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AGENDA FOR THE PLANNING SUB COMMITTEE A

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on, **21 March 2017 at 7.30 pm.**

**Stephen Gerrard**  
**Director – Law and Governance**

Enquiries to : Ola Adeoye  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 13 March 2017

**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](mailto:enquiriesplanning@islington.gov.uk).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Klute (Chair)	- St Peter's;	Councillor Caluori	- Mildmay;
Councillor Nicholls (V-Chair)	- Junction;	Councillor Chowdhury	- Barnsbury;
Councillor Convery	- Caledonian;	Councillor Donovan	- Clerkenwell;
Councillor O'Halloran	- Caledonian;	Councillor Gantly	- Highbury East;
Councillor Poyser	- Hillrise;	Councillor Fletcher	- St George's;
		Councillor Kay	- Mildmay;
		Councillor Khan	- Bunhill;
		Councillor Picknell	- St Mary's;
		Councillor Ward	- St George's;
		Councillor Wayne	- Canonbury;
		Councillor Webbe	- Bunhill;

Quorum: 3 councillors



<b>A. Formal Matters</b>	<b>Page</b>
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	1 - 4
6. Minutes of Previous Meeting	5 - 10
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
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3.	33-41 Dallington Street & 2-6 Northburgh Street Islington London EC1V 0BB	63 - 88
4.	Canonbury Primary School, Canonbury Road, Islington, London, N1 2UT	89 – 108
5.	Hornsey Lane Estate - Caroline Martyn House, Enid Stacey House, Mary Mcarthur House and Keir Hardie House, Hazellville Road, London, N19	109 - 130
6.	Kate Greenaway Nursery School, Treaty Street London N1 0UH	131 - 146
7.	Land rear of 6 Shaftesbury Road, London, N19	147 - 172
8.	Parks Building, St James's Church, 51 Clerkenwell Close, London, EC1R 0EA	173 - 188

**C. Consideration of other planning matters Page**

**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 Page**

**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, 9 May 2017

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

[www.democracy.islington.gov.uk](http://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 Ola Adeoye/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](mailto:enquiriesplanning@islington.gov.uk).**

**COMMITTEE AGENDA**

**1 1 Kingsland Passage**  
Islington  
LONDON  
E8 2BB

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**2 13 Tufnell Park Road**  
Islington  
LONDON  
N7 0PG

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**3 32-41 Dallington Street & 2-6 Northburgh Street, London EC1**

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**4 Canonbury Primary School**  
Canonbury Road  
Islington  
LONDON  
N1 2UT

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**5 Hornsey Lane Estate - Caroline Martyn House, Enid Stacey House, Mary Mcarthur House and Keir Hardie House, Hazellville Road, London, N19**

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**6 Kate Greenaway Nursery School**  
Treaty Street  
London  
N1 0UH

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**7 Land rear of 6 Shaftesbury Road**  
London  
N19

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**8 Parks Building St James's Church**  
51 Clerkenwell Close  
LONDON  
EC1R 0EA

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**1 1 Kingsland Passage**  
Islington  
LONDON  
E8 2BB

**Ward:** Mildmay

**Proposed Development:** External alternations comprising 360.2 sqm (GIA) of additional office floorspace (Use Class B1a) including part infill of the existing cycle yard, as a result of part four storey and part single storey extensions, with roof extension above, to the front/east elevation of the building to extend the building, with landscaping and disabled parking facilities, and other associated works. Internal refurbishments to the existing building including two storey infill of void on south elevation, alterations to the plant and ventilation system and installation of a wheelchair accessible lift to all floors

**Application Number:** P2016/4155/FUL

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Mr David Pearce

**Recommendation:**

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## 2 13 Tufnell Park Road

Islington

LONDON

N7 0PG

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**Ward:** St. Georges

**Proposed Development:** Erection of a single storey rear extension including removal of a section of the rear wall and internal alterations; installation of replacement double glazed timber sash windows to the front and rear elevations. (Full Planning Application Ref. P2016/4693).

**Application Number:** P2016/4766/LBC

**Application Type:** Listed Building

**Case Officer:** Sally Fraser

**Name of Applicant:** Ms J Amouroux - Huttner

**Recommendation:**

**Ward:** St. Georges

**Proposed Development:** Erection of a single storey rear extension including removal of a section of the rear wall and internal alterations; installation of replacement double glazed timber sash windows to the front and rear elevations. (Listed Building Application P2016/4766 also submitted).

**Application Number:** P2016/4693/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Sally Fraser

**Name of Applicant:** Ms J Amouroux - Huttner

**Recommendation:**

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## 3 32-41 Dallington Street & 2-6 Northburgh Street, London EC1

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**Ward:** Bunhill

**Proposed Development:** Application for removal/variation of condition 1 of planning permission ref: P2013/4399/S73 (to reduce the size of the proposed high level extensions on the property at 5th floor level and replace the same footprint with roof terrace). REASON FOR RECONSULTATION: Amended drawings received showing the height of the perimeter balustrade increased from the 1100mm to a height of 2100mm, in addition this the new screen will have a privacy treatment applied.

**Application Number:** P2015/2533/S73

**Application Type:** Removal/Variation of Condition (Section 73)

**Case Officer:** Sandra Chivero

**Name of Applicant:** Northburgh House Ltd.

**Recommendation:**

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**4 Canonbury Primary School**  
**Canonbury Road**  
**Islington**  
**LONDON**  
**N1 2UT**

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**Ward:** St. Marys

**Proposed Development:** Formation of an external playspace comprising creation of a 3G artificial grass pitch (AGP) sized 30.00 x 16.50m Installation of ball stop fencing and associated roof netting (4.0m high) to the AGP perimeter Installation of an artificial (flood) lighting system.

**Application Number:** P2016/2862/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mrs Tracie Gaspard-Kelchure

**Recommendation:**

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**5 Hornsey Lane Estate - Caroline Martyn House, Enid Stacey House, Mary Mcarthur House and Keir Hardie House, Hazellville Road, London, N19**

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**Ward:** Hillrise

**Proposed Development:** Replacement of existing single glazed timber/plastic coated windows with double glazed UPVC windows.

RECONSULTATION: Additional information submitted in relation to window reveal and fixing detail.

**Application Number:** P2015/0890/FUL

**Application Type:** Full Planning (Council's Own)

**Case Officer:** David Nip

**Name of Applicant:** Islington Council

**Recommendation:**

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**6 Kate Greenaway Nursery School**  
**Treaty Street**  
**London**  
**N1 0UH**

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**Ward:** Caledonian

**Proposed Development:** Erection of 2 no. single storey infill extensions for classrooms and enclose part of a covered area adjacent to the existing art room for office use, with associated works.  
RECONSULTATION WITH CORRECT PROPOSAL FOR SINGLE STOREY EXTENSIONS.

**Application Number:** P2016/3709/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mrs Fiona Godfrey

**Recommendation:**

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**7 Land rear of 6 Shaftesbury Road**  
**London**  
**N19**

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**Ward:** Tollington

**Proposed Development:** Proposal for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1x2bedroom and 1x3 bedroom, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage. [Re-Consultantation due to ammended information recieved, structural method statement]

**Application Number:** P2015/3034/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Mr Robert Gutstein

**Recommendation:**

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## 8 Parks Building St James's Church

51 Clerkenwell Close

LONDON

EC1R 0EA

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**Ward:** Clerkenwell

**Proposed Development:** Advertisement consent for signage to the front and rear of shutters to three elevations of the Parks Hut in connection with Full Planning Application ref: P2017/0072/FUL for the permanent change of use of the Parks Building at St James's Church Park which is currently operating as a coffee and food outlet Use Class A1 on a temporary basis (Temporary change of use granted 29/10/2013).

**Application Number:** P2017/0140/ADV

**Application Type:** Advertisement Consent

**Case Officer:** Krystyna Williams

**Name of Applicant:** Mr Sal Qureshi

**Recommendation:**

**Ward:** Clerkenwell

**Proposed Development:** Application for the permanent change of use of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a coffee and food outlet Use Class A1 on a temporary basis (Temporary change of use granted 29/10/2013). Associated advertisement consent also submitted ref: P2017/0140/ADV.

**Application Number:** P2017/0072/FUL

**Application Type:** Full Planning Application

**Case Officer:** Krystyna Williams

**Name of Applicant:** Mr Sal Qureshi

**Recommendation:**

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London Borough of Islington

## **Planning Sub Committee A - 30 January 2017**

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 30 January 2017 at 7.30 pm.

**Present:**           **Councillors:**       Tim Nicholls (Vice-Chair), Paul Convery, Una O'Halloran and David Poyser  
**Also Present:**       **Councillors:**       Diarmaid Ward

### **Councillor Tim Nicholls in the Chair**

#### **244       INTRODUCTIONS (Item 1)**

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

#### **245       APOLOGIES FOR ABSENCE (Item 2)**

Apologies for absence were received from Councillor Klute.

#### **246       DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

There were no substitute members.

#### **247       DECLARATIONS OF INTEREST (Item 4)**

There were no declarations of interest.

#### **248       MINUTES OF PREVIOUS MEETING (Item 5)**

##### **RESOLVED:**

That the minutes of the meeting held on 19 December 2016 be confirmed as an accurate record of proceedings and that the Chair be authorised to sign them.

#### **249       ORDER OF BUSINESS (Item 6)**

The order of business would be as per the agenda.

**250**      **32-41 DALLINGTON STREET AND 2-6 NORTHBURGH STREET, EC1 (Item 7)**

Application for removal / variation of condition 1 of planning permission ref: P2013/4399/S73 to reduce the size of the proposed high level extensions on the property at 5<sup>th</sup> floor level and replace the same footprint with roof terrace.

(Planning application number: P2015/2533/S73)

In the discussion the following points were made:

- Concern was raised that the proposed roof terrace was not a necessary amenity for an office and would cause a loss of amenity and overlooking issues for nearby residential properties and the school and that the proposed screen with a privacy treatment would not mitigate all the potential detriment to residents' amenity.

Councillor Poyser made a motion to defer the consideration of the application. This was seconded by Councillor Nicholls and carried.

**RESOLVED:**

That consideration of the application be deferred.

**251**      **38 HILLDROP LANE, N7 0HN (Item 8)**

Application for the demolition of the existing house and redevelopment of the site to provide a two storey building with a setback third floor providing 9 no. flats with associated amenity space and cycle parking (re-consultation following receipt of amended plans to clarify the proposed rear top floor windows and the creation of rear second floor roof terrace to the proposed new building).

(Planning application number: P2016/3134/FUL)

In the discussion the following points were made:

- The planning officer advised that no additional objections had been received to the amended drawings and that the petition mentioned by an objector during the previous consideration of the scheme had not been received.
- The planning officer advised that the reasons for deferral by the committee on 19 December 2016, namely insufficiently detailed plans, the viability figure and the loss of trees had been addressed and the development was not considered to impact on amenity.
- In response to a member question regarding the tree loss, the planning officer advised that the Tree Service considered the loss acceptable given the proposed replacements and the financial contribution.
- In response to a member question regarding viability, the planning officer advised that the viability report was reviewed by Adams Integra and the council's Viability Officer and that the land values were considered reasonable.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 and completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the contributions for affordable housing, carbon offsetting, tree replacement and ensuring the development remains car free.

**252**      **GATE HOUSE, 1 ST JOHN'S SQUARE, EC1M 4DH (Item 9)**

Roof extensions at third, fifth and sixth floor levels to create 6 residential units, and provision an uplift in B1 office floorspace including reconfiguration at fourth and fifth floor and basement levels, erection of a seven storey lift shaft to north elevation, and associated external alterations and alterations to fire escape on western elevation . Relocation of existing air conditioning units (re-consultation following amended plans to detail screening and window alterations to the proposed fourth floor side elevation residential bedroom windows facing the rear elevation of 45 to 47 Clerkenwell Road)

(Planning application number: P2016/0139/FUL)

In the discussion the following points were made:

- The planning officer advised that a number of objections had been received, mainly regarding the impact on neighbouring properties; regarding the loss of daylight to upper floors and overlooking. The proposals for the fifth floor were subsequently amended and an addendum Daylight and Sunlight Report was submitted. With regard to concerns regarding overlooking it was considered that the proposal to obscure the glazing on the fourth floor to a height of 1.8 metres reduced the impact on neighbouring residents' amenity.
- The planning officer advised that the conservation officer was satisfied subject to conditions regarding materials and windows.
- In response to a question from a member, the planning officer clarified that the additional office floorspace could potentially be subdivided for SMEs.

**RESOLVED:**

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

**253**      **LAND AT REAR OF 21-45 ARLINGTON AVENUE, N1 7BE (Item 10)**

Retrospective application for external alterations to form new window and doors in the first floor south west elevation.

(Planning application number: P2016/3563/FUL)

In the discussion the following points were made:

- The planning officer advised that retrospective permission is sought for new windows and patio doors and the removal of the existing doors on the first floor of the south west elevation. A number of objections have been received from residents regarding impact to neighbouring amenity, including loss of access to sunlight/daylight, reduced privacy and increased noise pollution. Residents had also expressed concern that the roof would be used as a terrace by office tenants.
- The planning officer advised that a number of conditions had been imposed to protect the amenity of neighbouring residents, including vertical louvres on the window to the north and the window adjacent to the patio doors, to prevent overlooking and a fixed balustrade to a height of 1100mm on the interior window cill of the patio doors. In addition the patio doors are to remain locked when not accessing the roof for maintenance.

- Concern about the impact on the amenity of neighbouring residents was discussed and concern expressed that the proposed balustrade would not be high enough to deter casual use of the roof since it is possible to step over it. It was also suggested that opaque glass would be more effective at preventing overlooking than the proposed louvres.

Councillor Convery proposed a motion to amend Conditions 3 and 4 to require obscured glazing in all the windows and to increase the height of the balustrade to 1500mm and to add a condition stating that the roof is not to be used as a terrace. This was seconded by Councillor Poyser and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 plus the amended conditions outlined above.

**254 MONTEM PRIMARY SCHOOL, HORNSEY ROAD, N7 7QT - PLAYSACE (Item 11)**

Redevelopment of existing playground comprising of removal of existing surfacing and play equipment and replace with new surfacing and play equipment. Replacement of wooden picket fence with new picket fence, replace the existing steps with a ramp and associated works.

(Planning application number: P2016/4231/FUL)

In the discussion the following points were made:

- The Planning Officer advised that school is a Grade II listed building, but the proposed play equipment is not attached to the building, is not considered to harm the building and is considered to improve its appearance. There is no impact on neighbouring properties and no objections have been received. The application has come to committee because it is a council application.

**RESOLVED:**

That planning permission be granted subject to conditions as set out in Appendix 1.

**255 MONTEM PRIMARY SCHOOL, HORNSEY ROAD, N7 7QT - CANOPY (Item 12)**

Installation of play area canopy to existing outdoor play area. No change of use.

(Planning application number: P2016/1526/FUL)

In the discussion the following points were made:

- The Planning Officer advised that school is a Grade II listed building, but the proposed canopy is not attached to the building, is not considered to harm the building. There is no impact on neighbouring properties and no objections have been received. The application has come to committee because it is a council application.

**RESOLVED:**

That planning permission be granted subject to conditions as set out in Appendix 1.

**Planning Sub Committee A - 30 January 2017**

The meeting ended at 9.05 pm

**CHAIR**

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## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	21 <sup>st</sup> March 2017	NON-EXEMPT

Application number	P2016/4155/FUL
Application type	Full Planning Application
Ward	Mildmay
Listed building	Not listed
Development Plan Context	Article 4 Direction – office to residential Archaeological Priority Area Employment Growth Area Local shopping area Rail Safeguarding Area Site Allocations Rail Safeguarding – Cross Rail 2
Licensing Implications	None
Site Address	1 Kingsland Passage, Islington LONDON E8 2BB
Proposal	External alterations comprising 360.2 sqm (GIA) of additional office floorspace (Use Class B1a) including part infill of the existing cycle yard, as a result of part four storey and part single storey extensions, with roof extension above, to the front/east elevation of the building to extend the building, with landscaping and disabled parking facilities, and other associated works. Internal refurbishments to the existing building including two storey infill of void on south elevation, alterations to the plant and ventilation system and installation of a wheelchair accessible lift to all floors

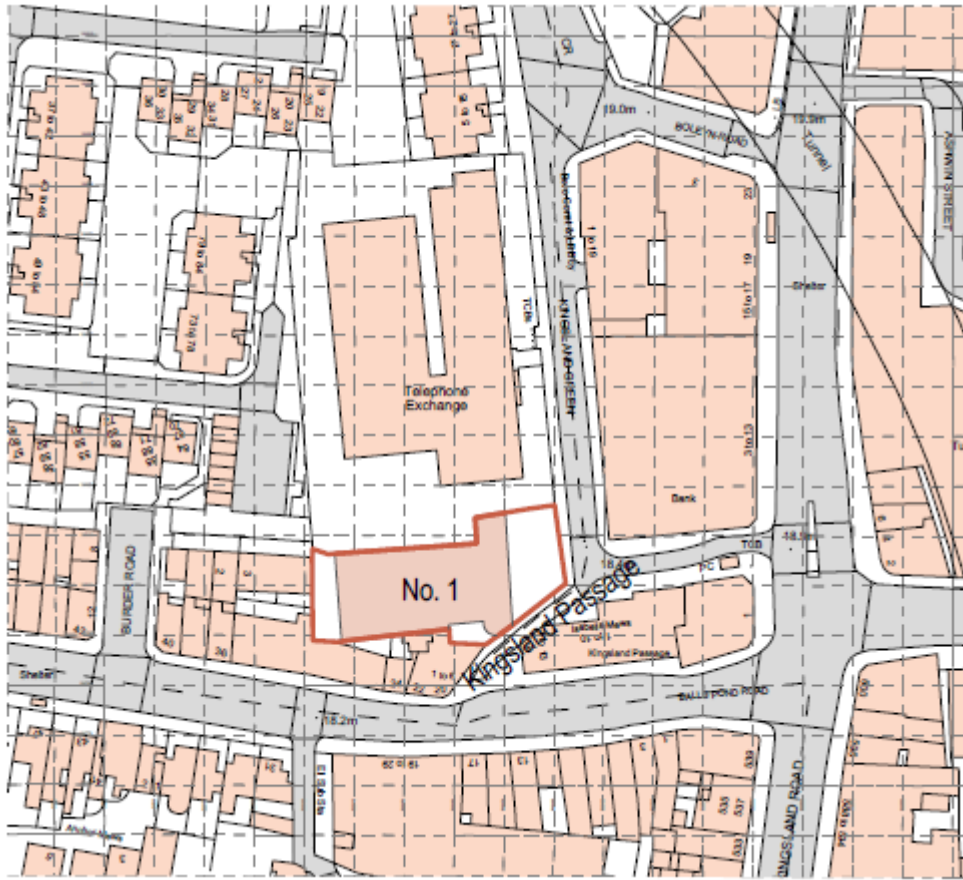
Case Officer	Daniel Jeffries
Applicant	Mr David Pearce
Agent	Carter Jonas LLP - Miss Jessica McSweeney

### 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 application site



Image 2: Aerial view in northerly direction



Image 3: View towards the site from the east and Kingsland Passage



Image 4: View of the site from the south from Kingsland Passage



Image 5: View of the site from Kingsland Green facing south towards Balls Pond Road/Kingsland Passage

#### **4.0 SUMMARY**

- 4.1 Planning permission is sought for the erection of a part four storey and part single storey extension, with a single storey roof extension above, to the main front/east elevation of the building, with associated external alternations including part infill single extension of the existing cycle yard. This is to allow for an uplift of 360.2 sqm (GIA) of additional office floorspace (Use Class B1a) to an existing office building. Internal refurbishments to the existing building including infill of a void on second floor, alterations to the plant and ventilation system and installation of a wheelchair accessible lift to all floors, and alterations to the existing access.
- 4.2 The application is brought to committee because of one objection received and the proposal would result in an increase of over 250 sqm of business floorspace.
- 4.3 The issues arising from the application are the acceptability of providing additional business floorspace in land use terms, the design and its impact on the character and appearance of the host building and surrounding area, the impact on trees and archaeology within the application site, the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties, and local highway network. In addition to ensuring that the proposal would provide accommodation which would comply with the Council's accessibility and sustainability objectives.
- 4.4 Whilst there are concerns in relation to the impact of the proposal on the existing trees within the application, on balance, given the mitigation provided and that the

existing trees are not protected and that the other material considerations are considered acceptable.

- 4.5 The proposal is therefore considered, on balance, to be acceptable and it is recommended that the application be approved.

## **5. SITE AND SURROUNDING**

- 5.1 The site comprises a part three storey part two storey office building. The three storey element of the host building, to the east of the site, has a flat roof, with 'grid-like' fenestration pattern to the front elevation. The two storey element is positioned and attached to the rear/west of the three storey building. It has a curved roof and shares its southern boundary with the properties along Ball's Pond Road. The entrance to the building is made from the east of the site from Kingsland Passage, where there is an area of hard standing used for car parking. This area is bounded by 2 metre high palisade fencing, with 5 no. existing trees positioned adjacent with two openings providing pedestrian and vehicle access to the site.
- 5.2 The surrounding buildings are of varying height, age and design. However, most of them are larger three storey buildings. The site is located within an Employment Growth Area, Archaeological Priority Area, Local shopping area, Rail Safeguarding Area and the building is subject to an article 4 direction restricting permitted development for the change of use of the building to residential. The site is part of Site Allocation OIS7 which includes the BT telephone exchange to the rear of 1 Kingsland Passage. The site is not within a conservation area nor is there are any listed buildings within proximity of the site.

## **6. PROPOSAL (in Detail)**

- 6.1 The application proposes the erection of part four storey part single storey extension to the main east element of the host building, with an associated roof extension to house plant equipment. In addition, there would be single storey infill extension to the south elevation of the building, with cycle storage area in an existing void space, with access from Kingsland Passage.
- 6.2 The proposed extensions would allow for the creation of 360.2 sqm of additional office floorspace, with associated internal reconfiguration and alterations to external elevations of the host building. One car parking space would be positioned to the front/east elevation of the site, which would be designated for disabled persons.
- 6.3 Further alterations include the removal of the existing palisade fencing, with the reconfiguration of the access to the site. This would involve the removal of one of the existing boundary trees and replacement of low level fencing, with one central access point for pedestrians and vehicles. Given the applicant has confirmed that the proposed fencing would measure 1m or less in height, planning permission would not be required for this part of the proposal (in accordance with the General Permitted Development Order (England) (2015) Schedule 2, Part 2 – minor operations).

- 6.4 The proposal would result in the loss of two of the existing five trees located to the east of the site, with crown reduction proposed on the other three trees.
- 6.5 The proposal includes the general upgrade of the area to the east of the site, with the existing plant equipment to be moved to the roof of the proposed four storey building. The existing bin enclosure to the north east of the site would be reconfigured, with the provision of timber decking to the rear/west of the host building.
- 6.6 During the assessment of the application, amended drawings were received. Initially to address the concerns over the design of the proposal, including the change of the materials of the roof element for the plant equipment and the reduction in height of the roof extension, and then to address the concerns in relation to trees.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

- 7.1 The following previous planning applications to neighbouring properties are considered particularly relevant to the current pre-application proposal:

Address: 26-28, Ball's Pond Road, Islington, London, N1 4AU

Application No.: P070292

Decision Date: 23/03/2007

Decision: Approve with conditions

Description: Construction 4 storey mixed development comprising 2 x ground floor shop units and 2 x 2 bed flats and 4 x 1 bed flats on first, second and third floors. (Amendment to scheme approved on 5th December 2006 under reference P062290)

Address: 22 Balls Pond Road, Islington, London, N1 4AU

Application No.: P072669

Decision Date: 03/06/2008

Decision: Approve with conditions

Description: Conversion and extension of public house and residential accommodation to create a retail unit and six flats.

### **PRE-APPLICATIONS**

- 7.2 Q2014/3753/MJR – Advice was provided relating to a comprehensive mixed use redevelopment of the site with an eight storey building to provide 2440sqm Class B1 (office) accommodation and 29 Class C3 (residential) units; and Prior Approval (Change of use from Class B1 (a) offices to C3 dwellinghouses) to provide 19 residential units). The advice provided was that the redevelopment of this site raises no concerns in principle, however several key considerations were to be resolved, and officers were of the view that a lower (up to 5-storey) proposal would be acceptable.

- 7.3 Q2015/4695/MIN – Advice was provided relating to external alterations comprising 776.4m<sup>2</sup> (GIA) of additional office floorspace (Use Class B1a) including minor part infill of the existing cycle yard, front and roof extensions to the frontage building to extend the building forwards and create a new fourth floor level. The creation of a new second floor to the rear building including a new raised roof. Internal refurbishments to the existing building including alterations to plant and ventilation systems and installation of a wheelchair accessible lift to all levels. The advice indicated that the principle of solely office development would be acceptable, subject to compliance with new business floorspace policies. The proposal would be acceptable in design terms, but it was stated that there were concerns over the visual impact of the prominent blank façade.

## **ENFORCEMENT**

- 7.6 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to 183 occupants of adjoining and nearby properties at Ball's Pond Road, Burder Place, Kingsland Passage, Kingsland Green and Boleyn Road on 15 November 2016. The public consultation of the application expired on 6 December 2016.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 1 no. objection had been received from the public. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Loss of daylight/sunlight to the properties along Ball's Pond Road (paragraph 10.34)

### **Internal Consultees**

- 8.3 **Planning Policy:** Policies consequently seek to maximise opportunities for the provision of new business space, particularly within Employment Growth Areas (EGAs). This has been further magnified by a significant further loss of business floorspace as a result of permitted development rights. Policy CS13 places a strong emphasis on protecting and encouraging new business floorspace. The policy requires a range of unit sizes and types for business space, including those suitable for Small/Medium Enterprises (SMEs).
- 8.4 **Design and Conservation Officer:** No objection subject to alterations to the roof extension and the use of brickwork to the rear elevation. Amendments have been received to incorporate these changes.
- 8.5 **Inclusive Design:** No objections

- 8.6 **Transport:** Raised concerns in relation to the loss of car parking spaces to the front of the site.
- 8.7 **Sustainability:** No comment.
- 8.8 **Noise Officer:** No objections subject to condition.
- 8.9 **Refuse and recycling:** No comment.
- 8.10 **Tree Officer:** Raised objections, but considers impact on the remaining trees can be addressed through appropriate conditions.

### **External Consultees**

- 8.11 **Historic England (GLASS):** Raised no objections subject to a condition relating to a written scheme of investigation.

## **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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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)**

- 9.3 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 Conservation
- Accessibility
- Neighbouring Amenity including sunlight/daylight and noise
- Highways and Transportation
- Archaeology
- Sustainability
- Trees

## **Land Use**

- 10.2 The proposal results in an overall uplift in B1 office floorspace across the site of 360.2 square metres, to create a total of 1522.8 square metres. This is achieved through a proposed part four storey, part single storey extension, to the east, and above the existing three storey part of the host building, respectively. In addition the proposal includes a two storey extension to the south within an existing void space.
- 10.3 The site is located within an Employment Priority Areas (General) and is identified as an important site within the Site Allocations (2013), in addition to the adjacent Telephone Exchange building to the north (Site OIS7).
- 10.4 The site has been identified, given its proximity to Dalston (in the London Borough of Hackney), as an area subject to significant growth/change over the next 10-15 years and has scope for intensification to provide for employment and housing. Given the proposal is to increase the existing business floorspace which would provide increased employment opportunities, it is considered that the proposal would be generally consistent with this site allocation in land use terms.
- 10.5 Part A of Policy DM5.1 sets out the requirements for new business floorspace within Town Centres and Employment Growth Areas stating that ‘the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units’.
- 10.6 It also states that ‘within these locations proposals for the redevelopment or change of use of existing business floorspace are required to incorporate:
- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and
  - ii) a mix of complementary uses, including active frontages where appropriate’
- Given the proposal relates to an existing B1(a) business (office) and would provide additional floorspace part ii) does not apply in this instance.
- 10.7 The surrounding area is a mix of commercial and residential and in pure land use terms the uplift of office floorspace is considered to enhance the character and vitality of the local area. The issues of the impact on residential amenity will be addressed in a later section.
- 10.8 Part F of Policy DM5.1 sets out that new business floorspace must be designed to:
- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and
  - ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development.



- 10.9 The applicant has stated that given the size and layout of the building, it has always been let to a single occupier. Due to the layout and provision of services, they have considered that the building could not be practically split to provide smaller office units. They have considered that as the extension proposed is modest in terms of the uplift in floorspace, it is expected that the building will therefore continue to be let to a single occupier.
- 10.10 It is acknowledged therefore that the proposal would not strictly accord with the requirements of Policy DM5.1, and the needs of small or micro enterprises. However, given the proposal relates to an extension to an existing office building, in the event that the building is required to be used by more than existing single occupier, the building would be easier to subdivide.
- 10.11 The Council's Site Allocations (2013) identifies the key design considerations and constraints which include the following:
- Any proposal should also take account of the relevant principles, opportunities and constraints for development set out in the Dalston Area Action Plan (adopted by the London Borough of Hackney) which includes the area adjacent to the site;
  - New development should relate to the neighbouring Burder Close Estate, encouraging permeability between the estate and Kingsland Green. Development should be appropriate to and visually integrated with the surrounding area, respecting the amenity of adjacent residential properties.
- 10.12 The Dalston Area Action Plan (AAP) 2013 is a supplementary planning document adopted by the London Borough of Hackney, therefore whilst it does not form part of Islington's Local Plan documents, given its proximity to the boundary of this defined area and the proposed development of the application site it is considered relevant in the assessment of this application. The overall purpose of this document is to establish the basis for shaping the regeneration of the area and to ensure the continued and enhanced role of Dalston as a Major Town Centre.
- 10.13 The AAP has seven key objectives, which are as follows:
1. To strengthen local character and identity by enhancing the existing qualities that the local community cherish, in terms of heritage, vibrant street life, diversity of uses and a fine-grained townscape.
  2. To promote a mix of well-integrated uses that drive a dynamic local economy, flourishing community and strong cultural offer through balanced and managed expansion of retail, housing, employment, cultural/creative, community and third sector space aimed at a variety of users and accommodating a range of tenures and unit sizes.
  3. To revive the public realm by developing a network of new and improved public open spaces that are attractive, safe and accessible for people to enjoy.
  4. To support creativity, culture, community and the third sector to further promote Dalston as one of the city's premier cultural and creative areas whilst expanding the quality and range of community facilities to meet the needs of a growing population.

5. To facilitate ease of movement by improving the network of streets and footpaths to make walking and cycling as safe and pleasant as possible.
6. To make the most of public transport to facilitate ease of movement to bus and train access and interchange between different modes of transport.
7. To maximise energy efficiency and encourage the use of low carbon and renewable energy sources in order to reduce CO2 emissions and fuel poverty.

10.14 Whilst there are a number of issues, in relation to the proposal, including its visual appearance and design, amenity, transport and sustainability and energy efficiency impacts, which are assessed within the report below, the proposal is considered to be broadly consistent with the seven objectives of the AAP.

10.15 Overall, the proposal to provide additional business floorspace is considered acceptable in land use terms and meets policy objectives.

### **Design and Conservation**

10.16 The proposed extension would result in the building line of the existing three storey property being brought forward towards the east of the site. The Council's Urban Design Guide (UDG) 2017 states that 'the most successful streets and places are normally well defined by a consistent building line that delivers:

- A sense of enclosure.
- Coherent architectural identity and local distinctiveness.
- Occasional gaps that provide light to the rear of the property but that are secured within the private realm'.

10.17 In this instance, the proposal would result in the front/principle elevation, and the building line of the host building, increasing in depth by 4m, matching that of the adjacent building to the north, the Telephone Exchange Building, and the principle of extending the depth of the host building would therefore be acceptable in design terms.

10.18 The proposal would result in the host building increasing from an existing three storey flat roof building to a four storey building, from 9.8m to 12.6m in height, providing an additional floor of accommodation. The UDG states 'New development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area'. 'The relationship between the height of buildings and the street/space they flank is of critical importance. A balance must be found between the need for enclosure, surveillance and definition and the risk of creating overbearing development that starves the street of light and air'.

10.19 Whilst it is acknowledged that the adjacent buildings are predominately three storeys, these buildings are taller than the host building, and the increase in height would not be out of context in the area. The proposal would not extend the width of this element of the host building and retain the gap between the adjacent building to the north, the Telephone Exchange Building. Given this context the additional bulk is acceptable.

- 10.20 Above the four storey element of the building, the proposal would include an additional single storey roof extension to house the repositioned plant equipment. Following the submission of amendments to reduce the height and the materials, to match existing, the visual prominence of this element would be reduced and would be acceptable in design terms. In terms of the alterations to the external appearance of the host building, the UDG states that 'The front elevation, particularly the fenestration, should be designed so that it provides clear views onto the street from inside, and the interior should be organised so that there are active uses at the front, particularly on the ground floor'. The proposed fenestration pattern is considered to be similar to the existing situation creating a 'grid-like' pattern, albeit the proposal would reposition the entrance to the building to a central position, with two storey glazed surrounds.
- 10.21 The proposed materials for this element of the host building would replace the existing render, to the front and rear elevations, and incorporate brickwork to match the adjacent buildings, being London Stock brick. It is considered that the use of brick work rather than render would be an improvement on the existing situation, and is considered would be better visually integrate with the surrounding area.
- 10.22 The proposal includes an infill extension positioned to the south east corner of the existing two storey element of the host property. The scale of this extension is considered to be consistent with this element of the host building, given that it would match the depth and height of the two storey element of the host building, and would follow the shape of this element of the existing building. It is therefore considered subject to the use of matching materials this element of the proposal would be acceptable in design terms. In addition, adjacent to this extension there is a cycle enclosure, given its scale and that it would be modest enlargement of the existing structure it is considered acceptable in design terms.
- 10.23 Overall the proposal would improve the visual appearance of the host property and be appropriate to and visually integrated with the surrounding area. The proposal including the extensions and the removal of the existing palisade fencing, to be replaced by low level fencing, is acceptable in design terms.

