



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on, **27 March 2018 at 7.30 pm.**

Yinka Owa
Director – Law and Governance

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 16 March 2018


Welcome:

Members of the public are welcome to attend this meeting.

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

Committee Membership	Wards	Substitute Members	
Councillor Picknell (Chair)	- St Mary's;	Councillor Donovan-Hart	- Clerkenwell;
Councillor Nicholls	- Junction;	Councillor Khan	- Bunhill;
Councillor Gantly	- Highbury	Councillor Court	- Clerkenwell;
East;		Councillor Kay	- Mildmay;
Councillor Ward	- St George's;	Councillor Fletcher	- St George's;
Councillor Convery	- Caledonian;	Councillor Chowdhury	- Barnsbury;
		Councillor A Clarke-Perry	- St Peter's;
		Councillor Williamson	- Tollington;
		Councillor Gill	- St George's;
		Councillor Wayne	- Canonbury;
		Councillor Poyser	- Hillrise;
		Councillor Webbe	- Bunhill;
		Councillor O'Halloran	- Caledonian;
		Councillor Turan	- St Mary's;

Quorum: 3 councillors



A.	Formal Matters	Page
1.	Introductions	
2.	Apologies for Absence	
3.	Declarations of Substitute Members	
4.	Declarations of Interest	
	<p>If you have a Disclosable Pecuniary Interest* in an item of business:</p> <ul style="list-style-type: none"> ▪ 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. <p>In both the above cases, you must leave the room without participating in discussion of the item.</p> <p>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.</p> <p>*(a)Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p>(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.</p> <p>(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.</p> <p>(d) Land - Any beneficial interest in land which is within the council's area.</p> <p>(e) Licences- Any licence to occupy land in the council's area for a month or longer.</p> <p>(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.</p> <p>(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.</p> <p>This applies to all members present at the meeting.</p>	
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3.	89 Highgate Hill, London, N19 5NE	65 - 90
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5.	Christ Church, Highbury Grove School, Islington, London, N5 1SA	125 - 150
6.	Highbury Grove School, 8 Highbury Grove, London, N5 2EQ	151 - 190
7.	Redbrick Estate, (Bartholomew Court, Steadman Court, Vickery Court), Old Street and Mitchell Street, London, EC1V 9NH	191 - 206

C.	Consideration of other planning matters	Page
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D.	Urgent non-exempt items (if any)
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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
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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
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G.	Urgent exempt items (if any)
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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, 19 June 2018

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call 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.

COMMITTEE AGENDA

**1 29 Allingham Street
London
N1 8NX**

2 46 - 52 Pentonville Road, London, N1 9HF

3 89 Highgate Hill, London, N19 5NE

**4 9 Dallington Street
London
EC1V 0BQ**

**5 Christ Church
Highbury Grove
Islington
LONDON
N5 1SA**

**6 Highbury Grove School
8 Highbury Grove
LONDON
N5 2EQ**

**7 Redbrick Estate, (Bartholomew Court, Steadman Court, Vickery Court), Old Street and
Mitchell Street, London, EC1V 9NH**

**1 29 Allingham Street
London
N1 8NX**

Ward: St. Peters

Proposed Development: Section 73 application for the variation to conditions 2 (approved drawings) planning consent ref P2017/4729 dated 07/02/2018 for the:

Erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation.

The variation of the approved plans condition 2 seeks permission for the following alterations to the approved development:

- increase depth of proposed rear infill extension.
- insertion of rooflights above ground extension.
- increase height of parapet.
- addition of window to the rear elevation.
- increase in size and depth of terrace.

Application Number: P2018/0506/S73

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

Case Officer: Joe Aggar

Name of Applicant: Mr Martin Klute

Recommendation:

2 46 - 52 Pentonville Road, London, N1 9HF

Ward: Barnsbury

Proposed Development: Change of use of the ground floor level to flexible Class B1(a) (offices) and Class D1 (University) and the upper floors at 1st, 2nd and 3rd floor levels from B1a office use to Class D1 (University) floorspace. Inclusion of incubator start up space at ground floor level and retention of B1 (office space at ground floor plus the erection of cycle storage stands with the capacity for cycles facilities to the front forecourt.

Application Number: P2017/3100/FUL

Application Type: Full Planning Application

Case Officer: Joe Aggar

Name of Applicant: Dauphine Universite Paris

Recommendation:

3 89 Highgate Hill, London, N19 5NE

Ward: Junction

Proposed Development: Change of use of A4 (public house) unit at ground/basement floors to A1/A2/B1a uses: Reconsultation based on amended description of development to remove A3 and D2 uses from the description of development and submission of a sequential test.

Application Number: P2017/2685/FUL

Application Type: Full Planning Application

Case Officer: Joe Aggar

Name of Applicant: Highgate Hill Developments Ltd

Recommendation:

4 9 Dallington Street London EC1V 0BQ

Ward: Bunhill

Proposed Development: Section 73 variation to Condition 2 (drawing and document numbers) of planning application P2016/2420/S73. The original application was for the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space together with associated works and external alterations. The proposed variation to Condition 2 relates to external design changes to the building such as adjustment to doors, windows, roof fascia, the omission of brise soleil, and addition of functional building elements including access ladder, flues and rainwater goods.

Application Number: P2017/4021/S73

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

Case Officer: Andrew Moore

Name of Applicant: c/o Agent

Recommendation:

**5 Christ Church
Highbury Grove
Islington
LONDON
N5 1SA**

Ward: Highbury East

Proposed Development: Erection of a new single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building.

Application Number: P2017/4445/FUL

Application Type: Full Planning Application

Case Officer: Rebecca Neil

Name of Applicant: Ms Verity Baldry

Recommendation:

**6 Highbury Grove School
8 Highbury Grove
LONDON
N5 2EQ**

Ward: Highbury East

Proposed Development: Erection of a two storey detached building as an extension to the existing school premises to provide a new sixth form centre for Highbury Grove and Samuel Rhodes Secondary Schools, landscaping and other associated works.

Application Number: P2017/1725/FUL

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: Mr Richard Henshaw

Recommendation:

7 Redbrick Estate, (Bartholomew Court, Steadman Court, Vickery Court), Old Street and Mitchell Street, London, EC1V 9NH

Ward: Bunhill

Proposed Development: RECONSULTATION (CHANGE OF ADDRESS DESCRIPTION): Installation of external mechanical pipework at roof level and access staircases, with associated railings (Bartholomew Court, Steadman Court, Vickery Court).

Application Number: P2017/3454/FUL

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Mr Alex Henning

Recommendation:

London Borough of Islington

Planning Sub Committee A - 1 February 2018

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 1 February 2018 at 7.30 pm.

Present: **Councillors:** Picknell (Chair), Gantly and Convery

Councillor Angela Picknell in the Chair

64 INTRODUCTIONS (Item A1)

Councillor Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

65 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Nicholls.

66 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

67 DECLARATIONS OF INTEREST (Item A4)

Councillor Convery declared a personal interest in items B2 and B3 as he was a personal friend to the applicant and a ward councillor.

68 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

69 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 12 December 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

70 125 PACKINGTON STREET,LONDON, N1 7EA (Item B1)

Proposed change of use of the first and second floors and roofspace of the existing ancillary accommodation of the public house (A4 use) to create 3 self-contained residential flats (C3 use), being a 1 x 3 bedroom unit and 2 x 1 bedroom units. Erection of first floor side/ rear

extensions, roof terraces at first floor, raising of the roof by 0.3m and front, and rear dormer windows. Installation of 1 x air condenser unit to the rear yard at ground floor level to serve the public house, adjacent to proposed refuse and cycle storage area.

(Planning application number: P2015/5085/FUL)

In the discussion the following points were made:

- The Planning officer informed Members that item was deferred at the meeting in December 2017 for a further assessment on the amenity impact in terms of loss of daylight/sunlight to No. 4 Prebend Street.
- Members were advised that assessment had been carried out and that with the separation distance between the adjoining properties, together with the positions of the extensions, the proposal would not result in any significant loss of daylight to the windows of no 4 Prebend Street. The Planning Officer advised that although the objector was satisfied with the assessment, other issues had been raised.
- With regards to concerns about overlooking from the first floor terrace, the Planning Officer advised that condition 8 in the report would address this issue.
- Objector was concerned that other assessments in the report had not been addressed sufficiently especially with regards to overlooking from the second floor terraces. She was concerned that although officers had provided a solution for the first floor terraces, no screening had been offered regarding the second floor roof terrace.
- In response to overlooking concerns of the objector from the second floor, the Committee requested that condition 8 be amended to read ' first floor and second roof terraces shall be submitted to and approved in writing by the local planning authority'.
- Councillor Gantly proposed an additional condition regarding the swift brick, the exact wordings to be delegated to Officers and the Chair of the Committee.

Councillor Convery proposed a motion to amend condition 8 as noted above. This was seconded by Councillor Picknell and carried.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 plus the amendment to condition 8 as stated above and the additional condition outlined above; and subject to the prior completion of a 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.

Erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation.

(Planning application number: P2017/4729/FUL)

In the discussion the following points were made:

- The Planning Officer advised that no representations had been received and item was before the Committee for consideration as the applicant is a ward councillor.
- Members were advised that the principle of the mansard roof addition was accepted, given that 8 of the 16 properties had existing roof additions, and the additions had been designed so as not to be visible from street level.
- In response to a question about the rear additions, The Planning Officer advised that the proposal was in line with the Urban Design Guide, that this was an infill and not a one storey extension or half width rear extensions higher than two storeys.
- With regards to loss of light, Members were advised that the proposed addition being located at lower ground and enclosed between existing built form, the rear addition is considered to have no material impact on the adjoining neighbours in terms of loss of light sense of enclosure or loss of outlook to the adjoining properties.

RESOLVED:

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

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7 OAKLEY CRESCENT, ISLINGTON, LONDON, EC1V 1LQ (Item B3)

Retrospective application for the retention of and alterations to the existing black chimney on the roof.

(Planning application number: P2017/3097/FUL)

In the discussion the following points were made:

- The Planning Officer advised Members that this was an application seeking retrospective planning permission and was before the Committee as the co-applicant was a ward councillor.
- The Planning Officer informed the Committee that in paragraph 5.1 of the report, the third line should be amended to read 3.7 metres rather than 3.2 metres and on the 5th line it should read 2.3 metres rather than 1.9 metres.
- Objector was concerned that her complaint to planning officers regarding the erection of chimney without planning permission was ignored; that the chimney was ugly and considering that Oakley crescent was part of a conservation area, a 3m high shiny metal pipe would not blend in. The objector was also concerned with the glass wall of the new patio, not visible to the residents of 7 Oakley but impacting the amenity of the residents that back the site. The neighbouring resident suggested

Planning Sub Committee A - 1 February 2018

that the glass patio wall be straightened and the chimney put inside the patio area and instead of a 3m pipe that a new chimney stack of either yellow or terracotta brick would be more suitable.

- In response to the objectors concerns, the Planning Officer advised that the proposed amendments to the chimney will improve its appearance and reduce the visual impact on the application site and the conservation area.
- Members acknowledged that although seeking retrospective planning permission was not to be encouraged, amendments such as reduction in the height of the chimney and the blackening of the pipe to reduce reflections into neighbouring residents was welcome.

RESOLVED:

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

The meeting ended at 8.20 pm

CHAIR

PLANNING COMMITTEE REPORT



PLANNING SUB-COMMITTEE A		AGENDA ITEM: B 1
Date:	27 th March 2018	NON-EXEMPT

Application numbers	P2018/0506/S73
Application types	Full Planning
Ward	St Peters
Listed building	n/a
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area
Development Plan Context	Duncan Terrace/Colebrooke Row Conservation Area Locally Listed Building Cycle Routes (Major) Article 4 Direction A1-A2 Article 4 Direction B1(c) to C3
Site Address	29 Allingham Street, London, N1 8NX
Proposals	<p>Section 73 application for the variation to conditions 2 (approved drawings) of planning consent ref P2017/4729 dated 07/02/2018 which granted conditional approval for the: Erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation.</p> <p>The proposed variation of the approved plans condition 2 seeks permission for the following alterations to the approved development:</p> <ul style="list-style-type: none">- increase depth of proposed rear infill extension.- insertion of three rooflights above ground extension.- increase height of the rear extension by 0.1metres and the parapet height by 0.6 metres.- addition of window to the rear elevation.- increase in depth (1m) and width (0.5m) of the previously approved rear terrace.

Case Officer	Joe Aggar
Applicant	C/O Agent
Agent	Open Architecture Ltd

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 the site and surroundings



Image 2 - View of rear elevation



Image 3 – View looking west of front elevations (1-29 Allingham Street)



Image 4 – View of front elevation of 29 Allingham Street



Image 5 – View of rear elevation (29 Allingham Street)



Image 6 – View of rear elevation (29 Allingham Street)

4. SUMMARY

- 4.1 The application site forms a mid-terraced, two storey dwelling with semi-basement located on the north side of Allingham Street. The property is Locally Listed Grade B and is located within the Duncan Terrace/Colebrooke Row Conservation Area.
- 4.2 The proposal seeks amend Condition 2 (drawing numbers) of planning permission P2017/4729 dated 07/02/2018. Planning permission was granted previously for the 'erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation.' This application was considered at the 1st February 2018 Planning Sub-Committee.
- 4.3 The variation to the original permission seeks to increase the depth of the lower ground floor rear infill addition, marginally increase the overall height (0.1m), insert three rooflights above the existing ground floor rear addition, increase the height of the parapet to the existing rear addition by 0.6m, insert a window to the existing rear elevation plus the enlargement of approved terrace and associated balustrade above proposed ground floor addition.
- 4.4 The application does not seek to make amendments to the approved roof extension or alterations to the front elevation. The application is referred to committee as the applicant is a councillor.
- 4.5 Overall, the design, layout scale and massing of the proposed development is considered acceptable. The proposed alterations to the lower ground floor rear extensions and terrace maintain a sense of subservience to the main rear elevation and would not lead to visual clutter. The proposed extensions and alterations would not detract from the character and appearance of the locally listed building or the conservation area and would comply with Policies DM2.1 and DM2.3 of the Development Management Policies, the Urban Design Guide and the Duncan Terrace/Colebrooke Row Conservation Area Guidelines.
- 4.6 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar as loss of light, overlooking, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.
- 4.7 The proposal is considered to be acceptable and in accordance with the Development Plan policies and the proposal is recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is a two storey, with semi basement, mid terrace dwelling. It is Locally Listed Grade B; however, it is not statutorily listed. The site is within the Duncan Terrace/Colebrooke Row Conservation Area. The surrounding area is predominantly residential in character.
- 5.2 The site abuts no. 27 Allingham Street to the west and no. 31 Allingham Street to the east. Both properties are two storey dwelling houses with existing mansard roof extensions and have previously been extended to the rear. The rear of the site abuts a two storey mews development known as Rheidol Mews.

