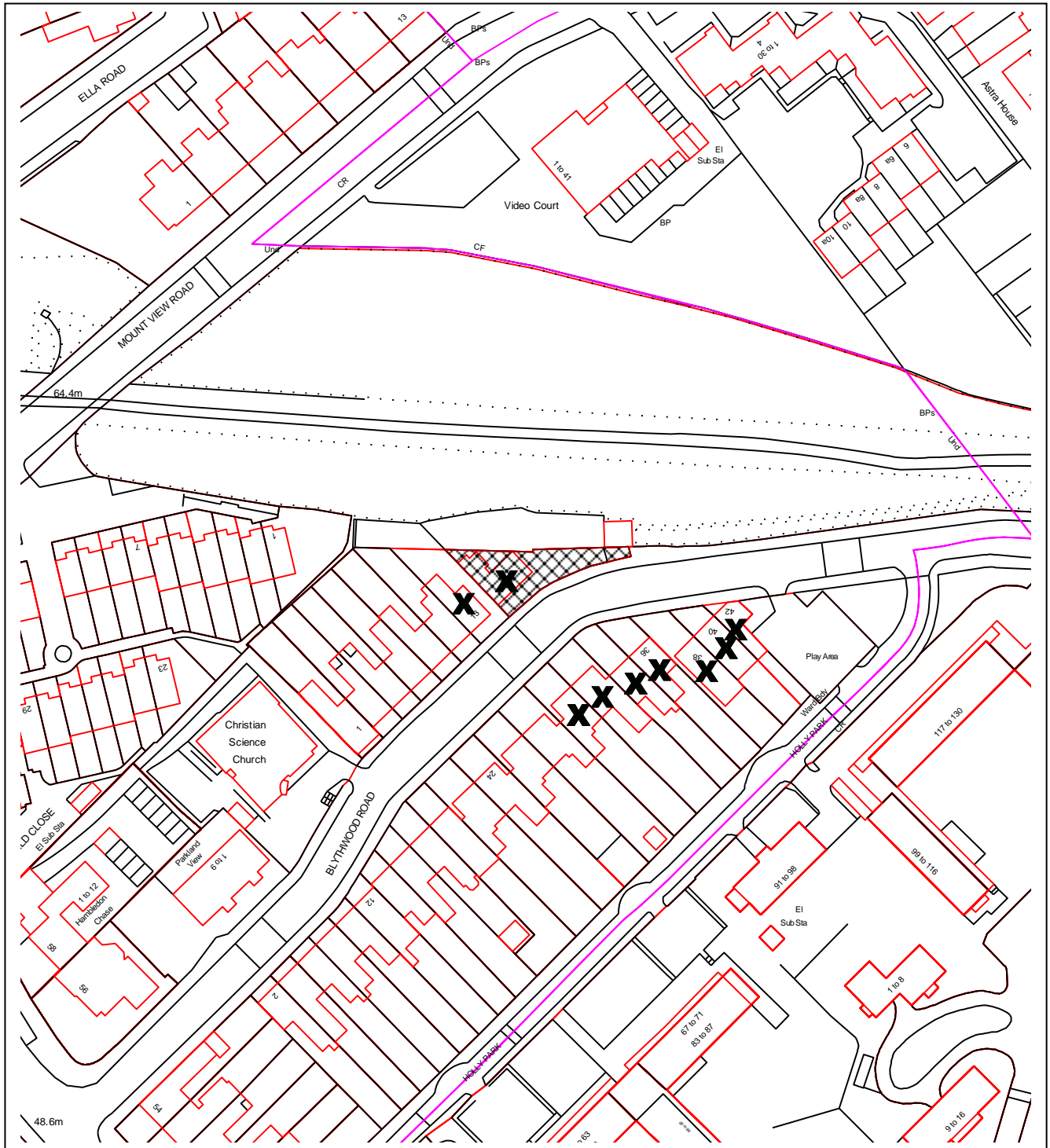
Environmental Design
Urban Design Guide
Accessibility SPD

London Plan

Accessible London: Achieving and
Inclusive Environment
Planning for Equality and Diversity in
London

This page is intentionally left blank

ISLINGTON SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2015/2584/FUL

This page is intentionally left blank

PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE A		
Date:	7 th June 2015	NON-EXEMPT

Application number	P2016/0765/FUL
Application type	Householder
Ward	St Peter's
Listed Building	No
Conservation Area	Arlington Square Conservation Area
Licensing Implications Proposal	None
Site Address	4 Union Wharf, Arlington Avenue, London, N1 7BL
Proposal	Erection of roof level extension to replace existing roof level conservatory

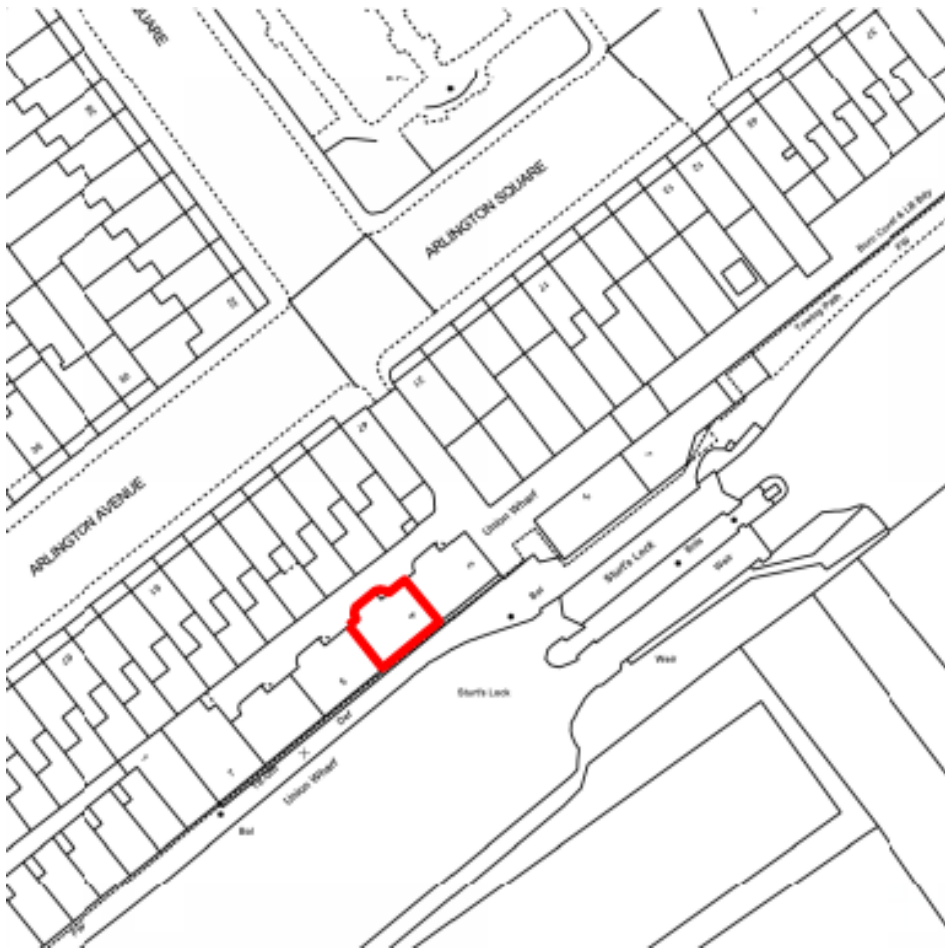
Case Officer	Duncan Ayles
Applicant	Nicholas Szczepaniak
Agent	Nicholas Szczepaniak

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1.

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET



Image 1: Aerial view of the site.



Image 2: View of the north-western elevation of Union Wharf.



Image 3: View of the south-eastern elevation from the Regent's Canal Footpath



Image 4: View from roof terrace toward properties at Arlington Avenue



Image 5: View from Packington Square Footbridge

4 SUMMARY

- 4.1 The application seeks approval for the demolition of an existing roof conservatory on a residential property at 4 Union Wharf, within the Arlington Square Conservation Area, and its replacement with a larger roof extension. Objections have been received from neighbouring properties regarding the impact on the character and appearance of the conservation area and the amenity of the neighbouring properties.
- 4.2 The impact of the proposed development on the amenity of neighbouring properties in terms of the loss of daylight, sunlight, outlook and privacy is considered to be acceptable. The design and impact on the character of the

conservation area is also considered to be acceptable, and the proposed extension would not be visible in any significant public views.