### **Accessibility**

- 10.24 The proposal would incorporate one on-site car parking space to the front of the host building, designated for disabled persons. In addition the proposal would provide an area for cycle storage to the south of the site. The Inclusive Design SPD states that 'minor developments for extensions of 100m<sup>2</sup> or greater shall provide at least one accessible cycle parking space designated for an accessible bicycle (such as a tricycle), where the rider has priority use'. A condition has been attached to any approval restricting the car parking space to be used by disabled persons, and to provide at least 1 accessible cycle parking space, to accord with these requirements.
- 10.25 The proposal benefits from level access to the entrance to the site and to the host building including at ground level of the building. In addition a lift would be provided to allow for wheelchair access to the upper floors.

10.26 Given the site's constraints, the proposal is considered to generally conform to accessible standards set out within the Inclusive Design in the Islington Supplementary Planning Document and conform to Policy DM2.2 (Inclusive Design) of the Development Management Policies (2013).

### **Neighbouring Amenity including Sunlight and Daylight**

10.27 The proposal would result in the existing three storey element of the host building increasing in height to four storeys, and extending the existing building line eastwards. In addition the proposal would incorporate a two storey extension to the existing void space in the rear two storey element of the host building. The proposal also includes the provision of additional plant equipment to the north part of the proposed four storey building and external alterations to each elevation.

10.28 Part A section x of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.29 The property sits adjacent to the rear of 20-34 Ball's Pond Road which comprise of residential properties at first to second floor level. In addition to the east of the site there is believed to consist of existing residential units. There is an existing level of overlooking between the existing offices on the first floor, of the two second floor part of the building and the second floor of the three storey element.

10.30 Given that the proposal would result in additional office accommodation it is not considered that there would be a significantly harmful increase in overlooking of loss of privacy to neighbouring properties.

10.31 The proposed extension to the existing three storey building would be recessed from the south elevation of the site and the infill extension would be to an existing void space, within the two storey of the building. The additions are not considered to result in a significantly harmful impact on outlook, over dominance or sense of enclosure as to justify refusal of the application on this basis.

10.32 A Daylight and Sunlight Report was submitted with the application assessing the impact of the proposed works on the surrounding properties. This document was produced by the Building Research Establishment (BRE) and is the accepted methodology used by local authorities for assessing daylight and sunlight in relation to new developments. It provides methods for calculating the impact to daylight and sunlight within existing neighbouring buildings and for assessing the provision of amenity provided within new buildings. The guidance details three methods for calculating daylight; the Vertical Sky Component (VSC), the No-Sky Line Contour (NSC) and the Average Daylight Factor (ADF). The first two assessments are primarily used for the assessment of existing buildings, whilst the ADF test is used for the assessment of new buildings.

10.33 The assessments have shown that each of the surrounding residential properties, along Ball's Pond Road and Kingsland Passage, will retain levels of daylight and

sunlight in excess of the criteria suggested within the BRE guide, in terms of the Vertical Sky Component (VSC), the No-Sky Line Contour (NSC) and the Average Daylight Factor (ADF).

- 10.34 An objection has been received concerning loss of daylight and sunlight to the rear elevations of the properties at 20-22 Ball's Pond Road, and the loss of visible sky. The applicant has confirmed that the residential windows in the northern elevation of 20-22 Balls Pond Road have been considered in the daylight, sunlight report submitted in support of the application. The report confirms that all windows and rooms in the north elevation of 20-22 Balls Pond Road would achieve VSC and NSC daylight results in excess of the criteria within in the BRE's guidance; meaning that daylight levels will remain acceptable. As the outlook of these windows is due north, they are not relevant for sunlight assessment under the BRE's guidelines as the loss of sunlight would not be a concern, given relative position of the sun. In relation to the bathroom the BRE states "The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed".
- 10.35 In terms of noise, the proposal would result in the repositioning of the existing plant equipment from its current location at ground floor to the north east of the site, to the roof of the proposed four storey building. Whilst the plant equipment would not be visible with screening around its perimeter, the Council's Acoustic Officer has requested a condition to be attached to any approval relating to noise. It is therefore considered given that the proposal relates to an existing office building and would be subject to Building Regulations in relation to noise mitigation, subject to this recommended condition the proposal would not have a significant noise impact to neighbouring properties.
- 10.36 The Council's Pollution Officer has also identified that the site is listed on the Council's contaminated land database but considers that the proposal would not result in any changes to the potential pollution linkage.
- 10.37 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Highways and Transportation**

- 10.38 To the front/east of the three storey element of the host building there is an area of hardstanding, which is used for car parking with capacity for 6 no. cars, with no marked spaces. The proposal would retain 1 no. car parking space which is allocated for disabled persons only.
- 10.39 Policy DM8.5 of Development Management Policies 2013 and Core Strategy 2011s policy CS 10 requires all new developments to be car-free, it does allow for limited parking providing it would be safe or cause traffic obstruction or nuisance, and be wheelchair accessible and where there is an identified need.

10.40 In this instance, the application site is within an area with moderate (PTAL 3) public transport provision.

10.41 The Council's Transport team have raised concerns relating to the loss of the car parking and the potential off-setting to surrounding streets. However, the application site falls within an existing Controlled Parking Zone (CPZ) (Mildmay) which restricts parking between the following hours:

- Weekdays 08:30-18:30 hours
- Weekends 08:30-1330 hours

The above restrictions are considered to cover the general office hours, with business car parking permits being required to park in the surrounding area. The application site is also in an accessible location, adjacent to a number of bus routes and overground stations in the surrounding Dalston area. Given the aforementioned car-free policies it is therefore considered that any loss of car parking would be acceptable in this instance.

10.42 The proposal would provide storage for a total of 24 cycles to the south of the host building. Given that Appendix 6 requires the provision storage of 1 cycle per 80 sqm, therefore requiring additional storage for 5 cycles, this additional provision is considered acceptable. It is therefore considered that the proposal would provide acceptable cycle storage and accords with Development Management Policy DM8.4 (Walking and cycling), subject to the requirements of the Council's Accessibility SPD stated above.

### **Archaeology**

10.43 The application site falls within the Kingsland Medieval Hamlet Archaeological Priority Area. It is therefore important that the proposal would not result in any significant impact on the archaeology within the application site, in compliance with Part F of policy DM2.3 of the Development Management Policies 2013.

10.44 The application has included a Historic Environment Assessment report which has provided an evaluation of the archaeological impact of the development. The report confirms that the main impacts on any buried heritage assets would be from the excavation of the proposed extension ground floor slab, along with any preliminary site strip, and from the pad foundations. It is considered that the impact would truncate or remove any archaeological remains locally, reducing the assets significance.

10.45 Following an evaluation of the aforementioned report, Historic England (GLASS) have raised no objections to the scheme subject to conditions relating to the submission of a written of scheme of investigation prior to the commencement of development. It is therefore considered subject to this condition the proposal would have an acceptable impact on the Archaeological Priority Area and accord with part F of DM2.3 of the Development Management Policies 2013.

### **Sustainability**

- 10.48 Policy DM7.1 provides advice in relation to sustainable design and construction. In accordance with part C of this policy, given that the extension would exceed 100 sqm, a Sustainable Design and Construction Statement has been submitted which sets out how the application complies with relevant sustainable design and construction policies and guidance.
- 10.49 The Sustainable Design and Construction Statement outlines the measures that would be incorporated to ensure compliance, which include the following:
- The alteration of the current heating system to a more efficient gas fired system will reduce energy consumption, carbon emissions and associated annual fossil fuel costs;
  - Upgrading the lighting in the building, by installing energy efficient fittings and providing a combination of automatic and intelligent lighting controls, will significantly reduce electricity consumption;
  - A suitable building energy management system will be installed to control services to match more closely the buildings internal occupational energy requirements.
- 10.50 It is considered that these measure would comply with Part A of this policy with proposals being required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development and the requirements of Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification. It is therefore considered that subject to condition securing the implementation of the above sustainability measures, prior to the occupation of the proposal it is considered acceptable in regard to sustainable design and construction.
- 10.51 It is acknowledged that Policy DM6.5 encourages the use of green roofs to maximise benefits for biodiversity, sustainable drainage and cooling. In this instance no green roof is incorporated within the proposal. However, it is considered that the lack of a green roof would not warrant refusal. A condition has been attached requiring the submission of details prior to the occupation of the development to confirm compliance with Part G of Policy DM7.4 in relation water efficiency.

### **Trees**

- 10.50 The application site has 5no. trees which are positioned along the eastern boundary. As a result, an Arboricultural Impact Assessment Report was submitted to assess the impact of the proposal, including the redesign of the front entrance, on these trees.
- 10.51 The report has identified that the proposal would require the removal of two of the trees, being identified as Tree 1 and Tree 5. Tree 1 has been identified as being in an unsustainable position close to the new frontage of the building, and Tree 5 is required to be removed as it would be within the location of the new bin enclosure. The other three trees would be retained but would result in crown reduction to enable construction access to the development. The report has identified that the alignment of the new building would not encroach into the Root Protection Areas

(RPAs) of the retained trees (trees 2, 3 and 4, Red Maple) and so there are no conflicts with the RPAs of the trees from the construction/demolition work

- 10.51 The two trees to be removed are a Red Maple (Tree 1) and White Beam (Tree 5), which are classified as low value (category C and U) and moderate value (category B) respectively. The other three trees to be retained are Red Maple (Trees 2, 3 & 4) and classified as category B trees. In mitigation, the proposal seeks to plant three Cypress Oak trees adjacent to, but within the site boundary on the Kingsland Passage frontage.
- 10.52 Category B trees are of moderate quality with an estimated remaining life expectancy of at least 20 years. Category C trees are of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Category U trees are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.
- 10.53 The Council's Tree Officer has assessed the proposal, and reviewed the submitted Arboricultural Report. The officer has raised concerns in relation to the level of detail of the report, in terms of the full extent of tree pruning to facilitate construction, the existing and retained service plan, and the hard landscaping detail (eg bin stores boundary treatment, permeability of hard surfaces, lighting, surface water drainage are all within the RPA).
- 10.54 The Officer has concerns that given this is a constricted site, the cumulative impacts of construction activity, excavation for services, canopy proximity to windows and hard landscaping may result in inappropriate damage to the retained trees and ultimately the loss of amenity and foreshortening of useful life expectancy. It is also commented that with regards to the mitigating replanting, Islington is currently within the Forestry Commissions Oak Processionary Moth (OPM) management Zone. The effects that OPM will have on the management of oaks within the Borough is not fully understood but until we know more we are recommending that oak tree planting be restricted in public spaces for the next three years. Oak may therefore not be the best choice of tree for the site.
- 10.55 The Tree Officer's recommendation is that the application should be resisted. However, he considers that should the application be approved then pre-commencement conditions for an arboricultural method statement, arboricultural site supervision and tree planting scheme should be attached to any approval, to ensure that the existing retained trees are to have any chance to survive through construction.
- 10.56 Part B of Policy DM6.5 outlines the Council's approach to the protection of trees, including any loss or damage to existing trees. It requires that 'any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development'. Furthermore it states 'the council will refuse permission or consent for the removal of protected



trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees’.

- 10.57 The application site is not within a conservation area, nor are the affected trees subject to a Tree Preservation Order or have any other designation protection. It is considered therefore that given the Tree Preservation Officers assessment, that the proposal would result in loss and damage to the existing trees, it is important to assess the overriding benefits of the scheme, in accordance with the aforementioned policy advice.
- 10.58 As mentioned above the proposal for additional B1a business floorspace to an office building and would provide additional employment opportunities, which would be acceptable in land use terms, complying with its designations as an Employment Growth Area, and the Site Allocation advice (Site OIS7). The proposal is considered to have an acceptable design and amenity impact, complying with the accessibility and sustainable construction and design objectives of the Council. Furthermore the proposal would have an acceptable impact on the Archaeological Priority Area, subject to conditions.
- 10.59 Overall, given the general compliance with the Council’s policies and guidance, that the affected trees are not protected, and the mitigation provided, on balance, it is considered acceptable in this instance. The existing two trees to be removed (Class B, C & U) are considered to be of moderate and low value, and the other retained trees (Class B) of moderate value, the mitigation would be in the form of three new trees. Whilst the Tree Officer seeks to resist the loss of the aforementioned trees, he recommended that if the Council is minded to approve the application, on balance, prior to commencement conditions should be attached, for an arboricultural method statement, arboricultural site supervision and tree planting scheme. It is considered that these conditions would ensure that further detail is provided to the Council to protect the future of the existing trees to be retained and to ensure that any trees planted in mitigation are of appropriate species.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Planning permission is sought for the erection of part four storey and part single storey extension, with roof extension above, to the main front/east elevation of the building, with associated external alternations including part infill two storey extension of the existing cycle yard. This is to allow for an uplift of 360.2 sqm (GIA) of additional office floorspace (Use Class B1a) to an existing office building (1522.8sqm in total). Internal refurbishments to the existing building including alterations to the plant and ventilation system and installation of a wheelchair accessible lift to all floors, and alterations to the existing access.
- 11.2 The application is brought to committee because of one objection received and the proposal would result in an increase of over 250 sqm of business floorspace.

- 11.3 The issues arising from the application are the acceptability of providing additional business floorspace in land use terms, the design and its impact on the character and appearance of the host building and surrounding area, the impact on trees and archaeology within the application site, the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties, and local highway network. In addition to ensuring that the proposal would provide accommodation which would comply with the Council's accessibility and sustainability objectives.
- 11.4 There are concerns in relation to the impact of the proposal on the existing trees within the application site. However, given the mitigation proposed, and the application site not being in a conservation area or not subject to any other protected designation and that the other material considerations, the proposal is considered, on balance, to be acceptable.
- 11.5 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 as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

- 11.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1518-ST-ZZ-DR-A-4051_A2; 1518-ST-ZZ-DR-A-3052_A2; 1518-ST-ZZ-DR-A-3051_A2; 1518-ST-ZZ-DR-A-1001_A2; 1518-ST-XX-ZZ-DR-A-2036; 1518-ST-XX-XX-DR-A-9002_A2; 1518-ST-XX-DR-A-1101_A3; 1518-ST-RF-DR-A-2054_A2; 1518-ST-GF-DR-A-2051_A3; 1518-ST-02-DR-A-2053_A2; 1518-ST-02-DR-A-2052_A2; 1518-ST-XX-ZZ-DR-A-4251_A6; 1518-ST-XX-ZZ-DR-A-3252_A5; 1518-ST-XX-ZZ-DR-A-3251_A6; 1518-ST-XX-XX-DR-A-1201_A7; 1518-ST-XX-RF-DR-A-2255_A6; 1518-ST-XX-GF-DR-A-2251_A6; 1518-ST-01-DR-A-2252_A2; 1518-ST-02-DR-A-2253_A2; 1518-ST-03-DR-A-2254_A3; RP_1KINGSLNDPSG_3/B; Arboricultural Impact Assessment/Rev.2 dated January 2017; Sustainable Design and Construction Statement dated 13/10/2016; Planning Statement and Appendix dated October 2016; Heritage Assessment dated October 2016; Daylight Sunlight dated 07 October 2016; Design and Access Statement revision dated 23.12.16;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (details)</b>
	<p>The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. 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>
<b>4</b>	<b>Car Parking</b>

	<p>CONDITION: The hereby approved car parking space shall be marked for and used by disabled persons only, in accordance with the requirements of the details shown within Part 4.1 of the Council's Inclusive Design SPD (2014). This space shall be used solely for the benefit of the disabled occupants of the development and disabled visitors and for no other purpose and shall be permanently retained as such thereafter.</p> <p>Reason: To ensure adequate disabled parking provision.</p>
<b>5</b>	<b>Cycle Parking Provision Compliance</b>
	<p>CONDITION: Prior to the first occupation of the hereby approved extension, at least twenty secure bicycle storage spaces shall be provided, including at least one accessible cycle parking space designated for an accessible bicycle, 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>
<b>6</b>	<b>Construction Method Statement</b>
	<p>CONDITION: 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> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <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>
<b>7</b>	<b>Sustainable Design and Construction</b>
	<p>CONDITION: Prior to the occupation of the hereby approved development the measures identified within the submitted Sustainable Design and Construction Statement shall be implemented in full, and retained thereafter.</p> <p>REASON: To ensure a sustainable standard of design</p>

<b>8</b>	<b>Written Scheme of Investigation (WSI)</b>
	<p>CONDITION: No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and</p> <p>A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI</p> <p>The written scheme of investigation shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.</p> <p>REASON: To protect the archaeological heritage of the area.</p>
<b>9</b>	<b>Arboricultural Assessment</b>
	<p>CONDITION: Prior to the commencement of the hereby approved development an arboricultural method statement, arboricultural site supervision and tree planting scheme, including species, shall be submitted and approved in writing. The approved scheme shall be implemented in full, with any planting carried in the following planting season and failures replaced within 5 years. No construction work will take place other than in accordance with the approved supervision scheme.</p> <p>REASON: To protect the existing and proposed trees.</p>
<b>10</b>	<b>Noise Levels of Plant Equipment</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq, Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90, Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
<b>11</b>	<b>Car Free (Compliance)</b>

	<p>CONDITION: All future occupiers of the extension hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <p>i) In the case of disabled persons,</p> <p>REASON: To ensure that the development remains car free.</p>
<b>12</b>	<b>Water Efficiency</b>
	<p>CONDITION: Prior to the occupation of the hereby approved development, details shall be submitted and approved in writing, demonstrating compliance with the water efficiency requirements of Part G of Policy 7.4 of Development Management Policies (2013) and Environmental Design SPD. The approved measures shall be implemented in full and retained thereafter.</p> <p>Reason: To ensure the water efficiency of the development.</p>

### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<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. 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>
<b>2</b>	<b>Community infrastructure Levy (CIL)</b>
	<p>CIL 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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-">http://planningguidance.planningportal.gov.uk/blog/guidance/community-</a></p>

	<a href="#">infrastructure-levy/</a> .
<b>3</b>	<b>Thames Water</b>
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses 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 Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.</p> <p>If there are public sewers crossing this site and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Thames Water advises that they should be contacted directly should a building over / diversion application form, or other information relating to Thames Water's assets be required.</p> <p>Thames Water requests that the Applicant should incorporate within their proposal protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG 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 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4 Local Character

Policy 7.6 Architecture

Housing Supplementary Planning Guidance

Appendix 1 - Summary of the quality and design standards

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character

Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

Policy CS 10 – Sustainable Design

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.1 - New business floorspace
- Policy DM6.5 - Landscaping, trees and biodiversity
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking



### **3. Designations**

Archaeological Priority Area  
Employment Priority Areas (General)  
Local shopping area  
Rail Safeguarding Area  
Rail Safeguarding – Cross Rail 2

### **4. SPD/SPGS**

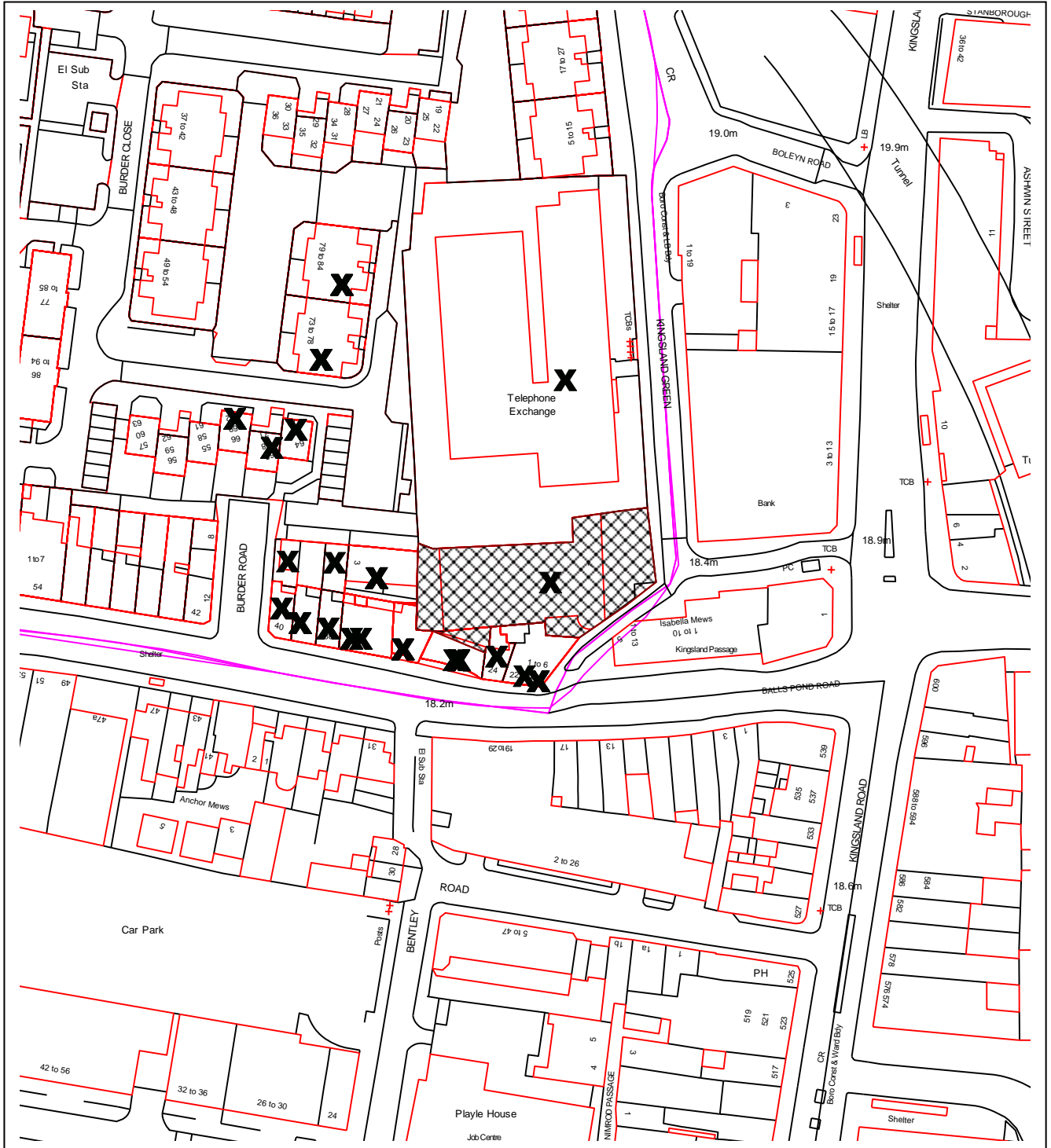
Urban Design Guidelines  
Environmental Design SPD  
Inclusive Design SPD  
Environmental Design SPD

### **5. Other**

Dalston Area Action Plan 2013 (adopted by London Borough of Hackney Council).

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# Islington SE GIS Print Template



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P2016/4155/FUL

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB- COMMITTEE A</b>		
<b>Date:</b>	21 <sup>st</sup> March 2017	<b>NON-EXEMPT</b>

Application number	P2016/4693/FUL and P2016/4766/LBC
Application type	Full Planning Application and Listed Building Consent Application
Ward	St Georges
Listed Building	Grade II Listed
Development Plan Context	Mercers Road/ Tavistock Terrace Conservation Area Mercers Road/ Tavistock Terrace Article Four Direction Grade II Listed
Conservation Area	Mercers Road/ Tavistock Terrace
Licensing Implications Proposal	None
Site Address	13 Tufnell Park Road, London, N7 0PG
Proposal	<p><b>FULL:</b> Erection of a single storey rear extension including removal of a section of the rear wall and internal alterations; installation of replacement double glazed timber sash windows to the front and rear elevations.</p> <p><b>LBC:</b> Erection of a single storey rear extension including removal of a section of the rear wall and internal alterations; installation of replacement double glazed timber sash windows to the front and rear elevations.</p>

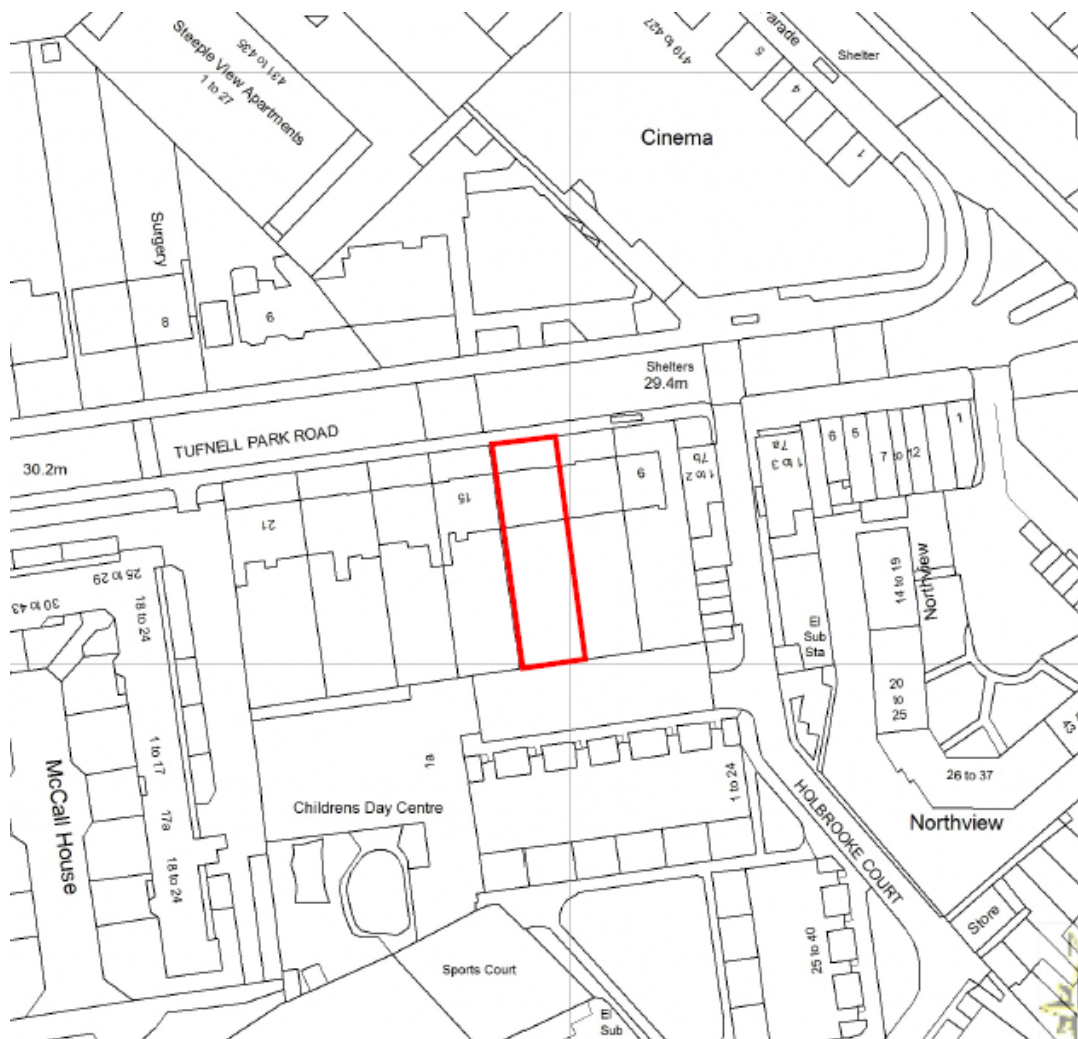
Case Officer	Sally Fraser
Applicant	Ms J Amouroux- Huttner
Agent	John Molloy

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and listed building consent:

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 and the listed terrace



Image 2: Image of the front of the property



Image 3: Image of the rear of the property





Image 4: The rear of the property looking towards number 15



Image 4: The rear of the property looking towards number 11



Image 5: Looking over the boundary fence to number 11

#### **4. SUMMARY**

- 4.1 The application seeks planning permission and listed building consent for internal and external works to a Grade II listed single family dwelling house, located within the Mercers Road/ Tavistock Terrace conservation area.
- 4.2 The works include the erection of a single storey rear extension and removal of part of the rear wall, internal alterations and the replacement of the front and rear windows with double glazed painted timber sash units.
- 4.3 Objections have been raised from neighbouring occupiers with regards to the size and design of the extension and its impact on the appearance of the building, the listed terrace and the conservation area; the potential for a precedent for such extensions to be set; the impact of the extension on light to the adjoining property at number 11 and the impact of the works to the original plan form of the property.
- 4.4 The Council's Design and Conservation officer has recommended approval of the applications subject to conditions. It is considered that the proposed extension, by reason of its size and sympathetic design, would cause no undue impact to the significance of the listed terrace or the conservation area. Likewise, the internal and external enabling works and the replacement windows, given their sympathetic materials and profile, would preserve the special character of the historic building. It is also considered, given the

single storey nature of the extension and its modest depth, that the residential amenities of neighbouring properties would be preserved.

- 4.5 It is recommended that the application for planning permission and listed building consent are granted consent subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is a 2 storey linked- semi-detached single family dwelling house located on the south side of Tufnell Park Road. The property is constructed of brick with Flemish bond and has non original windows.

- 5.2 The property forms part of the Grade II listed terrace at 9- 21 Tufnell Park Road. The terrace comprises of linked detached and semi detached houses and is significant for its Georgian architectural detailing and internal plan form. Whilst the terrace itself remains largely intact, there are a number of modern interventions in the immediate vicinity. To the south of the site lies the 1960's built Holbrook Court and, directly to the north, a newly built flatted development.

- 5.3 The site is located within the Mercers Road/ Tavistock Terrace Conservation Area, which is predominately residential character but which also incorporates the west side of Holloway Road.

## **6. PROPOSAL (in Detail)**

- 6.1 The applicant seeks permission for the erection of a single storey rear extension, including the removal of part of the rear wall and internal alterations including the lowering of the kitchen floor and insertion of a partition wall. Also, the replacement of the front and rear windows with double glazed painted timber sash units is proposed.

- 6.2 The single storey rear extension would have a depth of 3 metres and would be 2.8 metres high with a flat roof and a centrally located raised roof lantern, which would have a sloped profile and which would project above the flat roof by a maximum of 150mm. The extension would sit inside the shared boundary wall with number 11 and would occupy approximately half of the width of the property. It would be constructed of brick with brick arches to the window openings and would have fenestration on the rear and side (east) elevation.

- 6.3 In order to facilitate the extension, part of the rear wall of the property would be removed, the floor in the kitchen would be lowered by 150mm and a partition wall inserted.

- 6.4 The proposal also involves the removal of the existing single glazed timber sash windows to the front and rear and replacement with double glazed timber sash units.

## 7. RELEVANT HISTORY

### **Planning Applications:**

- 7.1 P122298 (LBC) and P122297 (FUL): Replacement roof. Withdrawn 23/07/2014
- 7.2 P2013/1031/LBC and P2013/1017/FUL: Single storey rear extension. Withdrawn 28/05/2013

### **Enforcement:**

- 7.3 None

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

- 7.4 Q2016/1280/LBC: Erection of a rear extension, replacement of all windows with timber double glazing windows and internal alterations.
- 7.5 The principle of a single storey half width extension is acceptable in this location. To ensure that the resulting extension is appropriate in terms of materials, all new facing brickwork should match the original brickwork in respect of colour, texture, face bond and pointing. Given that the rear wall has been previously been opened and then infilled, it is considered that this part of the proposal would be acceptable in this context. The internal works are also acceptable.
- 7.6 It should be noted that the scheme assessed under this pre application is identical to the scheme now proposed.

## 8 CONSULTATION

### **Public Consultation**

- 8.1 Letters were sent to occupants on 76 nearby and neighbouring properties on 3 January 2017 and a Site and Press Notice were displayed. The public consultation therefore expired on 26 January 2017.
- 8.2 Amended drawings were received on 6 February 2017 to correct discrepancies in the revision numbers. Additional drawings were also received in the form of an existing and proposed front elevation, a detailed section of the new windows and a proposed first floor plan, to complete the drawings set.
- 8.3 As the amendments and alterations to the drawings did not increase the size of the extension or change the scheme in any way, it was not considered necessary to re-consult on these drawings.

8.4 At the time of the writing of this report, eleven objection letters had been received from neighbouring properties, raising the following issues:

- Size and modern design of the addition would be out of character with the listed building and the conservation area and would detract from the setting of the listed terrace (see paras 10.5 -10.12)
- Concern with regards to the precedent such an extension would create (see para 10.13)
- Loss of light (see paras 10.20 and 10.23)
- The extension bears no relation to the original plan form of the property (see para 10.5)

Two letters in support of the application were also received.

### **Internal Consultees**

8.5 **Design and Conservation:** This property is significant for the quality of its architecture as a handsome Grade II listed Georgian style house. The proposed single storey rear extension is acceptable in size and design and would not detract from the significance of the listed building. A condition is required to ensure that all new facing brickwork matches the original brickwork in respect of colour, texture, face bond and pointing. The proposed removal of a section of rear wall is acceptable given that the same section of wall has been removed previously and refilled, with poor quality brickwork. There are no trees within the vicinity of the proposed extension.

### **External Consultees:**

8.6 None

## **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.

9.2 The National Planning Practice Guidance 2014 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 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application 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 heritage assets
- Impact on the amenities of the neighbouring properties

#### **Design Impact of the development on the heritage assets**

10.2 The subject property forms part of the Grade II Listed terrace at 9- 21 Tufnell Park Road and the site lies within the Mercers Road/ Tavistock Terrace Conservation Area. Both the conservation area and the listed terrace are designated heritage assets.

10.3 The National Planning Policy Framework (NPPF) recognises the importance of sustaining and enhancing the significance of heritage assets.