6. PROPOSAL (in Detail)

- 6.1 The application seeks a variation of Condition 2 (drawing numbers) to make alterations to the rear lower ground floor level of the existing dwelling house. The application includes increasing the depth of the proposed infill extension by 1m, to come in line with the existing partial rear extension. The proposed rear infill addition would total 4.4m in length. The proposed infill extension would create a full width extension (in conjunction with the existing extension), above which a terrace is proposed. The height rear infill extension is proposed to be marginally increase (0.1m). The design of the terrace has been amended from the original permission to increase the depth of the terrace by 1m and the width by 1.1m at upper ground floor level. The rear elevation would comprise a window and sliding folding doors out on the rear garden.
- 6.2 Alterations are also proposed to the existing partial width extension which include raising the parapet height by 0.6 metres, to come in line with the top of the shared boundary wall with no. 27 Allingham Street. Behind the parapet, above the existing flat roof, raised rooflights are proposed. The proposal involves the removal of a door and window to the existing partial width addition and the installation of a larger window.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 29 Allingham Street, planning application re: P2017/4729/FUL for the '*Erection of mansard roof extension with front roof terrace plus erection of rear lower ground floor infill extension and terrace at upper ground floor level. Installation of door to front lower ground floor level and rain water pipe to front elevation*' was APPROVED on the 07/02/2018.
- 7.2 27 & 29, Allingham Street, planning application re: P090132 for the '*Erection of 2 mansard roof extensions at 27 & 29 Allingham Street*' was APPROVED on the 29/04/2009.
- 7.3 25, Allingham Street, planning application re: P110946 for the '*Erection of a mansard roof extension to provide additional living accommodation to property. Roof extension will incorporate 3 velux rooflights within its front elevation and 2 dormer windows within its rear elevation*' was APPROVED on the 01/07/2011.
- 7.4 31, Allingham Street, planning application re: P060313 for the '*Erection of a mansard roof extension with terrace area to front*' was APPROVED on the 02/01/2007.
- 7.5 9, Allingham Street, planning application re: P011790 for the '*Erection of a roof extension*' was APPROVED on the 04/02/2002.

ENFORCEMENT:

- 7.6 None.

PRE-APPLICATION ADVICE:

- 7.1 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 18 adjoining and nearby properties at Allingham Street, and Rheidol Mews on the 14 February 2018.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 15th March 2018. It is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of writing this report no responses have been received from the public with regard to the application.

External Consultees

- 8.4 None

Internal Consultees

- 8.4 **Design and Conservation Officer:** The single-storey infill addition at rear lower ground level is of an appropriate design and would be subservient to the main building. The addition will be concealed visually by an existing masonry boundary wall and would cause no harm.

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.

- 9.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
 - To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).
- 9.2 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.3 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents.**
- 9.6 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.
- 9.7 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.8 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 considered relevant to this application are listed at Appendix 1 to this report.

Designations

- 9.9 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.
- Duncan Terrace/Colebrooke Row Conservation Area
 - Locally Listed Building

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.10 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:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
- Design, appearance and impacts on the Conservation Area
- Impact on the amenity of neighbouring residents.

Scope of the Consideration of the Case Under Section 73 of the T&CPA

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 fresh grant of 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 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

10.4 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 applicant's ability to complete the originally approved development.

Design and Conservation

10.6 The application site comprises No. 29 Allingham Street, which is a mid-terrace property, and a locally listed building situated within the Duncan Terrace/Colebrooke Row Conservation Area. Whilst the locally listed status affords no statutory protection, it reflects the significance of the building to the conservation area and is a non-designated heritage asset. The group of buildings are recognised for their historic value, having avoided much of the more recent redevelopment evident around them, and are reflective of the age, type and form of development across the wider conservation area.

10.7 The Duncan Terrace / Colebrooke Row Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces. Overall the area has a architectural consistency, homogeneity and historic interest, which gives the area its special character and appearance and demands sensitive policies for preservation and enhancement. These properties within the terrace have a simple traditional appearance, which contributes positively to the character and appearance of the street scene

10.8 The policy context on which the previous decision remains the same. Policy CS9 of Islington's Core Strategy (CS), 2011 and Policies DM2.1 and DM2.3 of the Development Management Policies (2013) accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness. Taken together, they seek to ensure that heritage assets are conserved and enhanced through development which, amongst other things, respects and responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 10.9 The policies carry forward the statutory requirement Within (Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990) that special consideration be given to preserving or enhancing the character or appearance of Conservation Areas and the advice in the National Planning Policy Framework ('the Framework') as to the treatment of development that affects heritage assets.
- 10.10 The Council has supplemented these national and local Development Plan policies by adopting special policies that will operate within the Duncan Terrace/Colebrooke Row Conservation Area (CADG).

Variations to Lower Ground Floor

- 10.11 The proposed application seeks to extend the previously approved infill extension 1m further into the rear garden. The proposed infill addition would come in line with the existing partial width lower ground floor extension. The extension would measure 4.4m in length. The eastern flank wall to the existing extension would be removed to create a singular space to provide additional living space at lower ground floor to the existing single family dwelling. The overall height of the extension is proposed to increase by 0.1m from 2.5m to 2.6m in height.
- 10.12 The terrace within which the application site is located is part of a compact layout form whereby there no opportunity for views of the rear elevations of the terraces to be obtained from the public realm. It is evident the wider terrace within which the application site is located has been the subject of various additions and alterations at the rear at lower ground floor, examples of which are akin in depth to the proposed addition.

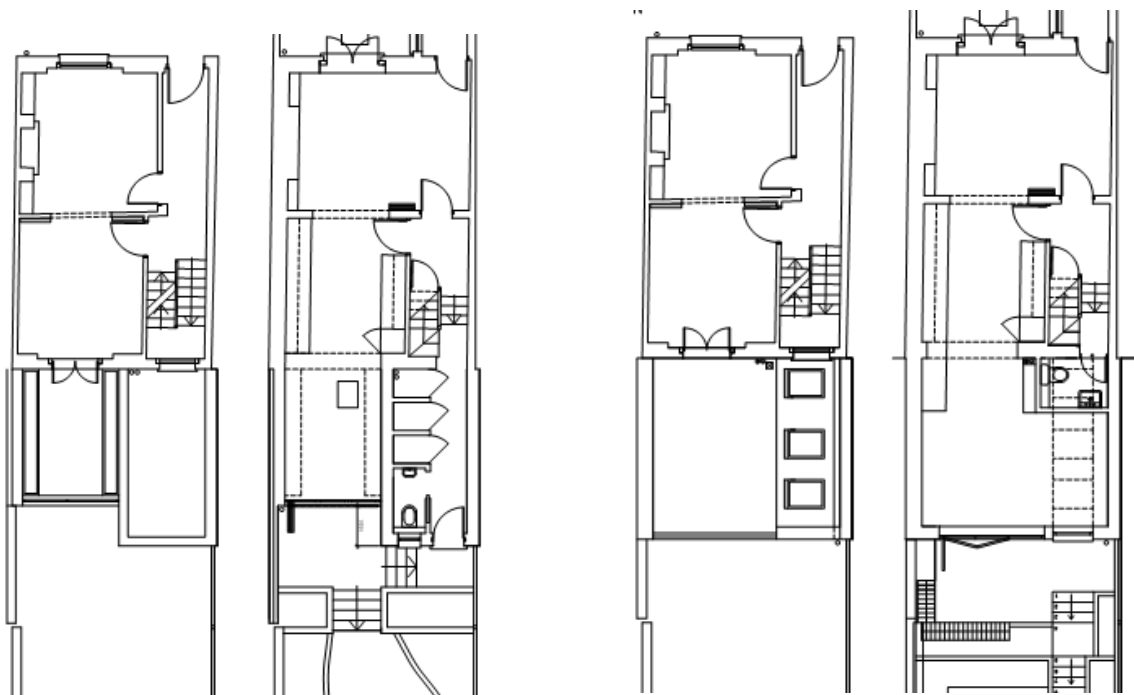
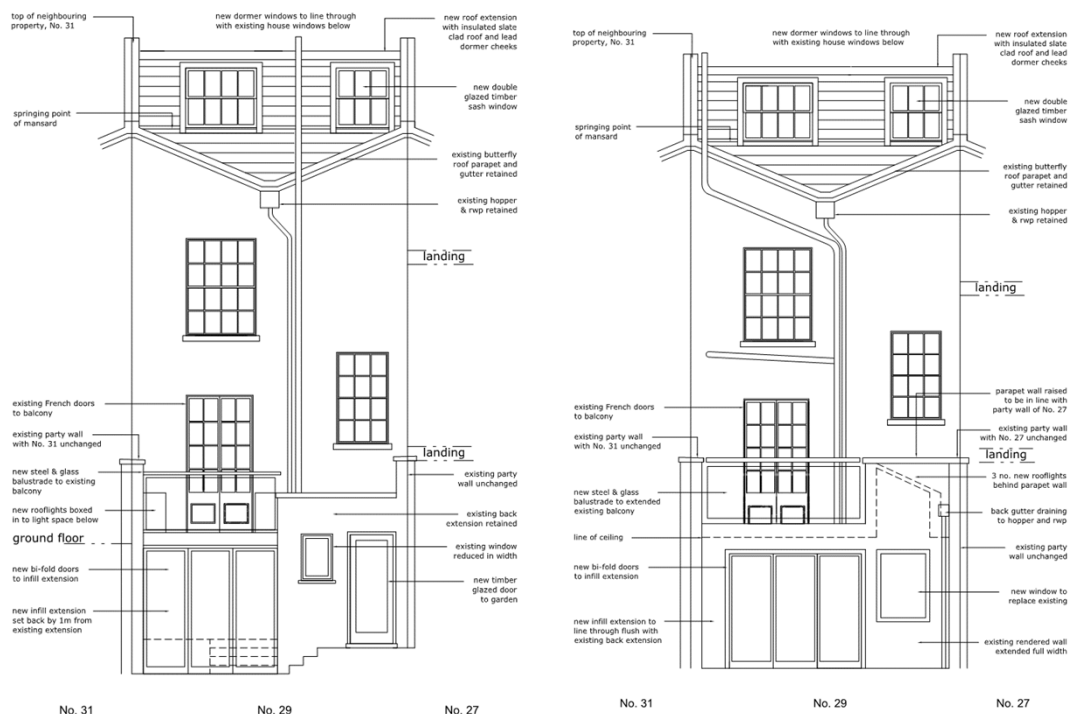


Figure 1: Approved floor plan P2017/4729/FUL **Figure 2:** Proposed floorplan

- 10.13 In relation to rear additions, the CADG advises full width rear extensions higher than one storey or half width rear extensions higher than two storeys, will not normally be permitted in this conservation area, unless it can be shown that no harm will be caused to the character of the area.

- 10.14 Section 5.134 of the Islington Urban Design Guide (UDG) advises that rear extensions must be subordinate to the original building; extensions should be no higher than one full storey below eaves to ensure they are sufficiently subordinate to the main building. For this reason and also in order to respect the rhythm of the terrace, full width rear extensions higher than one storey, or half width rear extensions higher than two storeys, will normally be resisted, unless it can be shown that no harm will be caused to the character of the building and the wider area.
- 10.15 The proposal for the increased depth and height of the rear lower ground floor addition is not considered to detract from the rhythm of the original building form, which has in any event, been somewhat disrupted by the extensions referred to above. Nor would it be a dominant addition either in the context of the existing dwelling, or the private or limited public realm within which it would be seen.
- 10.16 The proposal for a deeper extension at lower ground floor would not be visible from the public realm and would be contained within the existing party walls. The raising of the rear parapet wall and introduction of roof lights would also be no higher than the existing party wall with no. 27 Allingham Street. As such the proposed development to the rear would go unseen from the public realm at lower ground floor level, and because of the secluded and well screened nature of the application site rear garden, it would go un-noticed by the residents of most dwellings in close proximity. The increase in the upper ground floor roof terrace based on the extension's inconspicuous location is not an overly dominant or discordant feature. In view of the secluded position at lower ground, the extension and terrace would have no discernible effect on the perceived visual qualities of the Conservation Area.



Previously approved and current proposed rear elevation.

- 10.17 The additional mass, height, scale, depth and proportions of the proposed rear extension and terrace are considered to remain subordinate to, and preserve the scale and integrity of the original building. Consideration has been given to the extent of the proposed increase to the footprint of the dwelling and the impact on the character of the modest rear garden. The proposed extension is considered to balance the increase in built form with retaining sufficient private outdoor amenity space.
- 10.18 For these reasons the proposal would not harm the character or appearance of the host building and that it would preserve both the character and appearance of the Duncan Terrace/Colebrooke Row Conservation Area. As such, the proposal would accord with Policy CS9 of Islington's Core Strategy and with policies DM2.1 or DM2.3 Islington's Local Plan: Development Management Policies, the Urban Design Guide and the Duncan Terrace/Colebrooke Row Conservation Design Guidelines.
- 10.19 The proposal would also satisfy Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

Neighbouring Amenity

- 10.20 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.
- 10.21 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.22 The proposed rear extension would measure approximately 4.4m in depth and be 2.6m in height. It would infill the narrow recess between the existing boundary wall with no.31 Allingham Street (which would remain in place) and the existing partial width lower ground floor structure on site. The addition would be contemporary in appearance. Based on the extension being located at lower ground floor and enclosed between existing built form, the rear addition is considered to have no material impact on the adjoining neighbours in terms of loss of sunlight/daylight, sense of enclosure or loss of outlook to the adjoining properties at nos. 27 and 31 Allingham Street not those properties to the rear within Rheidol Mews. The increase in the height of the parapet and introduction of raised rooflights would also be located below the height of the existing boundary wall with the adjoining building at no. 27 Allingham Street so therefore its impact would be negligible.
- 10.23 The property has an existing wooden terrace which projects approximately 1.5m from the original rear elevation with steps down to the garden level. The terrace appears to have been in place for a considerable amount of time, as such there is an already degree of existing overlooking, most notably to no. 31 Allingham Street.
- 10.24 The proposal would result in a deeper (1m) and wider (0.5m) terrace at rear upper ground floor level than was originally approved. However, based on the existing arrangement and the presence of 1.3m existing boundary that would remain, the proposed terrace is not considered to give rise to overlooking which would be materially worse than the present situation.

- 10.25 In summary the overall impact of the proposals is not considered to result in an unacceptably harmful impact on the adjoining and adjacent properties in terms of loss of outlook, daylight, sunlight, or increase in sense of enclosure or overlooking. Therefore, the proposals are considered to be acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.