- 4.3 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

5 Site and Surrounding

- 5.1 The application site is located at 4 Union Wharf, Arlington Avenue and forms part of a row of four properties fronting onto the north side of Regent's Canal. The application property is residential and located to the rear (south-east) of the properties fronting Arlington Avenue. To the north-west of the site is a locally listed Victorian terrace. The buildings within Union Wharf are two storeys in height with conservatories at roof level that provide access onto a roof terrace. The existing conservatories are fully glazed and contain hipped roofs. The conservatories are situated on the north-western side of the building and are set back from the south-eastern elevation of the building next to Regent's Canal. The conservatories are part width with the roof containing privacy screening on either side to limit views toward the properties at Arlington Avenue.

- 5.2 The application site is located immediately to the north of Regent's Canal, and is located within the Arlington Square Conservation Area. Due to the narrow width of the towpath on the northern side of the canal, the height of the building and set back, the existing conservatory structures are not visible from the Regent's Canal tow path. Long distance views from the north-west further along the Regent's Canal towpath are obscured by the building at 1-2 Union Wharf and to the south-east by the other buildings at Waterfront Mews. The buildings are not visible from Arlington Avenue or Arlington Square, as they are obscured by the residential buildings to the north-west.

- 5.3 The predominant land use within the vicinity of the application site on the northern side of Regent's Canal is residential. The southern side of Regent's Canal is within Hackney Borough Council, and the land use is predominantly commercial including large B8 storage and office buildings with some café uses. The southern side of Regent's Canal does not contain a towpath, although this side of the canal does contain moorings. The site is located in close proximity to Sturt's Lock.

6 Proposal (in Detail)

- 6.1 The application seeks approval for the replacement of the existing roof level conservatory structure with a larger roof extension. The proposed extension would incorporate a flat roof with height of 1.78 metres above the existing brick parapet, which is lower than the apex of the existing conservatory structure. The proposed extension would be wider than the existing conservatory, giving the extension a total width of 9 metres with a setback of 0.2 metres provided on both sides to the boundary with 3 and 5 Union Wharf.
- 6.2 The extension would have solid metal cladding on the side elevations and the north-western elevation facing toward the properties at Arlington Avenue, with

floor to ceiling glazing provided on the Regent's Canal elevation. The proposed extension would result in the loss of a small portion of the existing roof terrace, but the majority of the roof terrace would remain as open amenity space.

Planning Applications:

- 7.1 **992165** - Part redevelopment, part conversion of factory building to provide five x 3 bedroom houses, conversion of lock house to provide two x 3 bedroom flats and one 3 bedroom house, entailing installation of new access gate and six car parking spaces – **Granted Conditional Permission** (19/06/2000). Condition 6 of this permission removed permitted development rights.

7 Union Wharf

- 7.2 **P2014/2466/FUL** - Demolition of existing glazed room to second floor roof terrace; erection of a replacement rear extension - **Granted Conditional Permission** (11/08/2014).

Pre-application:

- 7.3 None.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 25 neighbouring properties at Union Wharf, Arlington Avenue and Arlington Square on 16/03/2016. A site and press notice were displayed on 24/03/2016. The public consultation of the application therefore expired on 14/04/2016. 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 7 responses had been received from the public with regard to the application. These consisted of 6 objections to the proposal and one letter of support. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Impact on the character of the area; (para 10.2-10.11)
 - Impact on the amenity of neighbouring properties including in respect of the loss of daylight, sunlight and outlook due to the increase in the scale, bulk and over-dominance; (para 10.12-10.23)
 - Precedent set by the proposed extension for other roof extensions within Union Wharf (para 10.24)

Internal Consultees

- 8.3 **Design and Conservation:** The proposed replacement of the existing roof level conservatory with a larger roof extension is considered unacceptable in principle. The roof level conservatories have been designed to this group of buildings to have minimal impact on the private views from the locally listed terrace behind and from public views from the canal tow path.
- 8.4 Nos. 3, 4, 5 and 6 Union Wharf have been consistently designed in line with the raised bay to the front elevations. The extensions have also been set away from the rear building line fronting the canal sufficiently so that they would not be visible.
- 8.5 If any extension of the existing roof addition is to be considered acceptable it would have to be demonstrated that this would not increase visibility of the extension, particularly from the canal tow path side.

External Consultees:

- 8.6 **Canal and River Trust:** The Trust have no comments to make on this proposal.

9 REVELANT POLICIES

- 9.1 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

- 9.2 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.
- 9.3 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015, 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and Impact on the Character and Appearance of the Arlington Square Conservation Area
- Impact on the Amenity of Neighbouring Properties

Design and Impact on the Conservation Area

10.2 Policy DM2.1 of Development Management Policies 2013 requires all new development to be high quality and to contribute to local distinctiveness and character. Policy DM2.3 requires all new development within conservation areas to protect or enhance the character of the conservation area.

10.3 The application seeks permission for the replacement of the existing rooftop conservatory structure with a larger roof extension. While it is noted that the existing roof top structure is original to the property, and identical to the structures present on the neighbouring properties at 3-6 Union Wharf, it is considered that the structure does not make a positive contribution to the character of the conservation area, being of a generic conservatory design. Consequently the replacement of the existing structure is considered to be acceptable in principle.

10.4 It is acknowledged that the proposed roof extension would be the first extension to one of the four properties at Union Wharf which form a single housing group, and consequently that the scheme would break the uniform character of these buildings. However, it should also be noted that the extension replaces an existing, original conservatory and there is already built form at this level, albeit of a smaller size. The uniformity of these properties at roof level is only recognisable from a limited number of private viewpoints and is not considered to be of such distinctive character and quality that its loss would be resisted. As such, having special regard to the Conservation Area Design Guidelines the break in the uniformity of the roof scape of these four buildings would not materially harm the character of the buildings or their contribution to the character of the Conservation Area.

10.5 The Islington Urban Design Guide confirms within section 2.4.3 that contemporary roof extensions, as is the case here, are most appropriate to post-war or contemporary buildings. The proposed extension would use high quality contemporary materials in line with the Islington Urban Design Guide, including metallic cladding and floor to ceiling glazing. The proposed roof extension would also benefit from a considerable set back, in accordance with the Islington Urban Design Guide. While the proposed extension is larger than the existing structure, it would remain subordinate in scale to the property, would not over dominate the property in terms of its massing. The detailed

design of the proposed roof extension is also considered to be acceptable subject to details of the materials being submitted to and approved in writing by the Local Planning Authority and given these factors and the context, including the limited views of the roof, a contemporary roof extension is acceptable.

- 10.6 The Arlington Square Conservation Area Design Guidelines also sets out guidance on roof extensions. The guidance confirms that contemporary set-back roof extensions will only be acceptable if they are not visible from any public area, and also states that rear extensions should be mansarded to reduce their visual impact. The proposed extension would not be visible from any public views and is considered to be broadly in accordance with the guidance and so the requirement within the Conservation Area Design Guidelines to a mansard roof form to the rear elevation is not considered to be appropriate in this instance, as the property is of a contemporary design and a mansard roof is not typical of contemporary architecture.
- 10.7 The existing roof top structures present on the roof of the building are not visible from the towpath at Regent's Canal. While the proposed roof extension would bring the extension slightly closer to the south-west elevation, the proposed roof extension would still not be visible from the Regent's Canal towpath, which has been demonstrated through the submission of section drawings.
- 10.8 Long distance views of the extension from the south-west would be limited by the buildings at Waterfront Mews, which project further to the south-west, thereby limiting views from the south-east further along Regent's Canal. Longer distance views from the north-west would be obscured by the buildings at 1 and 2 Union Wharf. Views of the terrace from Packing Street footbridge would be obscured by the development between the application site and this bridge. The extension would not be apparent from any public views, as it would be obscured by the residential terrace at Arlington Avenue and the large commercial buildings on the opposite side of the canal.
- 10.9 The proposed extension would be visible from private views from the properties and gardens at Arlington Avenue and from neighbouring properties within Union Wharf. However, as these would be private rather than public views, the impact on the character and appearance of the Conservation Area would be limited. Furthermore, due to its limited scale and its design that integrates with the building, the proposed roof extension would not be prominent in views from these properties. The proposed extension may be visible from some location on the southern side of Regent's Canal. However, as the buildings closest to the application site are in storage use, it is not considered that this would give rise to a significant impact on the character and appearance of the conservation area.
- 10.10 The Design and Conservation Officer has raised concerns regarding the impact on private views from the locally listed terrace and public views from Regent's Canal. However, the information submitted is considered to be sufficient to conclude that the extension would not be subject to any significant

public views. Furthermore, as the detailed design and massing of the extension is considered to be acceptable, there would be no detrimental impact on private views.

- 10.11 With due regard to the character and appearance of the conservation area and the relevant design guidance, the proposal is considered to be acceptable in design terms and would not detract from the character and appearance of the host building or the Arlington Square Conservation Area.