10.4 The Development Plan reinforces these aims. Development Management Policy DM2.3b part B requires that alterations to existing buildings in conservation areas conserve or enhance their significance. Part Cii of the policy states that a proposal to repair, alter or extend a listed building will not be permitted if it harms its significance.

10.5 The Mercers Road/ Tavistock Terrace Conservation Area Guidance states that full width rear extensions higher than one storey or half width rear extensions higher than two storeys will not normally be permitted. With regards to windows, it states that original windows contribute to the character and appearance of historic buildings and should be retained.

10.6 With regards to an assessment of the significance of the heritage assets in this case, the significance of the Mercers Road/ Tavistock Terrace conservation area lies in its residential character and good range of Victorian buildings, developed mainly in the 1950s. The significance of the listed terrace lies, externally, in the quality of its architectural detailing and, internally, the plan form.

- 10.7 Whilst it is true that the rear elevation of the terrace remains relatively intact, there is no policy presumption against the addition of extensions in such circumstances. Extensions can in fact be added to unaltered elevations without causing harm to the asset, provided its size and design is appropriate to the historic context and in compliance with council guidance.
- 10.8 The proposed single storey addition would be modest in size. Its width would equal approximately half of the width of the plot and its depth would be minimal, in compliance with the conservation area guidance. It would, as such, be subordinate to the original asset both in scale and siting and would not dominate, either physically or visually, the house or the rear garden, which is relatively deep.
- 10.9 The extension would not conceal any original features, but would conceal the non-original windows and poorly matched brickwork of the recently filled- in rear wall. This would benefit the significance of the building and the appearance of its rear elevation.
- 10.10 The term 'setting' is defined in the NPPF as the surroundings in which a heritage asset is experienced. The rear elevation of the building is experienced only from private views from Holbrook Court and the rear gardens of the adjoining properties, although obscured by trees and boundary treatment. The 'experience' of the asset from the rear therefore does not contribute greatly to its significance. The positive elements of the rear of the terrace however- the verdant garden land- would be preserved with the extension in place. The front of the terrace is publically visible and the setting in this regard is an important factor in the significance of the asset. There would be no visible change to the front of the dwelling with the development in place and views of the asset would be preserved.
- 10.11 The extension would be traditional in design, with brick walls and timber fenestration. The flat roof would reduce the massing of the extension and the parapet would largely conceal the roof lantern and guttering, giving it a clean, robust appearance and a high quality finish. Overall the extension would reflect the form and character of the building whilst remaining unobtrusive in design.
- 10.12 It is recommended that the quality of the materials be secured by condition, including a requirement that the brickwork be yellow stock bricks to match the existing, with Flemish bond with either flush or slightly recessed pointing. The down pipe should be cast iron and the gauged brick arches should replicate the original gauged brick arches to the main house, with fine pointing. Subject to these design details, the Design and Conservation officer is content that the proposed extension would preserve the special character of the conservation area and the host listed building.

- 10.13 Concern has been raised with regards to the precedent that such an extension would create. It is the case that each planning application is assessed on its own merits. Future applications would be appraised on the basis of compliance with policies and guidance, as is the case here.
- 10.14 It is proposed to remove a section of rear wall to connect the extension to the main house - as this wall had previously been removed and filled in with poor quality brickwork and unsuitable modern windows, this part of the proposal would not result in a loss of historic fabric and would not harm the significance of the building.
- 10.15 Other internal changes include the lowering of the floor in the kitchen by 150mm and the erection of a partition wall to the new utility room. These are minor alterations which would not, it is not considered, distort the original proportions of the space nor impact unduly on the original plan form. The proposal would, as such, preserve the special interest of the historic interior and the significance of the building.
- 10.16 The existing windows to the property are single glazed, painted timber sash units in an 8 over 8 arrangement, which matches the pattern of glazing bars in the adjacent property. The windows have decorative horns and are not original to the dwelling house. Their replacement would therefore not result in a loss of historic fabric. The proposed windows would be painted timber sash double glazed units, which would match the original windows in detail and material and which would have a slim profile. The removal of the unsuitable modern windows in the rear elevation are an enhancement, and overall the new windows would have a neutral impact on the assets' significance.
- 10.17 With appropriate conditions, the proposal would accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2016, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.3 (Heritage) of the Islington Development Management Policies 2013. It is considered that the works would preserve and enhance the character and appearance of the Mercers Road/ Tavistock Terrace Conservation Area, and would preserve and enhance the special architectural and historic interest of the listed building.

### **Residential amenity**

- 10.19 DM policy 2.1Ax) states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.

### **Light, outlook and sense of enclosure**

- 10.20 In relation to light, the proposal would be 3m deep adjacent to the boundary with the adjoining property at number 11. Number 11 has a garage door with high level strip window immediately adjacent to the boundary. Light levels



received into this room are therefore extremely limited. Regardless of whether this is a habitable room, the extension, by reason of its minimal depth and height, would not result in any further decrease in the amount of light entering the room via the high level windows, that would be perceptible to the occupiers.

- 10.21 Likewise, outlook from the high level windows above the garage door is currently of sky. There would be no change to this situation with the development in place and current outlook would be retained.
- 10.22 The rear garden of number 11 is relatively deep and the shared boundary wall would remain in situ with the development in place. Given the modest height and depth of the extension there would, as a result, be no undue sense of enclosure to the occupiers, as experienced from their home and garden.
- 10.23 In relation to the other adjoining property at number 15, the proposed extension would be set off the shared boundary by some 5m. There would as such be no undue loss of light to or outlook from the nearest habitable room windows of this property, nor would there be any undue sense of enclosure to the occupiers.

### **Privacy**

- 10.24 Whilst a door is proposed in the western elevation of the extension facing the shared boundary wall with number 15, this would be set off the boundary by 5m and would be screened from the garden of number 15 by the boundary treatment. There would as such be no loss of privacy to the occupiers of this property.
- 10.25 There would be no windows in the eastern elevation of the extension facing the rear garden of number 11 and no loss of privacy to the occupiers as a result.
- 10.26 The proposal would have an acceptable impact the residential amenities of the neighbouring occupiers, in compliance with Development Management Policy DM2.1.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed alterations to the building are considered to be acceptable in terms of their design and impact on the character and appearance of the Conservation Area and the special architectural and historic interest of the listed building, in accordance with policies DM2.1 and DM2.3 of the Development Management Policies 2013. The proposed works are also considered to be acceptable in terms of their impact on the residential amenities of neighbouring properties, given the modest size of the extension,

in accordance with policy DM2.1 of the Development Management Policies 2013.

**Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions and as set out in Appendix 1 – RECOMMENDATION A.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### Full Planning Permission P2016/4693/FUL

#### List of Conditions:

	<b>Consent Period (compliance)</b>
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>
2	<b>Approved Plans List: (Compliance)</b>
	<p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, Heritage Statement, Site specific risk assessment and method statement, Site plan, 01 revA, 05 revA, 08, 02 revA, 03 revA, 04 revA, 6 revA, 07 revA and 0016_DT_WIN_A.</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>

#### List of Informatives:

1	<b>Positive Statement</b>
	<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.</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 a timely manner in accordance with the requirements of the NPPF.</p>

<b>2</b>	<b>Hours of Construction</b>
	<p>INFORMATIVE: The applicant is advised that the accepted working hours for development within the borough are:</p> <p>08.00am - 6.00pm on Mondays to Fridays, 9.00am - 1.00pm on Saturdays and not at all on Sundays and Bank Holidays.</p>

That the grant of **listed building consent P2016/4766/LBC** be subject to **conditions** to secure the following:

1	<p><b>3 YEAR CONSENT PERIOD FOR LBC:</b> The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p><b>REASON:</b> To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>CONDITION:</b> All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p><b>REASON:</b> In order to safeguard the special architectural or historic interest of the heritage asset.</p>
3	<p><b>CONDITION:</b> All new facing brickwork shall match the original brickwork in respect of colour, texture, face bond and pointing. The bricks shall be yellow stock bricks and no permission is granted for the use of brick slips. The pointing shall be flush/slightly recessed and not weatherstruck. The brickwork shall be soot washed to match the colour and appearance of the original brickwork. The brick arches to the openings shall be gauged brick arches which exactly replicate the original gauged brick arches to the main house and shall be very finely pointed.</p> <p><b>REASON:</b> In order to safeguard the special architectural or historic interest of the heritage asset</p>
4	<p><b>CONDITION:</b> The new sash windows shall accurately replicate, in terms of material, profile and detailing, the original late-Georgian windows. They should be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a true putty finish (not timber 'putty style' bead). The glazing should be 'cylinder glass' and no greater than 10mm (3mm glass : 4mm gas : 3mm glass) in total thickness. No trickle vents or metallic/perforated spacer bars would be permitted.</p> <p><b>REASON:</b> In order to safeguard the special architectural or historic interest of the heritage asset</p>

5	<p>CONDITION: No boxed-in services shall be installed to the interior of the building unless shown on the drawings hereby approved. No permission is granted for any new plumbing, pipes, soilstacks, flues, vents, ductwork, grilles, security alarms, lighting, cameras or other appurtenances fixed to any external faces of the building unless shown on the drawings hereby approved. All new external rainwater goods and soil pipes shall be of cast iron, painted black.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset</p>

**List of Informatives:**

	<b>Positive statement</b>
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.</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 a timely manner in accordance with the requirements of the NPPF.</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 is a material consideration and has been taken into account as part of the assessment of these proposals.

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals. The guidance on 'preserving and enhancing the historic environment' is particularly relevant.

Other relevant guidance:

- Advice Note 2- Making Changes to Heritage Assets (Historic England, 2016)
- Conservation Principles (English Heritage, 2008)
- London Terraced Houses 1660-1860 (English Heritage, 1996)

### **2. Development Plan**

The Development Plan documents relevant to this application are the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan March 2016**

##### **7 London's living places and spaces**

Policy 7.4: Local character

Policy 7.6: Architecture

Policy 7.8: Heritage assets and archaeology

#### **B) Islington Core Strategy 2011**

Policy CS8: Enhancing Islington's character

Policy CS9: Protecting and enhancing the built environment

#### **C) Development Management Policies June 2013**

DM 2.1: Design  
DM 2.3: Heritage

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

The following SPGs and/or SPDs are relevant:

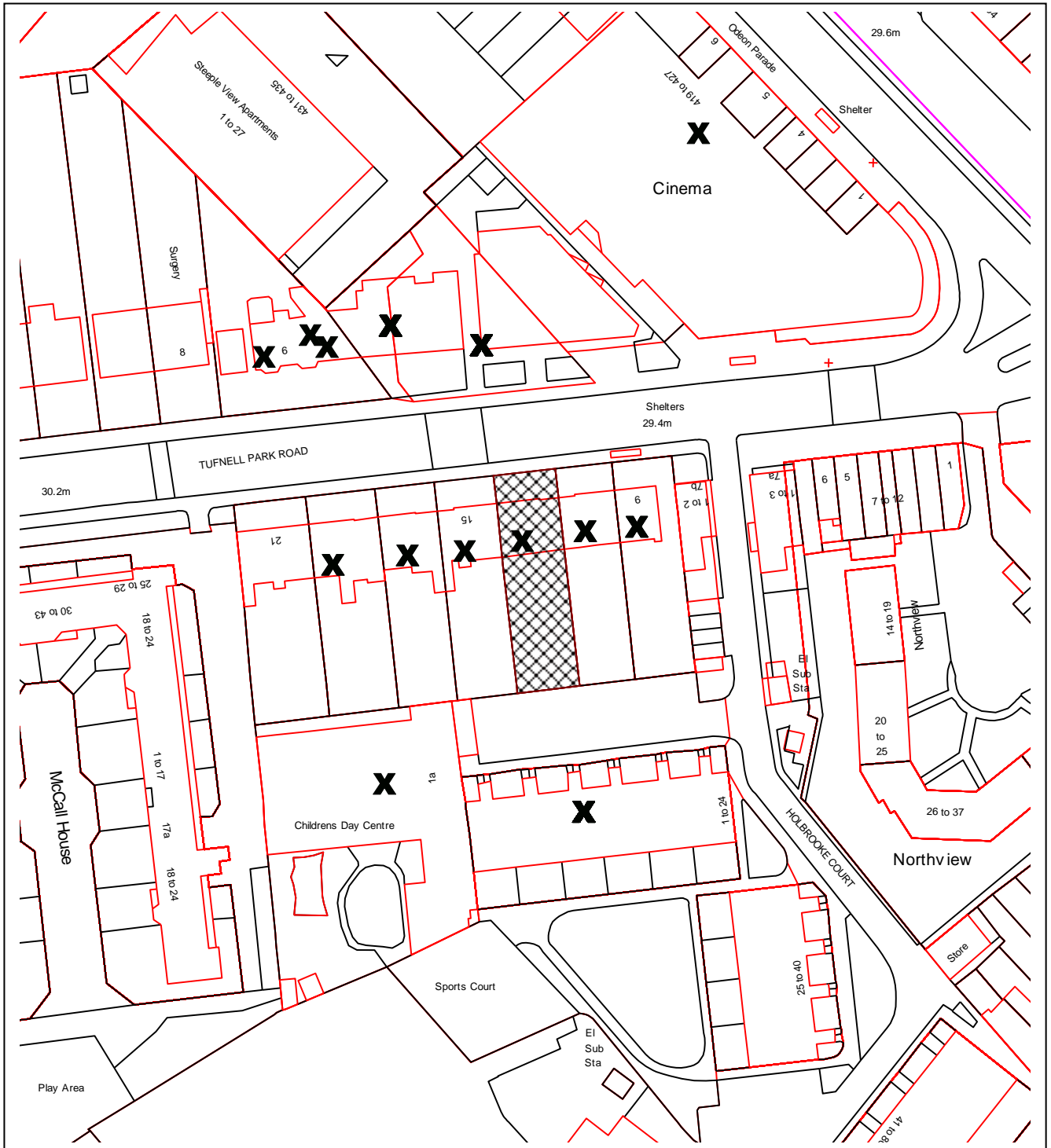
#### **Islington Local Plan**

Islington Urban Design Guide 2017  
Mercers Road/ Tavistock Terrace Conservation Area Design Guidelines

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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department

<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	21 March 2017	<b>NON-EXEMPT</b>
Application number	P2015/2533/S73	
Application type	Full Planning Application	
Ward	Bunhill Ward	
Listed building	Not Listed	
Conservation area	Hat and Feathers	
Development Plan Context	<ul style="list-style-type: none"> <li>- Archaeological Priority Areas 170914</li> <li>- Bunhill &amp; Clerkenwell Core Strategy Key Areas 170914 7</li> <li>- Hat and Feathers Conservation Areas</li> <li>- Central Activities Zone</li> <li>- Employment Priority Areas (General) - Finsbury Local Plan</li> <li>- Finsbury Local Plan Area - Bunhill &amp; Clerkenwell</li> </ul>	
Licensing Implications	None	
Site Address	33-41 Dallington Street & 2-6 Northburgh Street Islington London EC1V 0BB	
Proposal	Section 73 application to vary Condition 2 (Drawings and Details) of application Ref. P2013/4399/S73 dated 13 March 2014. The amendments are: Reduction of the size of the approved addition at fifth floor roof level and use of the remainder of flat roof area (where the roof addition previously extended to the corner of Dallington Street and Pardon Street) as a terrace enclosed within 2.1m high obscurely glazed privacy screens.	
Case Officer	Sandra Chivero	
Applicant	Northburgh House Ltd	
Agent	Michael Sanders – Archer Architects	

### 1. RECOMMENDATION

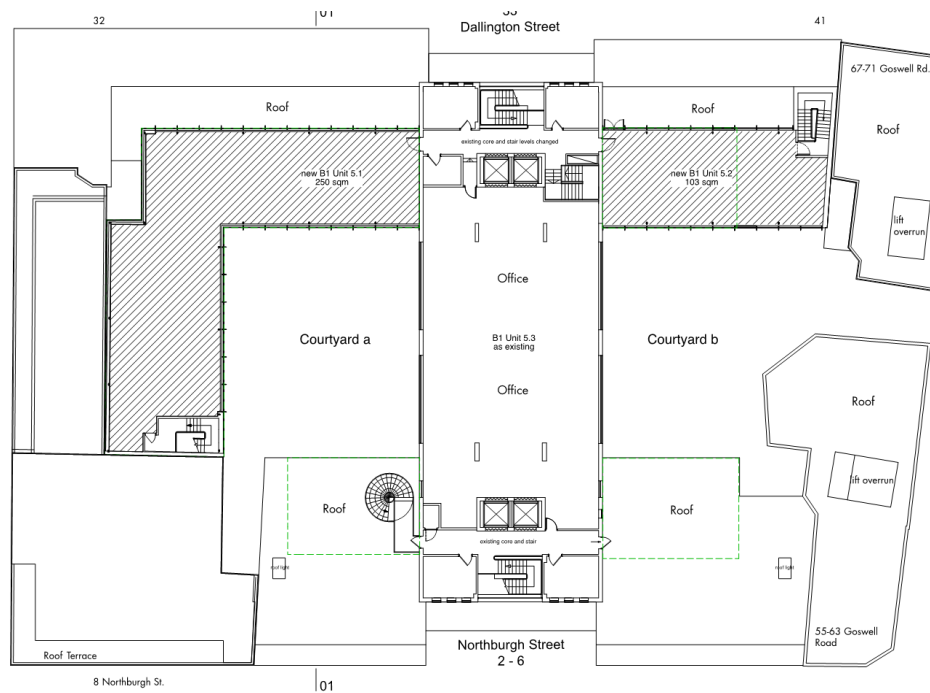
- 1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

## 2. REASON FOR DEFERAL

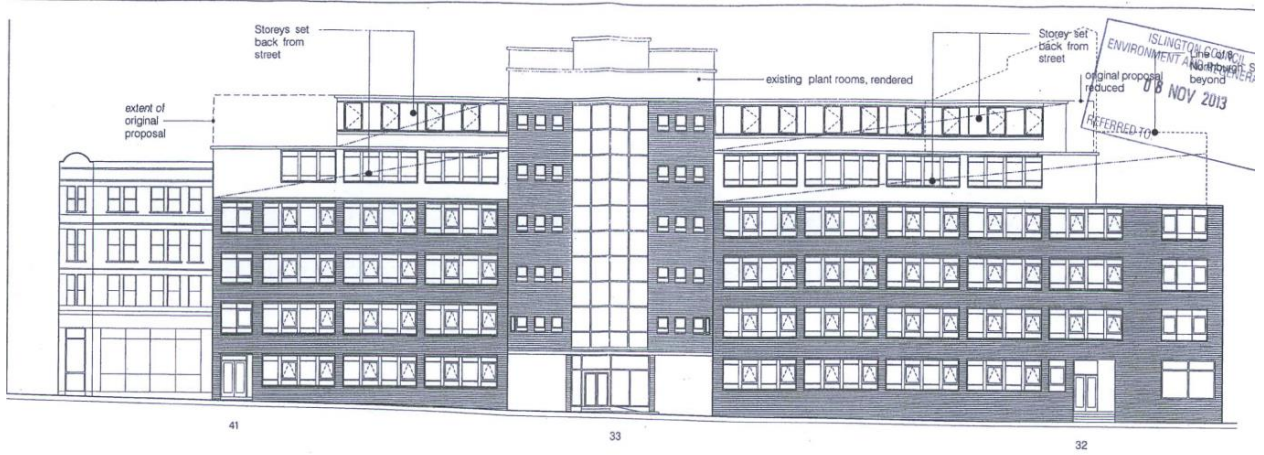
2.1 This application was previously discussed at the Planning Sub Committee A on 30 January 2017 when objectors were given the opportunity to speak. It was suggested that the architect should attend the Planning Sub Committee meeting to address the following:

- Concern raised that the proposed roof terrace was not a necessary amenity for an office and would cause a loss of amenity and overlooking issues for nearby residential properties and the school and that the proposed screen with a privacy treatment would not mitigate all the potential detriment to residents' amenity.

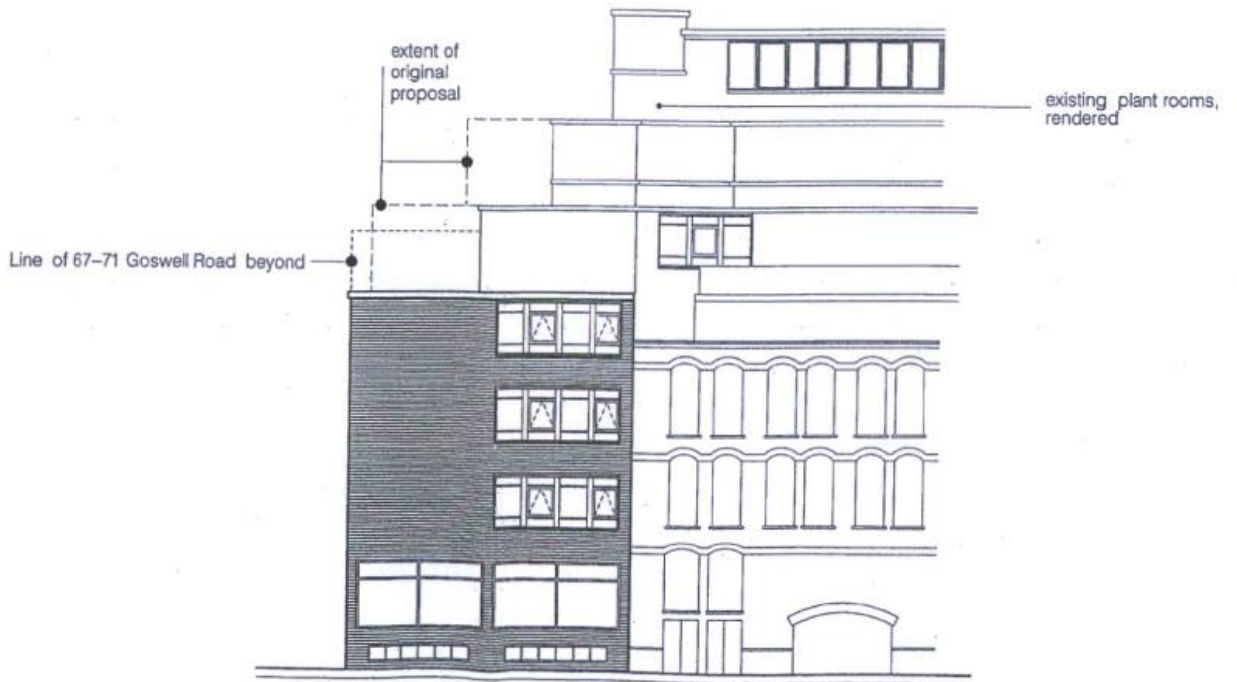
## 3. APPROVED AND PROPOSED DRAWINGS



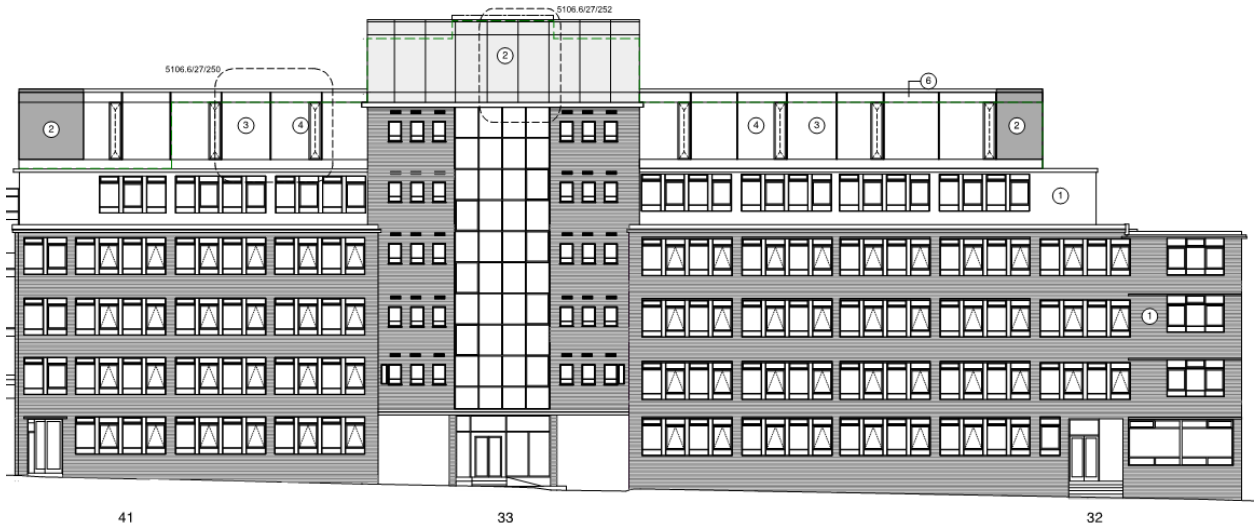
Fifth Floor Level – Approved Under Original Permission Ref. P002805



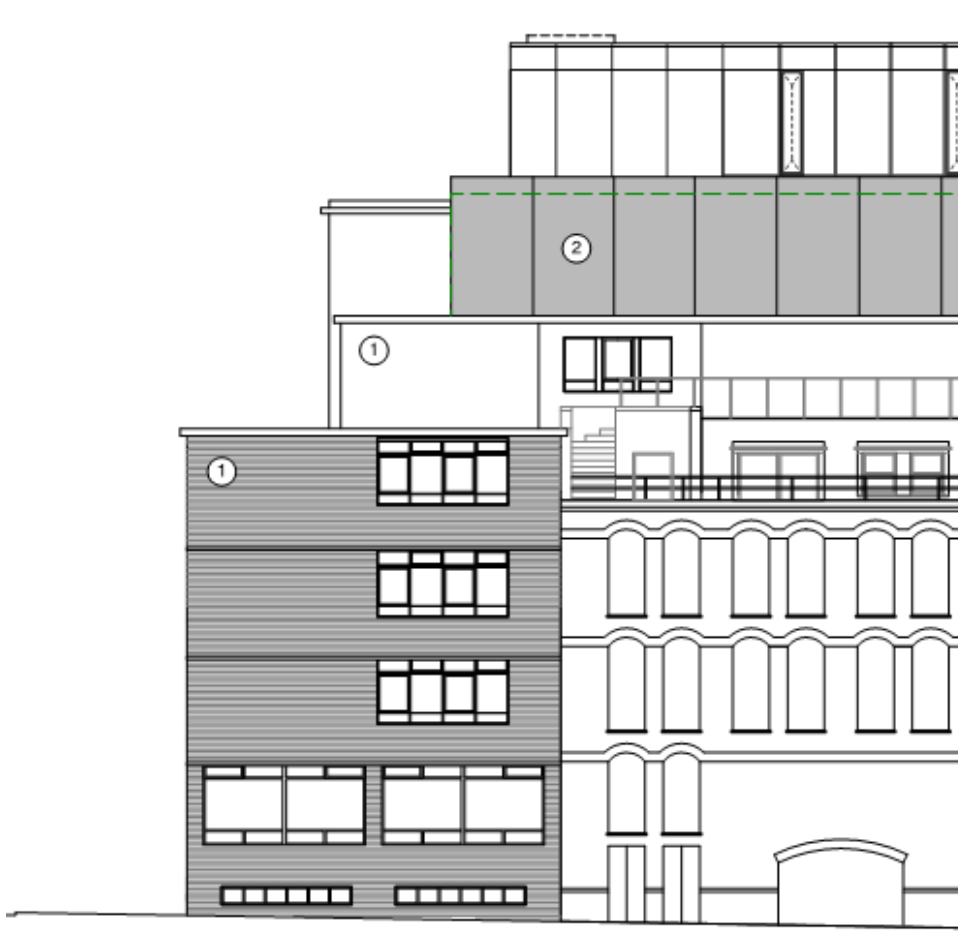
Dallington Street Elevation - Approved Under Original Permission Ref. P002805



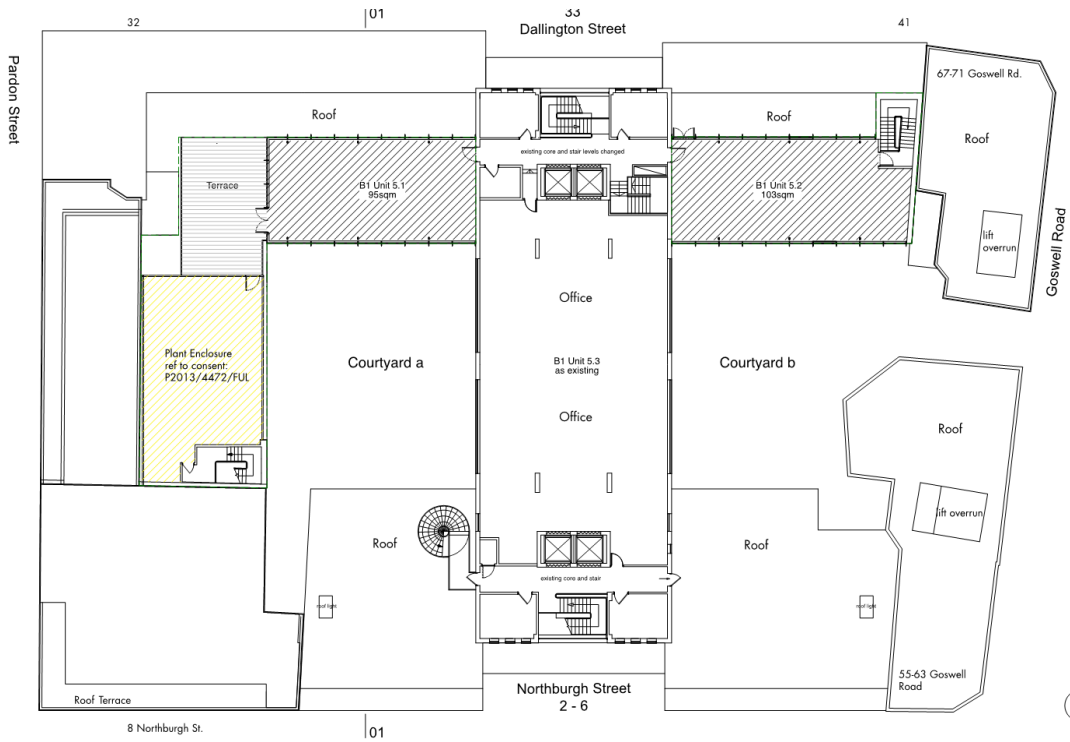
Pardon Street Elevation - Approved Under Original Permission Ref. P002805



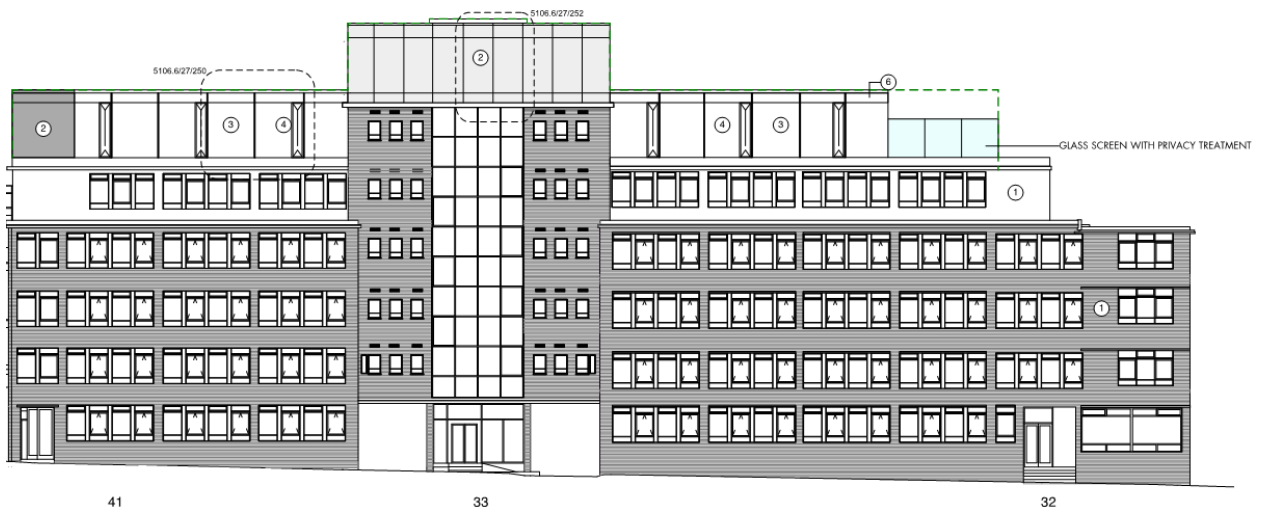
Dallington Street Elevation - Approved Under S73 P2013/4399/S73