11. SUMMARY AND CONCLUSION

Summary

- 10.26 Overall, the design, layout scale and massing of the proposed development is considered acceptable. The proposed alterations to the lower ground floor rear extensions and terrace maintain a sense of subservience to the main rear elevation and would not lead to visual clutter. The proposed extensions and alterations would not detract from the character and appearance of the locally listed building or the conservation area and would comply with Policies DM2.1 and DM2.3 of the Development Management Policies, the Urban Design Guide and the Duncan Terrace/Colebrooke Row Conservation Area Guidelines.
- 10.27 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar as loss of light, overlooking, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.
- 10.28 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 07/02/2021.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 07/02/2018 [LBI ref: P2017/4729]. 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>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site location plan numbered: MK-01-99, MK-01-01, Mk-01-02, MK-01-03, MK-01-04, MK-01-05, MK-01-06, MK-01-07, MK-01-10A, MK-01-11A, MK-01-12, MK-01-13, MK-01-16A, HL-03-14B, MK-01-14A, MK-01-17A & MK-01-15.</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>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the approved plans. 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:

1	Positive statement
	<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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>

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

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 Islington's Built and Historic Environment)

C) Development Management Policies June 2013

Design and Heritage
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 and Site Allocations 2013:

Islington Local Plan

Duncan Terrace/Colebrooke Row Conservation Area
Locally Listed Grade B

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

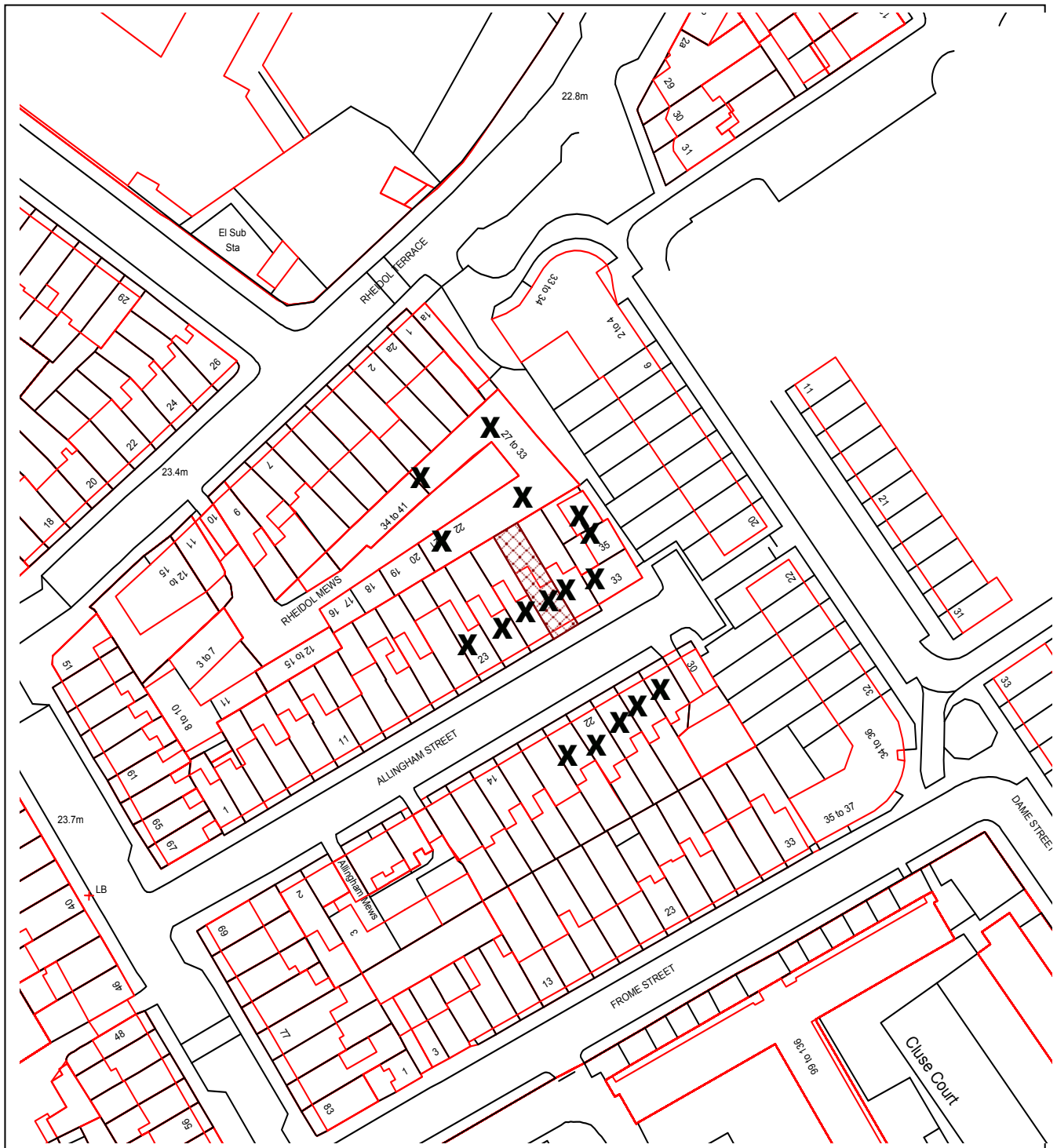
The following SPGs and/or SPDs are relevant:

Islington Local Plan

Duncan Terrace/Colebrooke Row Conservation Area
Guidelines 2002
Urban Design Guide 2017
Environmental Design SPD 2012

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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

PLANNING SUB COMMITTEE A		AGENDA ITEM NO: B2
Date:	27 th March 2018	NON-EXEMPT

Application number	P2017/3100/FUL
Application type	Full Planning Application
Ward	Barnsbury Ward
Listed building	Adjacent to Grade II Listed Building
Conservation area	Newington Green Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Angel and Upper Street Core Strategy Key Area - New River Conservation Area - Central Activities Zone - Employment Growth Area - Local Views – Archway Road/Archway Bridge - Locally Listed Building - Rail Safeguarding – Crossrail 2 - Within 100m TLRN – Pentonville Road, White Lion Street & Baron Street - Rail Land Ownership – TfL Tunnels - London Underground Zones of Interest - Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	Not Applicable
Site Address	46 - 52 Pentonville Road, London, N1 9HF
Proposal	Change of use to flexible Class B1(a) (offices) and Class D1 (University) floorspace. Inclusion of incubator start up space at ground floor level and retention of B1 (office space at ground floor plus the erection of cycle storage stands.

Case Officer	Joe Aggar
Applicant	Universite Paris-Dauphine
Agent	Boyer Planning

1. RECOMMENDATION

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

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

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

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1 – Front elevation from Pentonville Road.



Image 2 – Ariel view of site and surroundings.



Image 3 – Ariel view of site and surroundings.

4. SUMMARY

- 4.1 The buildings current lawful land use is offices (B1). The application site has a frontage on to Pentonville Road and is located within the Angel and Upper Street Core Strategy Key Area, an Employment Growth Area and the Central Activities Zone (CAZ).
- 4.2 The application proposes the flexible change of use of the ground, first, second and third floors (1,197.9sqm) from offices (B1) to a university (D1 use) to enable a mix of employment generating uses. The majority of the building is currently vacant. Part of the second floor is currently occupied. Based on amended floor plans submitted, in effect, the application proposes change of use from office (B1) to education (D1) at part ground, first, second and third floors and change of use from flexible B1 to D1 at part of the ground floor. In relation to the flexible change this would enable the applicant at a later dated to amalgamate the self-contained office unit (as shown on the proposed plans at ground floor level) into the university based on demand and need.
- 4.3 An education-led use development (incorporating education floor space and facilities, office use and incubator space for 'start-ups') is on balance considered acceptable for the sites policy context. There is no in-principle objection to an element of D1 (education) use, an employment-led use, given the sites allocation within an Employment Growth Area. In weighing up the scheme that proposes a loss in the quantum of business floorspace, this is offset by an employment-led use (education). The scheme also offers reasonable public benefits in the provision of start-up space for local projects at a reduced market rate for businesses and entrepreneurs, and a programme of tutorials for schools within the vicinity. This will be captured in a legal agreement.

- 4.4 There are no proposed external alterations to the main building apart from the inclusion of four areas for bike stands with the provision of up to 30 bicycle spaces. These would be located within the front forecourt. The proposal is considered to have a neutral impact on the character and appearance of the conservation area. A landscaping scheme is recommended to be secured by condition. This would be considered to have a positive contribution to the character and appearance of the conservation area.
- 4.5 The development involves no external physical changes to existing building (apart from the inclusion of bicycle stands, capable of storing 30 bicycles to the front forecourt). Therefore, in terms of the impact upon the amenity of neighbouring residential occupiers no further assessment in respect of daylight and sunlight, outlook or privacy is considered necessary. Whilst there is some small potential for the new operation to result in noise and disturbance to nearby properties from comings and goings it is considered these impacts can be suitably mitigated by conditions which restrict hours of use, the use of the forecourt for parking and deliveries and the adherence to a Travel Plan.
- 4.6 The change of use is unlikely to have any additional adverse impacts in terms of deliveries and servicing over and above that of the existing office use. No significant transport and parking impacts are anticipated by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact and promotion of sustainable transport behaviour, subject to Heads of Terms (Travel Plan). The scheme also benefits from a highly sustainable location with an excellent public transport accessibility rating.
- 4.7 The benefits of the proposed development have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include loss of office space). For these reasons and all the detailed matters considered in this report, the scheme is, on balance, considered acceptable subject to conditions, informatics and the S106 legal agreement to secure key public benefits in relation to the scheme as a whole.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the northern side of Pentonville Road close to Angel (to the east) London Underground station which is within walking distance of the site.
- 5.2 No. 46-52 Pentonville Road comprises a terrace of three storey, originally comprising of three small houses, currently used as offices (B1a). These comprise stock brick, stone parapet, slate roof. There is a carriage entrance made later with exposed concrete beam and the windows to the front elevation exhibit segmented gauged brick arches. The buildings are Locally listed Grade B. Its principal qualities lie in its age, design and group value. The subject buildings have been significantly extended to the rear and also at roof level, with the addition of a mansard. The buildings are set away from the pavement (approximately 14m) with the presence of a forecourt. The site abuts the Grade II listed Craft Council (44A Pentonville Road).
- 5.3 Pentonville Road is a principal east-west route that was developed as part of the growth of London during the Georgian period. Once characterised by terraced housing on either side, remnants of which remain, the road is now more mixed in building types, heights, age and quality as well as the uses they accommodate. Building heights on the north side of Pentonville Road also relate more to the pre-existing townscape with buildings rising 5/6 storeys on average at the highest points.

The site is located within the New River Conservation Area which is one of the largest Conservation Areas in Islington.

- 5.4 The site has both vehicular and pedestrian access from Pentonville Road which is managed by Transport for London. The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 180 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 1km away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Circle and Hammersmith and City lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).
- 5.5 Although not a formal designation in planning terms, the site would be in proximity of the Knowledge Quarter (KQ). The KQ partners a consortium of over 85 academics, cultural, research, scientific and media organisations. These include the British Library, the University of the Arts London, the School of Life and the Aga Khan University located in a small area around Kings Cross, the Euston Road and Bloomsbury.

6. PROPOSAL (IN DETAIL)

- 6.1 The application sites current lawful is as offices (B1(a)). Based on amended floor plans submitted, the application proposes change of use from B1 to D1 at part ground, first, second and third floors and change of use from 'flexible' B1 to D1 at part of ground floor level (to the east of the site). The application in practice could result in the loss of all of the existing office floor space (1197.9sqm). The majority of the building is currently vacant. Part of the second floor is currently occupied.
- 6.2 The proposal, includes the retention of a separate office unit to the east of the site at ground floor as office (B1(a)), measuring approximately 175sqm. It is understood the applicant is seeking to retain this element of B1, at present, with the option to sub-let the space and seek the ability to amalgamate this area into the university use at a later stage (not specified).
- 6.3 Within the floor plate, the proposal also seeks the incorporation of 106sqm of incubator start up space. This would incorporate co-working flexible space, a board room and reception. This space is intended to be managed by the university to facilitate start up, office based, businesses. It is intended to let this space to local projects, businesses and entrepreneurs as well as be available to students.
- 6.4 The D1 use is proposed to be occupied by a total of 28 members of staff and 150 students. The whole of the third floor level is proposed to offer office space to serve as the administrative area for the proposed university (approximately 102sqm). The layout of the first and second floors would enable the creation of six classrooms (approximately 557sqm).
- 6.5 The university (D1) is also proposing to offer free Maths, French and mentoring tutorials to local school pupils. At present, Elizabeth Garrett Anderson School, City of London, St Mary Magdalene Academy and Central Foundation Boys School have been identified as schools which the university would co-operate with, however this has not been agreed or finalised. The university is offering maths lessons delivered by a university tutor for 2-5 hours per week for groups of 10-14 students, totalling 20-

70 hours per week. For French tutorials, the university is offering 2-5 hours per week delivered by a student for 2 pupils totalling 6-10 hours per week. In relation to mentoring the applicant is offering 3-5 hours per week, delivered by a student totalling 6-10 hours per week.

- 6.6 The university is also offering 90 minute monthly workshops from September to May on business related topics. It is proposed to hold workshops, midweek on campus for which there would be ranging prices from a standard fee, to a reduced 'local fee' and 'Incubator' fee. These workshops are proposed to cover basic bookkeeping, essentials of marketing, accountancy, using social media, powerful presentations, advanced marketing, human resources for small and medium enterprises and basic business law.
- 6.7 The servicing arrangements would occur within the existing forecourt. It is proposed also to locate 30 bicycle spaces for staff and student within this area. The proposal would not enable parking by staff or students within the site.

7. RELEVANT HISTORY

Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered particularly relevant to the current proposal:
- 7.2 46-50 Pentonville Road, planning application re: 870266 for the '*Redevelopment to provide a 5 storey office block*' was REFUSED on the 25/08/1987.
- 7.3 46-50 Pentonville Road, planning application re: 870645 for the '*Demolition of existing buildings in connection with proposed redevelopment to provide a 5 storey office block.*' was REFUSED on the 25/08/1987.
- 7.4 46-52 Pentonville Road, planning application re: 872037 for the '*Redevelopment to provide 5 storey office building*' was REFUSED on the 02/03/1988.
- 7.5 46-52 Pentonville Road, planning application re: 901316 for the '*Redevelopment to provide a three storey building for B1 use together with ancillary parking servicing and landscaping*' was APPROVED on the 19/06/1992.
- 7.6 46-52 Pentonville Road, planning application re: 920617 for the '*Demolition of unlisted buildings in a Conservation Area*' was APPROVED on the 19/06/1992.
- 7.7 46-52 Pentonville Road, planning application re: 930422 for the '*Redevelopment to provide a three/four storey building for B1 use together with ancillary parking servicing and landscaping*' was APPROVED on the 06/07/1994.
- 7.8 46 Pentonville Road (rear building), planning application re: 932146 for the '*Certificate of Lawfulness in respect of the proposed use of the first and second floors as offices and the ground floor as conference rooms and lecture room*' was APPROVED on the 18/05/1994.

Enforcement

- 7.9 Not Applicable

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 52 adjoining and nearby properties on 29 August 2017. The public consultation of the application therefore expired on 21 September 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report no objections had been received from the public with regard to the application.

External Consultees

- 8.3 Transport for London (land use planning): No comment
- 8.4 London Underground Zones of Interest: No comment.
- 8.5 Transport for London: The application documents state that up to 150 full time students and 28 employees are expected at the university in September 2017. The application documents do not make it clear of the total number of staff and students which will be registered at proposed site.

London Plan cycle parking standards are based on total number of staff and students registered at the development site, therefore the applicant should clarify staff and student numbers so an assessment can be made if the proposed cycle parking provision is sufficient.

The existing application documents include details of 30 cycle parking spaces to be provided in the front forecourt of the development site. Based on current staff and student levels, the proposed cycle parking provision does not meet London Plan standards for long and short stay cycle parking. It is recommended the applicant should reconsider cycle parking provision to ensure it meets London Plan standards.

The application details refer to a Travel Plan; however, no Travel Plan details have been submitted with the application documents. As the proposed development accommodates more than 20 employees, it is recommended a Travel Statement is submitted in accordance with TfL's Travel Plan Guidance. The Travel Statement should focus on measures to encourage 'active travel' (i.e walking and cycling).