Impact on the Amenity of Neighbouring Properties

- 10.12 Policy DM2.1 requires all new development to safeguard the amenity of neighbouring properties, including in terms of the loss of daylight, sunlight, outlook and privacy. The site immediately adjoins residential dwellings within Union Wharf itself and is separated from the properties at Arlington Avenue by a vehicular access and the rear gardens of these properties.
- 10.13 The application seeks to replace the existing roof level conservatory with a more solid structure. The proposed extension would measure 3.2 metres wider than the existing conservatory, incorporating a flat roof set 0.26 metres lower than the ridge of the existing conservatory and would be set 0.2 metres further back from these neighbouring properties. The application proposes the removal of the existing privacy screens immediately to either side of the extension. These screens have a height of 0.84 metres above the existing brick parapet on the north-western elevation of the building, and extend across either side of the conservatory.

Outlook and Sense of Enclosure

- 10.14 The nearest residential properties to the north are within a residential terrace at Arlington Avenue. The rear outrigger extension at 51 Arlington Avenue does not contain a window on its rear elevation at second floor level, while the extension at 53 Arlington Avenue is single storey only. The closest windows to the proposed extension are therefore the second floor windows within the original rear elevation of 51 and 53 Arlington Avenue, which are located 13 metres away from the application site.
- 10.15 While the proposed roof extension is wider than the existing conservatory structure, the use of a flat roof means that the proposed extension is 0.26 metres lower in height than the existing conservatory. Given that the erection of the proposed extension would facilitate the removal of the existing privacy screening at roof level on either side of the extension, the increase in the bulk and scale of development at roof top level when viewed from the properties at Arlington Avenue is not considered to be sufficient to give rise to any unacceptable impact in terms of the loss of outlook and increased sense of enclosure.
- 10.16 Responses received have drawn attention to the impact of the use of solid metal cladding rather than clear glazing on the outlook of neighbouring properties. However, due to the fully glazed nature of these structures,

occupants often use blinds to limit solar gain. In this respect the use of a solid rather than glazed structure would not materially reduce the outlook from these properties, as the existing structure is not necessarily transparent when viewed from Union Wharf. Notwithstanding this, due to the set back of these properties from the application site an open aspect would be retained from the rear of these properties. It should also be noted that the proposed extension would not detract from the main outlook of the immediately neighbouring conservatory structures, which are to the south-west and would remain expansive.

Sunlight and Daylight

- 10.17 The proposed extension would increase the bulk and scale of development at roof level, and as a result may lead to some impact on the daylight and sunlight received by neighbouring properties to the north-west. The application is supported by a section drawing which shows the relationship between the application site and the residential properties at Arlington Avenue.
- 10.18 Policy DM2.1 makes reference to the Building Research Establishment Document: Site Layout Planning for Daylight and Sunlight, which can be used to assess the daylight and sunlight impact of new development. Section 2.2 provides guidance in respect of the impact of new development on the daylight received by existing properties. Section 2.2.5 of the document sets out a 25 degree rule that can be used to determine the impact of development perpendicular to a window on the daylight received by this window. Based on the drawings submitted, the 25 degree rule would not be broken with respect to the second floor windows at Arlington Avenue.
- 10.19 While it is acknowledged that the new extension would break the 25 degree rule in section when applied to the ground and lower ground floor windows, there is only a small element of the proposal that would project above the pitched roof of the existing conservatory and the extension would sit behind existing privacy screens at roof level. As such, the impact upon daylight would be negligible.
- 10.20 The impact on the sunlight received by neighbouring properties is also considered to be acceptable. The applicant has submitted a section which provides an estimation of the shadows cast from the roof extension at different times of the year. The drawing demonstrates that there would be no impact on sunlight received at noon throughout the year, although there may be some overshadowing during the early morning and afternoon. However, the limited extent of the new extension is not considered to be significant given the limited extent of the extension.
- 10.21 The daylight and sunlight impact on the direct neighbours within Union Wharf is also considered to be acceptable. The loss of daylight to these properties would be limited due to the existing privacy screens in place, and these would mitigate against loss of daylight and sunlight. Furthermore, the adjacent

conservatories, being fully glazed, would continue to receive a significant amount of daylight and sunlight irrespective of the proposed development.

Privacy and overlooking

- 10.22 The proposed extension would incorporate solid metal cladding of the north-western elevation facing toward Arlington Avenue. As a result the proposed extension would not lead to any material loss of privacy or increased overlooking to the properties at Arlington Avenue
- 10.23 The proposed extension would therefore not detrimentally impact upon the amenity of the neighbouring occupiers in terms of the loss of daylight, sunlight, outlook and privacy.

Other Matters

- 10.24 Responses have been received which raise concerns on the basis that the scheme would establish a precedent that would justify future extensions to the properties at Union Wharf. However, any future applications would need to be assessed on their merits.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 With special regard to the Arlington Square Conservation Area Design Guidelines and the Islington Urban Design Guide, the proposed development is considered to be acceptable in design terms and would not detract from the character and appearance of conservation area.
- 11.2 The proposed development would not detrimentally impact the amenity of the neighbouring occupiers including in respect of the loss of daylight, sunlight, outlook and privacy.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions as set out within Appendix 1-Recommendation A

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>001 Rev 001, 002 Rev 001, 003 Rev 001, 004 Rev 001, 005 Rev 001, 006 Rev 001, 007 Rev 001, 008 Rev 001, 009 Rev 001 and 010 Rev 001.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Materials to Match (Compliance)
3	<p>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:</p> <ul style="list-style-type: none"> a) Metallic cladding panels b) Glazing (including sections of frames and glazing thickness) <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>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.</p>

List of Informatives:

	Positive statement
1.	<p>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> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to</p>

	<p>the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	Other legislation
2.	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act
	Part M Compliance
3.	<p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> • The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', <p>For this proposal, this may include</p> <ul style="list-style-type: none"> - colour contrast nosing to the external steps; - improvements to the handrail profile - glass marking manifestations <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>
	Construction hours
4.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> - 8am –6pm Monday to Friday, - 8am – 1pm Saturdays; - no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </div>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies 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 2015, 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 2015 - Spatial Development Strategy for Greater London

1 Context and strategy

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) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)

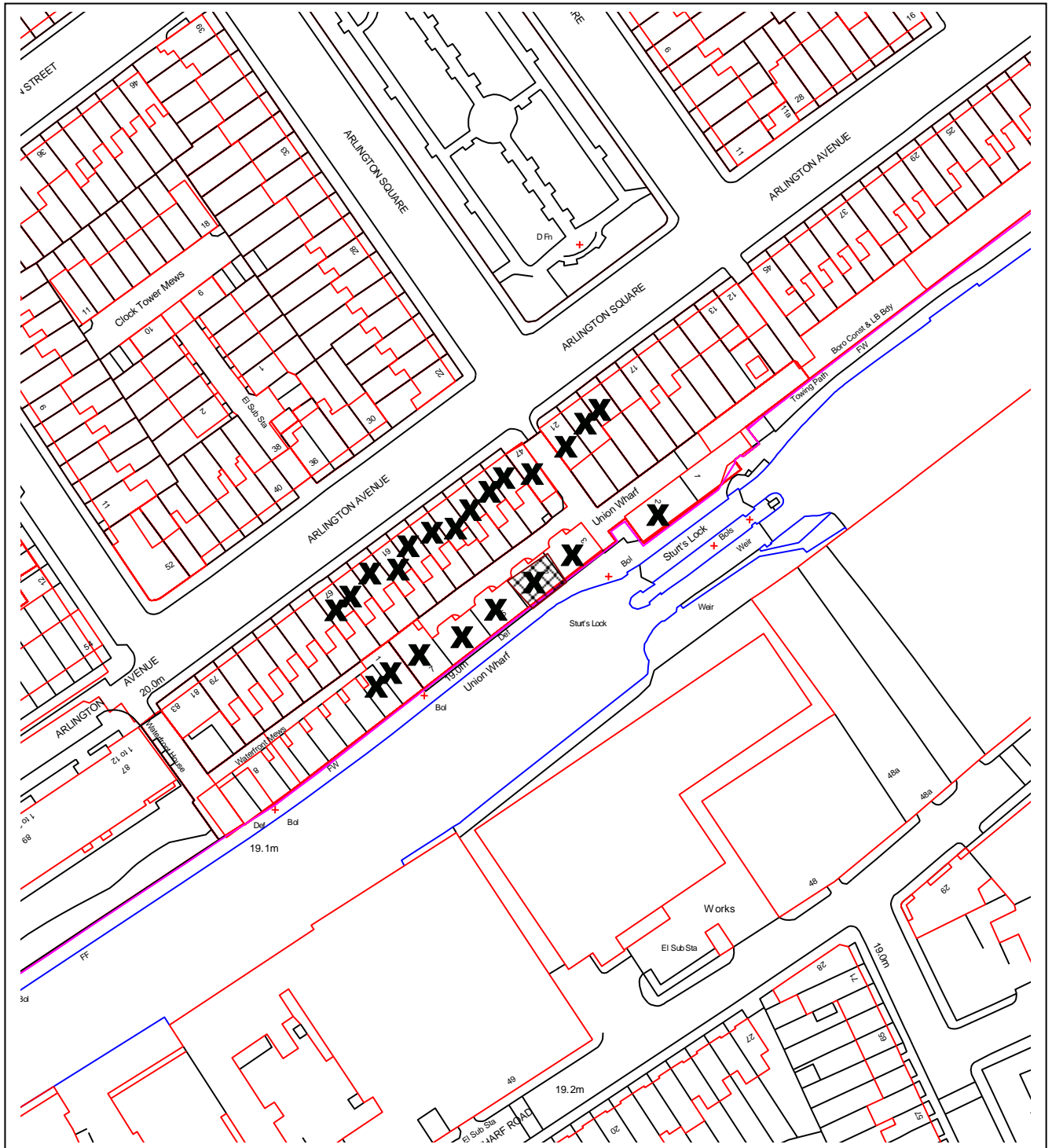
Policy DM 2.3 (Heritage)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Arlington Square Conservation Area Design Guidelines