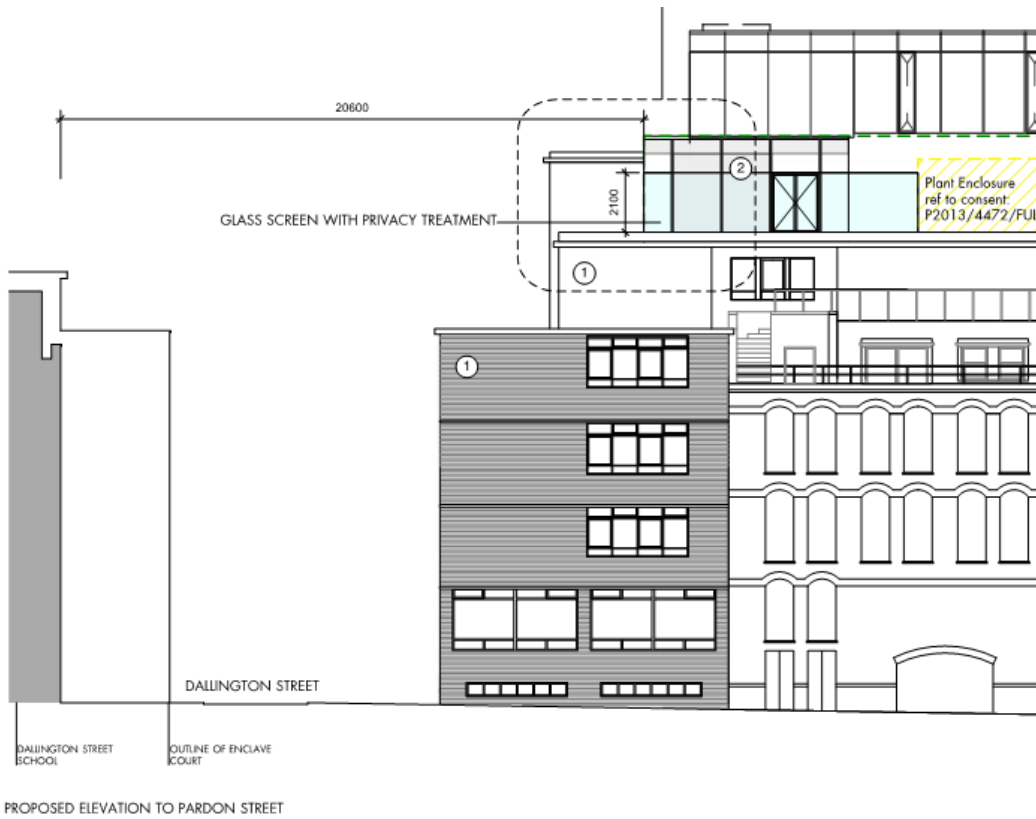
Pardon Street Elevation - Approved Under S73 P2013/4399/S73



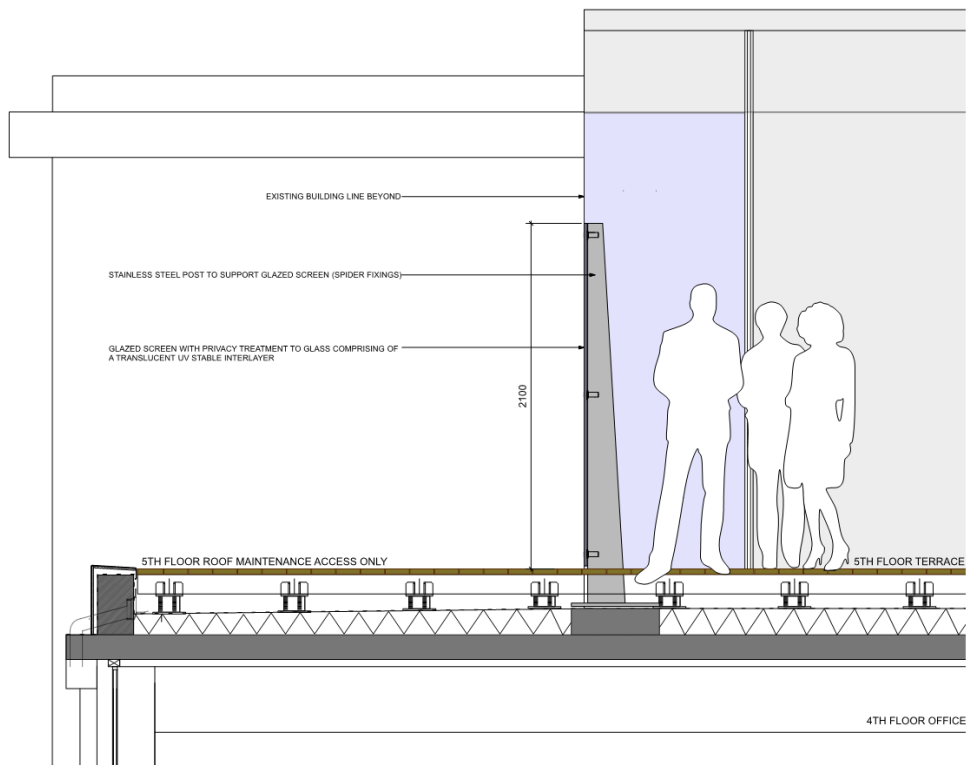
Fifth Floor Plan – Proposed under current application Ref. P2015/2533/S73



Dallington Street Elevation - Proposed under current application Ref. P2015/2533/S73



Proposed Pardon Street Elevation- Proposed under current application Ref. P2015/2533/S73



Proposed Section of Privacy Screen - Proposed under current application Ref. P2015/2533/S73



#### **4. ASSESSMENT OF NEIGHBOURING AMENITY**

- 4.1 As discussed in the Committee Report (Appendix 1), the proposed changes are considered to be minor in scale and will have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook. The new 2.1m high would minimise overlooking to neighbouring properties including the properties at Enclave Court and Dallington School located across the highway. The previous condition requiring the flat roof areas of the approved extensions at fourth, fifth and sixth floors levels not be used as outdoor amenity space would remain in place. The approved extension at roof level incorporates full height curtain wall glazing, and the degree of overlooking will not exacerbated by the current proposals.
- 4.2 The proposed use as a terrace ancillary to the office use is not considered to be a noise generating use that would warrant a refusal of permission. However, should neighbouring properties experience any noise disturbance this can be reported to the Council Noise Team. In addition, a condition has been attached limiting the hours of use of the terrace.
- 4.3 Overall, the proposal is considered to accord with policy DM2.1 which requires development to provide good level of amenity including consideration of noise, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

#### **5.0 CONCLUSION**

- 5.1 The proposed changes are considered to be of a minor enough scale to have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook or loss of privacy. The proposed privacy screens will to minimise overlooking to neighbouring properties.
- 5.2 Subject to conditions, the proposal is considered to accord with relevant policies.
- 5.3 It is therefore recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 of the attached Planning Committee Report- RECOMMENDATIONS.

## APPENDIX 1

### PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	30 January 2017	<b>NON-EXEMPT</b>

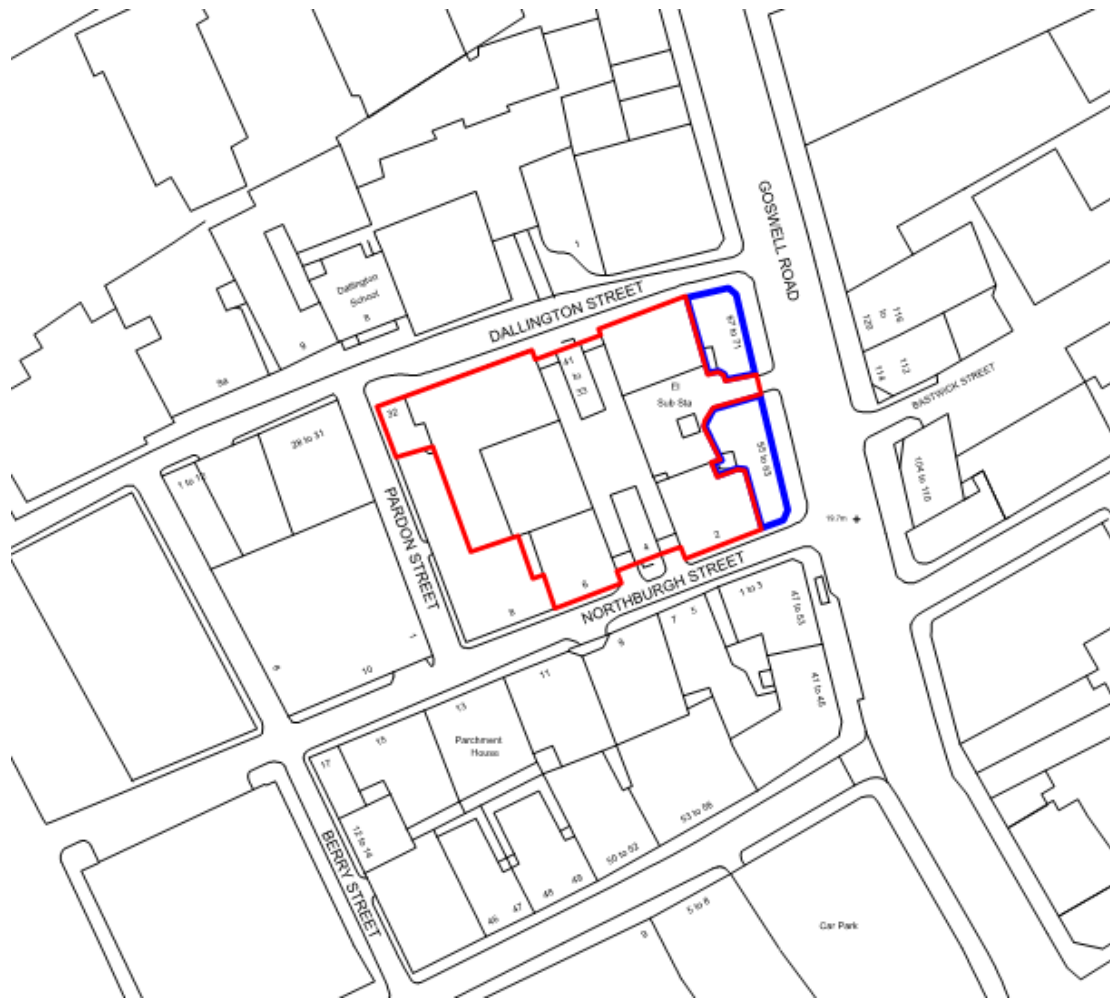
Application number	P2015/2533/S73
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not Listed
Conservation area	Hat and Feathers
Development Plan Context	<ul style="list-style-type: none"><li>- Archaeological Priority Areas 170914</li><li>- Bunhill &amp; Clerkenwell Core Strategy Key Areas 170914 7</li><li>- Hat and Feathers Conservation Areas</li><li>- Central Activities Zone</li><li>- Employment Priority Areas (General) - Finsbury Local Plan</li><li>- Finsbury Local Plan Area - Bunhill &amp; Clerkenwell</li></ul>
Licensing Implications	None
Site Address	33-41 Dallington Street & 2-6 Northburgh Street Islington London EC1V 0BB
Proposal	Section 73 application to vary Condition 2 (Drawings and Details) of application ref. P2013/4399/S73 dated 13 March 2014. The amendments are: Reduction of the size of the approved addition at roof level and use of the remainder of flat roof area where the roof addition previously extended to the corner of Dallington Street and Pardon Street as a terrace enclosed with 2.1m high obscurely glazed privacy screens.

Case Officer	Sandra Chivero
Applicant	Northburgh House Ltd

**1. RECOMMENDATION**

- 1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street View – Dallington Street Frontage

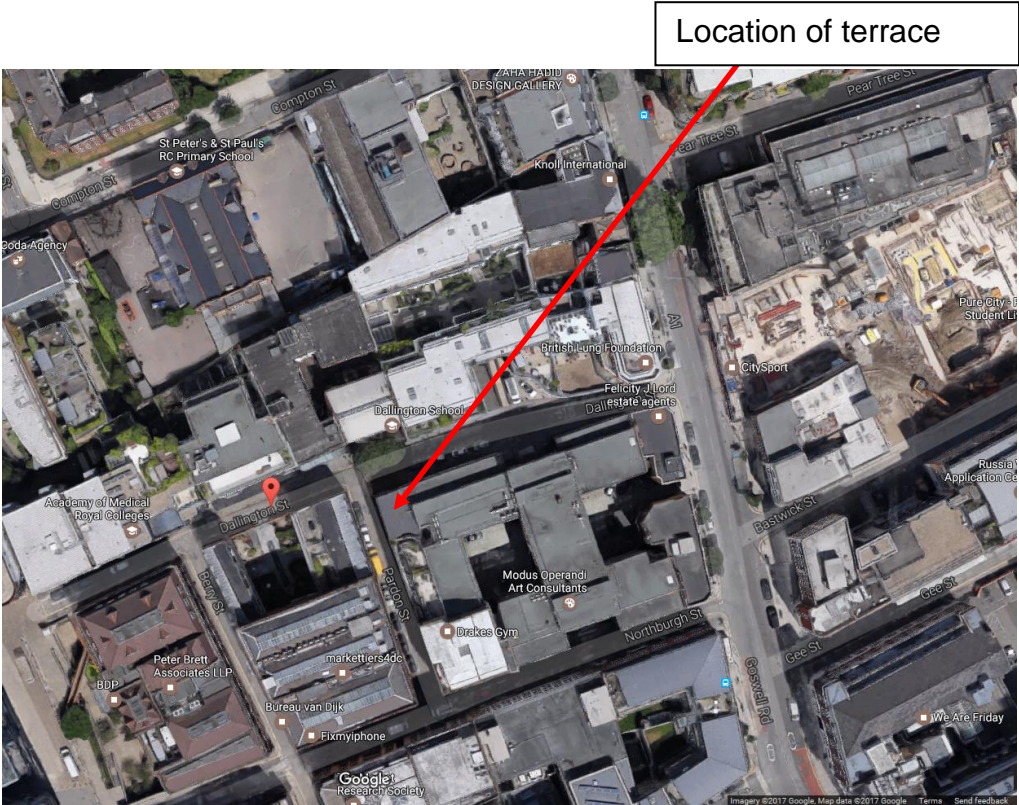


Image 2: Aerial View of site

#### **4. SUMMARY**

- 4.1 It is proposed to reduce the size of the previously approved addition at roof level. The remainder of the flat roof area where the roof addition previously extended to would be used as a roof terrace enclosed with 2.1m high obscurely glazed privacy screens. The reduction in size over the previously approved scheme and installation of obscurely glazed privacy screens is considered acceptable and would not significantly harm the character and appearance of the host property, or the conservation area, over what was previously consented.
- 4.2 The proposed changes are considered to be minor in scale and will have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook or loss of privacy compared to the approved scheme. Concerns were also raised regarding overlooking to neighbouring properties including Enclave Court and Dallington School. These properties are located across the highway. In addition, during the course of the application amended drawings were submitted showing privacy screens installed to the perimeter of the roof terrace. This is considered to minimise overlooking to neighbouring properties.
- 4.3 Overall, the proposed development is considered to be acceptable with regards to design and neighbour amenity and would be in accordance with relevant planning policy.

#### **5. SITE AND SURROUNDING**

- 5.1 The existing building is a large part 5 part 6 storey building occupying most of the city block. The existing building has principal elevations facing Dallington Street and Northburgh Street, and is accessed from Dallington Street, Northburgh Street and by a vehicular access on Goswell Road. The majority of the city block is covered by the building footprint, with an internal courtyard.
- 5.2 The building is comprised of an 'H' shaped block constructed from a concrete frame, faced with brick with central staircases serving each block (Dallington and Northburgh). The site was formerly occupied by printers and bookbinders, and currently houses a number of office occupiers.
- 5.3 The building is located within the Hat and Feathers Conservation Area. The building is not statutory listed or locally listed.

#### **6. PROPOSAL (IN DETAIL)**

- 6.1 Section 73 application to vary Condition 2 (Drawings and Details) of application ref. P2013/4399/S73 dated 13 March 2014. The amendments are: reduction of the width of the approved addition (Unit 5.1) at roof level 5.6m and use of the remainder of flat roof area where the roof addition previously extended to the corner of Dallington Street and Pardon Street. The terrace would be 53.1sqm (5.6m x 9m) and would be enclosed with 2.1m high

obscurely glazed privacy screens to the north and east. The privacy treatment in question will take the form of a translucent interlayer that will be fully encapsulated within the glass screen. To the west the terrace would be bounded by the new roof addition (Unit 5.1) reduced in size and to the south the terrace would back on to the plant enclosure.

## **Revisions**

6.2 Revised drawings were received during the course of the application are as follows:

- Revised drawings nos. 5106.6/02/105 rev PL-1, 120 rev PL-3, 5106.6\_02\_300 received on 22 June 2016. The amendments include 2.1m high privacy screens to the Dallington Street and Pardon Street perimeter of the roof terrace.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

7.1 September 2015: Planning Application (Ref. P2015/2534/FUL) Refused for formation of roof terrace on existing fourth floor roof.

*REASON: The proposed use of the existing 5th floor roof area (roof of the fourth floor, Northburgh Street elevation as a terrace would be likely to cause excessive noise and disturbance, lead to a loss of privacy and have a serious adverse effect on the amenities of the occupiers of the adjoining and surrounding residential properties, and would be contrary to policy DM2.1 (x) of the Development Management policies 2013, and policy CS9 of the Core Strategy 2011.*

7.2 August 2015: Planning Application (Ref. P2015/2532/FUL) Refused for conversion of two existing 3rd floor roof decks to terraces including installation of 1.1m high glass balustrades and associated alterations to the existing fenestration.

*REASON: The proposed use of the existing roof decks as amenity spaces (terraces) would be likely to cause excessive noise and disturbance, lead to a loss of privacy and have a serious adverse effect on the amenities of the occupiers of the adjoining and surrounding residential properties, and would be contrary to policy DM2.1 (x) of the Development Management policies 2013, and policy CS9 of the Core Strategy 2011.*

7.3 August 2015: Planning Application (Ref. P2015/2531/FUL) Refused for the conversion of an existing 5th floor roof area into a terrace (Northburgh Street elevation), and including a glass balustrade.

*REASON: The proposed use of the existing 5th floor roof area as a terrace would be likely to cause excessive noise and disturbance, lead to a loss of*

*privacy and have a serious adverse effect on the amenities of the occupiers of the adjoining and surrounding residential properties, and would be contrary to policy DM2.1 (x) of the Development Management policies 2013, and policy CS9 of the Core Strategy 2011.*

- 7.4 March 2014: Section 73 application (Ref. P2013/4399/S73) Approved to vary the plans attached to Condition 2 (Plans and Details) of planning application P002805 dated 11 November 2004 including alterations to the scale and appearance of the previously approved scheme. The alterations are: An increase in height of the 5th and 6th floor extensions by 0.5m and 0.74m respectively, a reduction of the proposed increase in gross internal B1 (office) floor area from 801m<sup>2</sup> to 722m<sup>2</sup>, a change in size of the 5th floor extension located on Dallington Street (labelled on the proposed plans as unit 5.2) to provide an alternate means of escape, extending the proposed building to the existing stair core at the eastern end of the block, the provision of a new WC core at 6th floor level, a change of external materials to provide curtain glazing with silver anodised surrounds, the introduction of an external spiral stair to serve the 6th floor addition and roof access, improvements to the thermal envelope of the proposed development as a result of the new materials proposed and the incorporation of a photovoltaic array at roof level.
- 7.5 March 2014: Planning Application (Ref. P2013/4472/FUL) Approved for extension of existing B1 accommodation by 357msq comprising of infilling of existing lightwell and the extension into an existing internal courtyard. The replacement of existing steel single glazed windows with new high performance double glazed units. The replacement of the masonry and single glazed windows to two elevations within the internal courtyards for high performance curtain walling. The construction of a new roof top plant enclosure.
- 7.6 November 2009: Planning Application (Ref. P091876) Approved for the installation of one additional air-conditioning unit to the roof level.
- 7.7 June 2008: Planning Application (Ref. P050706) Refused for Infill extension to link buildings at 1st-3rd floors and new mansard 4th floor across the combined buildings.

*REASON: The unusual curved parapets on the existing buildings make a distinctive contribution to the appearance of this part of the Hat and Feathers Conservation Area and demarcate a clear upper limit to the buildings. The imposition of the proposed 4th floor on the buildings would mean that the parapets would no longer be seen against the sky and that their impact on the streetscape would be seriously diminished. The proposal would fail to preserve the appearance of this part of the Conservation Area and would conflict with Policies D19, D25 and CS6 of Islington's Unitary Development Plan 2002, and with paragraph 1.22 of the Design Guidelines for the Clerkenwell Green, Charterhouse and Hat and Feathers Conservation Areas.*

*REASON: Forming the proposed new storey as a mansard would be alien to the architectural style of the original buildings. The mansard storey would be*



*unsympathetic to the character of the buildings and would conflict with Policies D4, D25 and CS6 of Islington's Unitary Development Plan 2002, and with paragraph 1.22 of the Design Guidelines for the Clerkenwell Green, Charterhouse and Hat and Feathers Conservation Areas.*

*REASON: The failure to give the proposed 1st to 3rd floor level infill link an architectural treatment which would clearly identify it as a new and different element would blur the distinction between the original buildings. In doing so, it would create the impression of a single monolithic building occupying the entire frontage of the street block. This would erode the character of the Conservation Area and conflict with Policies D19 and CS7 of Islington's Unitary Development Plan 2002.*

- 7.8 November 2008: Planning application (Ref. P002805) Approved for extensions to B1 building - new sixth floor on part of central section, new set-back fifth floor over part of existing fourth floor areas on Northburgh Street and Dallington Street frontages.

**ENFORCEMENT:**

- 7.9 July 2011; Enforcement Case (Ref. E10/05105) relating to unauthorised air conditioning units. Closed.

**PRE-APPLICATION ADVICE**

- 7.10 February 2013: Pre-application enquiry (Ref. Q2013/0408/MJR) submitted in relation to a single storey extension to the 4<sup>th</sup> floor of the west elevation facing Northburgh Street, a single storey extension at 5<sup>th</sup> floor level of the west elevation fronting Northburgh Street, a single storey extension at 5<sup>th</sup> floor level facing Dallington Street, a two storey set back extension at 5<sup>th</sup> floor level facing Dallington Street and a 5 storey partial infill extension to an existing courtyard in the centre of the site. Concerns were raised relating to the proposed bulk, scale and design.

**8. CONSULTATION**

**Public Consultation**

- 8.1 Two consultations were carried out, a second round of consultation was carried out upon receipt of the amended. Originally, consultation letters were sent to occupants of 191 adjoining and nearby properties on Bastwick Street, Dallington Square, Dallington Street, Northburgh Street, Goswell Road, Berry Street on 18 August 2015. Following receipt of amended drawings, the application was reconsulted on 20 July 2016. A site and a press advert were displayed on 28 July 2016. The re-consultation period ended on the 18 August 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 this report a total of 12 responses had been received from the public with regard to the application. 6 objections were received following the first consultation period and 4 duplicate objections and 2 new objections were received following the reconsultation on the amended application. The concerns raised are summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Overlooking and loss of privacy (Paragraph 10.8, 10.9, 10.11)
- Impact on amenity including parties, noise, smoke and disturbance to schools and neighbours (Paragraph 10.8 - 10.11)
- Condition to previous application restricting use of flat roof area as terrace recognises the impact of such terraces on amenity and privacy (Paragraph 10.8, 10.9)
- Loss of light (Paragraph 10.8, 10.11)
- Increase in height of building (Paragraph 10.6)

### **Internal Consultees**

8.3 **The Design and Conservation Officer:** The Design and Conservation officer does not object to the amended scheme.

## **9. RELEVANT 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 Since March 2014 Planning Practice Guidance for England has been published online.

### **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, Finsbury Local Plan 2013 and Site Allocations 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 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:

- Archaeological Priority Areas
- Bunhill & Clerkenwell Core Strategy Key Areas
- Hat and Feathers Conservation Areas
- Central Activities Zone
- Employment Priority Areas (General) - Finsbury Local Plan
- Finsbury Local Plan Area - Bunhill & Clerkenwell

### **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:

- Design and conservation impacts
- Neighbouring Amenity

### **Evaluation**

10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a new permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

10.3 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the fact that the structure itself is constructed.

10.4 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application.

### **Design and Conservation**

10.5 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an

area based upon an understanding and evaluation of its defining characteristics.

- 10.6 The proposed changes to the previously approved scheme would reduce the size of the approved addition at roof level. It is proposed to use the remainder of the flat roof area, where the addition at roof level previously extended, as a terrace enclosed with 2.1m high obscurely glazed privacy screens. The reduction in size of the roof addition over the previously approved scheme and installation of obscurely glazed privacy screens would maintain the same bulk, scale and massing as approved but would result in reduction of height. The current proposal is therefore considered acceptable and would not significantly harm the character and appearance of the host property, or the conservation area, over what was previously consented. The proposed changes to the previously consented scheme include changes to the design ethos and previously approved materials. The proposed development has been reviewed by the Council's Design and Conservation Team, who are satisfied that the proposed changes are in keeping with the host property and its surrounds, and would preserve and enhance the character of the Hat and Feathers Conservation Area. A further condition seeking details and samples of the materials as proposed is recommended.
- 10.7 Given the above, the proposal is considered to be consistent with the aims of the Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

### **Neighbouring Amenity**

- 10.8 The proposed changes are considered to be minor in scale and will have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook. Concerns were also raised regarding overlooking to neighbouring properties including Enclave Court and Dallington School. Neighbouring residents have brought attention to the conditions which restricted use of the flat roof areas created by the approved extensions at fourth, fifth and sixth floor levels as terrace, applied to planning permission ref. P002805 approved November 2004 and application ref. P2013/4399/S73 Approved in March 2014.
- 10.9 The new 2.1m high screens would have a privacy treatment applied, in the form of a translucent interlayer that will be fully encapsulated within the glass screen. The privacy treatment would minimise overlooking to neighbouring properties including the properties at Enclave Court and Dallington School located across the highway. The previous condition requiring the flat roof areas of the approved extensions at fourth, fifth and sixth floors levels not be used as outdoor amenity space would remain in place. The approved extension at roof level incorporates full height curtain wall glazing, and the degree of overlooking will not exacerbated by the current proposals.
- 10.10 With regards to noise and general disturbance, the proposal is for use as a terrace ancillary to the office use. This is not considered to be a noise

generating use that would warrant a refusal of permission. However, should neighbouring properties experience any noise disturbance this can be reported to the Council Noise Team. In addition, a condition has been attached limiting the hours of use of the terrace.

- 10.11 Overall, the proposal is considered to accord with policy DM2.1 which requires development to provide good level of amenity including consideration of noise, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed changes to the previously approved scheme are considered acceptable due to the minimal impact over and above the scheme previously permitted. The scale and bulk of the proposed development visible from street level will be reduced.
- 11.2 The proposed changes are considered to be of a minor enough scale to have no significant further impact on the amenity of neighbouring properties in terms of access to daylight and sunlight and outlook or loss of privacy. The proposed privacy screens will to minimise overlooking to neighbouring properties.
- 11.3 Subject to conditions, the proposal is considered to accord with relevant policies.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<p><b>Approved Plans List</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>A416/001, 002, 006, 007, 008, 010, 011, 015, 040, 041 (LBI Reg. No: 28051), A416/017 (LBI Reg. No: 28052), A416/02C, 027D, 028D, 030D, 031B, 035D (LBI Reg. No: 28057) as amended by 5106.6/00/001, 5106.6/02/002, 5106.6/02/105 rev PL-1, 5106.6/02/106, 5106.6/02/107, 5106.6/02/120 rev PL-3, 5106.6/02/121, 5106.6_02_125, 5106.6/02/300.</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>
<b>2</b>	<p><b>Materials to Match (Details)</b></p> <p>CONDITION: Details of all facing materials (including the external staircase hereby approved, windows and doors) shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of decision.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
<b>3</b>	<p><b>No loading or vehicles or delivery or setting down of material</b></p> <p>CONDITION: No loading or vehicles or delivery or setting down of material, pursuant to the development hereby permitted shall take place in Dallington Street between the hours of 08:30 to 09:30, 11:30 to 13:30 and 15:30 and 16:00 on any Monday to Friday when the Dallington Street School is in session.</p> <p>REASON: In order to avoid endangering pupils arriving at or leaving the school premises at the beginning or end of the school day or at lunchtimes.</p>
<b>4</b>	<p><b>Flat Roof Not Used As Amenity Space (Compliance)</b></p> <p>CONDITION: The roof areas created by the extensions hereby approved at fourth, fifth and sixth floor levels shall not be used other than for essential maintenance or repair, or for escape in the case of an emergency and shall not be used as an amenity or sitting out space of any kind whatsoever without first obtaining written permission from the Local Planning Authority.</p> <p>REASON: In order to avoid overlooking of neighbouring properties and to protect the privacy and amenity of neighbouring occupiers.</p>

<b>5</b>	<b>Commencement</b>
	<p>S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of 17 March 2017.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on dated 13 March 2014 [LBI ref: P2013/4399/S73]. Furthermore, 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>
<b>6</b>	<b>Privacy Screens</b>
	<p>Condition: The details and samples of the approved privacy screens shall be submitted to and approved in writing by the Local Planning Authority within three months of the decision.</p> <p>The development shall be carried out and operated strictly in accordance with the details so approved. The physical enclosures shall be provided prior to the first use of the terrace and shall be maintained as such thereafter.</p> <p>REASON: In order to avoid overlooking of neighbouring properties and to protect the privacy and amenity of neighbouring occupiers.</p>
<b>7</b>	<b>Hours of use of terrace</b>
	<p>CONDITION: The roof terrace, shown on plan reference 5106.6/02/105 rev PL-1, shall only be in use between 08:00am until 20:00pm Mondays to Fridays and shall not be occupied outside of those times.</p> <p>REASON: To protect the residential amenity of adjoining and nearby properties.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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.</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 a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>COMMUNITY INFRASTRUCTURE LEVY (CIL)</b>
	COMMUNITY INFRASTRUCTURE LEVY (CIL) (GRANTING CONSENT):

	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</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. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a>.</p>
<b>3</b>	<b>SUSTAINABLE SOURCING OF MATERIALS</b>
	<p><b>SUSTAINABLE SOURCING OF MATERIALS:</b> Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</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 is a material consideration and has been taken into account as part of the assessment of these proposals.

Since March 2014 Planning Practice Guidance for England has been published online.

### **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, Consolidated with Alterations since 2011**

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS10 (Sustainable Design)

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

### **3. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

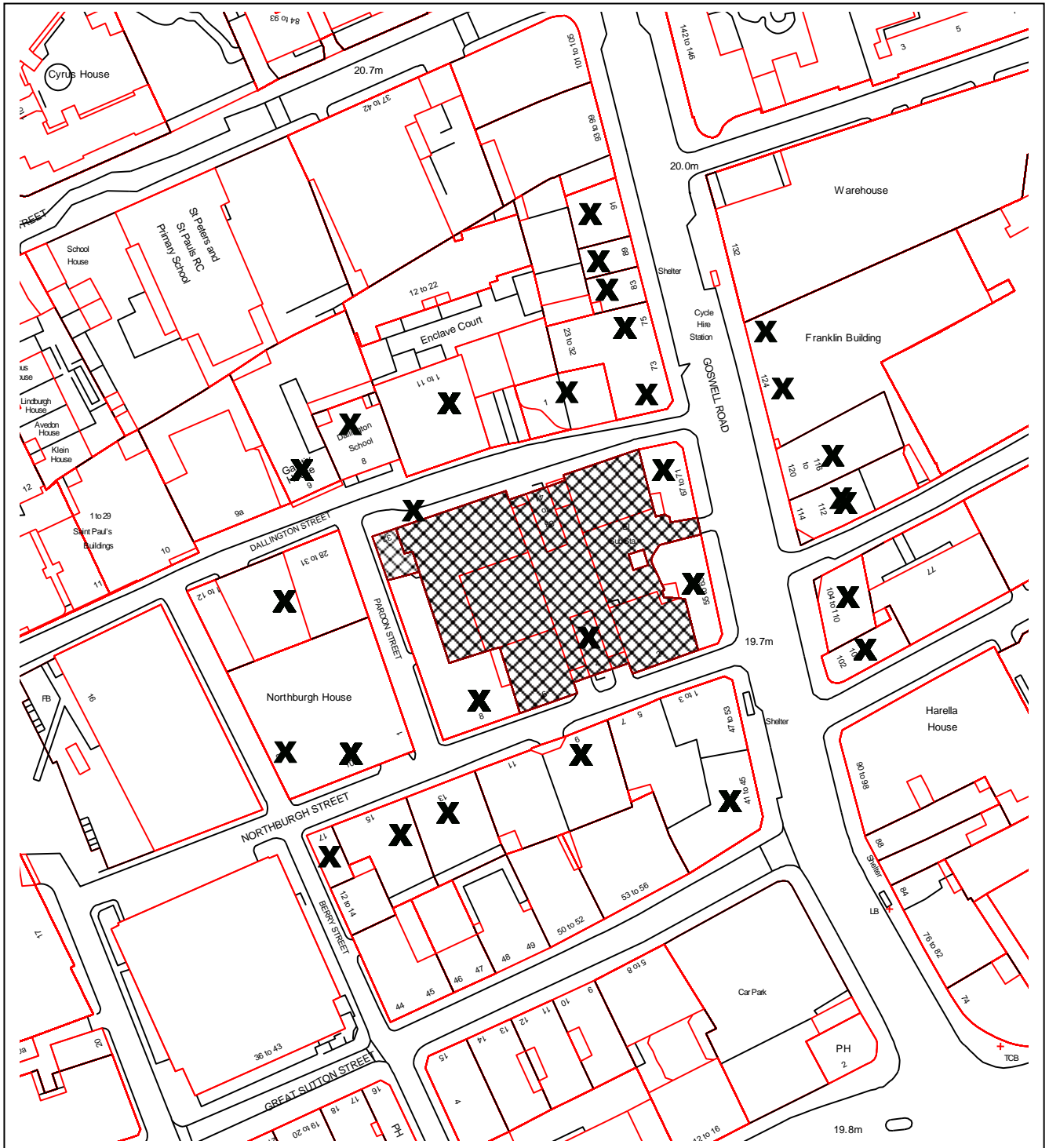
#### **Islington Local Plan**

- Conservation Area Design Guidelines
- Urban Design Guide
- Inclusive Design SPD

#### **London Plan**

- Accessible London: Achieving and Inclusive Environment

# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

PLANNING Committee SUB- A		Non Exempt
Date:	21 March 2017	
Application number	P2016/2862/FUL	
Application type	Full Planning Application	
Ward	St Mary	
Listed building	Unlisted	
Conservation area	<ul style="list-style-type: none"> <li>- Within 50m of Canonbury Conservation Area</li> <li>- Within 50m of Upper Street (North)Conservation Area</li> </ul>	
Development Plan Context	<ul style="list-style-type: none"> <li>- Highbury Corner &amp; Holloway Rd Core Strategy Key Areas</li> <li>- Local cycle routes</li> <li>- Strategic Cycle Route</li> <li>- Site within 100m of a SRN Road</li> <li>- Site within 100m of a TLRN Road</li> <li>- Within 50m of Canonbury Conservation Area</li> <li>- Within 50m of Upper Street (North)Conservation Area</li> <li>- Rail Land Ownership - TfL Surface</li> </ul>	
Licensing Implications	None	
Site Address	Canonbury Primary School, Canonbury Road, Islington, LONDON, N1 2UT	
Proposal	Redevelopment of existing external play area comprising the creation of a 3G artificial grass pitch (APG); installation of ball stop fencing and associated roof netting to the APG perimeter including installation of an artificial (flood) lighting system.	
Case Officer	Sandra Chivero	
Applicant	Mrs Tracie Gaspard-Kelchure Canonbury Primary School	

Agent	Mr Tom Betts - Surfacing Standards Ltd
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## 1. RECOMMENDATION

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

- The prior completion of a Directors' Service Level Agreement securing the heads of terms as set out in Appendix 1
- Conditions as recommended in Appendix 1.