Internal Consultees

- 8.6 **Policy Officer:** The applicants do commit to working with existing programmes in relation to teaching/mentoring which is welcomed although the teaching/mentoring is 30hrs less per week than previously discussed. There is no real public benefit of costed workshops. The applicant could potentially offer a number of free places per month for local individual/businesses as well as having the local discount.

In terms of the incubator space, there is no link between the what is being offered and space for local businesses. A list of market rates has been provided for flexible spaces but no information has been these spaces equate to the incubator space on offer, and therefore whether the rental values are a relevant comparison. Recommend condition attached to bind the applicant and the operation of incubator space with an agreed strategy with LBI.

- 8.7 **Public Protection Division (Noise Team):** No comments at the time of writing.
- 8.8 **Section 106 Officer:** secure undertakings within 'Community Engagement Strategy' in the S106. Require more information on bursaries & scholarships. The actual delivery is planned to become part of emerging 'community of Schools' initiative which has a strong CSR enrichment component.
- 8.9 **Economic Officer:** the policy says that for a workspace to be affordable it needs to be charging 80% of market rates, and the local authority is responsible for the process of making the space operational by selecting a suitable provider. The workspace offer doesn't demonstrate clear social value. If minded to approve, Small Medium Enterprises/Affordable Workspace should be secured at 20 years for peppercorn rent.
- 8.10 **Arts Development Officer:** This is an interesting local offer that potentially chimes with several of the signature projects currently being developed by the Employment, Skills and Culture Division within Children's Services (namely Creative Employment Pathways and Islington Curriculum) but in its current form provides too small-scale an offer to constitute meaningful 'community benefit'.

Paris-Dauphine Start-ups Incubator: Whilst the offer is specific and niche it is none the less very much needed in the borough. In particular, the 'Paris-Dauphine Start-ups Incubator' could provide an important step in the career progression pathway to establishing a creative enterprise. Whilst Islington provides workspace for creative entrepreneurs at Dingley Place we do not provide 'Incubator' provision in relation to the creative industries. It would be helpful to understand whether the offer is creative/culture specific or more general entrepreneur support. Further information in relation to the level of investment in entrepreneur projects would also be helpful in determining how much benefit this offer provides. A starting position of 5 start-up local projects seems a little low and again it would be helpful to confirm that the 25-35 start up supports can be reached by year 3.

Dauphine London Junior Consulting: This consulting service appears to be similar to that run by Central Saint Martins (and other universities) and whilst a useful resource is not necessarily a community benefit per se. Such services are often run on a cost basis with the fees paid by businesses offsetting the tutor's fees for overseeing the project/process. Whilst the consultation/advice provided may be helpful these services are established as much to help the students learn on the job. I would suggest that this is not additional to the core work of the university and of little planning gain re. 'community benefit'.

Free Mathematics and French Tutorials to the local community: These sessions are most welcome and would constitute a benefit to the local community. It would be helpful for this offer to be discussed with the Schools Improvement Service and Adult Community Learning colleagues to ascertain where this help is most needed (within schools or for adult learners). It would also be useful to talk through the best location for this offer and whether this is within the University or whether there would be better take up if the sessions were held in community locations. My main concern is that the scale of this offer is very small with potentially only 4 tutorial hours/week for 8 months of the year. For this to be considered as community benefit the scale of this offer would have to be substantially increased. It would be helpful to understand how many students are provided for in each tutorial.

Diverse student societies: These societies already exist and their ongoing activity is not an additional community benefit. Nor does the submission explain how Islington residents would benefit from these student clubs.

Knowledge Quarter and Islington Sustainable Energy Partnership: Membership of both these groupings is warmly welcomed but neither form a direct primary benefit to Islington residents. The Knowledge Quarter endeavours to use its combined acumen to facilitate knowledge exchange and Islington Council is itself a member of the consortium which spans boroughs. The ISEP is an Islington Council service promoting sustainable practice and it is very encouraging that P-D are taking up this opportunity.

Other comments

- 8.11 **UCL:** Welcome and support Paris-Dauphine within London. Allow students to integrate with UCL campus.
- 8.12 **Presdient de l'Universite Pais-Dauphine:** Welcomes the initiative and all the link between Paris and London to be reinforced.
- 8.13 **Ambassade De France Londres:** The initiative will benefit both London and the Borough of Islington. Will offer a valuable addition and given its international reputation, its academic mission and diverse and dynamic students the faculty would benefit the area.
- 8.14 **The British Library (Chair Franco-British Council):** Welcome initiatives which strengthen the links between Britain and France, especially those aimed at younger generations. Expectation that the University will contribute to vitality and local area.

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.

- 9.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:
 - To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
 - To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).

The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.3 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents:**
- 9.6 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.

Development Plan

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.

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

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Accessibility
- Neighbouring Amenity
- Highways and Transportation
- Planning Obligations, Community Infrastructure Levy and local finance considerations

The application proposes change of use from office (B1) to education (D1) at part ground, first, second and third floor levels and a flexible change of use of part of the ground floor (175 sqm) from B1 (office) to D1 (education). Based on the amended plans, it is important to distinguish at the stage the applicant is seeking a 'flexible' change use in relation part ground floor level (175sqm) to the east of the site. This is shown as a separate self-contained office unit which factors into the considerations of the assessment of the proposal, (discussed below). The applicant intention is to sub-let this space with the future aim of amalgamating the office space into the university at a later date (which has not been specified). At present the majority of the building is currently vacant. Part of the second floor is currently occupied.

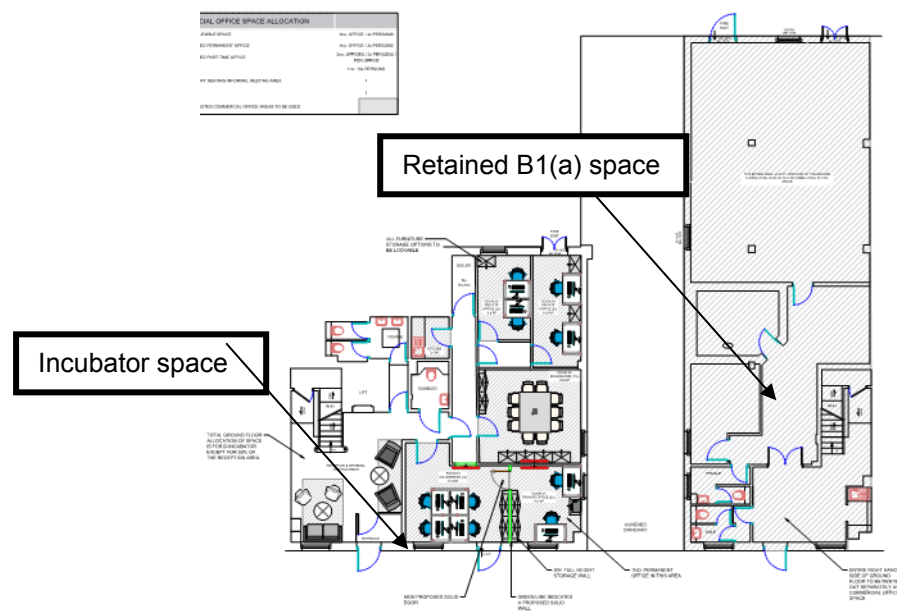


Figure 1: ground floor –proposed start-up space and retained office space (B1(a))

- 10.2 The university (D1 use) is proposed to be occupied by a total of 150 students and 28 members of staff. The third floor level is proposed to offer office space to serve as the administrative area for the proposed university (approximately 102 sqm). The layout of the first and second floors would enable the creation of six classrooms (approximately 557sqm).
- 10.3 Also within the existing floor plate, the proposal seeks the incorporation of 106sqm of incubator start up space. This would include co-working flexible space, a board room and reception. This space is intended to be managed by the university to facilitate start up, office based, businesses. It is intended this space would be let to local projects, businesses and entrepreneurs as well as be available to students. The key issues to consider within the merits of this application are the loss of the office space, the suitability of an educational use at this location and whether the proposal offers any exceptional circumstances demonstrating public benefit.

Loss of B1

- 10.4 The application in practice could result in the loss of all of the existing office floor space (1197.9sqm). The Local Development Framework policy generally seeks to prevent the loss of B1 (office) space. The Mayor of London's London Plan Consolidated with Alterations since 2011 March 2016 (LP) places importance upon office use. Amongst other things, Policy 4.2 expresses support for the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of the London Plan, including enhancing London's varied attractions for businesses of different types and sizes and in relation to small and medium sized enterprises. It also seeks increases in the current stock where there is authoritative evidence of sustained demand.
- 10.5 Of further relevance to the application site is reference in the Mayor of London's Central Activities Zone Supplementary Planning Guidance March 2016 (the CAZ SPG) to a CAZ fringe, the boundaries to which are to be defined locally. The CAZ SPG acknowledges the relationship between the CAZ and its fringe to be an important one, and urges its full potential be secured so as to enhance and complement the functions and activities of the CAZ whilst meeting more local needs. It suggests that employment land reviews and local plan policies within the fringe should ensure the availability of office and related workspace, including small units for start-ups, small and medium sized enterprises and, where there is local evidence of need and viability, of 'affordable' workspace. It is recognised the need for B1 space will also reflect Islington's wider strategic role within the capital.
- 10.6 At a local level, the Islington Employment Land Study by Ramidus Consulting Limited dated 26 January 2016 (the ELS) generally underlines the need to protect business floorspace and provide new office floorspace if London Plan forecasts of employment growth in Islington from 196,000 to 249,000 jobs by 2036 are to be met. It also, amongst other things, highlights a large amount of commercial floorspace in the Borough lost to residential use and makes reference to the market for small occupiers and for flexible space. The ELS identifies the biggest threat to growth as likely to come from restricted supply as potential office premises are outbid in value terms by residential use. If, as set out in the Mayor's SPG, the CAZ is to accommodate projected employment growth and remain globally competitive, it recommends that policy should seek to retain land for commercial office development.

- 10.7 Policy CS5 (Angel and Upper Street), Part C seeks to protect business floor space from change of use. An expected 775 jobs are anticipated from B-use floorspace which while encouraged within the town centre is also expected to be delivered specifically along White Lion Street and Pentonville Road. Policy CS 13B of the Core Strategy, also seeks to protect 'existing business spaces' against change of use to non-business uses, and includes units suitable for small and medium enterprises by reason of their type and size. Further, the Glossary to the Core Strategy defines 'business floorspace/ buildings/ development/ uses' to be 'activities or uses that fall within the B-use class (i.e. offices, industry, or warehousing).
- 10.8 Policy DM5.1A of the Islington's Development Management Policies encourages the intensification, renewal and modernisation of existing business floorspace within Employment Growth Areas. It advises that proposals for redevelopment or change of use of existing business floorspace are required to incorporate the maximum amount of business floorspace reasonably possible on the site, and a mix of complementary uses, including active frontages, where appropriate.
- 10.9 DMP Policy DM5.2A states that proposals that would result in a loss or reduction of business floorspace will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floorspace. This evidence must demonstrate that the floorspace has been vacant and continuously marketed for a period of at least two years. The applicant has not submitted two years of marketing evidence, nor have they stated the period of under occupation or vacancy. Moreover, no information has been given on the existing layout, floorplates, maximum floor load factors, ceilings or quality of services to inform whether the existing accommodation is capable of attracting occupiers. It is evident however the building remains largely vacant, albeit, it has not been specified for how long.
- 10.10 As outlined above, a key objective of Islington's Local Plan is to provide for employment growth with business floorspace making up a significant proportion of this. 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. In summary, the development plan gives significant support for providing and retaining B1 floorspace. The proposal could involve loss of up to 1197.9sqm of authorised Class B1 units and would thereby be contrary to the aims of London Plan Policy 4.10, Policy CS 13 of the Core Strategy, and contrary to Policy DM5.1 and DM5.2 of the Development Management Policies.

Employment Growth Area

- 10.11 The Glossary to Islington's Core Strategy February 2011 (the Core Strategy) defines 'Employment-led development' as 'development where the majority of floorspace is for employment uses'. 'Employment floorspace/ buildings/ development/ uses' are then defined as 'activities or uses that generate employment, including offices, industry, warehousing, showrooms, hotels, retail, entertainment, educational, health and leisure uses'. The proposed university would fall within the term employment-led development and is a use that is considered compatible with the site's location within the Employment Growth Area. These locations accommodate a diverse range of businesses and enterprises and are focused on the CAZ and the Angel Core Strategy Key Area.

Proposed Education Use

- 10.12 The proposed university offers a range of full-time degree programs at Bachelors/Masters and Doctorate level. The university also offers Executive and continuing Education programs designed to acquire expertise or reinforce management skill-sets. The university strategic priorities within London, within which they are already located include: developing internal research partnerships; to encourage students to study abroad; recruit faculty and students and create degree programs to be taught exclusively in English.
- 10.13 The university would be sited within the CAZ. The policy emphasis of the CAZ is explained in policy 2.10. The many faceted objectives of the policy reflect the mixed character of the CAZ, including higher education uses such as the one proposed. The London Plan (LP) para. 1.21 recognises London as a pre-eminent global business location. The LP acknowledges, among the reasons for this, are London's world class higher education and research institutions. London's universities make a significant contribution to its economy and labour market (Policies 3.18 and 4.10). These policies, taken as a whole, can be summarised as encouraging development that sustains, enhances and promotes the unique international, national and London wide roles of the CAZ. This includes higher education institutions, which is being presented in this instance.
- 10.14 Policy 3.18 of the LP supports provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice. Part C specifically states development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Part E states development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged. In addition, Part I states boroughs should support and maintain London's international reputation as a centre of excellence in higher education.
- 10.15 The policy emphasises here, suggests that it essential that this infrastructure be maintained and enhanced so that the borough retains its diversity and vitality. This approach is integral to helping to deliver the vision of Islington's Core Strategy and is supported by the London Plan.
- 10.16 The Social Infrastructure SPG, says that the Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice. It is noted that Appendix A has been submitted entitled Statement of Need, this does not seem to indicate a shortfall or identified need for higher education places notably of an institution which focuses on business. Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.
- 10.17 The SPG states the Higher Education Institutions (HEI) sector is becoming increasingly competitive and universities face challenges in seeking to expand and offer better facilities and accommodation. The ability to attract the best students and staff to study and work in London's universities is essential to the future success of the higher education sector and in maintaining London's international reputation as a centre for excellence for higher education. Higher and further education providers should play a full role in supporting London in its growth by raising levels of

innovation, creativity and global competitiveness and working towards assisting more people to join the labour force by removing barriers to work and enhancing skills levels.

10.18 The contribution educational uses can make is recognised by DM4.12 of the Development Management Policies. Policy DM4.12 is very supportive of new social and community infrastructure provision, which the proposed university would represent. Policy DM4.12C sets out criteria for new social infrastructure, which must:

- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
- ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
- iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and
- iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

10.19 In terms of location and character (criteria i) and iv) this location on the very fringe of the CAZ, with a PTAL of 6B (the highest possible) is considered to be very convenient for the community it would serve, albeit not accessible by all – being currently located in close proximity - and is accessible by a significant range of sustainable transport modes. Criteria ii) and iii) are assessed elsewhere in this report under sections relating to accessibility and neighbourhood amenity.