ISLINGTON SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2016/0765/FUL

This page is intentionally left blank

PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE A		
Date:	7 th June 2016	NON-EXEMPT

Application number	P2015/4907/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	No
Conservation area	Clerkenwell Green
Development Plan Context	Finsbury Local Plan Area Local views Open Space Archaeological Priority Area Core Strategy Key Area Conservation Area Central Activities Zone Cycle Routes
Licensing Implications	Clerkenwell Cumulative Impact Policy Area Licence required where alcohol is proposed to be served
Site Address	Former Public Convenience, Clerkenwell Green, London EC1
Proposal	Proposed change of use of former public toilets to an A3/D1 space (sui generis), plus external alterations to surface including structural glazing, new surfacing, new ventilation housing, removal of asphalt to steps, new entrance door.

Case Officer	Mr Joe Aggar
Applicant	London Borough of Islington - Mr Steve Cross
Agent	Mr David Wright

1 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial photograph showing the former public convenience, Clerkenwell Green



Image 2: view looking south at Former Public Convenience



Image 3: view looking north east to the Former Public Convenience

4. SUMMARY

- 4.1 The application seeks permission for a change of use of the former public convenience at the centre of Clerkenwell Green to a café/art gallery (sui generis use). In order to facilitate the conversion of the space a number of external alterations to the surface level of the toilets are proposed. These include installing new structural glazing over the former 'Gents' stairwell and new structural glazing over part of the remaining stair access and the introduction of a new door; a new ventilation housing would be provided with the finial repaired, with the removal of the asphalt from the concrete steps and main plinth with a new glazed luxcrete surface installed and the existing railings refurbished.
- 4.2 The site is located within designated open space, where policy CS15 seeks to improve the quality and function of open space, however the loss of the toilets is not protected by policy. As such, the loss of the public convenience is acceptable in principle. The proposed café and gallery space use of the site is considered to be in keeping with the character of the surrounding area and in accordance with the London Plan and Finsbury Local Plan which seek to promote a range of mixed uses within the Central Activities Area (CAZ).

- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The external appearance of the proposal would reinstate some of the historic features and would enhance the character and appearance of this part of the conservation area.
- 4.4 The proposal would not result in unacceptable noise or disturbance to neighbouring residential occupiers and the proposal is car free.
- 4.5 As such, the proposal is considered to be acceptable on balance and is recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 Clerkenwell Green is an historic open space with the site consisting of the former public convenience in the centre of Clerkenwell Green. The surrounding area slopes down towards the west with the site itself being raised with stepped access around its perimeter. There are two main entrances to the subterranean toilets which are currently covered and bound by railings. Centrally there is a vent with a finial detail above and the steps and surface have been covered in asphalt.
- 5.2 Directly to the east and adjoining the site is an area of hardstanding with benches and trees, which together with the site form a designated open space. Short term car parking spaces surround the central island. The toilets have been closed since circa 1981 and are not open for use by members of the public. The street furniture to the site including the railings have been neglected and internal features are in a poor state of repair.
- 5.3 The surrounding area is mixed in character with commercial, including offices, public houses and cafes, and residential. To west of the green is the Old Sessions House, a part two, part three storey Grade II* listed building, while other Grade II listed buildings front the Green, notably No.s 37a, 12-14a and 21-21 Clerkenwell Green.
- 5.4 The site is located within the Clerkenwell Green Conservation Area, the Central Activities Zone (CAZ) and the Bunhill and Clerkenwell Core Strategy Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the proposed change of use of former public toilets to an café and gallery space (sui generis) with external alterations. The external alterations include the installation of new structural glazing over the former 'Gents' stairwell and new structural glazing over part of the remaining stair access and the introduction of a new door. A new ventilation housing would be provided with the existing finial repaired and reinstated, the existing asphalt over the raised area and steps would be removed with a new glazed luxcrete surface installed, while the existing railings would be refurbished.

Revision 1

- 6.2 Revised plans were received on 2nd February 2016. These comprised a revised application form, amended site plan reducing the site area and a renamed plan.
- 6.3 The application has been referred to the planning sub-committee due to the level of objections received and the fact that this is a council own application.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P040048** - Extension of island over part of the roadway and landscaping and tree planting for use as a sitting out area - Appeal made against non-determination - **Appeal Withdrawn** 04/05/2005.

ENFORCEMENT:

- 7.2 None.

PRE-APPLICATION ADVICE

- 7.3 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 100 adjoining and nearby properties at Clerkenwell Green. A site notice and press advert were also displayed. A further period of consultation was carried out which commenced on the 3rd March 2016 due to amended information being received, including application, site plan and floor plan. A further period of consultation was carried out on 22nd April 2016 to include reference in the description that the application may affect the setting of a listed building. This consultation period expired on the 19th May 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of writing this report 40 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).
- Not part of a wider redevelopment to restore/improve the Green (para 10.32)
 - Prefer to see the Public Lavatories restored (para 10.33)
 - No further licenses should be granted (para 10.26)
 - No management plan (para 10.24)
 - No public toilets in the area (para 10.7)

- Concern over the number of chains (para 10.34)
- New cross rail line will increase pedestrian traffic. There are no public toilets (para 10.7)
- The area has too many cafes (para 10.13)
- Could provide a 'living museum' if reopened as toilets (para 10.32)
- Any planning permission to exclude filming, wedding and advertising (para 10.32)
- First advertisement not printed until 17.12.2015 (para 8.1)
- Application requires conservation consent (para 10.35)
- There are trees on the site (para 10.37)
- No information on waste collection or recycling (para 10.31)
- Contrary to planning policy (para 12.1)
- The application site extends beyond the title plan (para 10.36)
- No heritage statement has been submitted (para 10.35)
- Local Authority do not own the land (para 10.36)
- No marketing information has been submitted (10.40)
- No pre-application advice was sought (para 10.39)
- Contamination information should be provided (para 10.38)

Internal Consultees

- 8.4 **Design and Conservation:** Loss of historic fabric is regrettable. However, the building is not listed and no in principle objections raised.
- 8.5 **Planning Policy:** No objection to the proposed new use. Consideration needs to be given to policy DM4.3 and the sites location within a Cumulative Impact Area.
- 8.6 **Environmental Health Officer:** Due to the subterranean location much of the noise generated would be absorbed. There would be some noise impact from people arriving and leaving the site, potentially late at night. An approval of details condition for the door and vent shaft treatment is advised and the hours of use should be restricted.
- 8.7 **Highways Officer:** No comments received.
- 8.8 **Access Officer:** The proposal should provide access for all. The stepped only approach would not achieve this and is not acceptable.
- 8.9 **Licensing Officer:** The premises are located in the Clerkenwell Cumulative Impact Policy Area, which provides a presumption, that new licence applications will be refused. Exceptions include small premises with a capacity of 50 persons or less, the supporting documents suggest that the maximum occupancy would be 40 to 45 persons. The preferred terminal hour for restaurants is 11pm Sunday to Thursday and midnight Friday and Saturday.