## 2. SITE PLAN (site outlined in black)



## 3. PHOTOGRAPHS



Image 1: Aerial view of the school site



Image 2: Aerial view of the artificial pitch site

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the redevelopment of the existing play area to the north-western side of the school site comprising creation of a 3G artificial grass pitch (APG); installation of ball-stop fencing and associated roof netting to the APG perimeter including installation of an artificial (flood) lighting system. The proposal will create a play space which will provide improved on-site play space and amenity for the school and the local community.
- 4.2 Due to design and location the redeveloped play area and associated fencing, netting and pole mounted flood lights are considered not to harm the visual amenity and character of the surrounding area.
- 4.3 38 objections have been received relating to impact on residential properties along Colebrook Mews and Compton Road. The existing school buildings are between the pitch area and Colebrook Mews and would shield the residential properties on Colebrook Mews from the light from the flood lights and noise, and it is considered that these properties would not be significantly impacted upon in terms of light pollution and noise.
- 4.4 However, Dixon Clark Court located 10m away would directly overlook the pitch and there would be no buildings in-between to block the light from the floodlights or noise from the pitch. While the properties on Compton Road are located 30m away and are separated from the school by garages, the rear upper floor windows of these properties would also directly overlook the pitch and therefore would be no tall buildings in block the light from the floodlights or noise.



- 4.5 Following objections from neighbouring properties and the Public Protection Team, the applicant submitted an amended lighting report detailing the lighting scheme and predicted light levels at neighbouring residential properties including Dixon Clark Court, Compton Road and Colebrook Mews. A noise management plan has also been submitted assessing impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified impacts. The Council's Acoustic Officer has recommended conditions restricting hours of operation of the pitch and operation of floodlights. This is considered to address potential impact from the floodlighting and the potential adverse noise impact from the proposed ball pitch. A condition has also been attached requiring installation of anti-vibration washers to be fitted to every fence post and mesh panel fixing point and for the washers to be regularly checked, maintained and replaced.
- 4.6 Subject to conditions the proposal is considered not to prejudice the amenity of neighbouring residential properties in respect of noise disturbance and light pollution. The proposal is also not considered to have any material adverse impacts on adjoining residents' amenity levels in terms overshadowing, loss of light, over-dominance, increased sense of enclosure nor loss outlook.
- 4.7 Overall, the proposed development is acceptable with regards to the design and neighbour amenity and would be in accordance with relevant planning policy.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is occupied by a Victorian School building known as Canonbury Primary School and it is located on the north-eastern side of Canonbury Road close to Highbury Corner roundabout. The school building is not listed and it is not located within a conservation area. The immediate surrounding area is predominantly residential in character.
- 5.2 The school site incorporates tarmacked playspace to the northern part of the site and the main school building is located to the south of the site abutting the properties to Colebrooks Mews. The area where the subject play area lies abuts the carpark to Dixon Clark Court to the north and backs on to Canonbury Road to the west. The play area is separated from the properties along Colebrook Mews to the south by the main school building. To the east the play area is separated from properties along Compton Mews by garages.

## **6. PROPOSAL IN DETAIL**

- 6.1 The proposal is for the redevelopment of the existing external play area comprising the creation of a 3G artificial grass pitch (AGP) which will be 495sqm in area. Ball stop fencing will also be erected and associated roof netting to the pitch perimeter will be installed. An artificial (flood) lighting

system for usage within permitted hours of operation and these hours will be controlled by a photocell detector and timer switch to ensure that there is no detrimental material impact upon the amenity of neighbouring resident.

- 6.2 Surrounding the perimeter of the AGP would be 4m high open steel powder coated wire mesh fencing and an entrance gate coloured moss green. The floodlight system would comprise of four 6 metre high masts each mounted with one luminaire fitted with rear louvres to reduce light spillage beyond the perimeter of the AGP. The floodlights would be installed on each of the four corners of the pitch (one light on each corner).
- 6.3 The APG is for use by the school and would also be available for use by the local community outside of school hours. Community hours are from 16.00 Monday to Friday and weekends.

## 7. RELEVANT HISTORY

### Planning Applications

#### Land at Ringcross Estate South of Ringcross Estate Georges Road N7

- 7.1 March 2016: Planning permission (Ref. P2015/2190/FUL) Granted for Conversion of the fenced off greenspace fronting George's Road on Papworth Gardens Estate into a new ballcourt enclosed with a 4.5m high rebound fence subject to the operation hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays.

#### Land At Spa Green Estate, Ball Court Between Tunbridge House and Wells House, St John Street, EC1R

- 7.2 March 2016: Planning permission (Ref. P2015/3194/FUL) Granted for Alterations to existing multi use games area including resurfacing of games area, provision of new 3.57 metre fencing to outside of games area, alteration of the layout of games area, provision of new entrance into the games area and associated landscaping works (Council's Own Application). The permission is subject to the following operation hours: 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays.

#### New River College Lough Road London N7 8RH

- 7.3 October 2015 **Planning permission (Ref. P2015/1336/FUL)** Granted for External play space offering multi-sports use with internal access to and from the school via existing fencing and access to and from Lough Road. Improved access to Lough Road. Fencing and roof netting. Floodlighting and sports storage facilities. The permission is subject to the following operation hours: 09:00am to 18.00pm from Monday to Fridays only and not at all on Saturdays, Sundays or Bank Holidays

### Enforcement

- 7.4 None

## **Pre Application Advice**

7.5 None

## **8. CONSULTATION**

- 8.1 Letters were sent to occupants of total of 253 adjoining and nearby properties at Colebrook Mews; Babell House, Dixon Clark Court, Lewis House, Mustang House, Parnelli, Dorsey House – Canonbury Road; Compton Terrace, Edwards Cottages, Compton Road on 19 August 2016. A site notice and a press advert were displayed on 25 August 2016. The public consultation of the application therefore expired on 15 September 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Cllr Convery supports the scheme and the hours of operation proposed by the school.
- 8.3 At the time of the writing of this report 14 objections had been received from neighbouring properties. The issues raised are summarised as follows:
- Impact of lighting in dark and late times (Paragraph 10.8- 10.13)
  - Management of noise and use of pitch (Paragraph 10.8- 10.13)
  - Noise disturbance pitch and shouting (Paragraph 10.8- 10.13)
  - On-going noise complaints for similar use at other sites (Paragraph 10.7 - 10.13)
  - Hours of use (Paragraph 10.9 – 10.13)
  - Parking outside of school hours (Paragraph 10.14)
  - Other artificial football pitches are available in close proximity for community use (Paragraph 10.17)

### **Internal Consultees**

- 8.3 **Pollution Control:** The Acoustic Officer highlighted that there are a number of school sites in the borough (primarily William Tyndale School and Central Foundation Boys School) which have given rise to long running issues with private hire to five a side football groups. Current planning consented hours for William Tyndale School are between 08.00 and 21.00 on any weekday, between 09.00 and 18.00 on Saturdays and between 09.00 and 17.00 on Sundays and Bank Holidays. Central Foundation Boys School's permitted hours of operation are between 09.00 and 20.30 Monday to Friday and between 10.00 and 18.30 on Saturdays and not at all on Sundays or Bank Holidays. The proposed Canonbury School operating hours are proposed to be between 16.00 and 21.00 Mondays to Fridays and between 09.00 and 20.00 on Saturdays and Sundays (i.e. longer operating hours than the other two sites).
- 8.4 It was noted that most of the objections are from Colebeck Mews. The existing school buildings are between the pitch area and the Mews and there

would appear to be no direct line of sight. However, Dixon Clark Court directly overlooks the pitch and the fencing will not block the line of sight to or potential noise from the use of pitch. The neoprene washers fitted to the fencing can produce up to 8dB noise reduction but would not deal with the noise from shouting and bad language, whistles etc. which form part of on-going complains at sites like William Tyndale Primary School. The Acoustic Officer had raised concerns regarding the application only including some data on light spill but there was no formal assessment of lighting impact.

- 8.6 Additional information was submitted and updated comments received from the Acoustic Officer who is now satisfied with the amended lighting report submitted detailing the lighting scheme and predicted light levels at neighbouring residential properties as well as the amended noise management plan which assesses impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified impacts. Acoustic Officer however objects to the proposed long hours stated within the noise management plan and recommends operation hours in line with recent approvals.
- 8.7 **Section 106 (s106):** The s106 Manager stated that from a Section 106 perspective they would like more public access, but the more important issue is ensuring an acceptable MUGA. The S106 funding money won't be revoked if public access has to be reduced or eliminated from the proposal.

### **External Consultees**

- 8.8 **TFL** stated that:
- Cycle parking should be provided in a secure and convenient location to the new playspace for use by the community during out of school hours use (a condition has been attached requiring provision of secure and convenient cycle parking).
  - There should be no provision of car parking associated with the new space ( Addressed in paragraph )
  - Suitable construction management arrangements should be put in place to avoid disruption and safety of users on Canonbury Road, from which construction access is proposed. This should consider inter alia bus operations on Canonbury Road and the bus stop on the opposite side of the road to the site (A condition has been attached required the submission of a Construction Management Plan to be approved in writing by the Council prior to any development on site.
  - The hours of construction should be modified from the standard ones put forward in the application to avoid peak times and also school arrival and departure times. (The Construction Management Plan to include a Construction Phase Plan with modified hours of construction to avoid peak times and also school arrival and departure times).

## **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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2016 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.4 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Highbury Corner & Holloway Rd Core Strategy Key A
- Local cycle routes
- Strategic Cycle Route
- Site within 100m of a SRN Road
- Site within 100m of a TLRN Road
- Within 50m of Canonbury Conservation Area
- Within 50m of Upper Street (North) Conservation Area
- Rail Land Ownership - TfL Surface.

- 9.5 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:

- Design and Conservation
- Neighbouring Amenity – Noise and Light disturbance
- Transport

### **Design and Conservation**

- 10.2 The proposal is for the conversion of the existing external playspace into a multi games area comprising creation of a 3G artificial grass pitch (AGP) sized 30.00 metres x 16.50 metres. Ball-stop fencing and associated roof netting (4.0 metres in height) to the AGP perimeter will also be erected. An artificial (flood) lighting system will also be installed. The external space is located to the north eastern corner of the school site abutting the car park to Dixon Clark Court.
- 10.3 Due to design and appearance the proposed fencing to the new ball court located away from the street is considered not to detract from the surrounding area. The refurbishment works as well as the landscaping works are considered to enhance the appearance of the area and would create a more inviting and usable space for the school children and local community.
- 10.4 In terms of appearance the flood lighting columns would be viewed in the context of the existing buildings and are not considered to unacceptability affect the appearance of the locality.
- 10.5 Taken together, the proposals are considered to be acceptable and would not significantly harm the character and appearance of the area and the abutting Canonbury Conservation Area. The proposal is therefore considered to be in accordance with policy DM2.1 of the Development Management Policies 2013, CS8 and CS9 of the Core Strategy 2011.

### **Neighbouring Amenity**

- 10.6 A number of objections have been received relating to impact on residential properties along Colebrook Mews. The Mews is a 2/3 storey development. The existing school buildings are between the pitch area and the Mews would block the light from the floodlights and the noise from the pitch. It is therefore considered that these properties would not be significantly impacted upon.
- 10.7 Dixon Clark Court located 10m away would directly overlook the pitch and there would be no buildings in-between to block the light from the floodlights or noise from the pitch. While the properties on Compton Road are located 30m and are separated from the school by garages, the rear upper floor windows of these properties would also directly overlook the pitch and therefore would be no tall buildings in block the light from the floodlights or noise. The 4 metre high fencing around the pitch is specified as being fitted with neoprene washers to reduce the vibration and rattle noise of the fence as the ball hits it. These can produce up to 8dB reduction. It is acknowledged that these will not deal with the noise from shouting and bad language, whistles etc which can form part of complaints.
- 10.8 Concerns were raised that the application only includes some data relating to light spill with no formal assessment of lighting impact. During the course of the application, the applicant submitted an amended lighting report detailing

the lighting scheme that predicted light levels at neighbouring residential properties. A noise management plan has also been submitted assessing impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified potential impacts. These reports are considered to address potential impact from the floodlighting and ways to mitigate potential adverse noise from the use of the ball pitch. However, the Acoustic Officer's concerns regarding the hours of operation remain.

- 10.9 The current application seeks permission for the following extended hours to also include an element of private hire for use of the ball pitch (similar to the existing MUGAs at other sites):

Term Time

*School Core Time: Monday to Friday 08:00 – 18:00*

*Community Use: Monday to Friday 18:00 – 21:00*

*Saturday and Sunday 09:00 – 19:00*

School Holiday

*Community Use: Monday to Friday 08:00 – 20:00*

*Saturday and Sunday 09:00 – 19:00*

- 10.10 The school wanted longer hours than those suggested as acceptable by the Acoustic Officer, given the requirement to provide for community use to enable the school to access s106 funding. However, the s106 Manager stated that from a s106 perspective they would like enhanced public access but the more important issue is ensuring the pitch is acceptable. It has also been confirmed that the funding money would not be revoked if public access is reduced or eliminated from the proposal.
- 10.11 However, given the complaints relating to noise disturbance from the use of MUGAs at other schools, the surrounding residential nature of the location of the Canonbury School site and the associated objection from the Acoustic Officer, the extended opening hours are considered inappropriate at this location. Conditions have therefore been attached restricting hours of operation of the pitch and the operation of the associated floodlights to 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays. These hours would be in line with recent permissions for MUGAs by the both planning sub-committee A and B (Please see history section).
- 10.12 A condition has been attached to the current application requiring the submission of a management scheme. This is to ensure that the operation of the ball pitch is adequately managed and safeguard the residential amenity to neighbouring properties.

10.13 Subject to conditions the proposal is considered not to prejudice the amenity of neighbouring residential properties in respect noise disturbance and light pollution. The proposal is also not considered to have any material adverse impacts on adjoining residents' amenity levels in terms overshadowing, loss of light, over-dominance, increased sense of enclosure nor loss outlook. The proposal would therefore accord with policy DM2.1 which seeks to safeguard the amenity of residential properties

### **Transport**

10.14 Concerns have been raised regarding parking outside of school hours. The proposal does not involve provision of parking in accordance with policy DM8.5 of the Development Management Policy. Whilst concerns has been raised regarding pressure on local parking provision outside of school hours the surrounding roads are subject to parking controls in the form of resident's permits, pay and display bays and road markings. Due to this, the limited hours of operation and the high levels of public accessibility at site, the proposal would not result in additional stress on the local highway and parking network.

### **Other Issues**

10.15 It is stated that there is other artificial football pitches available in close proximity for community use as for example William Tyndale Primary School. The school has stated that they have received s106 funding money which is tied into providing improved play space for the school children and the local community.

### **Directors' Service Level Agreement**

10.16 The new sports pitch would be subject to a Community Use and Management Agreement to ensure that the space is suitably managed. This safeguard would protect neighbour amenity, and secure the long term use at an appropriate intensity. This is approved by a Directors' Agreement which operates in a similar way to a section 106 legal agreement.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 The redevelopment of the playspace to create a 3G artificial grass pitch (APG); installation of ball stop fencing and associated roof netting to the APG perimeter including installation of an artificial (flood) lighting system is considered acceptable in principle. The proposed works are considered to be acceptable in terms of design and appearance.

11.2 In order to minimise impact light and noise disturbance, conditions have been attached restricting hours of operation of the pitch and operation of the



floodlights, requirement to submit a lighting scheme assessment before any development take place and requirement to submit a management scheme.

- 11.3 Overall, the proposal is not considered to result in any significant impacts on residential amenity in terms of light pollution, safety and noise and disturbance. The proposed development would therefore not harm the residential amenities enjoyed by the occupiers of neighbouring properties.
- 11.4 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 as such is recommended for an approval subject to appropriate conditions

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Directors' Service Level Agreement between the Director of Children's Services and the Director of Environment and Regeneration to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development/Head of Service – Development Management or in their absence the Deputy Head of Service:

1. A Community Use and Management Agreement to ensure suitable management and community use.

### RECOMMENDATION B

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

#### List of Conditions

<b>1</b>	<b>Commencement</b> CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  Site Location Plan – 2080 01 00, 2080 02 00, 2080 03 00, 2080 04 00, 2080 05 00, 2080 06 00, 2080 07 00, 2080 08 00, 2080 09 00; Floodlighting Performance Results Rev.1 – 12-01-2017, Optivision Luminaire, Optivision Louvre, ILP 2011 (Guidance Notes for the Reduction of Obtrusive Light GN01:2011), Proposed Materials and Appearance, Noise Management Plan dated 24 February 2017  REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Materials</b> CONDITION: The development shall be constructed in accordance with the schedule of materials noted in part 9 of the application form and as shown on the approved drawings. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

	<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>
<b>4</b>	<b>Hours of Operation</b>
	<p>CONDITION: The proposed all-weather football pitch shall operate only between the hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>5</b>	<b>Floodlights</b>
	<p>CONDITION: The floodlights shall only be switched on between the hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays. Usage within these hours shall be controlled by a photocell detector and timer switch.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>6</b>	<b>Lighting Scheme</b>
	<p>CONDITION: Artificial lighting shall be installed as per the lighting scheme set out in the Surfacing Standards Ltd report Floodlighting Performance Results Ref. A – 12 January 2017. The floodlighting shall be regularly checked and maintained to avoid light spill. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>7</b>	<b>Management Scheme</b>
	<p>CONDITION: A management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the sports pitch hereby approved and the use of the pitch shall be as set out in the management scheme permanently thereafter unless agreed to in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>8</b>	<b>Anti-Vibration Fencing</b>
	<p>CONDITION: Neoprene anti-vibration washers are to be fitted to every fence post and mesh panel fixing point before first use of the pitch and shall be retained thereafter. The washers are to be regularly checked, maintained and replaced when necessary in order to ensure their proper operation. The pitch shall not be used for ball sports without the washers</p>

	<p>in place.</p> <p>REASON: In order to ensure that existing residential amenity is maintained.</p>
<b>9</b>	<p><b>Construction Method Plan</b></p> <p>CONDITION: No development works shall take place on site unless and until a Construction Method Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The CMP should include details on the access, parking, and traffic management and delivery arrangement throughout the construction phase of the development. This should include:</p> <ul style="list-style-type: none"> <li>a) identification of construction vehicle routes</li> <li>b) how construction related traffic would turn into and exit the site (including appropriate traffic management)</li> <li>c) the method of demolition and removal of material from the site</li> <li>d) the parking of vehicles of site operatives and visitors</li> <li>e) loading and unloading of plant and materials</li> <li>f) storage of plant and materials used in constructing the development</li> <li>g) the erection and maintenance of security hoarding</li> <li>h) wheel washing facilities where applicable</li> <li>i) measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition</li> <li>j) construction works and</li> <li>k) Construction Phase Plan which includes details of length and times of the works including demolition. The hours of construction should be modified from the standard ones put forward in the application to avoid peak times and also school arrival and departure times.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change from 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.</p>
<b>10</b>	<p><b>Cycle Parking Provision (Details)</b></p> <p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be secure and provide for no less than 2 cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p>

	REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
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**List of Informatives:**

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

**APPENDIX 2: RELEVANT POLICIES**

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

**1 National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations 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 2016 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 2016 - Spatial Development Strategy for Greater London**

**Context and strategy**

Policy 1.1 (Delivering the strategic vision and objectives for London)

**London’s people**

Policy 3.18 Education facilities

Policy 3.19 Sports Facilities

## **London's living places and spaces**

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

### **B) Islington Core Strategy 2011**

Policy CS8 (Enhancing Islington's Character)

Policy CS9 (Protecting and Enhancing Islington's built and historic environment)

### **C) Development Management Policies June 2013**

Policy DM 2.1 (Design)

Policy DM2.2 Inclusive Design

Policy DM4.12 Social and Strategic infrastructure and cultural facilities

Policy DM 6.1 (Healthy Development)

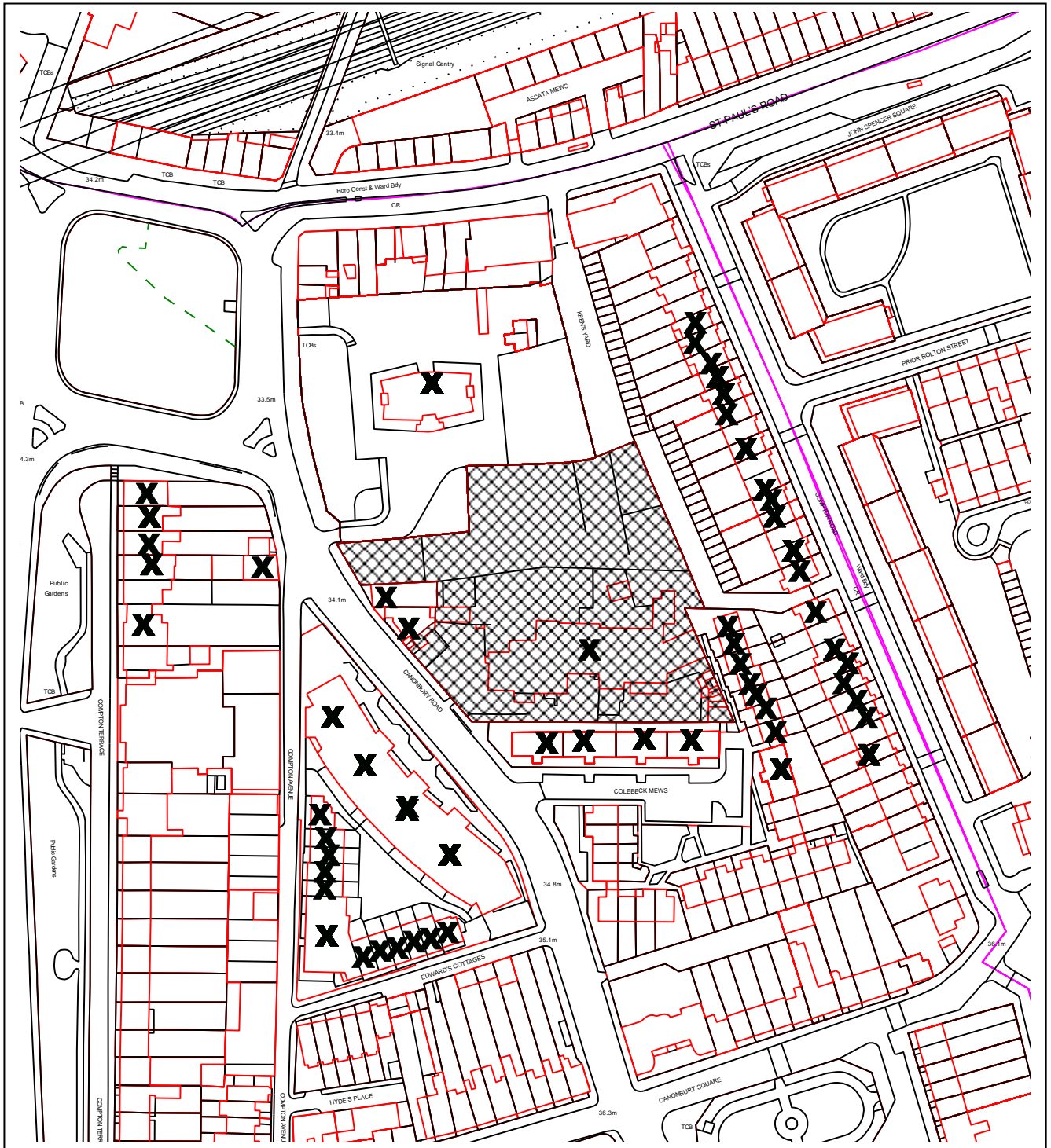
Policy DM 6.4 (Sport and Recreation)

### **3. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Islington Urban Design Guide 2017

# Islington SE GIS Print Template



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P2016/2862/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration

Application number	P2015/0890/FUL
Application type	Full Planning (Council's Own)
Ward	Hillrise
Listed building	Not listed
Conservation area	Whitehall Park
Development Plan Context	N/A
Site Address	Hornsey Lane Estate - Caroline Martyn House, Enid Stacey House, Mary Mcarthur House and Keir Hardie House, Hazellville Road, London, N19
Proposal	Replacement of existing single glazed timber/plastic coated windows with double glazed UPVC windows.

Case Officer	David Nip
Applicant	Islington Council – Dennis Dyer
Agent	Mears Projects

### 1. RECOMMENDATION

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

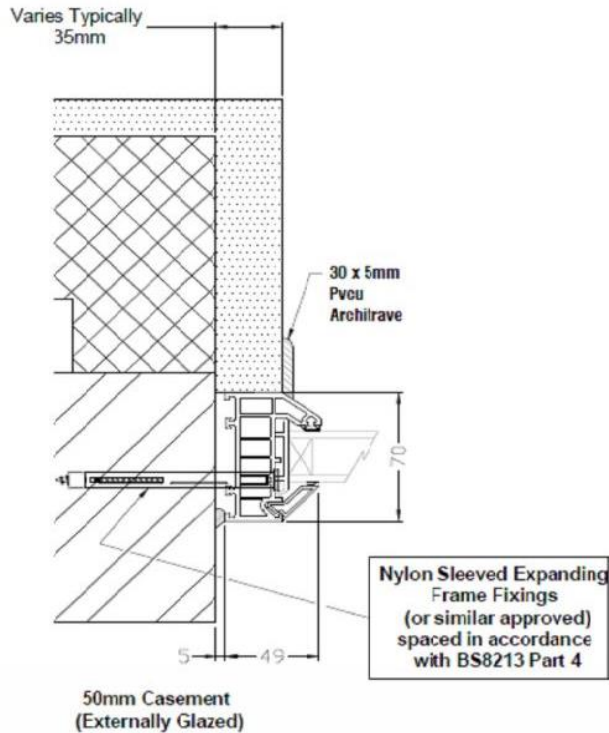
- Subject to the conditions set out in Appendix 2.

## **2. SUMMARY – ADDENDUM REPORT**

- 2.1 This application was previously discussed at Planning Sub Committee A on 8 Sept 2016. The application was deferred because of the excessive thickness of the proposed uPVC windows frame and lack of information on the fixing details.
- 2.2 Since the 8 September 2016 committee meeting, two further consultations have undertaken. The first re-consultation was carried out from 29 September 2016 and expired on 13 October 2016, the second re-consultation started on 21 December 2016 and finished on 5 January 2017, and one additional letter of support received. The re-consultations were carried out due to the additional details submitted regarding the window fixing details, and the slimmer window profile that address the Members' concerns.
- 2.3 For the avoidance of doubt, it is worth noting that the proposed replacement windows are:
- Caroline Martyn House – south and east elevations
  - Enid Stacey House – north and west elevations
  - Mary Mcarthur House – north elevation
  - Keir Hardie House – south and west elevations

None of the above elevations are fronting the public streetscene on Hazellville Road or Hornsey Lane.

- 2.4 In terms of the window thickness, the Eurocell windows are 50mm (shown on sections 'D-D', 'E-E' and 'F-F') and 60mm (for tilt and turn windows, shown on sections 'A-A', 'B-B' and 'C-C'), which are slightly slimmer than the REHAU units as previously proposed (62mm – 67mm).
- 2.5 The window fixing details have been provided on drawing HLE/01 Sheet 2 to show how the window frames will be affixed to the openings:



- 2.6 Due to the change of the window frame thickness, the sash windows will be internally glazed, and the window frames with fixed light casement will be externally glazed with beading on the exterior (same as the existing windows on site). This is due to the fact that the internal openings are narrower than the external (shown on the existing windows drawing) and therefore externally applied glazing is required for the thinner 50mm window profile.
- 2.7 It is considered that the new profile with the reduced thickness would be an improvement compared to the originally proposed REHAU profile, the proposed Eurocell windows would have an acceptable impact towards the design and appearance of the buildings on site.
- 2.8 The proposed windows would be double glazed and would significantly improve the thermal efficiency of the residential units, as the current windows are single glazed and with poor thermal efficiency.
- 2.9 The original report is attached at appendix 1 and the revised proposal is considered acceptable as the proposed new window profile would improve the appearance and fenestration design of the building.

### 3. CONCLUSION

- 3.1 It is recommended that planning permission be granted subject to the conditions as set out in Appendix 2 - RECOMMENDATIONS.
- 3.2 Condition 2 (Approved Plans) has been amended to reflect the latest submitted drawings and details.

## Appendix 1 – Committee Report 08 September 2016

### PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	8 <sup>th</sup> September 2016	<b>NON-EXEMPT</b>	

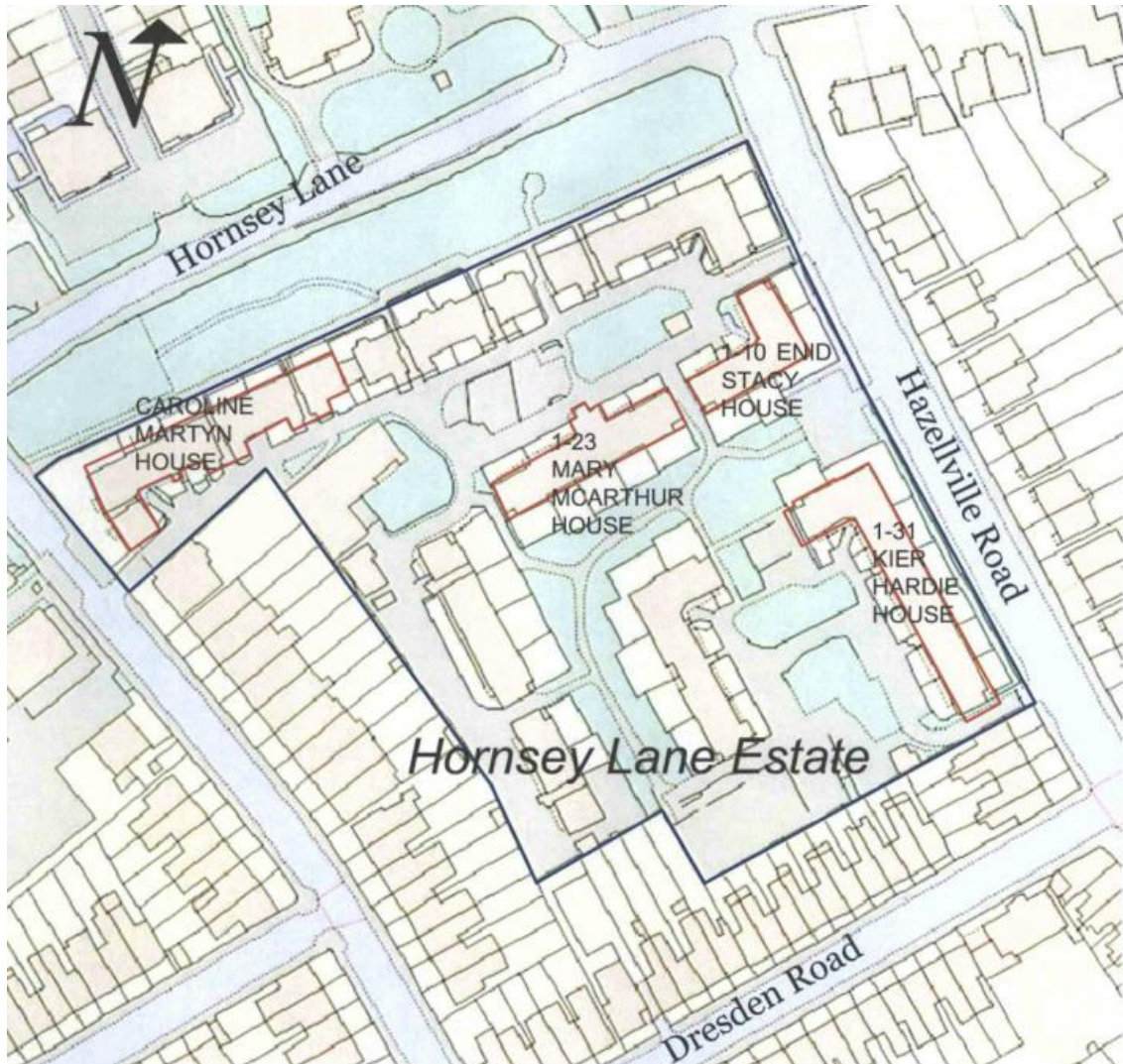
Application number	P2015/0890/FUL
Application type	Full Planning (Council's Own)
Ward	Hillrise
Listed building	Not listed
Conservation area	Whitehall Park
Development Plan Context	N/A
Site Address	Hornsey Lane Estate - Caroline Martyn House, Enid Stacey House, Mary Mcarthur House and Keir Hardie House, Hazellville Road, London, N19
Proposal	Replacement of existing single glazed timber/plastic coated windows with double glazed UPVC windows.