10.20 The applicant has not specified local shortfall in the provision of higher education places. Nor is the use proposed considered to provide a community benefit, in the same way as a primary school for example. The students would be fee paying and therefore there would not be full access offered to the community. The applicant has stated the 3rd floor (75sqm) would be B1 space. However, these rooms would be used in conjunction with the administration of the university and therefore would not be considered office space or have weight in favour the proposals assessment. However, the imminent takeover of the premises by the end user would indicate a demand for the higher educational use which is of note in the consideration of the application, given the under occupancy of the building at present.

10.21 Whilst this is not a wholly and fully accessible education resource, the main thrust of the policy, in the provision of a higher education use is considered in compliance with DM4.12 and London Plan. Therefore, it is possible to say that the provision of the university at this location would broadly be consistent with the development plan policies (loss of B1 use aside).

Incubator/Start-up space

10.22 The application proposes a London Branch of the Paris Dauphine start-ups incubator (106sqm) which would assist both students and local projects/ businesses/ entrepreneurs, through the provision of physical space and intellectual capital resource. The applicant is proposing to offer these spaces at a 'discounted rate' with the provision of 5 start-up local projects in the first year, with the ability to support 25-35 start-up projects/year.

- 10.23 Policy 4.10 (New and Emerging Economic Sectors), Part C states, boroughs should give strong support for London's higher and further education institutions and their development. Part B states boroughs should work with developers, businesses and, where appropriate, higher education institutions and other relevant research and innovation agencies to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space.
- 10.24 Relevant policy DM5.4 states that 'where affordable workspace is to be provided, evidence should be submitted demonstrating agreement to lease the workspace for at least 10 years to a Council – 'approved Workspace Provider.'
- 10.25 The Council has a bespoke affordable workspace methodology. Normally, in that the Council seeks to be assigned the head-lease on the relevant space from the developer/owner. The lease will be granted at a peppercorn rent for a rent review free period. This offer or obligation is then almost always passed on via a bidding/commissioning process to any one of a number of Affordable Workspace providers who are on the Council's approved provider list. These providers, in agreement with the Council, will either place organisations within the space provided resulting in an amount of quality control as to the incoming tenants. Terms of any under-lease will include a genuinely affordable level of rent (no more than 80% of full market level), a fit out to the same standard as the remaining open market office space, subsidisation of the estate service charges regime, no sub-assignment and the Council to have the ability to terminate the lease at any time on giving 6 months' notice. Criterion C) of Policy DM5.4 explains, where work space is to be provided for small or micro enterprises, but is not within physically separate units, the applicant will be required to demonstrate that the floorspace will meet the needs of small or micro enterprises through its design, management and/or potential lease terms.
- 10.26 After negotiation with the applicant, the start-up floorspace is to be secured at a significantly reduced market rate (to be secured via legal agreement). Based on the start-up floor area space forming part of the functions of the university that are not physically separate, it is considered acceptable in this instance that the university manage this space rather than the Council assigned the head-lease. To ensure the effective management of the space for overall community benefit the functions of the start-up space will need to be reported to the council (to be secured in the legal agreement).
- 10.27 Employment studies in Islington (para 5.23, DMP) have identified significant gaps in the borough's supply of work spaces, particularly for small service-based and light industrial businesses, niche sectors requiring flexible premises in key locations, and new/young businesses seeking small offices, studios or workspace with favourable lease or license conditions which this is considered to offer and weighs in favour of the application. The assistance the university could offer (as an institution that specialises in business) to start-up companies and local businesses and the ties that could be formed within the borough is also recognised.
- 10.28 There is a strong policy emphasis on the provision of space suitable for SMEs as set out in Core Strategy Policy CS13 and DM Policy 5.4. The links that would be created between the university and the incubator space on offer is considered acceptable. Moreover, significant weight given to the level of affordability at which the space is to be let.

Lessons to the Local Community

- 10.29 The university is offering maths lessons delivered by a university tutor for 2-5 hours per week for groups of 10-14 students, totalling 20-70 hours per week. For French tutorials, the university is offering 2-5 hours per week delivered by a student of the university for 2 pupils totalling 6-10 hours per week. In relation to mentoring the applicant is offering 3-5 hours per week, delivered by a student, totalling 6-10 hours per week.

Subject	Delivered by	Hours per week	Pupils Per group	Tot Pupil hrs PW
Maths	University Tutor	2-5	10-14	20-70
French	Student	3-5	2	6-10
Mentoring	Student	3-5	2	6-10
Total		8-15		32-90

Figure 2: table of proposed lessons.

- 10.30 These sessions are welcome and constitute a local community benefit in the way the Development Management Policies imply. Up to 90 hours per week total would be offered in Maths, French and Mentoring. Overall the amount of teaching hours is considered relatively low. As such the details are to be reserved in the legal agreement to ensure a sufficient amount of teaching hours is provided. Although this offer is welcomed, the realistic implications of this are very small with potentially only 5 tutorial hours/week for each subject. For this to be considered as community benefit the scale of this offer would have to be substantially increased and limited weight is attached to this element of the scheme. The final amount of teaching hours is to be agreed and secured via a legal agreement.

Complimentary Nature of the Proposed Use

- 10.31 The university has an existing cooperation agreement with University College London that currently enables bachelor students in London to attend foreign language courses at UCL on a weekly basis. Paris Dauphine also works in Partnership with Regents University and the University of Westminster, through a student exchange program for students enrolled in Bachelors in Management Program.
- 10.32 Policy 4.10 Part E of the LP promotes clusters of research and innovation as focal points for research and collaboration between businesses, HEIs, other relevant research and innovation agencies and industry. The special status of the parts of London where Universities are located, particularly the Bloomsbury/Euston and Strand university precincts is recognised by policy.
- 10.33 At the same time, the local policy (DM4.12) recognises that there are advantages of locating organisations together so that they can share resources, network and support small developing organisations in appropriate locations. The area around Kings Cross is known as the 'Knowledge Quarter' (KQ) which incorporates the Euston precinct. The KQ partners a consortium of over 85 academic, cultural, research, scientific and media organisations large and small including the British Library, the University of the Arts London, the School of Life and the Aga Khan University. The proposed site therefore is considered to benefit from the proximity and networking of a number of high profile academic, research and scientific institutions. It is also evident that the Paris-Dauphine University has a number of related programmes and connection with similar institutions. The site would therefore benefit from and encourage further integration and collaboration between fellow

partners which is considered to be of benefit to this area and those existing academic organisations.

Balancing

- 10.34 It is not unusual for development plan policies to pull in different directions, and that there may be some points in a plan which support a proposal but there may be some considerations pointing in the opposite direction. It is established that a decision-maker may need to decide which is the dominant policy, and to address matters of relevance and weight. It will be necessary to assess all relevant matters and then decide whether there is accord between the proposal and the plan as a whole. It does not follow that if there is a breach of any one policy a proposal cannot be said to accord. Given the numerous conflicting interests that development plans seek to reconcile, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy.
- 10.35 Homes and Community Agency Guidance (2015) advises employment density of 12sqm per employee which would equate to 100 employees. Looking at potential employment numbers, bearing in mind the possible (but unlikely) full occupation of the existing building, the likely number of employees in a building on the developed site and the employment levels in the proposed university (28), there is no doubt that office use would provide substantially more jobs.
- 10.36 However, the existing Class B1 use would not be replaced by residential or some other form of non-employment generating use but by an employment use as formally recognised and defined within the Core Strategy. It is not questioned that the proposed D1 use would bring economic and growth benefits. It is also recognised there would be a qualitative difference between Class B1 and D1 employment as each would be likely to involve different skill sets and serve different activities, but each would still be part of a wider picture of contributing to a significant range of job opportunities within the diverse commercial centre of the CAZ.
- 10.37 The development plan does not prevent all changes of use. The overwhelming need is for employment activity that supports the CAZ functions in their many faceted forms, but also brings in training and opportunities. This may include other activities apart from offices. The need to sustain a mixed character with a diverse range of activities is important, as envisaged in LP 2.10 and the CAZ SPG. In this context, the principle of universities is encouraged.
- 10.38 In relation to the outstanding policy references, the above policies pull both for and against the development. With respect to DMP Policy DM5.2, whilst resulting in the loss of business floorspace, the flexibility sought by the application scheme is still seeking to progress such prospects for business floorspace, as may be reasonably possible, and to advance a mix of complementary uses and would involve a scheme which complies with other relevant planning considerations.
- 10.39 A key issue in considering the application is the extent to which the B1 and D1 uses could function independently should the tenants change as well as to ensure that the university use is clearly separate from the general office accommodation (proposed at ground floor). It is evident that the University seeks 'flexibility' through the application, however the layout and floorplans show a clear separation between the D1 and B1 uses at ground floor level. The applicant intends to sub-let part of the ground floor as a separate office unit which is very much capable of being self-contained. As such to mitigate the loss of office space, it is considered necessary to

retain this element in use as B1 (*condition 3*) to reduce the overall loss of the overall B1 floorspace.

- 10.40 The applicant advise that they are seeking a 10-15-year lease for the premises, which is not an insignificant period of time. The applicant has also stated a willingness for a condition (*condition 4*) in relation to a personal permission. In considering the loss of the B1 floorspace, in the event that the applicant vacates the building, the use would revert back to B1 office use, as shown above, policy seeks to protect. Given that weight would be given to specific education and start up premises unique to the application in the consideration of this case, a personal permission is considered.
- 10.41 Notwithstanding legitimate in-principle policy concerns regarding the loss of the extant Class B1 floorspace, the development plan supports higher education development of this particular site as part of a mixed use, employment-led scheme, and through the use of conditions (retention of part B1 and personal permission) and S106 agreement (to secure start-up space at affordable rent and free tutorials) whilst the benefits are very finely balanced , the benefits are considered to out-weigh the loss of floorspace.
- 10.42 The proposal broadly is considered consistent with the strategic parts of the development plan in, given the focus of the particular circumstances in question.

Design and Conservation

- 10.43 The site is located within the New River Conservation Area and the buildings are Locally Listed. Whilst not statutorily listed this represents their local significance.
- 10.44 Islington's Development Management Policies DM2.1 and DM2.3 carry forward the statutory requirement that special consideration be given to preserving or enhancing the character or appearance of Conservation Areas and the advice in the National Planning Policy Framework ('the Framework') as to the treatment of development that affects heritage assets.
- 10.45 There are no external alterations proposed other than the installation of the cycle stands which is welcomed in terms of cycle parking and transport. A condition is recommended to ensure appropriate details are submitted including in relation to design (*condition 11*). The applicant has also agreed to the principle of landscaping to the front forecourt, which is considered to offer enhancement to the character and appearance of the conservation area (*condition 16*).
- 10.46 Overall the proposal is considered to preserve the character and appearance of the conservation area and the host, locally listed buildings. Therefore, the development, as proposed, would not conflict with the Framework, Policies CS 9 of the CS and DM2.1 and DM2.3 of the DMP, or the UDG.

Accessibility

- 10.47 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.

- 10.48 Further, Development Management Policy DM2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.49 The Planning Statement does not address a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. These considerations relate to internal corridors, types of glazing, clearance width of doors, security systems, inclusive receptions, provision of lifts and turning circles outside lift areas, accessible WC facilities, shared refreshment facilities, stair types, internal ramps and level landings within the development.
- 10.50 Therefore, a condition is recommended requesting the above details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met (Condition 5)

Neighbouring Amenity

- 10.51 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings while Policy 2.12 (Central Activities Zone – predominantly local activities) encourages boroughs to develop policies that balance economic functions whilst affording protection to predominantly residential areas in the CAZ. These policies are reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook.
- 10.52 Given that there are no physical changes to the site or buildings it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, loss of daylight and sunlight, over-dominance, sense of enclosure or outlook.
- 10.53 The matter of potential noise disturbance should however be considered with particular regard to the terraced properties located opposite the application site on Pentonville Road. The proposal site is within the vicinity of a number of commercial buildings including a public house, museum, hotel and offices. However, the site itself is located on a major thoroughfare, connecting Angel and Kings Cross with a number of commercial activities in the immediate vicinity. The road is a significant noise source in itself.
- 10.54 There is a terrace of residential properties located opposite the site, located on Pentonville Road. The most likely source of noise will be from students and staff accessing and leaving the premises particularly during the evening, servicing and delivery vehicles. Servicing and delivery matters will be considered in more detail later in this report.
- 10.55 The applicant has confirmed there would be 150 students and 28 staff on site. Comparative figures in relation to the existing use would allow for approximately 100 workers within the existing office space (1 person/12sqm, HCA). It is acknowledged the use as a University would materially increase the use of the site. The proposal is not considered to generate an unacceptable level of activity given its location within a busy Town Centre and in relation to its current existing use. Given the proximity of neighbouring residential properties it is considered appropriate to add a condition in

relation to operation to ensure night time noise levels of residents are protected (*Conditions 8*).

- 10.56 The proposals can therefore be said to be in accordance with Policy DM2.1 of the Islington Development Management Policies Document which seek to protect neighbouring amenity.

Highways and Transportation

- 10.57 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 180 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 1km metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 10.58 St Pancras International Station is located slightly further from the site and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476). Additionally, the site has excellent links to local cycle networks.

Vehicular Parking

- 10.59 The application site has a forecourt with vehicular access from Pentonville Road. The applicants Planning Statement does not propose any car parking. The applicant has also stated a willingness to submit an approval of details in relation to landscaping of the front forecourt. It is considered that this would restrict vehicular parking, also be secure via Travel Plan within the S106 and would allow for servicing and deliveries off-street and as such this aspect of the proposal is considered policy compliant.

Cycle Parking

- 10.60 Development Management Policy 8.4 (Walking and Cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For universities, cycle parking should be provided at a rate of one space per seven members of staff and one space per 7 peak hour students. A total of 28 members of staff and 150 students are proposed.
- 10.61 Four cycle racks are proposed (Sheffield bike stands) to the front forecourt in conjunction with the existing cycle stands currently located to the rear of the building. Taking into account the remaining 175sqm of B1 floor space (as conditioned) and start-up space the provision of 30 cycle parking for this mixed use scheme (B1/D1) proposed in this instance require 1 space per 7 staff and 1 space per 7 peak time students. The remaining office space would require 1 space per 250sqm. Based on 150 students, 28 staff (4 spaces) and approximately 175sqm (1 spaces) of retained office space that would equate to a total of 26 spaces required.
- 10.62 Whilst the quantum of spaces is a welcome addition, they do not meet the qualitative tests of Part C of DM Policy 8.4, which requires cycle parking to be secure, sheltered, integrated and adequately lit as stated by TfL.

- 10.63 Therefore, should planning permission be granted a condition (*condition 11*) requesting the provision of 30 cycle spaces for the D1 and B1 use will be imposed, along with the necessary details meeting the requirements of the above policy. Additionally, the cycle provision will be required to include an adequate element of parking suitable for accessible bicycles and tricycles (*Condition 10*).
- 10.64 A condition requiring cyclist facilities (showers, lockers and changing areas) for staff and students of both the office and university uses is also recommended to address the comments provided by TfL (*Condition 12*).

Refuse and Recycling

- 10.65 Storage has not been shown within the details of the application. No details have been submitted with regard to whether an adequate number of bins and type of bins have been provided for the extent of floorspace being proposed. Furthermore, refuse and recycling arrangements are not clear. It is important to note that the site is within a conservation area and if placed inappropriately or considered unsightly this aspect could adversely impact the character and appearance of the conservation area. Consideration therefore should be given to internal storage as well as with the number and type of bins which are recommended to be secured by condition (*Condition 13*).