External Consultees

- 8.8 **Clerkenwell Green Preservation Society:** The Society objects to the demolition of the George Jennings Public Conveniences. The lavatories are

intact and at the centre of the conservation area. With the restoration of this public space to its original size and status cultural activities would be possible. The local police have not been notified. Other cafes, bars and restaurants will not welcome another business similar in nature. The proposed change of use would result in internal fabric being removed with no natural light. Free speech is part of Clerkenwell Greens heritage. The toilets would serve the need of Cross Rail and become a tourism asset with a tourist information centre. There is sufficient public benefit from this significant site within the Conservation Area and the application should not be granted.

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

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document (2013) and Finsbury Local Plan (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.5 The site is located in the an Archaeological Priority Area, Clerkenwell Green Conservation Area, Central Activities Zone, Finsbury Local Plan Area, Core Strategy Key Area, Local Views and designated Open Space.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Design and Appearance
- Neighbouring Amenity
- Accessibility
- Highways

- CIL
- Other Matters

Land Use

- 10.2 The proposal includes the use of the disused toilets below ground floor level for the use as a café and gallery space (sui generis).
- 10.3 Clerkenwell Green is a designated open space where Policy CS15 protects all existing open space including spaces of heritage value as well as seeking to improve their quality, function and accessibility. DM6.3 of the Development Management Policies restricts development on public open space and requires proposals in their immediate vicinity not to negatively impact on the amenity, ecological value and functionality of the space.
- 10.4 The Finsbury Local Plan identifies Clerkenwell Green as a priority space for enhancement with a site specific Public Space Priority Project (Project 28) that seeks to re-establish the green as a true public open space through a public space improvement project considered together with the local community.
- 10.5 Although the site is located within designated Open Space, whether the subterranean element constitutes 'public open space' needs to be considered. Whilst the toilets were formally 'publicly accessible' they are not considered to constitute a public open space in the way the policy implies, such as the surface area with benches and areas for activity. As such, it is considered that the loss of the underground toilets would not result in a loss of public open space.
- 10.6 It is noted that the site forms part of a wider policy ambition to improve the public space forming Clerkenwell Green. The physical improvements to the external areas of the site and introduction of an active and publicly accessible use to the site would represent an enhancement to the area that works towards the aim of improving the public realm and together with other local schemes, notably the Old Sessions House, could stimulate further improvements to the area.
- 10.7 It should also be noted that the toilets have not been in use since the early 1980s and that the toilets do not provide acceptable levels of access, such that their loss is not considered to result in a shortfall in the provision of publicly accessible toilets within the locality. There are a number of other publicly accessible toilets within the vicinity of the site, notably at Farringdon Station within 500 metres of the site.
- 10.8 As such, it is considered that the loss of the public toilets is considered to be acceptable in this case, subject to the proposed use being considered to be acceptable.
- 10.9 With regard to the proposed café and gallery space use, the refurbishment and redevelopment of the site accords with the National Planning Policy

Framework's presumption in favour of sustainable development by bringing back into use an unutilised space.

- 10.10 London Plan policies 2.10 and 2.11 recognise the 'mixed' nature of much of the CAZ in which the site is located and seek to enhance and promote the unique international, national and London wide role of the CAZ through the promotion of a range of mixed uses.
- 10.11 Policy CS7 of the Islington Core Strategy sets out the spatial strategy for the area, recognising the Bunhill and Clerkenwell area as Islington's most important employment location and diverse local economy. Further to this, policy BC7 of the Finsbury Local Plan supports a variety of uses, encouraging entertainment uses, improvements to public space and public appreciation of historic sites.
- 10.12 The site is located between and surrounded on almost all sides by two Employment Priority Areas. Policy BC8 restricts entertainment uses (i.e. A3, A4 and A5 uses, as well as nightclubs) to Employment Priority Areas. However, policy DM4.3 is clear that proposals for uses such as cafes will be resisted where they would result in an unacceptable concentration in one area, or would cause unacceptable disturbance/detrimentally affect the amenity, character and function of the area. Further to this the site also falls within a Cumulative Impact Area identified by licensing.
- 10.13 The proposed café/gallery use of the site would have a floor area measuring 50 square metres, which is relatively small, particularly when the provision of fixtures and fittings required for its operation and W.Cs are considered. The provision of such a small entertainment unit within the CAZ and immediately adjacent to two Employment Priority Areas would not result in an over concentration of such uses and is therefore considered to be acceptable in this instance. With regard to potential impacts on amenity, character and function of the area, these are discussed in more detail below.
- 10.14 The proposed change of use would introduce an active use to the currently vacant site that would complement the mixed use of this part of the CAZ by providing additional appropriate facilities. As such, it is considered that on balance the proposed change of use is broadly acceptable in land use terms, subject to an assessment of all other relevant policy, the impact upon the character and appearance of the locality and all other relevant material planning considerations.

Design and Appearance

- 10.15 An essential part of the area's character lies in its set piece spaces, including Clerkenwell Green. These spaces each exhibit a special character, reflecting their social history, built character value, the way in which they frame key landmarks, and their importance as open spaces (forming a counterpoint to narrow streets and alleys), amongst other matters.

- 10.16 The policies on conservation areas and heritage assets are in line with the requirement of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.17 Policy BC7 of the Finsbury Local Plan seeks to protect the special character of the area. For redevelopment and refurbishment schemes the Conservation Area Design Guidelines advise the use of vernacular materials. The street surfaces and furniture contribute to the character and appearance of the area.
- 10.18 In order to facilitate the conversion, external alterations are proposed to the ground level. The external alterations would involve the removal of the 'Gents' staircase and chequer plate security panels to the north west corner of the site and their replacement with structural glazing. The other stair case would be retained, with the chequer plate panel replaced with structural glass and a new door introduced a partially submerged landing level. Details of the proposed door are required to be submitted by condition (No. 3). The railings surrounding these stairwells would be retained and refurbished.
- 10.19 The proposed removal of the asphalt covering the steps and raised area and replacement with Luxcrete, which was formally in place and is still present in places would be more historically accurate and would provide visual interest to this focal point of the Green. The overall quality of the Luxcrete and its finish is considered to be key to the success of the proposal. As such, a condition is recommended (Condition 3) requiring details of the Luxcrete to be submitted to and approved in writing by the Local Planning Authority.
- 10.20 In addition to this a replacement ventilation housing would be installed in the same location with the iron finial repaired and reinstated. While the plans detail that the ventilation system would be similar to the existing in design, Condition 3 of the recommendation requires detailed to be submitted to ensure that the design is acceptable.
- 10.21 The proposed re-use, refurbishment and renewal of the site would introduce an active use to the centre of Clerkenwell Green, providing an attractive and good quality environment that would encourage further use. The works would reinstate historic features and are considered to represent an improvement to the currently underutilised and neglected space that would represent an enhancement to the character and appearance of the conservation area.

Neighbouring Amenity

- 10.22 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise. Development Management Policy DM4.3 Part A(ii) considers whether the proposed use of a

development would adversely affect local amenity and the character and function of the area. Policy DM2.1 identifies potential impacts which should be assessed. DMP policy DM2.1 part A(x) requires proposals to provide a good level of amenity including consideration of disturbance, noise and hours of operation.

- 10.23 The application site forms an 'island' site, bound by surrounding roads and on-street parking. The local area is characterised by a variety of uses including retail, showrooms, eating and drinking establishments, residential, educational, community and museum uses, resulting providing variety and vitality, and ensuring that the area is not deserted outside business hours. In the immediate area there is a mix of uses including a recent approvals for a mixed use scheme at the Old Sessions House, 22 Clerkenwell Green (P2014/3878/FUL and P2014/3871/FUL).
- 10.24 Although the proposed use would clearly increase the intensity of the underground space from the current situation, the proposed café and gallery space would be subterranean and most of the noise generated through the use would be absorbed by this. The small scale of the unit, at 50 square metres would ensure that only a limited number of people (up to approximately 50 using the Building Regulations Part B Occupancy Capacity figures) could attend the site at any one time. This together with the hours of operation in Condition 4, which are in accordance with the Council's Licensing policy for the area, would ensure that there would not be undue disturbance to neighbouring occupiers. Due to the small scale and limited capability for large numbers of people attending the site, the requirement to provide a management plan is considered to be unnecessary.
- 10.25 Details of how noise levels emitted through the replacement ventilation system would be minimised are required by Condition 5.
- 10.26 Should the application be approved it may present the option for the applicant to apply for an alcohol license. However, it is noted in the Licensing Officer's comments that a future licence applicant could provide evidence in relation to the promotion of the Licensing Objectives to demonstrate an exception to this policy. In any event this would be subject to the control of Licensing and as such the potential for the future sale of alcohol would not warrant refusal of the application in this instance.
- 10.27 Subject to conditions, it is considered that the proposed café and gallery space use of the site would not detrimentally impact upon the amenity of the neighbouring occupiers.