Case Officer	David Nip
Applicant	Islington Council – Dennis Dyer
Agent	Mears Projects

#### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the condition set out in Appendix 2.

2 SITE PLAN (SITE OUTLINED IN BLACK)



### 3 PHOTOS OF SITE/STREET

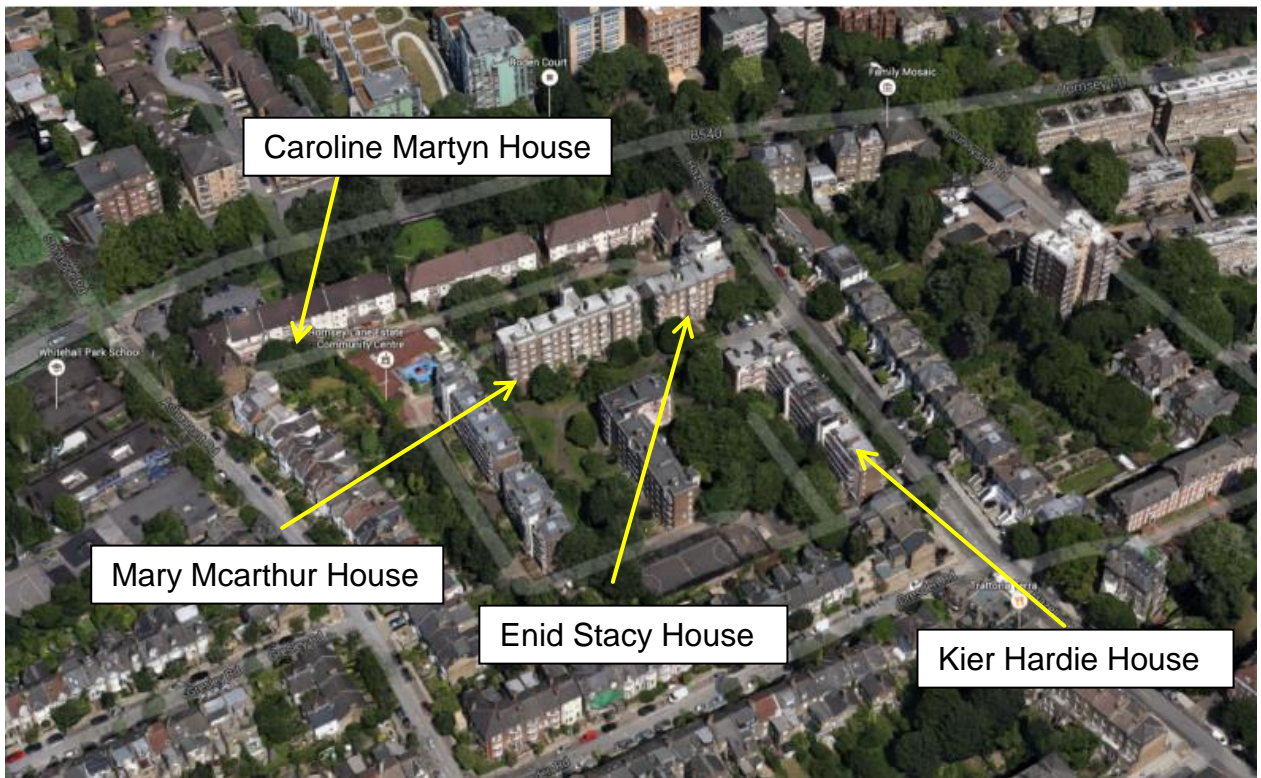


Image 1: Aerial image of Hornsey Lane Estate.



Image 2: West (rear/courtyard) elevation of Kier Hardie House.



Image 3: North (courtyard) elevation of Enid Stacy House.



Image 4: West (courtyard) elevation of Enid Stacy House.



Image 5: North (courtyard) elevation of Mary McArthur House.





Image 6. North (courtyard) elevation of Mary Mcarthur House.



Image 7: South and East elevations of Caroline Martyn House.



Image 8: South (rear) elevation of Caroline Martyn House.

#### **4 SUMMARY**

- 4.1 The application seeks planning permission for the replacement of existing uPVC clad timber windows with double glazed uPVC windows. The application relates to four residential blocks situated within the Hornsey Lane Estate; namely Nos. 1-31 Kier Hardie House, 1-10 Enid Stacy House, 1-23 Mary McArthur House and 1-21 Caroline Martin House. The estate forms part of the Whitehall Park Conservation Area. The building elevations which front the highway (except Mary McArthur House) have original timber windows. However, the rear elevations which face internal courtyards have a degree of variation, with timber, uPVC and uPVC clad timber framed windows in the wider estate. Over time this has deteriorated the uniformity of the rear elevations of the buildings. It is noted that planning permission was granted for the replacement uPVC windows in the past to three of the blocks within the estate (Bruce Glasier House, John Wheatley House, and Margaret McMillan House).
- 4.2 The proposal affects the rear elevations of the blocks. Although there would be some harm caused to the appearance of the buildings by the new REHAU uPVC units, it is considered that given the existing appearance of the buildings, their location to the rear of the blocks, and the lack of consistency in materials of the existing windows, the proposed alterations and replacement windows would provide a more uniform appearance to the rear and side elevations of the four blocks in question. The proposal would not cause substantial harm to the streetscene and wider Conservation Area.
- 4.3 It is also considered that the proposed uPVC windows and the provision of double glazing would improve the sustainability and thermal efficiency of the residential units. As such the proposal is considered acceptable and recommended for approval subject to conditions.

#### **5 SITE AND SURROUNDING**

- 5.1 The application site is situated on the southern side of Hornsey Lane; it comprises a number of low rise blocks known as Hornsey Lane Estate. The estate was built in the 1930s and forms part of the Whitehall Park Conservation Area within the Hillrise Ward. The area includes a variety of residential properties with differing architectural qualities and styles, with some late Victorian properties located on the Hazellville Road.
- 5.2 A total of 85 properties are situated within these four buildings. The design and architectural features of the buildings are varied:
- **1-31 Kier Hardie House** and **1-10 Enid Stacy House** are two five storey buildings fronting Hazelville Road. Only the courtyard elevations are subject to this application, the east elevations which front Hazelville Road are not subject to change and the timber windows would be repaired or retained.

- **1-23 Mary McArthur House** is a five storey building which is situated in the middle of the Estate, away from Hornsey Lane and Hazellville Road. The proposed replacement windows are located on the north elevation.
- **1-21 Caroline Martyn House** is a three storey building which is situated on the corner of Hornsey Lane and Ashmount Road. The front (north) and side (west) elevation of Caroline Martyn House would not be affected by this application, only the rear elevations are subject to change.

## **6 Proposal (in Detail)**

- 6.1 The application seeks planning permission for the installation of uPVC double glazed windows to replace existing windows to four of the blocks within the Hornsey Lane Estate. The elevations which front the public highway (Hazellville Road, Hornsey Lane and Ashmount Road) are not subject to this application.
- 6.2 The application was revised in June 2016 to revise the proposed window profile and the elevation treatment. The thickness of the frames and design of the uPVC materials have been discussed extensively and alternative options were explored. The latest proposal comprises a flush window profile, rather than a chamfered profile in an attempt to reduce the visual impact caused by the new uPVC windows.
- 6.3 Further information has been submitted in relation to the proposed REHAU window system in June 2016, with regard to its use of recyclable uPVC profiles and its sustainability performances.

## **7. RELEVANT HISTORY**

### **Planning Applications:**

- 7.1 **P060137 33-53 Kier Hardie House & 1-23 Mart McArthur House** - Replacement of windows and doors with new double glazed sealed units. Frames to be constructed from timber. **(Approved 17/05/2006)**
- 7.2 **P061540 Bruce Glasier House, John Wheatley House** - Replacement of PVCU clad timber windows with double glazed UPVC windows in Bruce Glasier House and John Wheatley House. **(Approved 25/01/2007)**
- 7.3 **P062298 Margaret Mcmillan House** - Replacement of existing PVCU clad timber windows with double glazed white UPVC windows to rear. **(Approved 14/03/2007)**
- 7.4 **P2014/3189/FUL Nos. 4, 9, 10-37 Legion Close, London, N1 1PJ** - Replacement of existing single glazed timber windows with UPVC double glazed windows. **(Approved 14/10/2015)**

### **Enforcement:**

- 7.5 None Relevant.

## 8 CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants at 246 adjoining and nearby properties on the 10/03/2015. A site notice was also displayed and press advert was also published in local paper. Following amendment to the drawings, further consultations were carried out on 26/02/2016 and 15/06/2016 respectively and the consultation therefore expired on the 14/07/2016. In total, 6 letters of objection and 1 letter of support have been received. The following issues were raised (and paragraph numbers responding to the issues are included in brackets).

8.2 Objections:

- The proposed uPVC units would replace wooden framed windows on site; the previous replacement uPVC windows have negatively affected the appearance of the buildings and the surrounding estates. The proposal would cause visual harm to the appearance of the buildings and the surrounding conservation area, and would be contrary to the Whitehall Park CA Guidance; (para. 10.2 - 10.6)
- The proposed uPVC is not a sustainable material; replacement with timber windows would be more cost effective in long term; (para. 10.7 – 10.8)
- The proposed windows, due to the increasing thickness of frames, would reduce the amount of sunlight reached into the interior of the flats; (para. 10.9)
- No obscure glazing for the windows serving bathrooms and toilets; (para. 10.9)
- There was a window missing on the proposed elevation of Mary McArthur House; (**Officer Note:** *drawing has been corrected and re-consultation has been carried out on 15/06/2016*)
- The proposal consists of blank uPVC panels; (**Officer Note:** *uPVC panels have been replaced by obscure film with glazing, re-consultation has been carried out on 15/06/2016*)

8.3 Support:

- The proposed uPVC windows would require less maintenance and would have a longer lifespan;
- The proposed windows would provide better thermal insulation, which will improve energy efficiency;
- The replacement uPVC windows would be cheaper than replacement wooden windows;
- The proposed windows would have a lower carbon footprint as uPVC is recyclable, it would have minimal impact on fossil fuels in comparison to other materials.

### Internal Consultees

- 8.4 **Design & Conservation:** The proposed replacement of the existing uPVC coated timber windows with new uPVC windows is considered acceptable in principle in this case as the windows are to the rear and only the windows that are already uPVC coated will be replaced. Existing timber windows are to be retained and repaired where necessary.

#### **External Consultees**

- 8.5 None.

### **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 relevant development plan policies and 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**

- 9.4 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 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)**

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

### **10 ASSESSMENT**

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

- Impact on the character and appearance of the existing buildings and the Conservation Area
- Sustainability

#### **Design and Conservation**

- 10.2 The estate subject to this application has undergone a number of repairs and improvement works in the past. There were two planning permissions at the site which were approved for replacement uPVC windows and doors to be installed on Bruce Glasier House, John Wheatley House (P061540) and Margaret McMillan House (P062298). Also, it was observed that uPVC or uPVC coated windows have been installed on the blocks without planning consent to individual units by occupiers. The existing fenestration comprises a variation of timber and uPVC windows. The elevations which front the public highways all contain timber windows of original form; however, the rear and courtyard elevations are dominated by uPVC windows.
- 10.3 The submitted plans details that the proposed window profile would have slightly thicker frames than the existing uPVC windows at the site. However, the proposed windows would have a flush profile, not chamfered, which would ameliorate some of the visual impact caused by the proposal by reducing their visual bulk. A sample was also provided to officers. A compliance condition is recommended requiring the materials to be consistent with the details provided in this application.
- 10.4 As set out above, some of the properties within the estate have already altered the window frames from the original timber frames to either uPVC or uPVC coated frames. The proposed replacement works would achieve a more consistent and uniform fenestration design, it is considered that this would also improve the appearance of the buildings and the Estate as a whole. Overall, it is considered that the proposal would not have undue harm on the architectural integrity of the existing building.
- 10.5 The proposed replacement windows would largely not be visible from the streetscene and would have a limited effect towards the visual amenity of the wider conservation area. Compared to the surrounding terrace and semi-detached properties, the estate is set in its own context. The Whitehall Park Conservation Area Design Guidelines suggests that Victorian terraces shall retain their original appearance by using traditional materials. However, due to the specific circumstances of this case; it is considered that replacement uPVC material with the appropriate design would be acceptable as it would provide consistency to the blocks, and would not result in material harm to the setting of the conservation area to justify a refusal of planning permission.
- 10.6 Overall, it is considered that the proposed replacement windows would create a more uniform and consistent appearance to the rear elevations of the building. The proposed double glazed windows would not result in significant harm to the appearance of the building and the setting of the conservation area. The more prominent front elevations of the blocks still have timber windows which are not affected by this application. Having paid special attention to the desirability to preserve or enhance the character and appearance of the area, it is considered that the less than substantial harm caused to Conservation Area would not outweigh public benefits that would be gained by the proposal. It would therefore on balance comply with the NPPF, London Plan 2015, CS policies 8 & 9, DM policies DM2.1, DM2.3,

Islington's Urban Design Guidance 2006 and the Whitehall Park CA Guidance 2002.

### **Sustainability**

- 10.7 The proposed double glazed uPVC windows would improve the thermal efficiency of each unit thereby contributing to reducing energy usage. Whilst the proposed uPVC is not ideal due to its non-biodegradable nature, the applicant has indicated that the materials themselves can be recyclable in the future.
- 10.8 The applicant also indicates that the lifespan of the windows would be approximately 30 years and can be maintained as has been done recently, by the Council, on other estates in the borough including Legion Close within Barnsbury ward.

### **Other issues**

- 10.9 The representations received make reference to the impact on access to daylight and sunlight as a result of the proposal. According to the submitted plans, it is true that the frames would be slightly thicker than the existing single glazed uPVC coated windows, however, it is considered that due to the minimal loss in glazed area this would not be harmful to the occupiers. Concerns were also raised that obscure glazing should be used for bathroom windows, however, measures such as obscure glazing/films or curtains can be applied or installed to the windows at occupiers' preference, in order to adequately protect the privacy of the flats. It is considered that this can be achieved outside planning control.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed replacement windows would improve the appearance and provide more consistent fenestration for the elevations subject to this application. Having paid special attention to the desirability to the location of the site within a conservation area it is considered that the proposed replacement windows would not cause significant harm to the buildings and would preserve the character and appearance of the Whitehall Park Conservation Area. The proposed double glazed uPVC units would also improve the sustainability and thermal efficiency of the residential units on site.
- 11.2 The proposed development is acceptable and on balance would not result in unacceptable harm to the application site or the Whitehall Park Conservation Area. It would improve the overall sustainability of the buildings and would therefore be in accordance to the Council's Development Management policies DM2.1, DM2.3 and DM7.2.

### **Conclusion**

11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION A.

## APPENDIX 2 – RECOMMENDATIONS

### RECOMMENDATION A

That the Committee resolve to GRANT planning permission subject to conditions to secure the following:

#### List of Conditions:

<b>1</b>	<p><b>Commencement</b></p> <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>
<b>2</b>	<p><b>Approved Plans</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[KHH013 rev.002, KHH014 rev.005, MMAH012 rev.005, CHM011 rev.005, CMH012 rev.004, ESH012 rev.005, ESH021 rev.005, WDS 001 rev.001, WDS002 rev.001, Window Comparison rev.001, --/HLE/01]</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Materials</b></p> <p>MATERIALS (COMPLIANCE) CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the submitted plans, the window material hereby approved shall be REHAU Total 70 Intermediate (62mm) Fully Reversible Sash. 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:**

<b>1</b>	<b>Positive Statement</b>
	<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 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>
<b>2</b>	<b>Building Control</b>
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: <a href="mailto:building.control@islington.gov.uk">building.control@islington.gov.uk</a></p>

## **APPENDIX 3: 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 1.1 Delivering the strategic vision and objectives for London

5 London's response to climate change

Policy 5.3 Sustainable design and construction

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

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

DM2.1 Design

DM2.3 Heritage

DM7.2 Energy Efficiency and carbon reduction in minor schemes

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

The following SPGs and/or SPDs are relevant:

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

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# Islington SE GIS Print Template



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P2015/0890/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration  
 Department

<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	21 March 2017	<b>Non-Exempt</b>

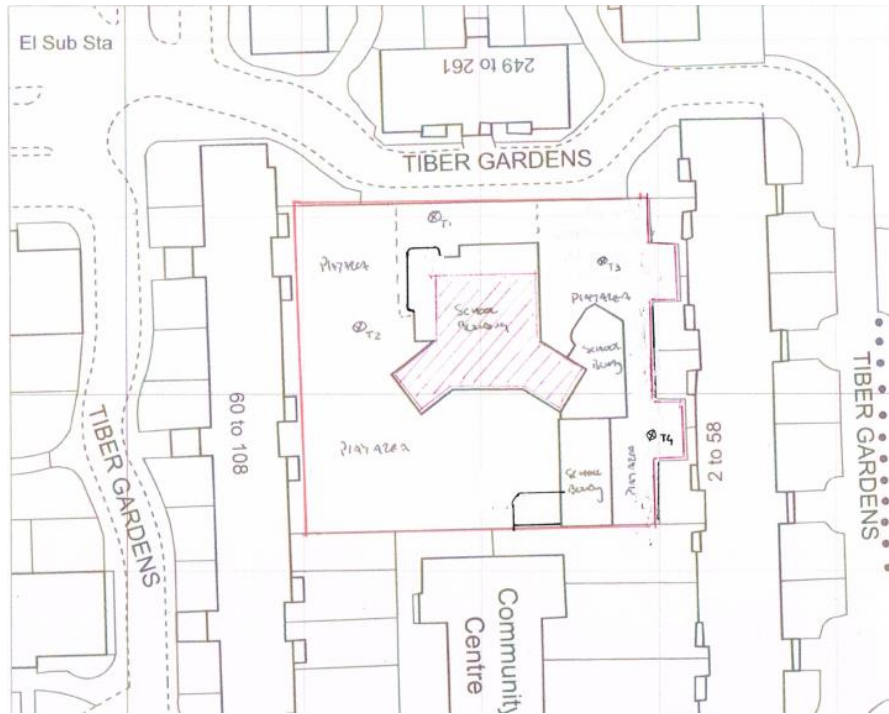
Application number	P2016/3709/FUL
Application type	Full Planning Application (Council's Own)
Ward	Caledonian Ward
Listed building	Building not Listed
Conservation area	Building not located within a conservation area
Development Plan Context	- Kings Cross Pentonville Key Area
Licensing Implications	None
Site Address	Kate Greenaway Nursery School, Treaty Street London N1 0UH
Proposal	Erection of 2 no. single storey rear extensions for use as a classroom and an office.

Case Officer	Sandra Chivero
Applicant	Mrs Fiona Godfrey
Agent	Alistair Oxley Green - Oxley Green Associates

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

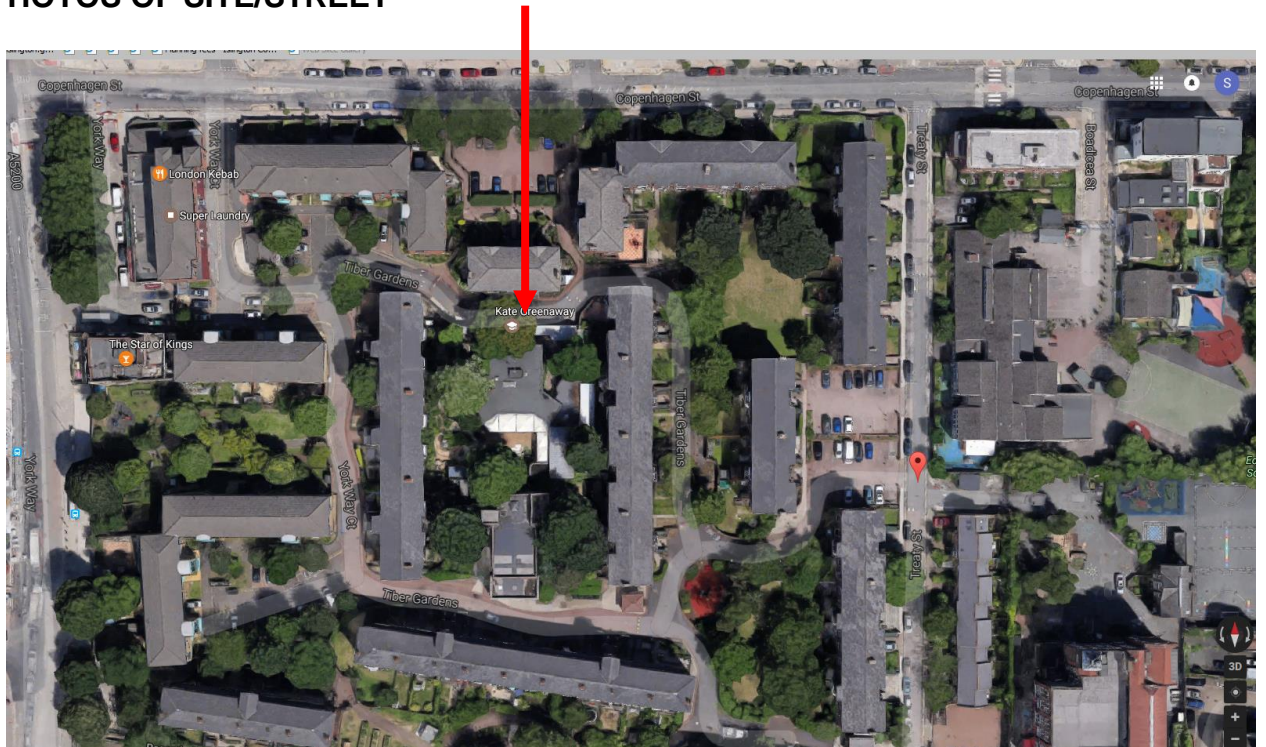


Image 1: Aerial view of application site





Image 2: Street view of application site.

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of 2 no. single storey extensions for use as a classroom and an office. The office extension would be located to the northern boundary adjacent the main entrance of the school in the location of the existing buggy storage, which will be reduced in size, and the classroom pod extension would infill an under used gap between the main school building and an existing extension to the east. The proposal is considered acceptable in design terms and would relate positively to the form and materials of other existing buildings on the school site.
- 4.2 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, increased sense of enclosure, overlooking or loss of light and balanced against the provision of an improved education facility it is considered acceptable.
- 4.3 The open space to be lost is a used gap between the main school building and extension to the east. The proposal would not result in loss of playground space or garden space.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is occupied by a flat roofed single storey modern building with various single storey additions. The buildings are in educational use as a primary school. The site is bounded by modern residential blocks to the east and west. The residential units are located in close proximity (within one 1m)

to the school site boundary. To the rear (south) the site backs on to the rear gardens of properties on Tiber Gardens and a Community Centre. The site fronts on to a road and directly opposite is a modern residential block which also forms a part of Tiber Gardens. The immediate surrounding area is predominantly residential in character.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 It is proposed to erect 2 no. single storey extensions for use as a classroom for 2 – 3 year olds and office space for staff. The office extension (8sqm) would be located to the northern boundary adjacent the main entrance in the place of the reduced buggy storage and hard landscaping. The classroom pod extension (23sqm) would infill a gap between the main building and an extension and would be built on a resin bounded path to the unused gap between the main school building and the existing extension to the east.
- 6.2 The school is proposing to increase the number of children by a maximum 27 pupils, up to 3 no. under 2 years, up to 8 no. 2-3 years, up to 16 no. 3-5 years as part of the funded 15 hours free schooling for 2-3 year olds and 30 hours free schooling for 3-5 year olds where the parents satisfy the requirement to earn below £99k to be entitled to funded places. The additional classroom will allow the under 2 year olds to move from their current existing classroom into the infill pod and this will free up a larger classroom for other school years to move in to which will result in a more efficient use of classroom space.
- 6.3 The resulting structures would be constructed of a timber frame with a flat roof and would be clad in vertical western red cedar boards to match the nursery school buildings. The doors and windows would be powder coated aluminium to match existing doors and windows to existing nursery school buildings.
- 6.4 The resulting extensions would create additional educational (D1 Use) floor space.

### **Revisions**

- 6.5 Revised drawings were received during the course of the application are as follows:
- Revised drawings nos. KGN – 4/1301, KGN – 1501, KGN – 1201, KGN – 2/1201 received on 28 February 2017 show the infill extension positioned to the south-eastern side of the site under the covered area omitted from the proposal. The revised drawings were not consulted on as they reduced the number of extensions proposed.

## **7. RELEVANT HISTORY:**

### **Planning Applications**

- 7.1 May 2013: Planning application Ref. P2013/0838/FUL Granted for Erection of 1 no. detached, single storey timber frame 8sqm garden room building to extend facilities in nursery school site.
- 7.2 June 2013: Planning application ref. P122319 Granted for Single storey extension to Kate Greenaway Nursery School.
- 7.3 February 2012: Planning application ref. P112677 Granted for Construction of a canopy to the play area on the eastern side of the application site.
- 7.4 November 2011: Planning application ref. P111858 Granted for Erection of a single storey extension.
- 7.5 October 2006: Planning application ref. P061342 Granted for New boundary fencing along eastern boundary onto rear of flats at 2-58 Tiber Gardens. Small extension to main nursery building. Erection of buggy stores and a single storey workshop along northern boundary of site fronting onto Tiber Gardens. Alterations to fence and boundary walls along northern frontage of site on Tiber Gardens.
- 7.6 May 2003: Planning application ref. P023092 Granted for Erection of single storey extension to nursery (140 sq.m.).
- 7.7 September 2002: Planning application ref. P021995 Granted for Erection of a canopy to the building and ancillary works. Applicants Plan Nos: BW141/01 (x2 - Existing and Proposed) Drawing no.1 and 2, Mr. Plastic specifications, Photos and site location plan.
- 7.8 December 1990: Planning application ref. 891495 Granted for Provision of landscaping works and new car parking (Phase 7 8 and 9)

#### **Enforcement**

- 7.9 None

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

- 7.10 It was advised that the additional storey which had felt may result in daylight/sunlight issues to neighbouring properties.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 169 adjoining and nearby properties at Copenhagen Street, Tiber Gardens and York Way, on 19 October 2016. Further letters were sent out on 26 October 2016 with the correct proposal. Site notices and press adverts were also displayed on each consultation. The public consultation of the application therefore expired on 24 November 2016,

however it is the Council's practice to continue to consider representations made up until the date of a decision. At the time of the writing of this report 4 objections and a petition had been received from the public with regard to the application. The issues raised are summarised as follows:

- Noise (Paragraph 10.12)
- Loss of privacy (Paragraph 10.10 – 10.13)
- Loss of light (Paragraph 10.10 – 10.13)
- Enclosure (Paragraph 10.12)
- Increased traffic (Paragraph 10.15 – 10.16)
- Encroachment on to neighbouring property gardens (Paragraph 10.10)
- Consultation prior to submission (Paragraph 10.17)
- Nursery should relocate (Paragraph 10.18)
- Cheaper to occupy empty space or build new spaces(Paragraph 10.18)
- Disturbance during building works (Paragraph 10.19)
- Proposal a precursor to future 2-storey expansion (Paragraph 10.20)

### **External Consultees**

8.2 **None**

### **Internal Consultees**

8.3 **Design and Conservation:** The Design and Conservation Officer does not object to the current proposals. It is stated that they are in line with the pre-application discussions and have removed the additional storey which had felt may result in daylight/sunlight issues to neighbouring properties. It is further stated that the design is in keeping with the existing school buildings and will provide much needed extra space for the nursery.

8.4 **Tree Officer:** The tree officer requires a Tree Survey or Impact Assessment for the site in relation to the previously proposed infill extension positioned to the south-eastern side of the site under the covered area. The Tree Officer advised that the removal of the protected tree (T4) without any overriding justification and/ or mitigation is contrary to policy DM6.5. This extension has now been omitted from the proposals.

## **9. RELEVANT 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 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

- 9.4 The Development Plan is comprised of the London Plan 2016 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 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 has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Kings Cross Pentonville Key Area

### **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
- Neighbouring Amenity
- Trees and Sustainability

### **Land-use**

- 10.2 The two extensions providing a total area of 31sqm would be permanent structures and their purpose is to create additional teaching space for the children and an office for the nursery. The nursery school need to create addition classroom space for 2-3 year olds and an office for the space. The classroom and office would be for use during school opening hours only.

- 10.3 The school is proposing to increase the number of children by a maximum of 27 pupils. It is stated that the number of children is based on OFSTED's Early years inspection handbook and the guidelines within. The additional classroom will allow the under 2 year olds to move from their current existing classroom into the infill pod, this will free up larger classrooms for the other year groups to move in to, for a more efficient use of class room space.
- 10.4 The proposed use of D1 floor space is compatible with the existing use of the school which is also in D1 Use and is supported in principle. Overall the proposal is considered to accord with Policy 3.18 of the London Plan 2016 which supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of the new pod classroom can be classified as the provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013.
- 10.5 The classroom pod extension would be positioned in the un-used gap between the main school building and the existing extension to the east. The office extension would be positioned in place of the reduced buggy storage. The school has confirmed that the proposal would not result in loss of playground space. The proposal would therefore not be in breach of separate guidance issued by the Department of Education about the loss of playing fields known as Section 77, by the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. A Section 77 application is therefore not required.

### **Design**

- 10.6 The proposed extensions are considered acceptable in terms of materials, bulk and appearance. The timber clad extensions would also be in keeping with the contemporary form and materials of the existing main nursery school building and extensions which also incorporate timber cladding.
- 10.7 The scale and massing of the proposed structures is considered to be appropriate within this context. The proposed extensions remain subordinate to the host building and the adjacent modern residential blocks to Tiber Gardens.
- 10.8 The proposed single storey extensions would not be prominent when viewed from the street. The proposal is therefore considered not to significantly harm the visual amenity of the surrounding area.
- 10.9 Overall the proposal would accord with policy DM2.1 Development Management of the Development Management policies (2013) which requires new development to respect and respond positively to existing building and wider context.

### **Neighbouring Amenity**

- 10.10 The proposed extensions would not be positioned adjacent to or directly facing habitable windows of neighbouring properties and they would be set away from neighbouring gardens.
- 10.11 The proposals, given its location, size and scale are considered not to result in overshadowing, overlooking, loss privacy, loss of light, over-dominance, increase sense of enclosure nor loss of outlook to neighbouring residential properties.
- 10.12 The proposed classroom and office are also not considered to result in unreasonable noise disturbance to the nearby residential properties. The classrooms and office are for use during school hours and are not for use out of school hours/ community use. The proposal also does not incorporate additional machinery plants for example air conditioning units.
- 10.13 Overall, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

### **Trees and Sustainability**

- 10.14 Concerns were raised regarding the removal of protected tree (T4) in order to erect an extension to the south-eastern side of the school building under the canopy. It was considered that the removal of the protected tree without any overriding justification and/or mitigation is contrary to policy DM6.5. The applicant provided amended drawings omitting this extension from the proposal. This is considered to address the concerns raised regarding loss of a protected tree.

### **Other Matters**

- 10.15 Concerns have been raised regarding increased traffic. As highlighted above the school proposes to increase the number of children by up to 27 pupils. The additional nursery places are to be offered to the local community and by the very nature of the school being local to the children, it is assumed that most children would be walked to school. In addition the school has staggered drop off times in the morning between 08.00 - 09.30 and staggered collection times between 15.30 – 18.00. Furthermore, the road in front of the school is a private road with a barrier blocking through traffic. The barrier is situated outside the block of flats numbered 2-58.
- 10.16 An informative has been attached to the application recommending the school to update its travel plan to accommodate the increase in the number of pupils and potential traffic impact to the surrounding area.
- 10.17 Concerns were also raised regarding inadequate consultation at the pre-application stage. The application is for two relatively small scale extensions and there is no statutory requirement to carry out a consultation prior to any formal submission. However, the current planning application has been fully consulted in line with statutory requirements.

- 10.18 Suggestions have been made for the nursery to relocate. It was also stated that it could be cheaper for the nursery to occupy an empty space or build a new space. This is not a material planning consideration and the application could not be refused for this reason.
- 10.19 Disturbances during building works are not a material planning consideration. The application therefore could not be refused for this reason. However, any disturbance during building works can be reported directly to the Public Protection Team.
- 10.20 Concerns were also raised regarding the proposal being a precursor to future two-storey expansion. The Council can only assess the works the application is formally seeking planning permission for. Any further submissions for other material alterations including a two storey expansion would be assessed on their own merit.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Due to the size, scale and design of the proposed extensions are considered appropriate in this context and would not be prominent from public views.
- 11.2 The proposed use of D1 floor space is compatible with the existing use of the school which is also in D1 Use and is supported in principle.
- 11.3 Given their size, scale and location away from habitable windows to neighbouring properties the new extensions would not result in any adverse impact on the amenity of nearby residents.
- 11.4 Overall, the proposal is considered to accord with relevant policies.

### **Conclusion**

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



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site plan, KGN 3/1201, KGN 3/1202, KGN 3/1203, KGN 3/1204, KGN 4/1301, KGN 4/1201, KGN 2/1201, KGN 4/1501; Design and Access Statement.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials to Match (Compliance)</b>
	<p>CONDITION: The facing materials of the extensions hereby approved shall match those as specified in the Design and Access Statement and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
<b>4</b>	<b>Access Ramp (Compliance)</b>
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall include:</p> <ul style="list-style-type: none"> <li>- Have a level or ramped approach</li> <li>- Have a landing 1500x1500mm clear of any door swing before them.</li> <li>- Be clearly identifiable</li> <li>- Have a level threshold</li> <li>- Provide a clear opening width of 1000mm</li> <li>- Have an opening weight of no more than 30N or be power operated</li> </ul>

	<p>These measures shall be fully installed prior to the first use of the classroom and office.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<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 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>
<b>2</b>	<b>Travel Plan</b>
	<p>INFORMATIVE: Please note that the school would be required to update its Travel Plan to accommodate the increase in the number of pupils attending the nursery and mitigate potential traffic impact to the surrounding area. For further details please contact the Travel Plan Officer directly on 0207 527 2513.</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 is a material consideration and has been taken into account as part of the assessment of these proposals.