Servicing and Deliveries

- 10.66 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on-street, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.67 In this instance off-street servicing is practical given the presence of a front forecourt. A delivery and servicing plan is recommended to be secured by condition to ensure that the development has no adverse impact on the highway. This condition will require details to be submitted as required by Development Management Policy 8.6 and the servicing and delivery plan addressing the list of required information at section 8.39 of the Development Management Policies SPD (*Condition 14*).

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.68 The application site does not involve the creation of new floorspace and therefore collection of a Crossrail contribution is not required.
- 10.69 The Mayoral Infrastructure Levy does not apply to this development also based on there being no new floorspace.
- 10.70 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.

- 10.71 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The change of use of this building from B1(a) (office) to provide an education led mixed use scheme with business floorspace would on-balance be appropriate in a highly accessible location. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of start-up office space for up to 5 start-ups within the first year with the potential to grow to 25 start-ups per year at a reduced market rent plus tutorial lessons for local school children.
- 11.2 The development would reduce the impact on the local road network by being 'car-free and suitable and sustainable forms of travel have been secured via legal agreement and condition. Reserving the forecourt landscaping details also has the offer of enhancement to the character and appearance of the conservation area as well as minor biodiversity benefits.
- 11.3 The proposal, subject to condition would have no adverse impact on neighbouring occupier's living conditions in terms of loss of daylight or sunlight, increased sense of enclosure, outlook or noise (either by comings and goings or the use in general) with the hours of operation restricted appropriately for the Town Centre site.
- 11.4 Whilst the proposed development would result in the loss of office space, on balance the harm is considered acceptable given the personal permission that would allow for the site to revert back to office use and the benefits that would be secured from the scheme including an employment generating use and the provision of start up space at an affordable rate, mentoring and tutorials to schools and the promotion of higher education support of diversifying the employment characteristics of this part of London. The scheme on balance would deliver an employment led use, incorporating SME workspace. It is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions and s106 legal agreement (heads of terms) 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:

1. Minimum of 69.9sqm of incubator space to be secured at ground floor level and offered to local business/projects/persons.
2. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
3. Strategy of Community Engagement to secure the provision of free Maths, French and Mentoring tutorials to local schools within the borough. This offer to be discussed with the Schools Improvement Service and Adult Community Learning colleagues to ascertain where this help is most needed (within schools or for adult learners). A commitment to fulfil agenda (below) within the first year of operation with a written strategy to grow teaching hours within the first three years to double this level of provision and to be continued thereafter. At the end of every university year (May/June) a written review shall be provided setting out the success of tutoring hours provided and making recommendations for improvements each following year for approval and adoption by the Council.

Subject	Delivered by	Hours per week	Pupils Per group	Tot Pupil hrs PW
Maths	University Tutor	2-5	10-14	20-70
French	Student	3-5	2	6-10
Mentoring	Student	3-5	2	6-10
Total		8-15		32-90

4. Employment and Training Courses offered to local residents and businesses at a discounted rate.
5. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service 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 or, in their absence, the Deputy Head of Service 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:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan; Bicycle Parking; 2851-01; 2581-02; Universite Paris Dauphine London – Our Commitment to the Islington Community; Planning Statement; Ground Floor 01 REV 1; Third Floor 01 REV 1.</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>
3	Class B1 Use Restrictions – A Single Planning Unit
	<p>CONDITION: The B1 (Business) floorspace shall be confined the ‘entire right hand side of ground floor’ plan no. 01, on the approved plans list shall be strictly limited to uses within Use Class B1(a) and B1(b). No planning permission is hereby granted for purposes within Use Class B1(c) – for any industrial process – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
4	Personal Permission
	<p>CONDITION: This permission shall operate for the benefit of the Director of the 'University of Paris Dauphine' (directors name to be inserted here) only and shall not endure for the benefit of the land nor of any other person/company having an interest therein.</p> <p>On the cessation of the personal planning permission hereby granted the building and</p>

	<p>land shall revert to the use/purpose for which it was normally used prior to the grant of this planning permission.</p> <p>REASON: The circumstances of the particular case warrant an exception being made for the benefit of the applicant.</p>
5	Inclusive Design
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>These considerations relate to internal corridors, types of glazing, clearance width of doors, security systems, inclusive receptions, provision of lifts and turning circles outside lift areas, accessible WC facilities, shared refreshment facilities, stair types, internal ramps and level landings within the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved.</p> <p>REASON: The council in determining the planning application consider that permission should only be granted subject to its limitation on a personal basis. It is considered that the grant of planning permission on a non-personal basis may cause harm by the virtue of the loss of B1.</p>
8	Hours of Operation
	<p>CONDITION: The University (D1 use) shall not be used outside the following times:</p> <p>Monday to Friday: 0600-2200 hours Saturday: 0700-1800 hours Sunday: 0800-1700 hours.</p> <p>REASON: To ensure the proposal do not have a detrimental impact on residential amenity.</p>
10	Visitor Cycle Parking Provision
	<p>CONDITION: Details of the visitor's cycle parking, which shall comprise no less than 10 spaces shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport.</p>
11	Cycle Parking Provision
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any development commencing. The storage shall be covered, secure and provide for no less than 30 spaces for the B1 Use and D1 use and shall show compliance with London Plan bike facilities standards as set out within the London Plan.</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> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
12	Cycle Facilities
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
13	Refuse and Recycling
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The details shall include:</p> <ul style="list-style-type: none"> a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development 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>
14	Delivery & Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
15	Travel Plan
	<p>CONDITION: Prior to the commencement of development the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan.</p>

	REASON: To ensure the development is 'car-free' and enable sustainable methods of travel.
16	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and i) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'

	A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the 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 cil@islington.gov.uk. 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
5	Car-Free Development
	INFORMATIVE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
6	Schools Improvement Service
	INFORMATIVE: Please discuss with the Schools Improvement Service and Adult Community Learning colleagues to ascertain where this help is most needed (within schools or for adult learners).

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS5 (Angel)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS13 (Employment Spaces)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM6.5 Landscaping, trees and biodiversity

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

Shops, culture and services

DM4.12 Social and strategic infrastructure and cultural facilities

Employment**DM5.1** New business floorspace**DM5.2** Loss of existing business floorspace**DM5.4** Size and affordability of workspace**DM8.5** Vehicle parking**DM8.6** Delivery and servicing for new developments**Infrastructure****DM9.1** Infrastructure**DM9.2** Planning obligations**DM9.3** Implementation**3. Designations**

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

- v) Angel and Upper Street Core Strategy Key Area
- vi) New River Conservation Area
- vii) Central Activities Zone
- viii) Employment Growth Area
- ix) Local Views
- x) Locally Listed Building
- xi) Rail Safeguarding Area
- xii) Within 100m TLRN
- xiii) Within 50 of Conservation Area
- xiv) Rail Safeguarding
- xv) Rail Land Ownership
- xvi) London Underground Zones of Interest
- xvii) Article 4 Direction A1-A2

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Inclusive Design in Islington (Feb 2014)
- Planning Obligations & S106 (Nov 2013)

London Plan

- Accessible London: Achieving and Inclusive Environment
- Planning for Equality and Diversity in London
- City Fringe Opportunity Area Planning Framework

Islington SE GIS Print Template



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P2017/3100/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE A		AGENDA ITEM: B3
Date:	27 th March 2018	NON-EXEMPT

Application number	P2017/2685/FUL
Application type	Full Planning Application
Ward	Junction Ward
Listed building	None
Conservation area	Highgate Hill Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Archway Core Strategy Key Area - Highgate Hill Conservation Area - Highgate Hill Local Shopping Area - Locally Listed Shopfront - Article 4 Direction (A1-A2)
Licensing Implications	Not Applicable
Site Address	89 Highgate Hill, London, N19 5NE
Proposal	Flexible change of use of A4 (public house) unit at ground/basement floors comprising 140sqm to retail (A1), financial and professional service (A2) and offices (B1(a)) uses.

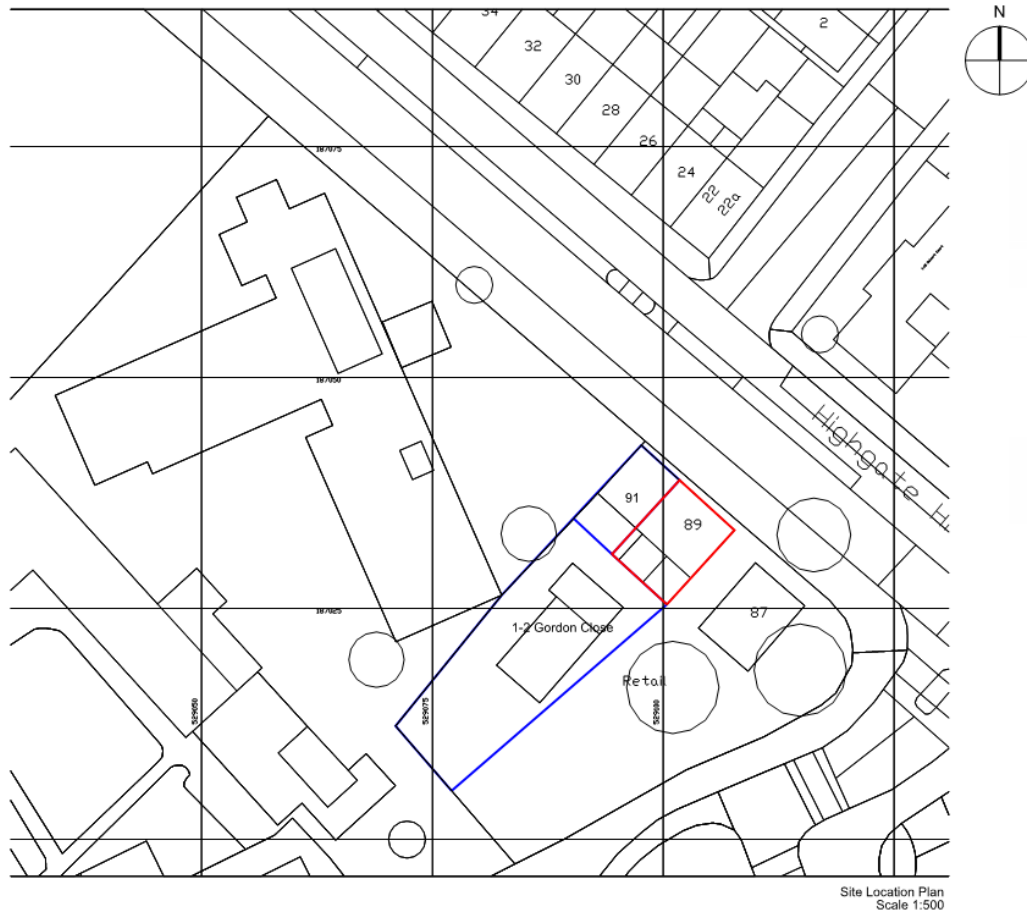
Case Officer	Joe Aggar
Applicant	Highgate Hill Developments Ltd
Agent	Martin Robeson Planning Practice

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 – Front elevation (looking south).



Image 2 – Front elevation (looking north).



Image 3 – Aerial view of site and surroundings.



Image 4 – Aerial view of site and surroundings.

4. SUMMARY

The buildings current lawful land use is a public house (A4). The upper floors comprise 3 no. residential units (1 x 3 bed 1 x 2 bed, and 1 x1 bed) to first, second and third floors (P2014/2472/FUL). The application site has a frontage on to Highgate Hill and is located within the Archway Core Strategy Key Area, Highgate Hill Conservation Area and Highgate Hill Local Shopping Area.

- 4.1 The application proposes the flexible change of use of the ground and basement floors (140sqm) from public house to retail (A1), financial and professional services (A2), Offices (B1a) to enable a mix of employment generating uses. The ground and basement floors are currently vacant and have been unoccupied for over 2 years.
- 4.2 It is considered the applicant has adequately demonstrated the marketing of the pub for a sufficient period of time to indicate there is not sufficient demand for the existing public house use. The proposed uses would also not have a negative impact in terms of the vitality and viability of either the Highgate Hill Local Shopping Area or the nearby Archway Town Centre. A flexible change of use and loss of public house is considered acceptable.
- 4.3 The development primarily involves the change of use of the ground and basement floors and would not involve external alterations. As such the proposal would have a neutral impact in the significance of the locally listed building and would have a neutral impact on the character and appearance of the Highgate Hill Conservation Area
- 4.4 The development involves no external physical changes and therefore in terms of the impact upon the amenity of neighbouring residential occupiers no further assessment in respect of daylight and sunlight, outlook or privacy is considered necessary. Whilst there is some small potential for the new operation to result in noise and disturbance to nearby properties from comings and goings it is considered these impacts can be suitably mitigated by planning permission conditions which restrict hours of use.
- 4.5 The change of use is unlikely to have any additional adverse impacts in terms of deliveries and servicing over and above that of the existing lawful public house use. No significant transport and parking impacts are anticipated by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact and promotion of sustainable transport behaviour. The scheme also benefits from a highly sustainable location with an excellent public transport accessibility rating PTAL 6 a.
- 4.6 The public house is designated as an Asset of Community Value (ACV) and this is a material planning consideration. The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent development in accordance with the development framework.
- 4.7 On balance the proposed loss of the public house would not result in the unacceptable loss of a community facility in this instance and the introduction of retail, financial and professional services or offices is considered on balance acceptable within this Local Shopping Area and within the wider Archway Key Area. For these reasons and all the detailed matters considered in this report, the scheme is, on balance, considered acceptable subject to conditions and informatives.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a rectangular plot that presents a frontage of 10m to the southwest side of Highgate Hill. The plot is completely covered by a Victorian building together with a small enclosed courtyard. The property is 3-storeys. The upper floors comprise three flats.
- 5.2 The application site is located on the southwest side of Highgate Hill, to the northeast of the large Whittington Hospital site. The property is a characteristic late 19th Century public house with a decorative and lively ground floor timber pub frontage and two plainer upper floors with a central first floor bay window. The Cat and Whittington shopfront is locally listed. The application building together with the site adjacent at 91 Highgate Hill form a detached element of the Highgate Hill Conservation Area. Adjoining the rear (southwest) of the site is a two storey residential building known as 1 Gordon Close, provided access via an alley from Highgate Hill. Adjacent to the northwest of the site is a modern, six storey building, with front and undercroft car park, which forms part of the St Marys Wing of Whittington Hospital. There are two small trees within the Hospital site directly adjacent to the edge of the application site.
- 5.3 To the northeast of the site, on the opposite side of Highgate Hill, is the junction of Highgate Hill and Despard Road, with a three storey terrace comprising ground floor commercial parade with residential above to the northwest of the junction (forming part of the Highgate Hill Local Shopping Area) and a large four storey block of flats to southeast of the junction. The character of the surrounding area is dominated by the Whittington Hospital and supports a mixture of commercial, residential and community use properties.
- 5.4 The application site is located approximately 250sqm from Archway Town Centre including the "Archway Tower and Island Site (the Core Site)". Archway is one of Islington's four designated town centres and contains a mix of retail, commercial, leisure and social / community uses as well as being home to a vibrant residential community.
- 5.5 The site is very well located in relation to public transport and has a PTAL rating of 6a, a high rating. The site is located approximately 300m metres from Archway Underground Station, which provides London Underground services on the Northern Line. The site is also served in relation to buses, with a bus routes extending along this stretch of Highgate Hill (271).