Accessibility

- 10.28 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard.

- 10.29 The existing site has a stepped approach up to the entrance to the site and steps down into the site. The application proposed to remove one of the entrance steps but retain the steps up to the raised external areas and stepped access into the unit. While the lack of step free access is regrettable, the provision of a lift down into the unit would result in a significant above surface structure and reduce the useable area of the already small unit, such that in this case it is considered unreasonable to provide this.

Highways

- 10.30 The site is highly accessible by public transport, with Farringdon, Barbican and Chancery Lane Tube Stations in close proximity, a number of bus routes run along the surrounding roads and a significant number of TfL Cycle Hire points are available nearby.
- 10.31 The proposal would result in a small uplift in usable space (50sqm) at the site, such that a Servicing Plan is not required to be submitted and it is considered that the proposal would not determinately impact on the surrounding transport infrastructure. While no cycle parking provision is proposed, the introduction of cycle stands at ground level would be resisted in this location.

Other Matters

- 10.32 Representations have been received requesting that the scheme be considered as part of wider proposals. However, each planning application should be considered on its own merits. The application cannot be assessed for the preference of a different use or activities which fall outside the proposed use.
- 10.33 A number of representations have questioned the loss of the toilets and stated that these should be retained. Although the site lies within a conservation area, which constitutes a designated heritage asset, the site itself does not form a designated heritage asset in its own right. As such, there are no policy grounds to insist that the toilets be kept in their current lawful use or restored. Notwithstanding this the proposal is considered to represent an enhancement to the conservation area and would therefore not result in any harm to the designated heritage asset.
- 10.34 Concerns have been raised regarding potential operators of the site. It is not the function of the planning system to inhibit competition between operators, and the assessment needs to reflect adopted planning policy and national guidance, taking into account any relevant material considerations and it is necessary to identify specific harm and identify policy conflict.
- 10.35 It is noted that representations have been received stating that Conservation Area Consent and a Heritage Statement are required. Conservation Area Consent has been abolished. The Council's Local Validation Requirements sets out that Heritage Statements '*may be required, where appropriate*' and that the '*scope and degree of detail required will vary according to the particular circumstances of each application*'. Due to the minimal scale of the

proposed works at the site, that they would reinstate and refurbish historic features and that the Design and Conservation Officer has made a detailed assessment of the proposal, it is considered that in this case a Heritage Statement would not be required.

- 10.36 A representation has been received regarding the land ownership. The applicant and land owner in this case is Islington Council. The site plan as originally submitted extended beyond the ownership of the site. This was subsequently amended and the application re-advertised.
- 10.37 While there are a number of trees located close to the site the development does not include any excavation works and the trees are protected by the Conservation Area.
- 10.38 No contamination information is required as part of the assessment of the application.
- 10.39 Although advisable, there is no requirement to submit or seek pre-application advice in relation to a planning application.
- 10.40 Policies with the Development Management Plan do not require specific marketing evidence for the proposed change of use from of public toilets.

Community Infrastructure Levy

- 10.41 The area would be 50 square metres and as such the application would not be liable to Mayoral or Islington CIL.

11 SUMMARY AND CONCLUSION

Summary

- 12.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 12.2 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>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).</p>
2	Approved Plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>01-P Rev No. A; 03-P; 188/1; 02-P0; 4-P; 05-P Rev No. A; Design and Access Statement.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: Prior to any works commencing on site, details and samples of the luxcrete paving, entrance door and ventilation housing shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted should include samples and elevations.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>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</p>
4	Hours of Operation
	<p>CONDITION: The café and gallery (sui generis) unit hereby approved shall not operate outside the hours of:</p> <p>09:00am – 11:00pm on Sunday to Thursday; 09:00am – Midnight on Friday and Saturday and not at all Bank Holidays</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

5	Noise Details
	<p>CONDITION: Prior to any construction works for the development hereby approved commencing on site, details of vent shaft shall be submitted to and approved in writing by the Local Planning Authority. This shall include all details of anticipated noise levels. The ventilation system shall be installed as approved before the the use is commenced and maintained as such permanently thereafter.</p> <p>REASON: In the interest the future occupiers residential amenity.</p>
6	External Use
	<p>CONDITION: No external areas of the site shall be used in connection with the café/gallery (sui Generis) use hereby permitted at any point and shall remain open and unobstructed for public use, unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the designated open space remains open and available for public use and to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

List of Informatives:

1	Positive statement
	<p>INFORMATIVE: 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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 accordance with the requirements of the NPPF.</p>
2	Surface Water Drainage
	<p>INFORMATIVE: It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
3	Hours of Working

	<p>INFORMATIVE: The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>
4	Building Regulations and Party Wall
	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies 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 and NPPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

4 London's Economy

Policy 4.8 Supporting a successful and diverse retail sector and related facilities

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)
Policy CS13 (Employment Spaces)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS15 (Open Space and Green Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design

DM2.3 Heritage

Shops, cultures and services

DM4.2 Entertainment and night-time economy

DM4.3 Location and concentration of uses

DM4.12 Social and strategic infrastructure and cultural facilities

Health and Open Space

DM6.3 Protecting Open Space

Transport

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle Parking

C) Finsbury Local Plan 2013

BC7 Historic Clerkenwell

BC8 Achieving a balanced mix of uses

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Finsbury Local Plan Area
- Conservation Area
- Local views
- Open Space
- Archaeological Priority Area
- Core Strategy Key Area
- Conservation Area
- Central Activities Zone
- Cycle Routes

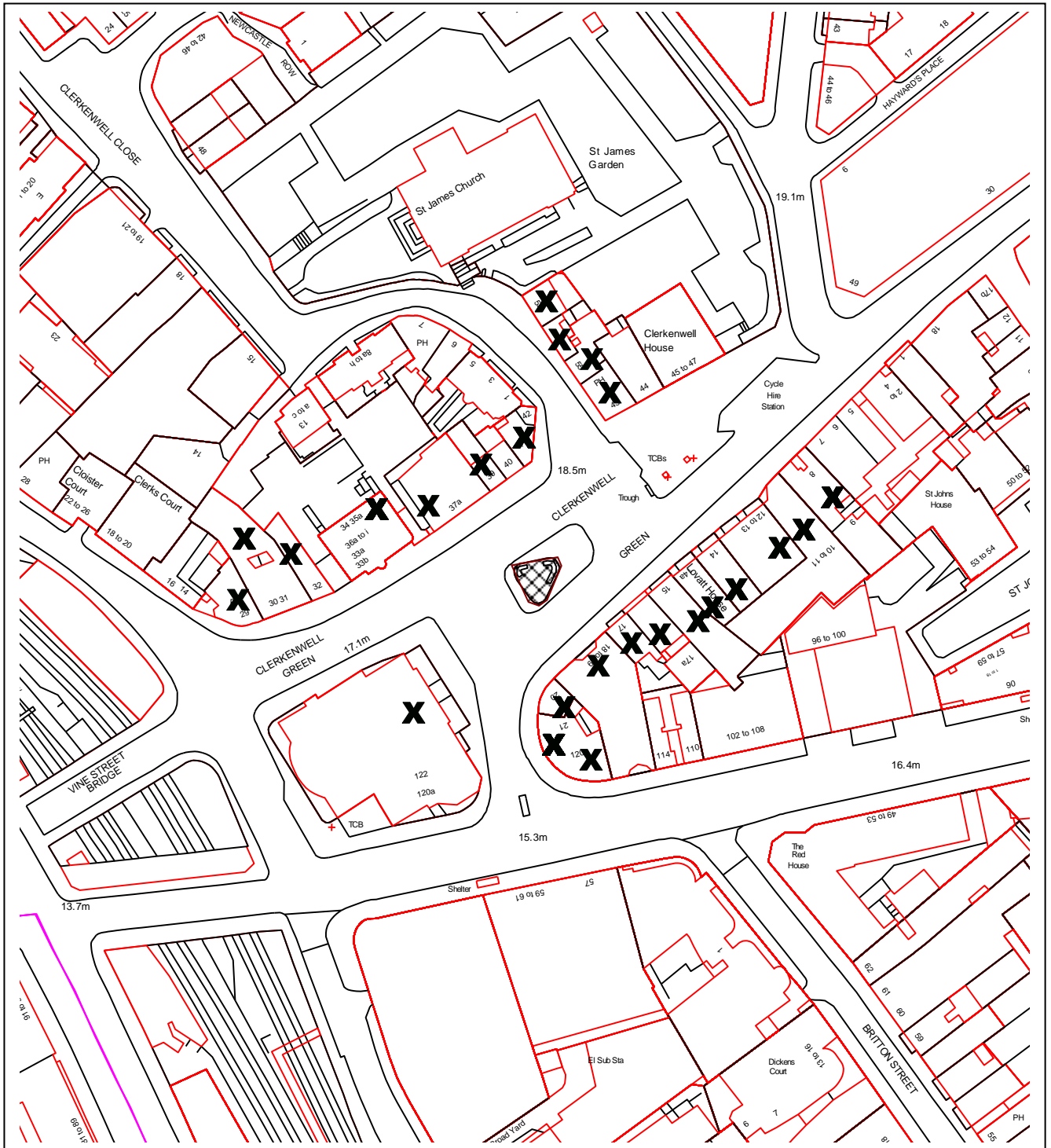
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | | |
|--|-------------------------------------|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines (2002) | - Sustainable Design & Construction |
| - Urban Design Guide (2006) | |