Since March 2014 Planning Practice Guidance for England has been published online.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

##### **3. London's people**

Policy 3.18 Education facilities

##### **7 London's living places and spaces**

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS6 (Nag's Head and Upper Holloway Road)

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS10 (Sustainable Design)

#### **C) Development Management Policies June 2013**

## **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

## **Shops, Culture and Service**

**DM4.12** Social and Strategic infrastructure and cultural facilities

## **Health and open space**

**DM6.5** Landscaping, trees and biodiversity

**DM6.6** Floor prevention

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

The following SPGs and/or SPDs are relevant:

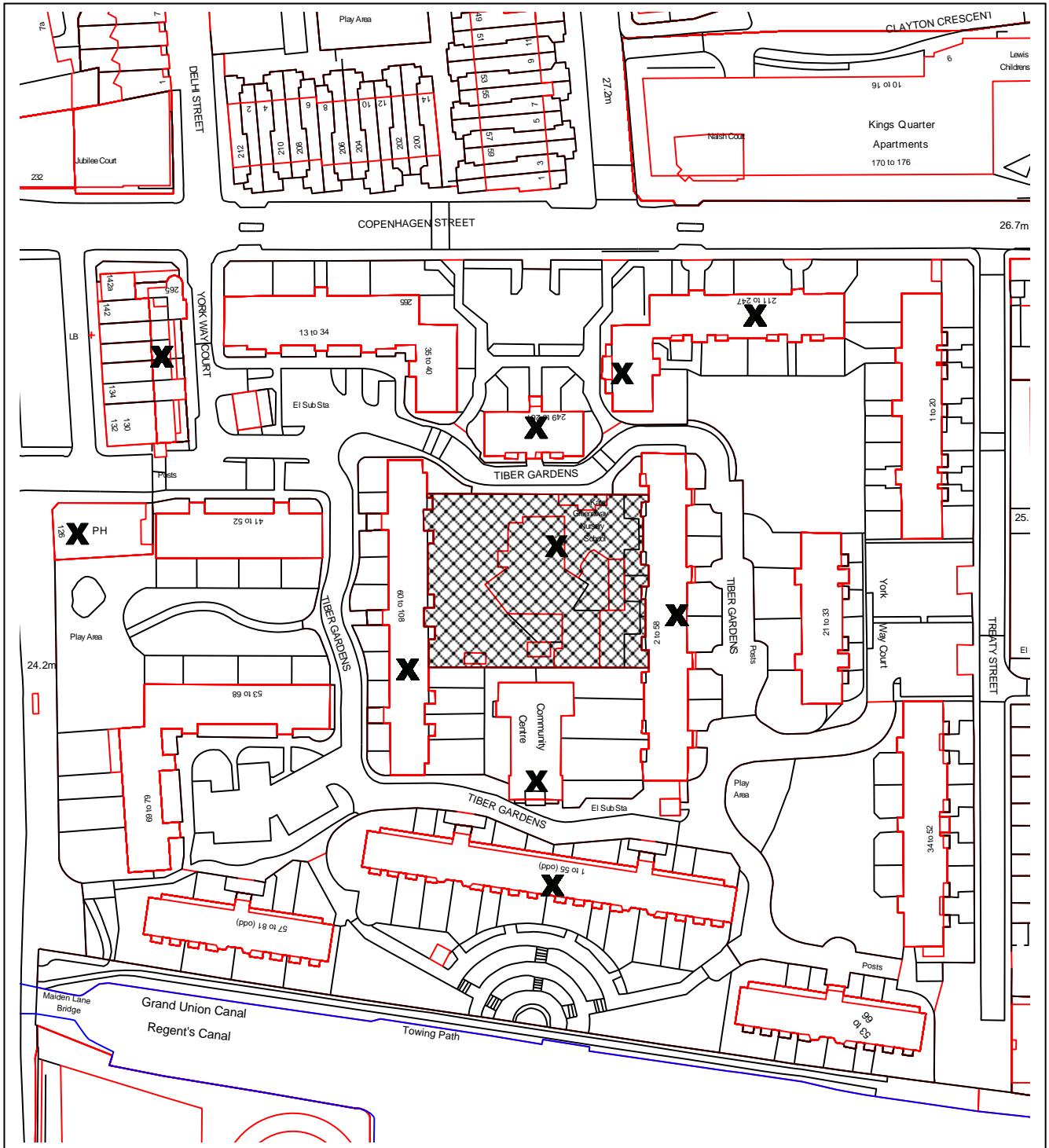
### **Islington Local Plan**

- Environmental Design
- Inclusive Landscape Design
- Urban Design Guide

### **London Plan**

- Accessible London: Achieving an Inclusive Environment
- Sustainable Design & Construction

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P2016-3709-FUL

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## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	21 <sup>st</sup> March 2017	NON-EXEMPT

Application numbers	P2015/3034/FUL
Application types	Full Planning Application
Ward	Tollington
Listed building	Unlisted
Conservation area	No
Development Plan Context	Cycle Routes (Local/Major)
Licensing Implications	None
Site Address	Land rear of 6 Shaftesbury Road, London, N19
Proposals	Demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1 x 2 bedroom/4 person and 1 x 3 bedroom/5 person, two storey single family dwellings at lower ground and upper ground floors levels with associated amenity space, lowering of land levels plus installation of bike and refuse storage.

Case Officer	Joe Aggar
Applicant	Mr Robert Gutstein
Agent	Create Design Ltd

### 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 – Frontage of No. 6 Shaftesbury Road with access to application site between No. 4 and 6 Shaftesbury Road





Image 2 – Aerial view of application site located to the rear of 6 Shaftesbury Road



Image 3 – view of access from Shaftesbury Road



Image 4 – view of front elevation and rear boundary to 6 Shaftesbury Road

#### **4 SUMMARY**

- 4.1 Planning permission is sought for the demolition of the existing vacant buildings (previously used as storage/workshop) and for the construction of a 1 x 2 bedroom/4 person and a 1 x 3 bedroom/5 person, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.
- 4.2 The application was reconsulted on the 31/03/2016 as the original site plan submitted with the application was incorrect. At this time updated information was requested and received relating to a new site plan, platform lift for access, marketing information for the disused site and daylight report relating to habitable lower ground floor rooms. A structural method statement was requested by officers in May 2016. Also at this time, the drawings of the neighbouring buildings were identified as incorrect. It was also advised to removed one of the bedrooms to 'house 2' and update the Design and Access Statement. An additional round of public consultation was undertaken on 28/11/2016 to notify neighbours of changes to the scheme and submission of structural method statement.
- 4.3 A total of 7 letters of objection have been received. Councillor Flora Williamson has also objected to the proposal on behalf of local residents.
- 4.4 The main issues arising from this proposal relate to land use, design and appearance, and potential impacts of the development on the amenity levels of adjoining occupiers and standard of accommodation for future occupiers of the proposed units.
- 4.5 This application is submitted following the withdrawal of planning application (ref: P2014/2550/FUL) following officer comments regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements, and pre-application ref: Q2015/1420/MIN which sought to address above officer concerns.
- 4.6 The demolition of the vacant storage/workshop buildings and introduction of residential use in this specific location, given the site constraints and close proximity of residential buildings, is appropriate. The creation of 2 x two-storey dwelling houses to this site is not considered to represent over-development and provides much needed family accommodation within the Borough.

- 4.7 The design, layout, scale and massing of the proposed development is considered acceptable. The application has been reduced in height compared to the previous withdrawn application, through the lowering of the ground levels and sinking the houses 1.5 metres below the existing land level. In addition, effort has been made to minimise impacts on surrounding occupiers.
- 4.8 The impact of the development on neighbours has been considered in detail. There is not considered to be any unacceptable loss of light, outlook or loss of privacy to warrant the refusal of the scheme.
- 4.9 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section H which identifies that all new development shall be car free.
- 4.10 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The application site comprises a parcel of land to the rear of 6 Shaftesbury Road which is a two-storey over basement residential property located on the southern side of Shaftesbury Road. The site is accessed via a passageway between No. 4 and 6 Shaftesbury Road.
- 5.2 The site is approximately 231sqm and presently consists of a vacant and dilapidated building. The existing building is in a state of disrepair and rises from single to two storeys in height, with a maximum height of approximately 5.7 metres. The storage/workshop building covers the majority of the site (approximately 183sqm).
- 5.3 The application site and surrounding use is predominantly residential in character and use. The site is not located within a designated conservation area and the existing buildings are not listed.

## **6 PROPOSAL (in Detail)**

- 6.1 Full planning permission is sought for demolition of the existing vacant buildings (previously used as storage/workshop) and construction of 1 x 2bedroom/4 person and 1 x 3 bedroom/5 person, two storey single family dwellings with associated amenity space, lowering of land levels plus installation of bike and refuse storage.
- 6.2 Amended drawings were submitted in relation to the scheme on 13/10/2016. In summary the amendments included:
- Changes to 'House 2' from 3 bedroom/5 person to 2 bedroom/4 person dwellinghouse.
  - Alterations to north facing window of House 1 to opaquely glazed
  - Structural Method Statement
  - Overshadowing report
  - New site plan to correctly outline application site
  - Inclusion of a platform lift to enable access to proposed residential units
  - Marketing Information in relation to the existing storage/workshop
- 6.3 Access to the site would be via a footpath between No. 4 and 6 Shaftesbury Road. As a result of excavation to lower the land level there is stepped access down to the proposed to the new dwellings with entrances located at lower ground floor. On request, a platform lift

between nos. 4 and 6 Shaftesbury Road has also been positioned to allow level access to the proposed units.

- 6.4 The proposed 1 x 2 bedroom/4 person and 1 x 3 bedroom/5 person units will be two storey in height but sunk by approximately 1.5 metres through the excavation of the existing site to the rear, resulting in a total building height of 4.2 metres above existing ground level at the site. The units will be contemporary in character and comprise flat green roofs.
- 6.5 Amenity space is provided in the form of lower ground floor courtyards to both properties. These would be 35sqm to House 1 and 19 sqm to House 2. Refuse and recycling is located to the frontage of the site.
- 6.6 The scheme currently being assessed is produced as a result of a pre-application and taking into consideration the reasons the previous application ref: P2014/2550/FUL was withdrawn in October 2014 and through the course of the assessment of the current application.
- 6.7 The application has been referred to Planning Sub-Committee A, due to the development being for the creation of 2 new residential dwellings and the level of objection from the public.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

- 7.1 **P2014/2250/FUL** - Demolition of existing shed building and erection of two semi-detached three bedroom dwelling houses. Withdrawn by agent on the 10/10/2014. The application was withdrawn following officer comments regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements.

#### **History at 6 Shaftesbury Road**

- 7.2 **P2014/4945/FUL** - Retention of full width basement extension and first and second storey half-width extension (to be finished in brick), excavation of front lightwell and rear garden, and conversion into one single dwelling, associated alterations external elevations of the house; new timber sash windows to rear elevation. Withdrawn on the 27/02/2015.
- 7.3 **P2014/4930/FUL** - Retention of full width basement extension and first floor half with rear extension to (removal of second floor half-width rear extension), removal of render to rear extension and finish in brick, excavation of front lightwell and rear garden, conversion into one single dwelling, associated alterations external elevations of the house. Withdrawn on the 27/02/2015.
- 7.4 **P2014/3505/FUL** - Retention of full width basement extension and first and second storey half-width extension finished in white render, excavation of front lightwell and rear garden, and conversion into one single dwelling, associated alterations external elevations of the house. Refused on the 23/10/2014. Appeal allowed with conditions 18/02/2015.

### **ENFORCEMENT**

- 7.5 **E/2014/0382** – Unauthorised operational development at 6 Shaftesbury Road.

### **PRE-APPLICATION ADVICE:**

- 7.6 **Q2015/1420/MIN** – Pre-application advice was sought following the withdrawn of planning application P2014/2250/FUL. The application was withdrawn following officer comments

regarding the unacceptable design and appearance (scale, bulk and materials) and unacceptable access arrangements. This pre-application presented an amended scheme to the Council addressing these concerns.

## **8 CONSULTATION**

### **Public Consultation**

- 8.1 A total of 38 letters were sent to occupants of adjoining and nearby properties at Horney Road, Shaftesbury Road and Lambton Road on 14 October 2015. A site notice was also displayed.
- 8.2 Re-consultation took place on 31/03/2016 and 28/11/2016 due to updated information being submitted. This updated information included a revised site plan, inclusion of a platform lift for level access, marketing information in relation to the existing use, an internal daylight assessment for the proposed units, removal of one of the bedrooms to House 2, an overshadowing report, a structural method statement in relation to the proposed excavation and the inclusion of an opaque window to House 1. Councillor Flora Williamson has raised objection on the grounds that residents are concerned by the precedent being set for family homes being built in back gardens, and their homes being overlooked.
- 8.3 In addition, 17 letters of objection (plus additional letters from the same residents following additional consultation) had been received from the public with regard to the application at the time of writing this report.
- 8.4 The grounds of objection raised are as follows (with the paragraph that provides response to each indicated in brackets):
- Excavation and disruption (10.22)
  - Precedent for further development (10.5)
  - Loss of light to surrounding properties (See paragraph 10.17 – 10.19)
  - Overlooking / loss of privacy to surrounding properties (See paragraph 10.14)
  - Use of roof as a terrace (10.20)
  - Increase in the overall mass and bulk (10.11)
  - Loss of outlook, sunlight and increased sense of enclosure to no. 4 Shaftesbury Road (10.17-10.19)
  - Principle of development (10.5, 10.11)
  - Location of bins alongside No 6 Shaftesbury Road (See paragraph 10.31)
  - Poor internal living conditions of the proposed development (10.27-10.28)
  - Requirement for inclusive design (10.30)
  - No details of sewage (10.31)
  - Private amenity space for House 2 is poor (See paragraph 10.29)
  - Security risk (10.11, 10.21)
  - Building materials not in keeping with surrounding area (See paragraph 10.11)
  - Result in additional competition for parking spaces on street (See paragraph 10.20)
  - Increase in the height of the proposed building (10.10)

### **External Consultees**

- 8.5 None.

### **Internal Consultees**

- 8.6 **Access & Inclusive Design:** The provision of the lift is considered acceptable.

- 8.7 **Design and Conservation:** The overall height, bulk and massing and when viewed in context is considered to be acceptable.
- 8.8 **Planning Policy:** No objection to loss of storage/workshop space in this instance.
- 8.9 **Tree Preservation:** The impacts to the existing trees in adjacent gardens to the site are limited because of the deep footings of the existing boundary wall. The adjacent trees will have little rooting volume affected by the proposal. The juxtaposition between the existing structure and trees and the proposed development is similar and any pruning works considered relatively minor and acceptable. No arboricultural reason to recommend refusal of the application.
- 8.10 **Refuse and Recycling:** No comments provided.
- 8.11 **Highways Officer:** No comments provided.

## **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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
  - Deregulation Bill received Royal Assent 26th March 2015

### **Development Plan**

- 9.4 The Development Plan is comprised of the London Plan 2016, 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 1 to this report.

### **Designations**

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

None.

### **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 impacts;
- Quality of resulting accommodation and Dwelling mix;
- Sustainability, Energy Efficiency and Renewable Energy;
- Highways;
- Trees;
- Basement/Excavation
- Small Sites Contributions/Carbon Offsetting

### Land Use

- 10.2 The application site comprises a parcel of land to the rear of 4 and 6 Shaftesbury Road. The lawful planning use is unclear however the site presently consists of a vacant and dilapidated building formerly used as storage/workshop. The existing building rises from one to two storeys in height. Based on the sites current location within immediate proximity to residential dwellings and that the premises has been vacant and is in a poor state there is no objection to the loss workshop/storage space.
- 10.3 The site is physically constrained as it is enclosed on each side by existing residential use. The introduction of a residential use to this rear section of the site is considered to be acceptable in principle and in keeping with the surrounding use.
- 10.4 The existing vacant buildings at the site are in a dilapidated state and are of no merit to the site or surrounding area. The demolition is therefore not contentious and would be supported.
- 10.5 The introduction of residential use in this specific location, given the site constraints and close proximity of residential buildings, would appear most appropriate. Since the site lies within an established residential area, was in previously use as a joiners workshop, and has not been used in recent times, there is no objection to the principle of its redevelopment for residential use. Each application should be considered on its own merits. Although the site is constrained by tight boundaries and the proximity of other residential properties the proposal would make effective use of previously developed land within the urban area.

### Design and Conservation

- 10.6 This application concerns a proposal to build two modern 2-storey houses on this backland site. The existing building on site is neither listed nor located within a conservation area. The surrounding area is predominantly residential in character and appearance. The site is located to the rear of No. 6 Shaftesbury Road, a two-storey over basement semi-detached; single family dwellinghouse located on the southern side of Shaftesbury Road and can be accessed via a narrow walkway between no. 4 and no.6 Shaftesbury Road. To the south of the site are residential properties located on Lambton Road and to the west are residential uses and a public house located on Hornsey Road.
- 10.7 The Islington Urban Design Guide (2017) states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or

street that it defines. It is important that any development on this site respects the local context.

- 10.8 The proposal seeks to construct 1 x 2 bedroom and 1 x 3 bedroom, two storey dwellinghouses to the rear of no. 6 Shaftesbury Road. Most of the site would be excavated by approximately 1.5m so that the proposed units are sunken to reduce the overall height. The proposed dwellings would consist of lower and upper ground floors. The proposed building would have a maximum height of 4.2 metres above existing ground level in comparison to the existing shed which is 5.7 metres in height. This reduction in height is achieved by excavating part of the site by 1.5 metres in depth.
- 10.10 The proposed development would have flat green roofs. Concern was raised during the previously withdrawn application (P2014/2250/FUL) about the bulk of the roof form and finish resulting in an incongruous form of development. It is noted that whilst the rear section of the site will result reduced mass and bulk than that existing on structure on site, there will be additional height/bulk towards the rear elevations of residential properties on Shaftesbury Avenue. Notwithstanding this, the revised scheme has sufficiently overcome this concern and the overall height, bulk and massing and when viewed in context of the existing building on site at present is acceptable.
- 10.11 The proposed development is of contemporary design, with an irregular footprint, using a simple material palette including London stock at upper ground floor, aluminium cladding at lower ground floor, aluminium framed windows/doors and hardwood timber front doors. The upper ground floor level would cantilever over the lower ground floor in parts. The development will also comprise a large expanse of glazing at lower ground floor to facilitate a better internal living environment. The proposed materials are considered acceptable in this context. Overall the proposal would introduce a new development of modern design, but given its backland location, it would not have a significant visual impact on the surrounding street scene. There is not considered to be a heightened security risk based on the natural surveillance if the dwellings were to be inhabited. The replacement of previous structures and an untidy site with new development will improve the overall appearance of this site.
- 10.12 Overall, the proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2016, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) of the Development Management Policies 2013.

### **Neighbouring Amenity**

- 10.13 The southern boundary of the site abuts the rear gardens of residential properties along Lambton Road. There is an existing high boundary wall in this location. There are no proposed southern facing windows. As such, there is considered to be no privacy/overlooking issues to the south of the site. The upper ground floor windows at the site are positioned to overlook the private amenity spaces or the gardens to neighbouring properties. Given the mutual degree of overlooking in relation to gardens this would not compromise a reason for refusal.
- 10.14 In terms of the north elevation of the development, there is one window proposed at first floor facing towards the rear elevation of No's 6-8 Shaftesbury Road. It is acknowledged that this one window on the proposed new unit and the rear windows of properties along Shaftesbury Road fall short of the 18 metre separation distance between habitable windows. To overcome this, the window will be an obscure glazed clearstorey window and shall be fixed shut. A condition is attached to ensure this window is maintained as such thereafter. Based on this, there is not considered to be any unacceptable loss of privacy/overlooking as a result of the development. In relation to the properties to the south the southern facing windows to the proposed development would not protrude above the



existing boundary wall and therefore no undue overlooking would occur to the rear of the properties on Lambton Road

- 10.15 Concern has been raised about the use of the proposed green roofs as roof gardens. A condition is proposed to restrict the green roof areas being used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- 10.16 In terms of the issue over the height of the building, as noted above, the proposed development involves an element of excavation so that the units are sunken below existing ground floor level to reduce the overall height to 4.2m. The proposed units will therefore be read as 1.5 storeys above the existing ground level. In comparison to the existing ridge height which stands at 5.7 metres. The proposed building would rise 650mm (1100mm including the parapet) above existing southern boundary wall with the rear gardens of 11-17 Lambton Road. Overall the height of the building is considered acceptable, and any negative impact has been mitigated by the excavation work proposed at the site.

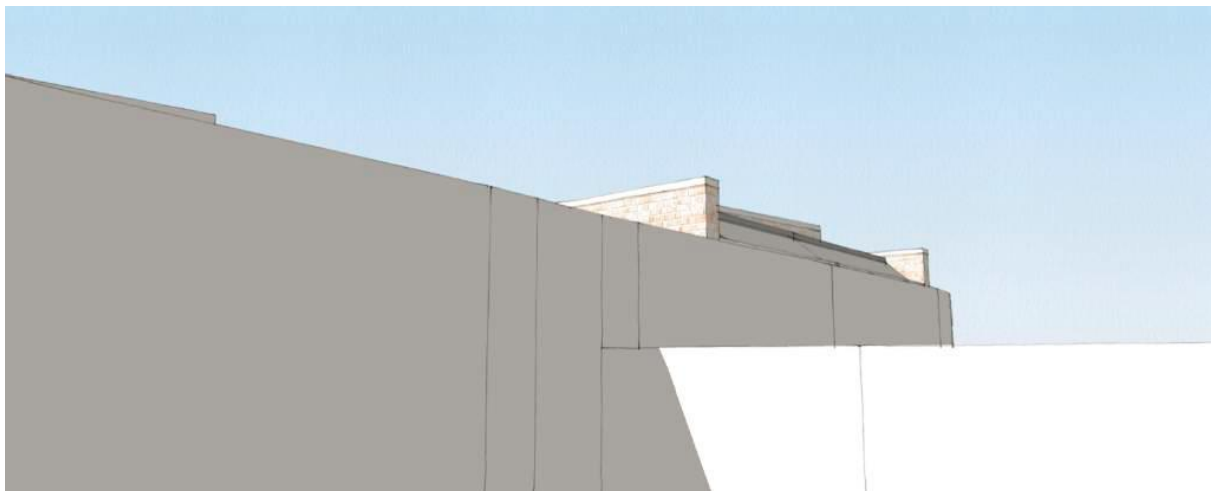


Image 5: Proposed illustrative view from rear of Lambton Road (Taken from Design & Access Statement prepared by Create Design + Architecture).

- 10.17 The site has a particular sensitive relationship to the rear elevations of no. 4 and no. 6 Shaftesbury Road given the proximity of the proposed buildings to these properties. Although the new houses would be some 8m away from the rear windows of No.6, the proximity of this new building would be relieved to some degree by the open amenity/garden areas immediately adjoining the property, which currently is a single storey part of the existing structure on site. Moreover, whilst there may be an appreciable change in the sense of enclosure and the outlook, due to the height, bulk and design of the facing elevation of the new houses, this would tend to be balanced by the overall visual improvement in the appearance of the site with the new development and overall reduction in the height. The loss of light to surrounding properties has been raised as an issue. The proposed dwellings have been designed considering the constraints of the site such as the impact on the surrounding properties in terms of its design and the potential impact on daylight and sunlight. The development includes excavation to result in the proposed units being 1.5metres below existing ground level. In terms of daylight/sunlight the 25 degree test is used where the development is opposite a window of a neighbouring dwelling. The centre of the lowest habitable window is used as the reference point for the test.
- 10.18 Drawing No. 234 1PL(20) E00 rev A shows that the proposed development falls beneath the 25 degree line (taken from the centre point of the lowest rear habitable window at 6 Shaftesbury Road) and therefore there is unlikely to be a substantial effect on daylight and sunlight.

- 10.19 An overshadowing assessment for the garden at 4 Shaftesbury Road has been submitted in support of the application. No. 4 has a south facing garden is located to the north of the application site. The report outlines that the garden is currently overshadowed below the BRE recommended sunlight target. The proposal which results in an increased height to the flank wall at the rear of the garden would cause a further loss of sunlight. However, this would meet the recommended ratio of 0.8 and therefore the slight reduction in the amount of sunlight received is considered to be adequate for the occupants of no. 4 Shaftesbury Road. In relation to outlook, to the west of No 4 Shaftesbury Road there are two storey dwellings with blank elevations and a single storey element to the rear of the garden of no. 4. The proposal would increase the northern flank elevation in relation to no. 4 Shaftesbury Road to 4m from 3.4m. Whilst this is considered an appreciable change it is also considered modest and would not cause an unacceptable loss of outlook or an undue sense of enclosure.
- 10.20 An objection has been raised over the use of the flat roof as a roof terrace. A condition is recommended to overcome this concern. An objection has been raised that the proposal will result in additional competition for on street parking. In accordance with policy all new development is 'car-free' and a condition is attached to ensure all future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit.
- 10.21 Concern has been raised that there is no security gate proposed and that the proposal will result in security concerns to adjoining residents. The UDG 2017 generally advises against gating development. As such the proposal is considered acceptable in this regard and is not considered to give rise to an unsafe environment.
- 10.22 The demolition, excavation and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by an objector. A condition requiring the submission of a Construction Management Plan including hours of work has been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction
- 10.23 Overall the proposal would result in some change to the outlook and general amenity for adjoining residents, at no. 4 and no.6 Shaftesbury Road as these are in the closet proximity to the site. However for the reasons stated above this would not be to a degree that would justify refusing planning permission.

#### **Quality of resulting accommodation and Dwelling mix**

- 10.24 In terms of new residential development, as well as having concern for the external quality in terms of design it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offer sufficient storage space and also be dual aspect.
- 10.25 London Plan (2016) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space. In addition, Planning policy and guidance require a range of unit sizes to be provided to meet specific housing demand and to help foster stable and balanced communities. Policy DM3.1 (Mix of housing sizes) of the Islington Development Management Policies (2013) seeks to secure a good mix of housing sizes on all sites.
- 10.26 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Standards.

These new standards came into effect on 1 October 2015 and from this date Councils are expected to refer to the NDSS as a material consideration.

- 10.27 The proposal seeks to create 1 x 2 bedroom and 1 x 3 bedroom residential units, both of which meet the minimum requirement as set out in Table 3.2 of the DMP. The units comprise main living accommodation at ground floor and bedrooms and bathrooms would be located at first floor. Both the units are dual aspect at ground floor in accordance with policy and include expansive glazing to the living/kitchen space to allow plentiful light to reach the main living space. At first floor, it is acknowledged the window to Bedroom 1 House 1, is obscured. However given the general compliance in relation to the internal living accommodation this is not considered to form a reason for refusal.
- 10.28 An Internal Daylight assessment for living rooms in the proposed development has been submitted. This has tested the Average Daylight Factor in relation to the living rooms at lower ground floor level. The BRE advises minimum values for kitchens and living rooms. The proposed dwellings have joint living rooms and kitchens. An ADF of 1.5% is required for living rooms and 2% for kitchens. The internal daylight assessments for the lower ground floor habitable areas measures 1.9% and 2.21%. Overall the application scheme is deemed to provide the residential occupants with satisfactory levels of daylight in the main living spaces at lower ground floor given the urban location of the site.
- 10.29 DM Policy 3.5 requires all new residential development to provide good quality private outdoor space in the form of gardens, balconies roof terraces or glazed winter gardens. The minimum requirement for outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1 to 2 person dwellings. For each additional occupant an extra 1sqm is required on upper floors and an extra 5sqm on ground floors. The two residential properties would have private amenity space in the form of ground floor patio/terrace areas. These spaces measure 35sqm for the 3 bedroom/5person unit and 19sqm for the 2 bedroom/4 person unit. 'House 2' has been amended from a 3 bed/5 person unit to a 2 bed/4 person unit and therefore 19sqm of private amenity space is acceptable.
- 10.30 Access to the site is via a footpath between No. 4 and 6 Shaftesbury Road. Given the proposed varying land levels at the site there is stepped access. However, on request, a platform lift has been incorporated into the design to ensure there is level access to the site. A condition is suggested to ensure samples of the courtyard and ground surface treatment along the access to the development from Shaftesbury Road is submitted and approved in writing prior to the occupation of the properties on the site.
- 10.31 Waste storage and recycling facilities are integrated into the developments to the frontage of the site alongside No. 6 Shaftesbury Road which is considered appropriate and accessible. Details relating to sewage are not considered material to the merits of this application.

### **Sustainability, Energy Efficiency and Renewable Energy**

- 10.32 The design and access statement notes that the development is designed to be energy efficient adopting sustainable design and construction measures, minimising greenhouse gas emissions. A natural ventilation strategy is to be employed in each dwelling with mechanical extract ventilation in bathrooms and kitchens.
- 10.33 In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved should be conditioned to be in accordance with standards in DM 6.6 of the DMP.
- 10.34 The proposed green roof will be biodiversity based with an extensive substrate to a depth of 80-150cm. The provision of green roofs is encouraged and a condition is attached to control

this. Rainwater recycling will be incorporated and a target of 110litres/day will be set for water usage in each dwelling.

- 10.35 The design and access statement illustrates that various renewable energy technologies were explored at the site. However, due to the special circumstances at the constrained site no decentralised renewable energy technologies are proposed.

### **Highways**

- 10.36 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no liability to obtain car parking permits, except for parking needed to meet the needs of disabled people. Residents of the development will not be eligible to attain on-street parking permits, unless required to meet the needs of occupiers registered disabled.
- 10.37 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. A bike storage area for six bicycles is provided at the site. A condition will be attached to ensure compliance with the cycle parking requirement in accordance with policy DM8.4.

### **Trees**

- 10.38 An arboricultural report and impact assessment has been submitted in support of this application. The report notes that all trees within the survey are to be retained. The only pruning works that shall be required shall be the trimming back to the boundary of the canopies of two fruit trees (one cherry and one apple tree). This shall require the removal of secondary branches which should be pruned back to a secondary growth point. The report states that given the pruning works are undertaken sympathetically, the trees shall not be significantly harmed. No foundations are proposed within the areas where roots are anticipated to proliferate.
- 10.39 The Council's Tree Officer has reviewed the details submitted in support of the application and has no reason to recommend refusal of the application.

### **Basement/Excavation**

- 10.40 The Islington Basement SPD is used in the assessment of any planning application which involves the excavation for the creation of new or additional subterranean/basement floor space. The general principles within the guidance are also relevant for a range of sites including infill residential development, such as this. A Structural Method Statement has been submitted in conjunction with the application. The extent of basement development appropriate for a site is influenced by a number of factors. The site is already developed with the presence of a workshop covering the majority of the site. It is acknowledged that there would be a change in the land levels. Based on the extent of the existing building's coverage at present; the opportunity to provide some open space in the form of garden areas; and an attempt to achieve other policy aims; the excavation of 1.5m in this instance is considered acceptable.

### **Small Sites Contributions/Carbon Offsetting**

- 10.41 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the

provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision, subject to viability.