6. PROPOSAL (IN DETAIL)

- 6.1 The application site's current lawful use is as a public house (A4), commonly known as the Whittington and Cat with 3 self-contained residential units within the building at 1st, 2nd and third floor levels. The application proposes the flexible change of use of 140sqm at ground and basement floors to retail (A1)/Financial and Professional services (A2) or office (B1a). The ground and basement floors are vacant.
- 6.2 The ground floor has a relatively large frontage and is accessed from Highgate Hill. There is a central door which provides access to the ground and basement floor level with a separate residential access. The unit consists of stair access to basement level. There are no external alterations proposed as part of the application.

Revisions secured during the application process:

- 6.3 The application has been amended from its original submission to omit previous proposals for a café (A3) and D2 (Assembly and leisure) from the application.

7. RELEVANT HISTORY

Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered particularly relevant to the current proposal:

- 7.2 89 Highgate Hill, planning application re: P2017/0939/FUL for the 'Change of use of A4 (public house) unit at ground/basement floor levels to flexible uses comprising of the following: A1 Use (Retail)/ A2 Use (Professional Services) /A3 (Food and drink) /B1a Use (Business)/ D2 Use (Assembly and Leisure Use)' was REFUSED on the 17/05/2017.

REASON: The proposal would result in the unjustified loss of a public house which is of an asset of community value and would therefore constitute the loss of a service of particular value to the local community. Insufficient and non-robust evidence has been provided to show that the Public House has been marketed for a continuous period of 2 years or more and the submission has failed to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future as required by policy DM4.10 of the Development Management Policies.

- 7.3 89 Highgate Hill, planning application re: P2014/2472/FUL for the 'Demolition of first floor rear extension and construction of a two storey rear/three storey side extension and alterations to the roof profile to the existing building; internal reconfiguration to provide 3 no. residential units (1 x 3 bed 1 x 2 bed, and 1 x1 bed) to first, second and third floors; provision of rear terrace and balconies; retention of ground floor A4 use' was APPROVED on the 10/03/2015.

- 7.4 89 Highgate Hill, planning application re: P2013/4103/FUL for the 'Insertion of ground floor door in side elevation' was REFUSED on the 05/02/2014.

- 7.5 89 Highgate Hill, planning application re: P122218 for the 'The demolition of building with retention of front elevation and the construction of 6x self-contained flats within a rebuilt three storey building, including a three storey side extension (also CAC planning reference P122219 submitted)' was REFUSED on the 11/12/2012. Appeal Dismissed.

REASON: The Public House has not been vacant for a continuous period of 2 years or more, indeed it is in active use. Consequently, no marketing evidence has been provided to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future. The proposed alternative use will detrimentally affect the vitality of the area and the character of the street scene and the conservation area. The proposal constitutes the loss of a service of particular value to the local community. The proposal would be contrary to policy 4.8 (supporting a successful and diverse retail sector) and policy 7.1 (building London's neighbourhoods and communities), and DM27 of the emerging Development Management policies June 2012.

REASON: The proposed majority demolition of the building would substantially harm the significance of the non-designated heritage asset / locally listed building and Highgate Hill/Hornsey Lane Conservation Area. This harm is contrary to Policy 12 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2012, policy 7.8 (sustaining and enhancing the significance of heritage assets) of the London Plan 2011 and policy CS9 (protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011 and policy DM3 (A, B and E) of the emerging Development Management policies June 2012.

REASON: The provision of six small residential units in the form presented is contrary to current policy. The six units are each presented as single aspect, show no evident storage/refuse/bicycle facilities, and have no external private or communal amenity space. The proposal is therefore contrary to policies D3, H3 and H7 of the Unitary Development Plan 2002, policy CS12 of the Core Strategy 2011 and policies DM11, DM12 and DM13 of the emerging Development Management policies.

- 7.6 89 Highgate Hill, planning application re: P102591 for the 'Two storey side extension. Two storey rear extension above the ground floor level. [Conservation Area Consent application ref: P102592 also submitted]' was WITHDRAWN.
- 7.7 89 Highgate Hill, planning application re: P041269 for the 'Demolition of existing building, retention of front wall and redevelopment to provide 6 x 1 bedroom flats' was REFUSED on the 29/03/2005. Appeal Allowed.

Enforcement

- 7.8 89 Highgate Hill, planning application re: E/2015/0225 for 'works to interior of building'. No breach, case closed 05/06/2015.
- 7.9 89 Highgate Hill, planning application re: E/2016/032 for 'Without planning permission, the material change of use of the Premises registered as an ACV'. No breach, case closed 05/06/2015.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 69 adjoining and nearby properties on Highgate Hill, Gordon Close, Whittington Hospital and Despard Road on 10 August 2017. The public consultation of the application therefore expired on 07 September 2017. A further period of consultation was carried out on the 06 November 2017 and expired on the 30 November 2017. This was due to the removal of A3 and D2 (Assembly and leisure) uses from the description of development. It is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report 9 objections had been received from the public with regard to the application. These can be summarised as follows:
- Strongly object to A3 as any café would use the passage way for bin storage (**See paragraphs 10.50**)
 - Object to use of B1 for any light industry as there are residential properties in the vicinity (**See paragraphs 10.52**)
 - Object to assembly or leisure uses as this would lead to noise/music (**See paragraphs 10.50**)
 - Loss of Asset of Community Value (**See paragraphs 10.19-10.21**)

- Change in ownership (**See paragraphs 10.51**)
- Breach of law regarding Asset of Community Value (**See paragraphs 10.19-10.21**)
- Asset of community value is a material planning consideration and can be used to refuse planning applications. (**See paragraphs 10.19-10.21**)
- Marketing exercise has been extremely discreet (**See paragraphs 10.5**)
- Increase in the population could revive the pub (**See paragraphs 10.53**)
- The property falls within a conservation area and change if use is contrary to the conservation Area Design Guidelines (**See paragraphs 10.32**)

Better Archway Forum: Object to the proposed development on the following grounds:

In adequate marketing of the vacant public house.

Lack of community consultation by applicants in relation to the unit's status as an Asset of Community Value (ACV).

Community should be approached to maintain the pub use.

External Consultees

8.3 None.

Internal Consultees

8.5 **Policy Officer:** The criteria in policy DM4.6 'Local Shopping Areas' is considered to have been satisfied in terms of the proposal does not jeopardise an appropriate mix and balance of uses in the LSA. Furthermore, a change of use to A1/A2/B1a would not have an adverse effect on vitality, viability and the retail function of the LSA. At present the premise's continued vacancy (around 3 years now) is more detrimental to the vitality of the LSA than another use occupying the unit. There is no objection to the application for change of use from A4 to A1/A2/B1a.

8.6 **Conservation Officer:** no objections.

8.7 **Environmental Protection Officer:** no objections.

8.8 **Highways Officer:** do not wish to make comment on the application

8.9 **Access Officer:** no demonstration has been made to bring the building up to contemporary standards. Object to the proposal.

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.

9.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:

9.2 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and

subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.3 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents:**
- 9.6 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.

Development Plan

- 9.6 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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, Conservation and Heritage
- Accessibility
- Neighbouring Amenity
- Highways and Transportation

Land-use.

10.2 The application proposes change of use of 140sqm of A4 (public house) over two floor levels at ground and basement, to flexible change of use consisting of retail (A1)/financial and professional services (A2) and office (B1(a)). The site is located within the Highgate Hill Local Shopping Area and within the Archway Core Strategy Key Area.

Loss of Public House

10.3 DMP Policy DM4.10 supports the retention of public houses and opposes their redevelopment, demolition and change of use unless specific criteria are fulfilled. One of the criteria is that a public house has been vacant for a continuous period of 2 years or more and continuous marketing evidence has been provided for the vacant period to demonstrate that there is no realistic prospect of the building being used as a public house in the foreseeable future. Other criteria include the effect on the viability of an area, the character of the streetscene and the loss of a service of particular value to the local community. There is some evidence from local residents' representations that the existing public house is considered to be a valued community facility.

10.4 Based on the applicants marketing information there have been 46 viewings of the property, with prospective tenants looking for an A4 use declining a lease. Factors contributing to this are:

no beer garden;

unsatisfactory layout;

the premise's being too small;

the area being too quiet to support a viable pub;

and the basement being too small for a kitchen to be installed.

There have also been viewings of the property from interested parties looking for non A4 use and several offers made including that for a children's day care café and an A1 retail unit.

10.5 The marketing evidence provided has exceeded the 2-year continuous marketing evidence requirement with viewings having taken place consistently from 10/03/15 to 26/05/17. This timeframe is considered to be satisfactory and conforms to the requirements of Appendix 11 of the DMP. The asking rent of £40,000pa is thought to be reasonable and is based on 12 comparable premises and the opinion of three RICS accredited chartered surveyors. The property has been registered with a

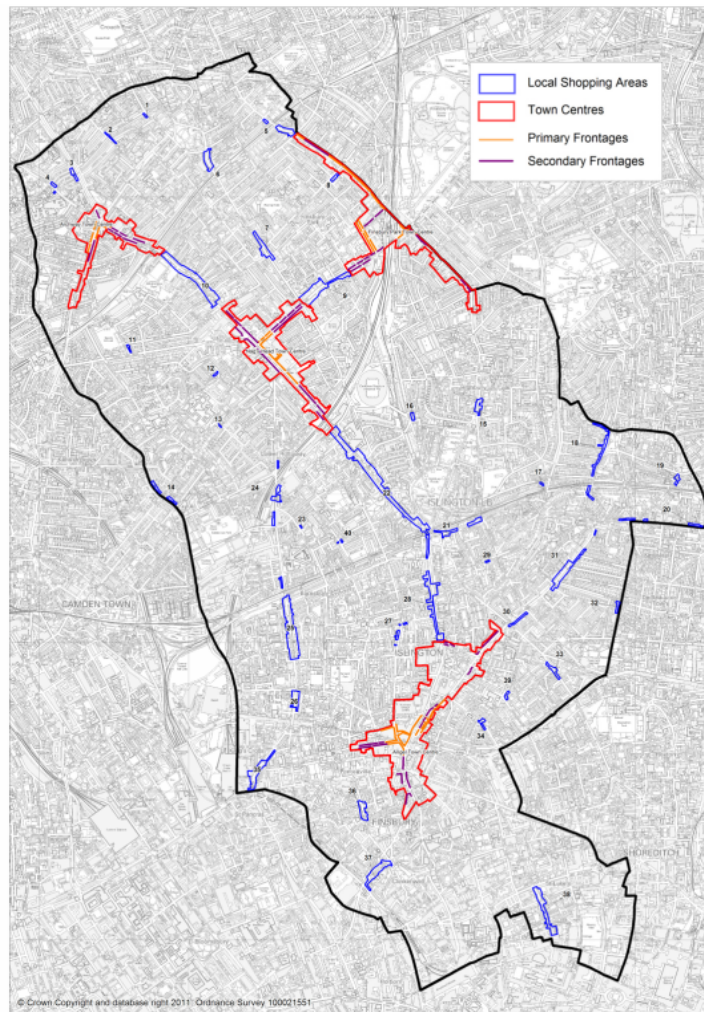
commercial property agent since early 2015. Overall the property has been continuously marketed and evidence provided to demonstrate this. As such the length of vacancy and marketing information is considered to satisfy the requirement in Appendix 11 of the DM Policy document and DM4.10.

- 10.6 The application site is within the Highgate Hill Local Shopping Area. This is disjointed from the parade of shops on the opposite side of the road and therefore its loss as a potential public house use would not detrimentally affect the vitality or character of the area and does not provide particular value to the local community, therefore satisfying part Bi and Bii of policy DM4.10. Additionally, the policy officer concludes that the current ongoing vacancy of the unit in itself harms the vitality and vibrancy of the Local Shopping Area.
- 10.7 The comments submitted by viewers of the property gave varied reasons as to why the property would not be suitable but an occurring reason was the lack of footfall along the road especially in the daytime. A more flexible use class, including (as the agent states) possibility to change to A1/A2/B1a uses would likely ensure the property comes back into use in the near future, according to the interested parties that have viewed the property.
- 10.8 On this matter it is concluded that the proposed development would not cause an unacceptable loss of a public house and would therefore not conflict with DMP Policy DM4.10. This policy is consistent with paragraph 70 of the National Planning Policy Framework (the Framework) which refers to guarding against the unnecessary loss of valued facilities and services, including public houses, particularly where this would reduce the community's ability to meet its day-to-day needs.

Local Shopping Area

- 10.9 Policy DM4.6 of Islington's DMP sets out specific measures in relation to local shopping areas such as the one within which the application site sits. This Policy states that proposals will only be permitted where an appropriate mix and balance of uses within the local shopping area, which maintains and enhances the retail and service function of the local shopping area, is retained.
- 10.10 The proposal for a flexible change of use including A1/A2 and B1(a) does not jeopardise an appropriate mix and balance of uses in the LSA and is considered to complement the existing uses. The proposal would restore an active use to the property, albeit with a differing pattern of activity to that of a pub. It would thus not have an adverse effect on the local shopping area's predominantly retail function particularly in the context of 3 years vacancy.
- 10.11 A change of use with the potential to bring an active use (A1/A2/B1) would not have an adverse effect on vitality, viability and the retail function of the LSA, it would in fact have a positive impact and increase the vitality and vibrancy of the surrounding area. The proposal is on balance considered in compliance with DM4.6 of the Development Management Policies.

Figure 3.1 Town Centre and Local Shopping Area designations



Map of Islington's Designated Town Centres and Local Shopping Areas.

Effect on Town Centre

- 10.12 The site is not located within a designated Town Centre. Policy DM4.4 states, applications for more than 80sqm of floor space for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses to be located within designated Town Centres.
- 10.13 Policy DM4.4 is clear that suitable locations in the Town Centres must be considered first, then Local Shopping Areas or edge of Local Shopping Area locations. As such, in terms of policy, only suitable Town Centre locations need to be considered before Local Shopping Areas.
- 10.14 Where suitable locations within Town Centres are not available, Local Shopping Areas or edge-of-centre sites may be considered. Paragraph 4.26 of the Development Management Policies defines edge-of-centre sites as those which are well connected to and within easy walking distance of the nearest centre. With regards to Town Centres the sites should be within 300metres of a Primary or Secondary Frontage. For Local Shopping Areas sites should be within 300 metres of the boundary.

- 10.15 The NPPF advises when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre which this site can be considered to be. A retail impact assessment has not been submitted accompanying the application. However, the proposal comprises only 140sqm of floor space. This is a relatively small quantum of proposed floor space spread over 2 relatively narrow floorplates, when taken into account with the stated role and function of the proposal means that any effects would be small and localised.
- 10.16 Paragraph 24 of the National Planning Policy Framework states local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Paragraph 2b-001 of the Government's Planning Practice Guidance (PPG) advises how the sequential test should be used in decision making and states that it "should be proportionate and appropriate for the given proposal". Paragraph 2b.011 of the PPG states that the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. The application site is approximately 250m from the nearest Town Centre (Archway).
- 10.17 The applicant has submitted a sequential test in support of the application. The assessment was conducted for the Archway Town Centre taking into account vacant retail units within the designation. The applicant investigated 15 vacant properties. Of those identified, these are shown as either not present on the market or the internal floor area was not of a comparable size. Based on the information submitted, the sequential test assessment addresses the likely impact on the vitality and viability of the town centre and local shopping areas and concludes there would be no significant adverse impact from the introduction of the proposed flexible A1/A2 or B1(a) uses. Overall, the proposal would not conflict with the underlying objectives of Policy DM4.4 of the Islington Development Management Policies which seeks to protect the function of Town Centres.