This page is intentionally left blank

ISLINGTON SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2015/4907/FUL

This page is intentionally left blank

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street

PLANNING SUB-COMMITTEE A		
Date:	7 June 2016	Non-exempt
Application number	P2016/1703	
Application type	Stopping Up Highway	
Ward	Bunhill Ward	
Listed building	No Listing.	
Conservation area	None.	
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Bunhill & Clerkenwell Finsbury Local Plan Area Site within 100m of a TLRN Road Within 50 metres of Duncan Terrace/Colebrooke Row Conservation Area Rail Land Ownership – TfL Surface Rail Land Ownership – TfL Tunnels	
Licensing Implications	None	
Site Address	Moreland Street and Central Street (North of Macclesfield Road), Adjacent to Kestrel House, Islington, London, N1.	
Proposal	Stopping Up Order under Section 247 of the Planning Act 1990 to un-adopt part of the existing pavement on Moreland Street and Central Street.	
Case Officer	Thomas Broomhall	
Applicant	London Borough of Islington.	
Agent	Huw Blackwell, Decentralised Energy Project Officer	

RECOMMENDATION

The Committee is asked to resolve to APPROVE the Stopping Up Order.

Site plan (site outlined in Black with area to be stopped up hatched)

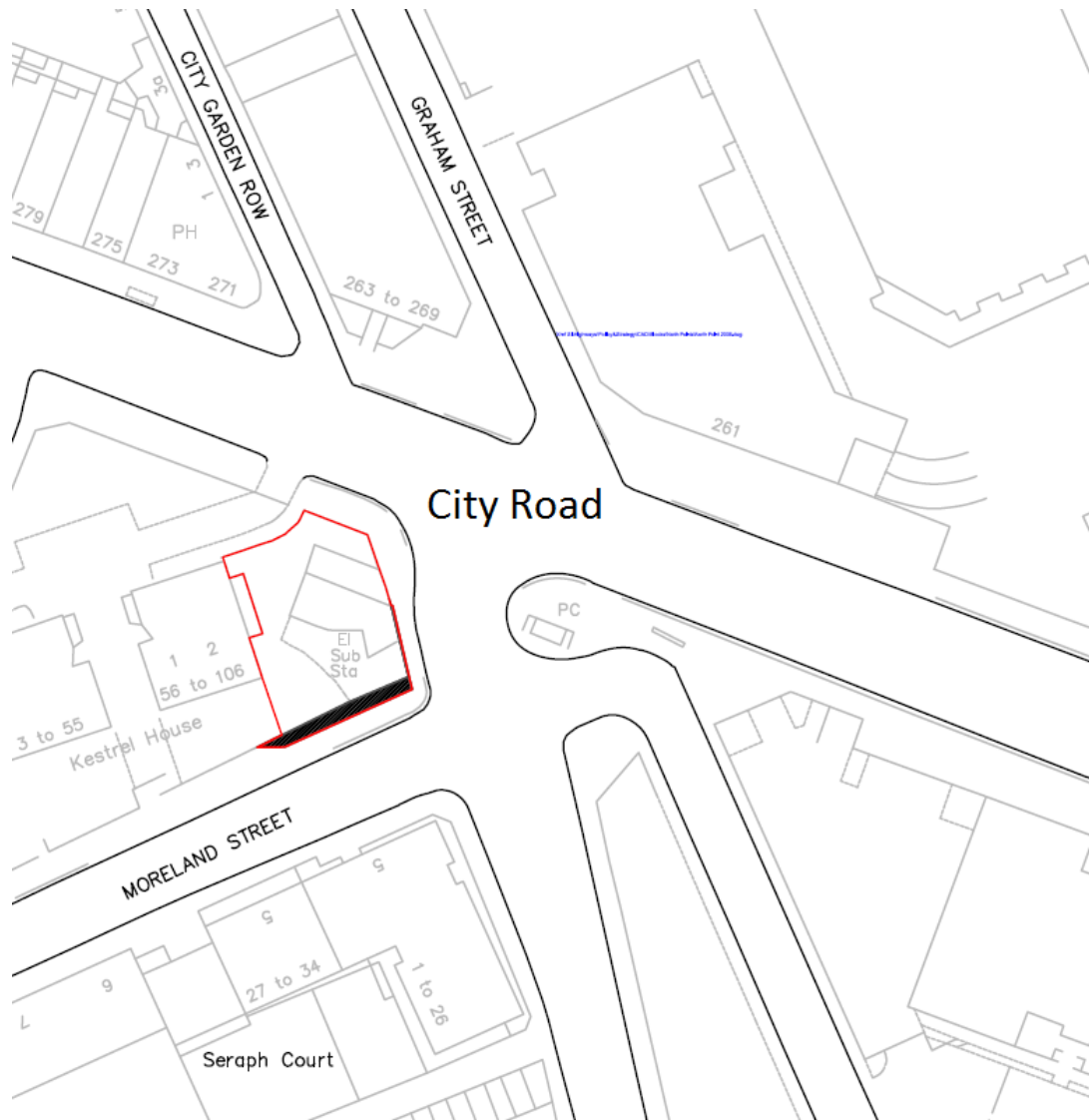


Image 1 - Aerial View of Site



Image 2 – View of the site from the corner of Moreland Street and Central Street

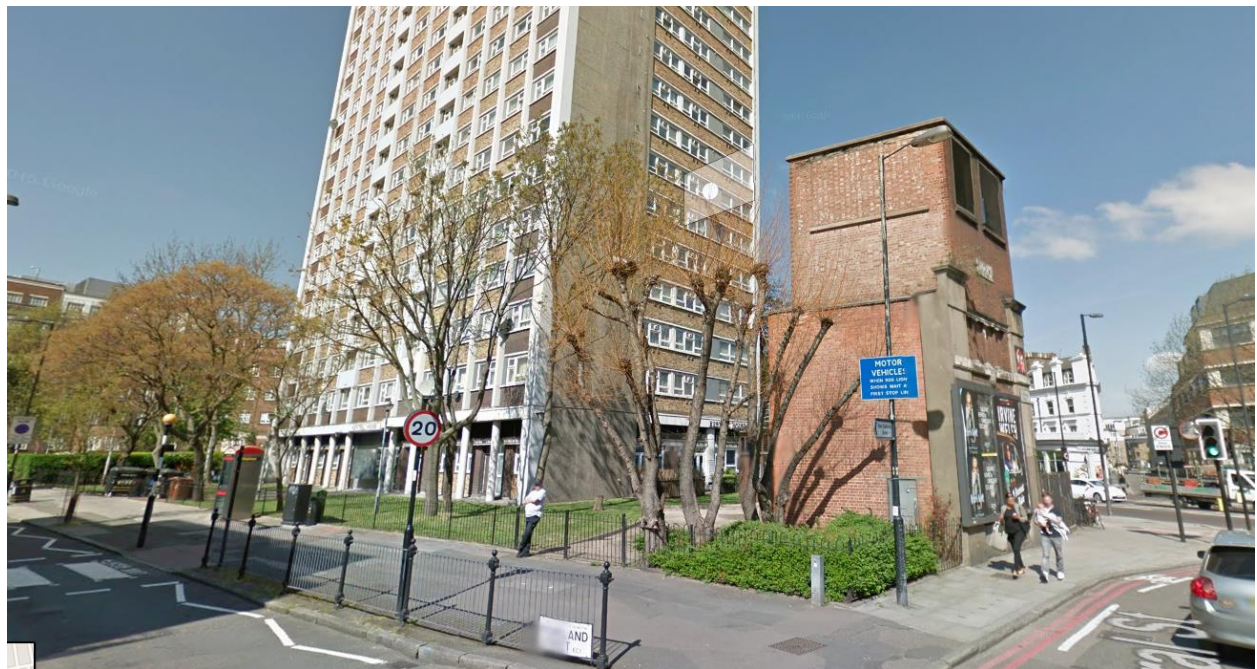


Image 3 – View of the site from Moreland Street



Image 4 – View of the site from Central Street



1 RECOMMENDATION

The Committee is asked to resolve to APPROVE the Stopping Up Order, subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up, on the following basis:

- 1.1 The council makes a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 ("the Act") in accordance with the procedure in Section 252 of the Act in respect of the area of highway shown on Plan No. SUO/1 dated 23/05/16 to enable the development authorised by planning permission ref: P2015/1008/FUL to be carried out.
- 1.2 If no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the Stopping Up Order will be confirmed by officers under delegated powers.
- 1.3 If objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is formed of part of the pavement adjoining the existing Ventilation Shaft site on the corner of Moreland Street and Central Street and adjoins the boundary to the grounds of the adjacent residential tower block at Kestrel House. The Stopping Up Order is to facilitate the construction of a new energy centre on the Ventilation Shaft site which has been granted planning permission under application ref: P2015/1008/FUL and the extent of the protrusion on the pavement is indicated on the approved drawings for the application.
- 2.2 The area of land to which the application to stop up the highway relates is an L-shaped site. The site covers part of the width of the existing pavement on Moreland Street, spanning the boundary of the Ventilation shaft site and partial boundary with the grounds of Kestrel House. The application also extends around the corner of the ventilation shaft site, along a narrow part of the pavement on Central Street.
- 2.3 Moreland Street and Central Street are highway maintained by the council and are included in the council's List of Streets as highway maintained at the council's expense.
- 2.4 Officers consider that these areas comprise land over which the public have been able to pass and repass without hindrance for over 20 years, and over which public rights have accrued.

3.0 PROPOSAL

- 3.1 The proposal relates to the permanent Stopping Up of part of the pavement on Moreland Street extending 21.7 metres in length and between 1.66 and 1.8 metres in width. The proposal also relates to the permanent Stopping Up of part of the

pavement on Central Street extending 12.2 metres in length and 0.3 metres in width. The pavement to be Stopped Up under Section 247 of the Town and Country Planning Act 1990 is adopted highway. The works are proposed to reintroduce the historic building line along Moreland Street in connection with planning permission ref: P2015/1008/FUL approved on 14/07/2015, which was for:

'Part demolition of the existing building and construction of a new energy Centre comprising a part three/part four storey extension including heat exchanger coil, 4 storey stack of containerized plant to the corner of Moreland and Central Street, new thermal store and flue on eastern elevation of Kestrel House. The new building will be metal clad; new vehicle access off Moreland Street, raised planter beds and boundary walls.'

4.0 CONSULTATION

- 4.1 The council's Highway Officer has not raised an objection to the proposed partial Stopping Up of the pavement on Moreland Street and Central Street. It is considered that sufficient footway width is retained for the free flow of pedestrians, whilst it is noted that statutory apparatus may need to be diverted as part of the Stopping Up Order.
- 4.2 No public or external consultation has been carried out by the council in respect of the current stopping up application; however, should the Committee resolve to approve the Stopping Up before making the Orders, the council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 4.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:
 - (i) notify the Mayor; and
 - (ii) cause a local inquiry to be held.
- 4.4 If however, none of the objections received were made by a local authority or undertaker or gas transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.
- 4.5 If there are no objections, or all the objections are withdrawn, then the council may confirm the Stopping Up Order without an inquiry.

5.0 EVALUATION

- 5.1 Section 247(2A) of the Act provides that the council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it

is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

- 5.2 In *K C Holdings Ltd v Secretary of State for Wales* [1990] JPL 353 the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport* [1991] 2 All ER 77, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 5.3 The proposed Energy Centre has been granted planning permission under application ref: P2015/1008/FUL following a full statutory public consultation exercise. The approved layout plans would require the stopping up of part of the pavement on Moreland Street and Central Street whilst retaining the majority of the pavement on Moreland Street and Central Street. Access to the adjacent Kestrel House is not affected and therefore there will be no impact upon Kestrel House residents as a result of the proposal.
- 5.4 The proposed Stopping Up Order would not result in a harmful loss of public access. Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway.

6.0 CONCLUSION

- 6.1 It is considered that the proposed stopping up of the area of land is necessary to enable the development (P2015/1008/FUL) to proceed and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.
- 6.2 Officers therefore recommend approval of the stopping up order, subject to the details as set out in the RECOMMENDATION.

APPENDIX 1: PLANS:

Existing Plan:

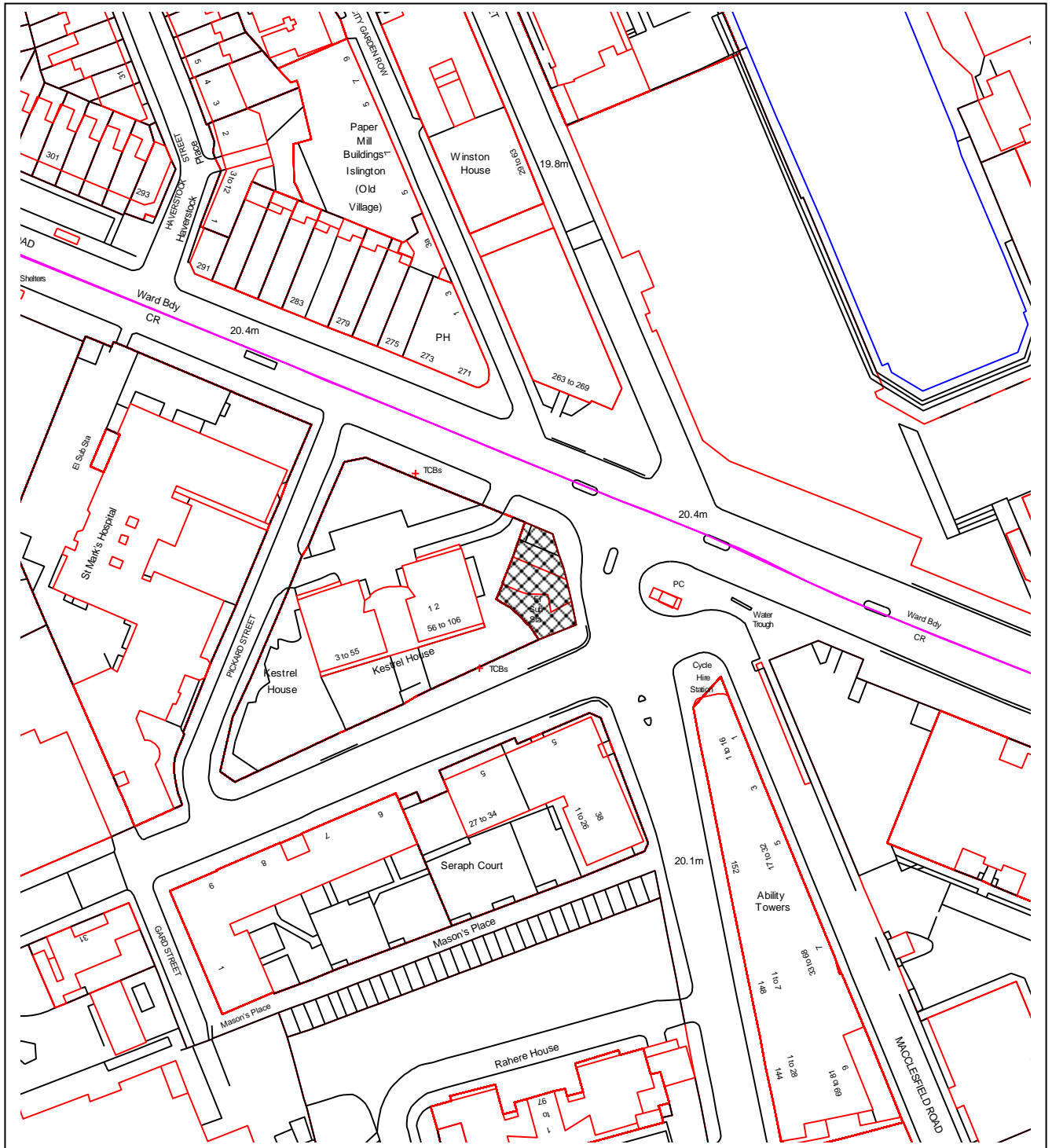


Proposed Plan (ref: SUO/1):



This page is intentionally left blank

ISLINGTON SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.
P2016/1703/FUL

This page is intentionally left blank