- 10.42 The applicant has submitted a viability assessment which has been independently reviewed. The outcome being that the scheme can support full contribution of £100,000 towards affordable housing (£50,000 per unit).
- 10.43 The granting of planning permission is subject to the applicant entering and agreeing into a Unilateral Undertaking in respect of the above plus £3,000 (£1,500 per unit) for carbon offsetting contributions.
- 10.44 The proposed development would also be liable for the Mayoral and Islington CIL.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application seeks the erection of an end of terrace single family dwelling house.
- 11.2 The principle of the development and providing additional residential accommodation would be acceptable in land use terms, have an acceptable impact upon the character and appearance of the adjacent properties and street scene. In addition, the proposal would not be unduly harmful to the amenities of adjoining residents.
- 11.3 Overall it is considered that the development would not result in the loss of daylight, sunlight to the occupiers of the adjoining residential properties, undue increase in enclosure levels, loss of outlook or have a significant detrimental impact upon their amenity levels taken as a whole, notably in relation to nos.4 and 6 Shaftesbury Road.
- 11.4 The proposed residential dwelling would provide acceptable standard of accommodation with all units achieving minimum internal floorspace standards, dual aspect, and meet the required private amenity space standards. The proposal would achieve Category 2 Homes in relation to Building Regulation for wheelchair accessible units and level access to the entrance.
- 11.5 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**

- 11.6 It is recommended that planning permission and advertisement consent be granted subject to conditions as set out in Appendix 1 – RECOMMENDATIONS

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- A CONTRIBUTION OF £100,000 TOWARDS AFFORDABLE HOUSING WITHIN THE BOROUGH.
- A CONTRIBUTION OF £3,000 TOWARDS CARBON OFFSETTING.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date when the decision was made by the Committee, the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

### RECOMMENDATION B

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>234 B(10) P00 revB; 234 B(20) P00; 234 B(20) E01; 234 B(20)E00; 234 B(20)E02; 234 1PL(90) P00 revA; 234 1PL(20)P00 revA; 234 1PL(20)P01 revB; 234 1PL(20)P02 revB; 234 1PL(20) E01 revB; 234 1PL(20)E00 revB; 234 1PL(20)E02; 234 1 PL(20) S00 revA; Design and Access Statement; Structural Method Statement; Arboricultural Report dated 3<sup>rd</sup> August 2015; letter dated 09 March 2016; Internal Daylight Assessment dated 26/02/2016; Overshadowing Assessment dated 20/06/2016.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

<b>3</b>	<p><b>Materials and Samples</b></p> <p><b>MATERIALS (DETAILS):</b> 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"> <li>a) solid brickwork</li> <li>b) aluminium cladding</li> <li>c) window/door treatment (including sections and reveals);</li> <li>d) any other materials to be used.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p><b>REASON:</b> 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>
<b>4</b>	<p><b>Paving and Hard Surfaces</b></p> <p><b>CONDITION:</b> Notwithstanding the approved plans, samples of the courtyard paving and ground surface treatment along the access to the development from Shaftesbury Road shall be submitted to and approved in writing prior to occupation of the properties on the site.</p> <p><b>REASON:</b> In order to safeguard the character and appearance of the development and the existing setting.</p>
<b>5</b>	<p><b>Drainage</b></p> <p><b>CONDITION:</b> Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water run-off from the site post-development. The drainage system shall be installed /operational prior to the first occupation of the development.</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><b>REASON:</b> To ensure that sustainable management of water.</p>
<b>6</b>	<p><b>Green Roofs (Compliance)</b></p> <p><b>CONDITION:</b> The biodiversity green roofs as indicated on Drawing No. 234 1PL(20) P02 rev B shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan 234 1PL(20) P02 rev B hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity green roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details specified and shall be maintained as such thereafter.</p> <p><b>REASON:</b> To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>

<b>7</b>	<b>Car Free Housing</b>
	<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> <p>(1) In the case of disabled persons;</p> <p>(2) In the case of units designated in this planning permission as "non car free"; or</p> <p>(3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
<b>8</b>	<b>Cycle Parking</b>
	<p>CONDITION: The bicycle storage area(s) shown on drawing No. 234 1PL(20) P00 rev A hereby approved, shall be secure and provide for no less than 6 bicycle spaces and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>9</b>	<b>Accessible homes</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the dwelling 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>
<b>10</b>	<b>Removal of Permitted Development Rights – Houses (Compliance)</b>
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
<b>11</b>	<b>Waste Management</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 234 1PL(90) P00 rev A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>



<b>12</b>	<b>Platform Lift Provision</b>
	<p>CONDITION: The lift as shown on drawing number 234 1PL(90)P00 Rev A shall be installed and operational prior to the first occupation of the proposed dwellings and shall be maintained as such thereafter.</p> <p>REASON: To ensure inclusive access to all properties is achieved.</p>
<b>13</b>	<b>Construction Management Plan</b>
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved 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 Statement shall provide details of:</p> <ol style="list-style-type: none"> <li>the parking of vehicles of site operatives and visitors;</li> <li>loading and unloading of plant and materials;</li> <li>storage of plant and materials used in constructing the development;</li> <li>the erection and maintenance of security hoarding;</li> <li>wheel washing facilities;</li> <li>measures to control the emission of dust and dirt during construction; and</li> <li>a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ol> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>
<b>14</b>	<b>Carbon and water efficiency</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>15</b>	<b>Landscaping</b>
	<p>CONDITION: A landscaping scheme, including details of proposed trees, together with details of the positions of planned and existing underground services, proposed groundworks, enclosures, drainage, hard ground surfaces and details of all surface treatment and boundary treatment, as appropriate, shall be submitted to and approved in writing by the local planning authority before any part of the development hereby permitted is commenced. All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two-year maintenance/watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the local planning authority with the same species or an approved alternative.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>16</b>	<b>Window to House 1</b>
	<p>CONDITION: Notwithstanding the approved plans the north facing window to 'Bedroom 1' in 'House 1' shall be obscurely glazed and fixed shut before first occupation of the dwelling and shall be maintained as such thereafter.</p>

	REASON: In order to protect neighbouring residential amenity.
<b>17</b>	<b>Roof Access</b>
	<p>CONDITION: No roof of any part of the building(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.</p> <p>Reason: To safeguard the privacy of the occupiers of adjoining properties.</p>

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<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. 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. The LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant or have been dealt with by condition.</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.</p>
<b>2</b>	<b>Definition of Superstructure and Practical Completion</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>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>
<b>3</b>	<b>Community Infrastructure Levy (CIL)</b>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</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. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p>
<b>4</b>	<b>Sustainable Sourcing of Materials</b>
	<p>Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled</p>

	content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>5</b>	<b>Hours of Construction</b>
	No building work shall be carried out at the site outside the following hours: <ul style="list-style-type: none"> <li>• 8am - 6pm, Monday to Friday;</li> <li>• 8am - 1pm, Saturday; and</li> <li>• no audible building works to be carried out on Sunday or public holidays</li> </ul>
<b>6</b>	<b>Section 106</b>
	SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>7</b>	<b>Thames Water</b>
	Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.  With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses 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 Ground Water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.
<b>8</b>	<b>Highways Requirements</b>
	Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . All agreements relating to the above need to be in place prior to works commencing.  Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Section 50 license must be agreed prior to any works commencing.  Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> .  Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> .  Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a> Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.  Temporary crossover licenses to be acquired from <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a> . Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk)

Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.

Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.

Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".

Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".

## **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 and Regional 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.

- NPPF - Policy 12 - Conserving and Enhancing the Historic Environment
- Planning Practice Guide (2014)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London**

**1 Context and strategy**  
**Policy 1.1 Delivering the strategic vision and objectives for London**

**5 London's response to climate change**  
**Policy 5.3 Sustainable design and construction**

**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 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**

**Energy and Environmental Standards**  
**DM7.4 Sustainable design standards**

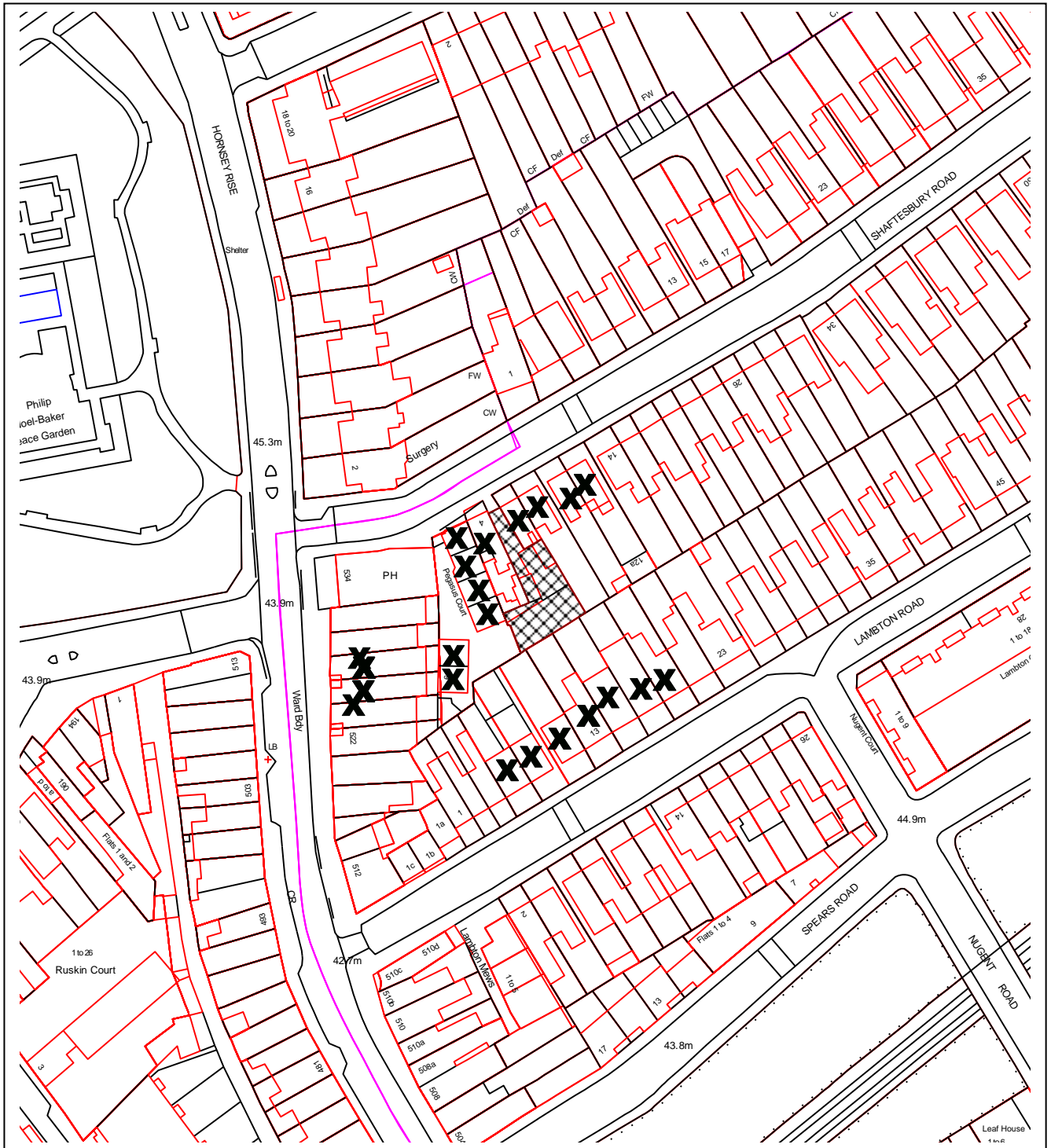
### **3. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**



# Islington SE GIS Print Template



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P2015/3034/FUL

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## PLANNING COMMITTEE REPORT

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	21 <sup>st</sup> March 2017	NON-EXEMPT

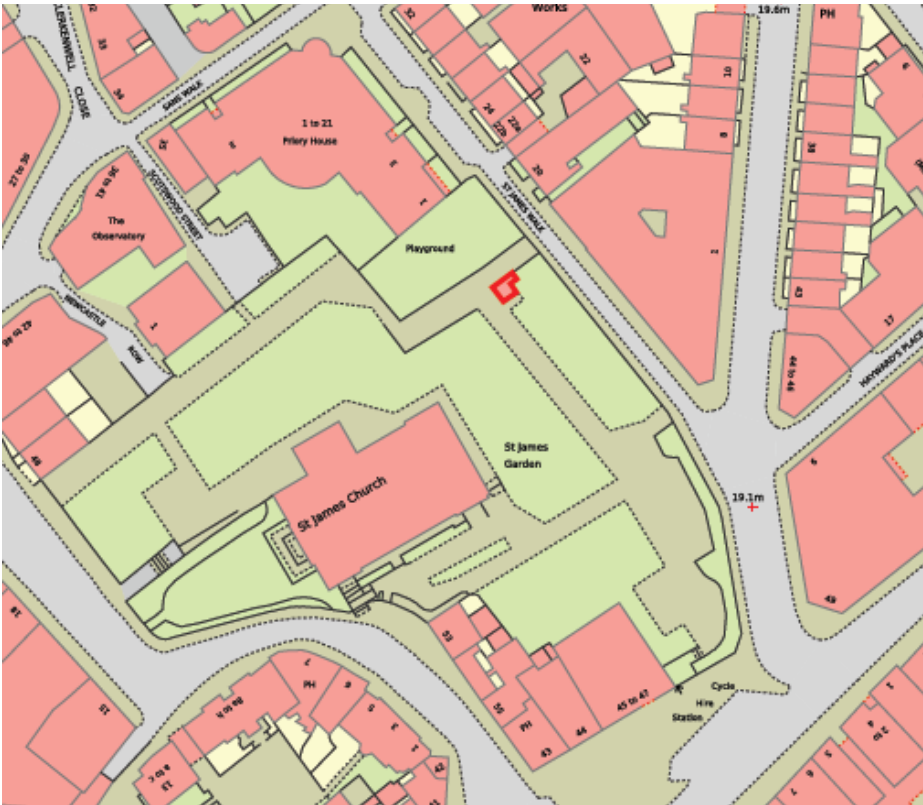
Application numbers	P2017/0072/FUL and P2017/0140/ADV
Application types	Full Planning and Advertisement consent
Ward	Clerkenwell Ward
Listed building	Unlisted
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Central Activities Zone (CAZ), Archeological Priority Area; Rail Safeguard Consultation Area; Clerkenwell/Smithfield/Area of Special Character, Scheduled Ancient Monuments.
Licensing Implications	None
Site Address	Parks Building, St James's Church, 51 Clerkenwell Close, London, EC1R 0EA
Proposals	FULL: Application for the permanent change of use of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a coffee and food outlet Use Class A1 on a temporary basis (Temporary change of use granted 29/10/2013).  Advert: Display of signage to the front and rear of shutters to three elevations of the Parks Hut in connection with Full Planning Application ref: P2017/0072/FUL.

Case Officer	Krystyna Williams
Applicant	Mr Sal Qureshi
Agent	Appleton Weiner - Mr David Appleton

### 1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and advertisement consent subject to the conditions set out in Appendix 1;

**2. SITE PLAN (site outlined in black)**



**3. PHOTOS OF SITE/STREET**

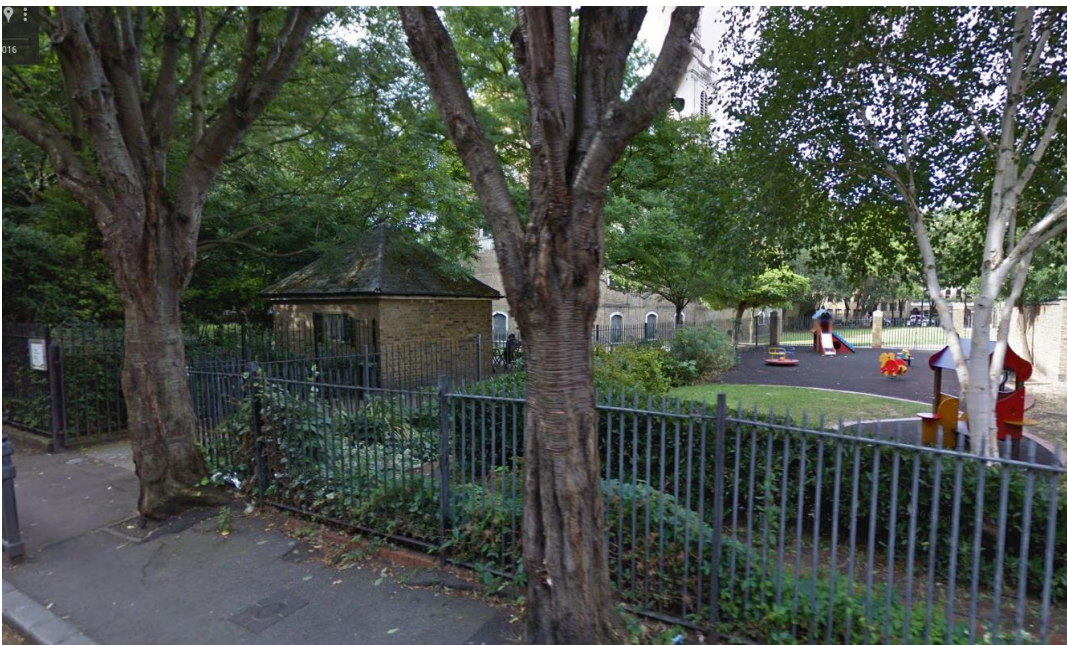


Image 1 – View of application site from St James's Walk (Outside No. 20)



Image 2 – View of café building from within St James’s Church grounds



Image 3 – View of café building from within St James’s Church grounds

## **4 SUMMARY**

- 4.1 Planning permission is sought for the permanent change of use to café (Use Class A1) of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a cafe (Use Class A1) on a temporary basis.
- 4.2 A temporary change of use (ref: P2013/1322/FUL) was granted on the 29<sup>th</sup> October 2013 following planning sub-committee A on the 24<sup>th</sup> October 2013.
- 4.3 An associated advertisement consent has also been submitted (ref: P2017/0140/ADV) for signage on the external elevations of the café building.
- 4.4 The application building is in Council ownership and is located within St James's Church grounds, near the entrance off St James's Walk. The building has a floor area of 20.7sqm and previously received limited maintenance beyond necessary works for health and safety reasons. The building now operates as a café/kiosk serving hot and cold drinks (non-alcoholic) and snacks such as sandwiches, Panini's, croissants and cakes.
- 4.5 There is no cooking on the premises, although some food would be reheated, for example using a microwave or sandwich grill, and therefore is considered to be an A1 retail use rather than an A3 use.
- 4.6 The existing small business provides full time employment to one member of staff and has benefited the surrounding grounds by funding two new heritage bins in St James's Church Park. The business is a key partner in Clerkenwell Design Week and during London Coffee Week raised over £200 for the Project Waterfall charity which installs clean water facilities in poorer coffee growing nations.
- 4.7 A petition of 86 signatures of support from local members of the public for the continued operation of the café has been submitted with the application. A further 31 letters of support have been submitted by the applicant.
- 4.8 Following consultation a further one letter of support and two letters of objection have also been received in relation to the permanent change of use.
- 4.9 No objections have been received regarding the proposed advertisement consent application.
- 4.10 The main issues arising from this proposal relate to the impact of the development on the character and appearance of the Clerkenwell Green Conservation Area, and potential impacts of the development on the amenity levels of adjoining occupiers.
- 4.11 The proposed permanent change of use and associated advertisements are considered to be acceptable and compliments the use of the surrounding open space, and will not harmfully impact upon the character and appearance of the Conservation Area or neighbouring properties' amenity.
- 4.12 The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval.

## **5 SITE AND SURROUNDING**

- 5.1 The application building is located within St James's gardens, situated to the north east of St James's Church, Clerkenwell. There is a children's playground located to the north of the site. There are several thoroughfares to the gardens, and the hut is located off the entrance via St James's Walk to the east. The surrounding area is mixed in character and use, with a variety of office and residential buildings.

- 5.2 The site is located within the Clerkenwell Green Conservation Area but the building is not listed. The park building is in proximity to the Grade II\* listed St James's Church and a number of Grade II listed buildings (No. 20, 24-32) located along St James's Walk.

## **6 PROPOSAL (in Detail)**

- 6.1 Planning permission is sought for the permanent change of use of the Parks Building at St James's Church Park, Clerkenwell, which is currently operating as a coffee and food outlet (Use Class A1) on a temporary basis. A temporary change of use for 3 years was granted on 29 October 2013. Advertisement consent ref: P2017/0140/ADV has also been submitted.
- 6.2 The building is in Council ownership and has been operating as a café kiosk following the grant of temporary planning permission on 29 October 2013. The permanent change of use will allow the continued sale of hot and cold food and drinks (non-alcoholic) with no cooking provision at the site, however there will be provision for reheating foods. The temporary consent restricted operation hours of 08:00hr and 18:00hr Monday - Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays. A condition is proposed to maintain these hours of operation. A condition is also proposed to ensure deliveries to the site remain consistent with that previously approved with the temporary consent.
- 6.3 An associated advertisement consent application has also been submitted (ref: P2017/0140/ADV) for the retention of the existing signage at the building. The signage consists of wording on shutters to three elevations of the park rangers hut. As with the previous temporary consent, signage will indicate the building is closed when the shutters are shut and advertise 'coffee and cake', when the shutters are open. The proposed signage will be non-illuminated.
- 6.4 The application has been referred to the planning sub-committee due to the building being in Council ownership.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

- 7.1 P2014/2494/AOD - Approval of Details pursuant to Condition 5 (Delivery and Servicing Plan) of planning application reference: P2013/1322/FUL for the change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 Use) dated 24 October 2013. Approved 26/08/2014.
- 7.2 P2013/1322/FUL - Change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 use); including enlargement of entrance door, creation of new window and associated works [Advertisement ref: P2013/2007/ADV also submitted]. Granted on 29 October 2013 following Planning Sub-Committee A dated 23 October 2013.
- 7.3 P2013/2007/ADV - Advertisement consent to display 4 no. advertisements to new shutters in connection with Full Planning Application ref: P2013/1322/FUL for the change of use of existing park rangers hut at St James Clerkenwell to a coffee and food outlet (A1 use); including enlargement of entrance door, creation of new window and associated works. Approved 31/10/2013.

### **ENFORCEMENT**

- 7.4 None.

## **PRE-APPLICATION ADVICE:**

7.5 None.

## **8 CONSULTATION**

### **Public Consultation**

8.1 A total of 125 letters were sent to occupants of adjoining and nearby properties. A site notice and press advert was also displayed on 19 January 2016.

8.2 2 letters of objection had been received from the public with regard to the application at the time of writing this report. The objections are from the owner/occupiers of No. 20 St James's Walk and No. 8g Clerkenwell Close.

8.3 The grounds of objection raised are as follows (with the paragraph that provides response to each indicated in brackets):

- Number of tables and chairs outside the building must be monitored (See paragraph 10.20).
- As the park is an open space, the running of a commercial venture in it risks compromising public welfare (and neighbour's safety and comfort levels of crowds, litter, noise etc) if capacity is not controlled (See paragraphs 10.19).
- It is not necessary to make this facility a permanent commercial outlet for reasons stated in the original consultation. A further 3 year extension seems appropriate (See paragraphs 10.15-10.19).
- The prospect of community involvement in the care of the gardens might require in due course the return of the hut to its original purpose (See paragraphs 10.19).

### **External Consultees**

8.4 **Historic England:** No objection.

8.5 **Clerkenwell Green Preservation Society:** No comments provided.

8.6 **The Farringdon Group:** No comments provided.

### **Internal Consultees**

8.7 **Waste Management:** No objection.

8.8 **Design and Conservation:** No objection.

8.9 **Planning Policy:** No objection.

8.10 **Public Protection:** No objection.

## **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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
  - Deregulation Bill received Royal Assent 26 March 2015

## **Development Plan**

- 9.4 The Development Plan is comprised of the London Plan 2016, 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 1 to this report.

## **Designations**

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

Clerkenwell Green Conservation Area

## **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 and impacts of the surrounding Clerkenwell Conservation Area and the setting of the adjoining Grade II Listed Church
- Neighbouring amenity impacts.

### **Land Use**

- 10.2 The site is located within the Bunhill and Clerkenwell area of the borough which is identified in Core Strategy Policy CS7 as Islington’s most important employment location. Accommodation for small/medium enterprises (SMEs) is particularly encouraged within this area of the borough. It is therefore considered that the permanent change of use of this building is acceptable in principle.
- 10.3 The building is in the ownership of the London Borough of Islington and has previously been used by the Parks Team as a storage space. However, the hut was no longer

required for their use and a temporary change of use was granted in October 2013 for use as a café (Use Class A1).

- 10.4 Core Strategy Policy CS 13 encourages the provision of a range of new employment space within the Central Activities Area (CAZ). Both Council and London wide policies encourage the intensification and development of land to its full potential.
- 10.5 It is considered that the continued use of the building is appropriate for use as a café, providing a positive contribution to employment development within the Bunhill and Clerkenwell area. Such a use compliments the use of the open space associated with the Church grounds. The use has operated for three years and has funded the provision of bins within the Church grounds, is a key partner in Clerkenwell Design Week, raised over £200 during London Coffee Week for Project Waterfall Charity and maintains a close vigil on the park grounds and reports any issues to the Parks Team. Overall, the existing use as a café is considered to make a positive contribution to the area. As such, there are no land use issues which would preclude the proposed permanent change of use.

### **Design and Conservation**

- 10.6 The building is located within the Clerkenwell Green Conservation Area, and within the curtilage of the Grade II\* listed St James's Church to the south west and a listed residential terrace of buildings along St James's Walk to the north east.
- 10.7 The external appearance of the building will remain the same as that granted by the previous temporary consent. The building includes painted timber framed entrance door on the south west elevation with shutters for security. A fixed glass window with shutter including advertisement is located to the south east and south west elevation. The signage at the site remains as previously approved under application ref: P2013/2007/ADV consisting of wording on shutters to three elevations of the park rangers hut. As with the previous temporary consent, signage will indicate the building is closed when the shutters are shut and advertise 'coffee and cake', when the shutters are open. The proposed signage will be non-illuminated.
- 10.8 There are views of the building from the Grade II Listed Church and from a small section of St James's Walk. The continued use of the building as a café and the associated signage are considered to have no detrimental impact on the surrounding conservation area or detract from the setting of surrounding listed buildings.
- 10.9 Para.134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the continued operation of the building as a café kiosk would provide a benefit to the area in terms of maintaining the visual appearance of the building and allowing the building to be operational rather than vacant. In addition, the permanent use of the building provides facilities for park users and improves natural surveillance in the area.
- 10.10 Overall, the proposal is thereby not considered to have a significant impact upon the character and appearance of the Clerkenwell Green Conservation Area. Further, the proposal is not considered to have a material impact on the adjoining Grade II Listed Church or nearby listed buildings along St James's Walk.
- 10.11 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Clerkenwell Green Conservation Area Design Guidelines.

### **Neighbouring Amenity**



- 10.12 The site is located within St James's Gardens. Consideration must be given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy and outlook. Consideration must also be given to potential disturbance to residential amenity from activity such as hours of operation.
- 10.13 The use of the building as a café kiosk results in an increased footfall in the area which in turn results in increased natural surveillance of the area, hence providing a deterrent for anti-social behaviour.
- 10.14 The existing hours of operation for the café kiosk will be conditioned to ensure the use operates at the existing hours of between 08:00hr and 18:00hr Monday to Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays. These hours of operation are considered reasonable in this location which is mixed in character and use. Also, opening hours to the kiosk/café do not extend beyond the parks opening hours.
- 10.15 Two letters of objection had been received from the public with regard to the application at the time of writing this report. The objections are from the owner/occupiers of No. 8g Clerkenwell Close and 20 St James's Walk. One concern is that it is not necessary to make this facility a permanent commercial outlet for reasons stated in the original consultation. The local resident considers that a further 3 years extension seems more appropriate.
- 10.16 The original consent (ref: P2013/1322/FUL) was granted on a temporary basis in order for the use to be initially monitored and to prevent any further consent being granted should the use be deemed unacceptable in this location after the 3 year consent expired. In this instance the operation of the building as a café has been successful and not resulted in any complaints. It is therefore deemed acceptable to consider the permanent change of use at the site.
- 10.17 The small business employs one full time member of staff and has contributed to the Church grounds by providing bins within the vicinity to help facilitate a cleaner environment. The small business has also raised over £200 during London Coffee Week for Project Waterfall Charity. The use of the building as a café is considered to make a positive contribution to the area and compliments the use of the open space associated with the Church grounds.
- 10.18 A further issue raised is that the prospect of community involvement in the care of the gardens might require in due course the return of the hut to its original purpose. The Council must consider the application before them and from the outset the Council's Parks Manager has been supportive of the change of use of this formerly disused hut into a café. The café benefits the park in a number of ways and there are already several examples in the borough where change of use from disused huts to kiosks/cafes has added to and enhanced the facilities a park has to offer.
- 10.19 One objection relates to the risks of compromising public welfare and neighbours safety as a result of crowds, litter, noise etc. These issues were comprehensively covered in the previous committee report. Contrary to the concern about anti-social behaviour and increases in littering/noise in the area, the use of the building as a café provides beneficial facilities for park users and improves natural surveillance of the area, hence providing a deterrent for anti-social behaviour. In terms of littering, it should be noted that the planning department cannot control levels of littering by members of the public within the general church grounds. However it is acknowledged that the café has funded bins within the grounds to assist with litter control.
- 10.20 Objection has also been raised regarding the number of chairs and tables located outside the café and that these should be monitored. On the basis that tables and chairs are moved inside at the end of each day, then no concern is raised. A condition can be attached to

ensure all outdoor seating/tables are stored inside the café building outside the hours of operation.

- 10.21 Overall, it is therefore considered that subject to the attached conditions, the proposed permanent change of use and associated advertisement consent would not have a material adverse impact on adjoining resident's amenity levels and permission should be approved.

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed permanent change of use and associated advertisement consent is considered to be acceptable in terms of proposed kiosk/café (A1) use and design/appearance. Subject to conditions, it is considered that the proposed development can continue to be operated without adversely affecting the amenity levels of adjoining occupiers or the character and appearance of the Clerkenwell Green Conservation Area or negatively affecting the setting of adjoining listed buildings.

### **Conclusion**

- 11.2 It is recommended that planning permission and advertisement consent be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

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

## List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>OS Map, CLE 200 Revision A, CLE 201 Revision A, BEA 200 Revision A, BEA 201 Revision B, BEA 202, Planning and Heritage Statement, Design and Access Statement, Statement of Key Community Benefits.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Opening hours</b>
	<p>CONDITION: The use hereby approved shall not operate except between the hours of 08:00hr and 18:00hr Monday – Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays.</p> <p>No deliveries shall be made to the premises outside the above hours of operation.</p> <p>REASON: To ensure the use does not adversely impact on existing and future residential amenity.</p>
<b>4</b>	<b>Storage of tables and chairs</b>
	<p>CONDITION: All tables and chairs associated with the use of the building as a café are to be removed and stored inside the building outside the hours of 08:00hr and 18:00hr Monday – Friday, between 10:00hr and 18:00hr Saturday, and between 10:00hr and 15:00hr on Sunday and Bank Holidays, in accordance with the approved hours of operation.</p> <p>REASON: In the interests of reducing visual clutter and preserving the character and appearance of the surrounding area.</p>
<b>5</b>	<b>Deliveries</b>
	<p>CONDITION: No deliveries shall be made to the premises outside the hours of: 08.00hr to 18.00hr Monday to Friday, 10.00hr to 18.00hr Saturday, and 10.00hr to 15.00hr Sunday and Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>

That the grant of **advertisement consent** be subject to **conditions** to secure the following:

**List of Conditions:**

<b>1</b>	<b>Standard Advertisement Condition (Compliance)</b>
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>No advertisement is to be displayed without permission of the owner of the site or any other people with an interest in the site entitled to grant permission.</p> <p>No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).</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 and Regional 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.

- NPPF - Policy 12 - Conserving and Enhancing the Historic Environment
- Planning Practice Guide (2014)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London**

7 London's living places and spaces  
Policy 7.4 Local character  
Policy 7.6 Architecture  
policy 7.8 Sustaining and enhancing the significance of heritage assets

#### **B) Islington Core Strategy 2011**

Policy CS8 (Enhancing Islington's Character)  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

#### **C) Development Management Policies June 2013**

DM2.1 (Design)  
DM2.3 (Heritage)

### **3. Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

#### **Islington Local Plan**

East Canonbury Conservation Area

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

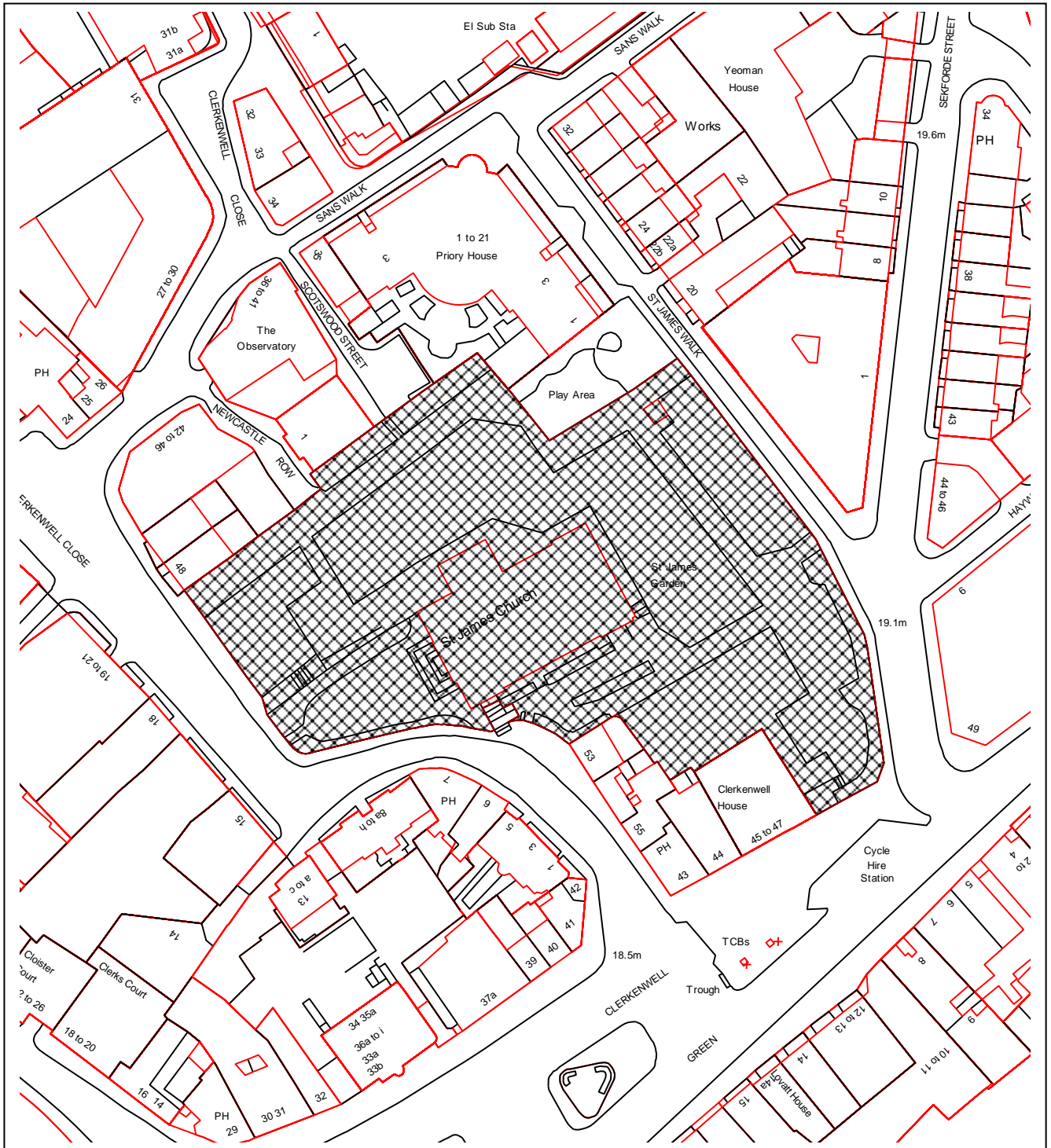
The following SPGs and/or SPDs are relevant:

##### **Islington Local Plan**

Conservation Area Design Guide

Urban Design Guide 2017

# Islington SE GIS Print Template



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