Asset of Community Value

- 10.18 Third parties raise the related matter of the general community value of the pub. Reference is made to the Framework, which says at paragraph 60, albeit in the context of design, that it is proper to seek to promote or reinforce local distinctiveness. Paragraph 7 states that there is a social as well as environmental and economic dimension to sustainable development, which is a key tenet of the planning system. Paragraph 69 says that planning decisions should aim to promote opportunities for meetings between members of the community. Paragraph 70 requires, among other things, that planning should seek the provision of community facilities, including pubs, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.
- 10.19 The listing of the premises as an ACV does provide a tangible demonstration that a section of the community considers that, through recreation, the pub furthered the social wellbeing or social interests of the local community, albeit the pub has been vacant since May 2014, as stated by the applicant. The fact the public house has not functioned for nearly 4 years and has been vacant for what is a significant period of time is a material planning consideration in this case.
- 10.20 The relevant ACV legislation sets out specific tests which are narrower than the planning considerations within this case. The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent

otherwise acceptable development. Accordingly, the listing is afforded some weight in this case but it is not determinative.

- 10.21 Significant in the assessment of the application is the period of vacancy with respect of planning policy. Based on the acceptability of the loss of the pub in land use terms and the appropriateness of the proposed uses, the public houses listing as an ACV is not considered to warrant refusal of the application. With regard to the viability and future potential use of the public house it is not considered the loss of the public house reduces the community's ability to meet its day to day needs in the context of this well-developed part of north London.
- 10.22 In this regard the application is considered compliant with Para. 70 of the NPPF which refers to guarding against unnecessary loss of valued facilities and services including public houses, particularly where this would reduce the community's ability to meet its day to day needs. It is therefore considered that the loss of the public house use has been satisfactorily justified against adopted planning policies DM 4.10 in this case.

Design and Conservation

- 10.23 The Development Management Policies identify that the borough contains a number of dispersed shops, traditional street markets, specialist shopping areas, Public Houses and community, social and cultural facilities. These facilities have an important role in providing accessible services, goods and meeting places to local communities. Such facilities are often important to the character and identity of a local area.
- 10.24 The site is located within the Highgate Hill Conservation Area and the shopfront is Locally Listed. Whilst not statutorily listed this part of the building represents its local significance. No external alterations are proposed to the building, however the change of use and its impact on the character and appearance of the conservation Area is considered.
- 10.25 The Conservation Area is predominantly residential but there are other elements that contribute to a Victorian character. The area is also dominated by the Whittington Hospital.
- 10.26 Islington's Development Management Policies DM2.1 and DM2.3 policies carry forward the statutory requirement that special consideration be given to preserving or enhancing the character or appearance of Conservation Areas and the advice in the National Planning Policy Framework ('the Framework') as to the treatment of development that affects heritage assets, including non-designated heritage assets. In support of these policies the relevant Conservation Area Design Guidelines explains, 'the Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area.' 'The Council recognises that often the best use for a building is that which it was designed for and will seek to retain public houses, shops and workshops in appropriate uses which will not diminish their special interest. The removal of individual established uses within the conservation area will not be permitted where they contribute to the character.'
- 10.27 Pubs can contribute positively to the character and appearance of the Conservation Area not only through the physical presence and features of the building but through long-established use. It is important to assess the significance of

the building itself, and the conservation area, as a heritage asset, before going on to assess the impact of the proposal.

- 10.28 This is a traditional pub which has existed since around the time the area was developed. Externally, the building exhibits a good architectural style which adds to the variety of the street scene. The public house is a reflection of the historical development of the site and of the wider Conservation Area and can be seen to contribute to the visual and functional distinctiveness of the setting.
- 10.29 The ground floor consists of a timber frontage; panelled stallrisers, five pilasters with four clear glass windows (lower half smoked) which adds a visual interest to the ground floor and represents reasoning for its locally listed. The rest of the building does not form a non-designated heritage asset and therefore can be seen to be of limited significance.
- 10.30 The ground and basement floors have been unoccupied for 3 years. Whilst it is argued that there would be loss of historical value from the change of use, it can be considered this would be offset by enlivening the street and the local shopping area through an active use. A material consideration in the assessment of this application is the previous planning appeal at the Whittington & Cat (APP/V5570/A/13/2192425 & APP/V5570/E/13/2192429). The Inspector found with respect to the upper floors and the proposed residential use *“the property is detached from the main part of the Conservation Area and is situated in a location which is physically dominated by the adjoining hospital use. Although there are commercial uses opposite the property these are outside the Conservation Area and The Old Crown public house is the only other similar commercial use within the area. Accordingly, by reason of siting, it is not judged that the proposed residential use would unacceptably harm the vitality and character of the Conservation Area.”*
- 10.31 In this regard the proposed flexible change of use to a commercial use (A1/A2/B1a) is not considered to unacceptably harm the character of the conservation area. As there are no proposed external alterations, the proposal to bring the building back into use would preserve and, arguably, enhance the important design elements contributing to the aesthetic value of the building and conservation area.
- 10.32 The building has some communal value arising from its traditional role in the community. The designation as an Asset of Community Value provides evidence towards that. The historic and communal significance of the property, as a pub, at present does not add vitality or vibrancy. Based on the lack of demand as stated above, and without the realistic prospect of the public house coming back into use and given the number of years the site has been vacant, it is not considered justified to withhold planning permission in this case. Consideration is also given the limited historical value, the neutral impact the change of use would have on the area and the appropriate nature of the uses proposed, which are considered to enliven the street and bring the premises back into active use. As such there would be no harm to the conservation area or the locally listed shopfront, both of which are designated and non-designated heritage assets.
- 10.33 Consequently, the scheme would be acceptable with regard to the objectives of London Plan Policy 7.8, which requires development to conserve heritage assets. There would be no conflict with Policy DM2.3 of the Development Management Policies, which seeks to conserve the historic significance of the borough's heritage assets. Nor would there be conflict with Paragraph 135 of the National Planning Policy Framework (the Framework), which requires the decision maker to take account of the significance of a non-designated heritage asset and to reach a

balanced judgement regarding the scale of any harm. Furthermore, there would be no material harm to the significance of the conservation area, a designated heritage asset, and its character and appearance would be preserved. Accordingly, the duty, under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, is satisfied. Similarly, the proposal would satisfy paragraph 132 of the Framework, which requires great weight to be given to the conservation of designated heritage assets. It follows that the local policies referred to above would also be satisfied with regard to the effect on the conservation area.

Accessibility

- 10.34 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 10.35 Further, Development Management Policy DM2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.36 The Planning Statement does not address a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. However, the sites entrance is comprised within a Locally Shopfront, a non-designated heritage asset. Given the existing arrangement and the desirability to preserve this non-designated heritage asset it is considered that limited alterations are possible and therefore the access arrangements are not considered to warrant refusal of the application.

Neighbouring Amenity

- 10.37 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. At a local level, Policy DM2.1 of the Islington Development Management Policies, requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook.
- 10.38 Given that there are no physical changes to the existing scheme it is considered that there will be no resulting issues of overshadowing, overlooking, privacy, loss of daylight and sunlight, over-dominance, sense of enclosure or outlook to neighbouring residential occupiers.
- 10.39 The matter of potential noise disturbance should however be considered with particular regard to material change of uses. The range of flexible uses proposed would permit occupiers such as retailers, estate agents, bank, employment agencies or offices agents.
- 10.40 There are residential properties within close proximity to the rear of the site and above the site in question. A number of objections have been raised in relation to the proposed uses and their activities. Paragraph 4.21 of the DMP states that in assessing the likely impacts of a proposal regard will be had to the type of use, proposed hours of opening, size of premises and servicing measures.

- 10.41 It is important to note the site is located within a Local Shopping Area where there is likely to be a level of activity anticipated by this application. The site itself fronts a busy main road. It is also considered the proposed uses would have less potential to disturb nearby residents than the existing lawful use (public house). Moreover, the operation hours are recommended to be controlled via condition and therefore would end earlier than an operation of a public house, thereby considered an improvement to the overall noise levels and comings and goings within the vicinity. The Environmental Protection Officer has not raised an objection in regards to the proposed uses.
- 10.42 The proposals can therefore be said to be in accordance with Policies DM2.1 and DM4.2 of the Islington Development Management Policies Document which both seek to protect neighbouring amenity.

Highways and Transportation

- 10.43 The site is very well located in relation to public transport and has a PTAL rating of 6a, a high rating. The site is located approximately 300metres from Archway Underground Station, which provides London Underground services on the Northern Line. The site is located approximately 1.2 km away from Highgate Underground Station. The site also benefits from bus routes which travel and stop via Highgate Hill as well as a number of other bus routes via Navigator Square.

Vehicular Parking and Cycle Parking

- 10.44 The application site covers a compact rectangular plot. The building covers the curtilage of the site. The development has no means of private vehicular access or parking and therefore is considered in compliance with policy
- 10.45 Development Management Policy 8.4 (Walking and Cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Given the constraints of the site and excellent transport links it is not considered that a condition is necessary in this instance in order to make the development acceptable in this regard.

Servicing and Deliveries

- 10.46 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are accommodated on-site for developments over 200sqm. Where servicing/delivery vehicles are proposed on-street, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 10.47 The site is less than the prescribed standard (140sqm) and the proposed servicing can be carried out in accordance with the existing Controlled Parking Zones restrictions. The proposed servicing arrangements are not considered above and beyond the existing use and would therefore be in compliance with DM8.6.
- 10.48 The site is located in a Controlled Parking Zone (which provides short term visitor parking. The proposal singularly or cumulatively does not fall within the threshold for a Transport Assessment or Travel plan as required by table 5.1 of DMP, and arguably the proposed uses would likely generate less activity in terms of servicing and delivery than based on the lawful use.

- 10.49 In any event, the area of the site and constraints of the building remain as existing. Moreover, there is no condition at present on the nature of operation of the existing. As such, based on the ability to park within the existing CPZ's, the proposed nature of the uses, the proposal is not considered to generate, any unacceptable impacts above and beyond the existing arrangement. Moreover, the proposal is located in a highly sustainable location close to a number of modes of public transport.

Other Matters

- 10.50 The previously proposed A3 and D2 elements of the proposal have been removed from the description of development. As such these do not form part of the planning consideration nor assessment of this case.
- 10.51 Third party representations refer to a change in ownership. Ownership of a site is not a material planning application and the application form certifies that all those with an interest in the land have been notified.
- 10.52 The assessment took into account B1(a) which comprises offices and no other elements of the B1 use class. Light Industrial uses would be classed as B1(c).
- 10.53 Each application is to be considered on its own merits. The Archway Town centre has undergone significant change in recent years and further development sites will come forward. However, it is not considered justified to withhold planning permission on the basis of an increase in likely patrons to the Whittington & Cat public house. It is evident that pub has been closed for a significant time without the immediate prospect of being reopened as such. Planning can only assess the situation at present in assessing planning applications generally, the site has been vacant of over 3 years and it is not considered reasonable to withhold permission on the premises what may or may not happen into the future.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed loss of the public house and flexible change of use to retail (A1) financial and professional services (A2) or offices (B1(a)) is considered on balance to be acceptable. The proposal would not result in the unjustified loss of the public house, nor would it negatively impact the vitality and viability of either the Archway Town Centre nor the Highgate Hill Local Shopping Area and is likely to have a discernible positive impact overall.
- 11.2 Although listed as an Asset of Community Value this does not prevent otherwise acceptable development in line with the Local Development Framework. Although this is a material consideration, the proposal overall is considered in accordance with NPPF Paragraph 70 which requires, among other things, that planning should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. Based on the length of vacancy and satisfactory marketing the loss of the public house would not adversely impact the needs of the local community. The public house was marketed for a substantial amount of time well over 2 years required by policy and the local community did not purchase it within the prescribed timescale.
- 11.3 The public house is representative of the historical and social value to the area. The pub itself is considered of limited significance to the conservation area. Overall its change of use, whilst unfortunate, would have a neutral impact on the character and

appearance of the conservation area, preserving its setting. Nor would the proposal adversely harm the locally listed shopfront.

- 11.4 The proposal, subject to condition would have no adverse impact on neighbouring occupier's living conditions in terms of loss of daylight or sunlight, increased sense of enclosure, outlook or noise (either by comings and goings or the use in general).
- 11.5 Whilst the proposed development would result in the loss of a public house, on balance the proposal is considered acceptable given the length of vacancy, evidence of marketing, appropriate nature of the proposed uses and no adverse impact on the Archway Town Centre or the Highgate Hill Local Shopping Area.
- 11.6 It is therefore considered acceptable and recommended for approval subject to appropriately worded conditions to mitigate against noise impacts.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>4506/PA 01; 4506/PA 02B; Planning and Access Statement dated July 2017; Sequential test dated October 2017; Letter dated 17 February 2017; Letter dated 04 February 2015; Viewing Pro Forma 2016; Letter dated 22 June 2017 Copping Joyce; Letter dated 22 June 2017 Strettons & Letter dated 22 June Goodsir Commercial.</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>
3	Use Restrictions
	<p>CONDITION: The flexible change of use is granted only for A1/A2 and B1(a) uses.</p> <p>REASON: To ensure the proposed uses are in accordance with the description of development.</p> <p>RESTRICTED USE (Compliance): Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall be used only for the purposes indicated in the submitted details (flexible uses for A1/A2 & B1(a)) and not for any other purpose listed within the Town and Country Planning (Use Classes) Order 1987 (as amended).</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in the interests of the use of the building and the amenity of the adjoining neighbours.</p>
4	Hours of Operation
	<p>CONDITION: The proposed uses shall not be used outside the following times:</p> <p>Monday to Sunday: 7am to 10pm</p> <p>REASON: To ensure the proposal do not have a detrimental impact on residential amenity.</p>

5	Refuse facilities provision Compliance
	<p>CONDITION: The dedicated refuse / recycling and bike storage enclosure(s) shown on approved drawing no. 4506/PA 02A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</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 and promote sustainable forms of development.</p>

List of Informatives:

1	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the 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 cil@islington.gov.uk. 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.16 Protection and enhancement of social infrastructure

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

Policy C1 (Archway)

Strategic Policies

Policy CS9 (Islington's Built and Historic Environment)

Policy CS13 (Employment Spaces)
CS14 (Retail and services)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Shops, culture and services

DM4.4 (Promoting Islington's Town Centres)

DM4.6 (Local Shopping Areas)

DM4.10 (Public Houses)

DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.1 New business floorspace

DM5.4 Size and affordability of workspace

Transport

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

3. Designations

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

- Archway Core Strategy Key Area
- Highgate Hill Conservation Area
- Highgate Hill Local Shopping Area
- Locally Listed Shopfront
- Article 4 Direction (A1-A2)

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

The following SPGs and/or SPDs are relevant:

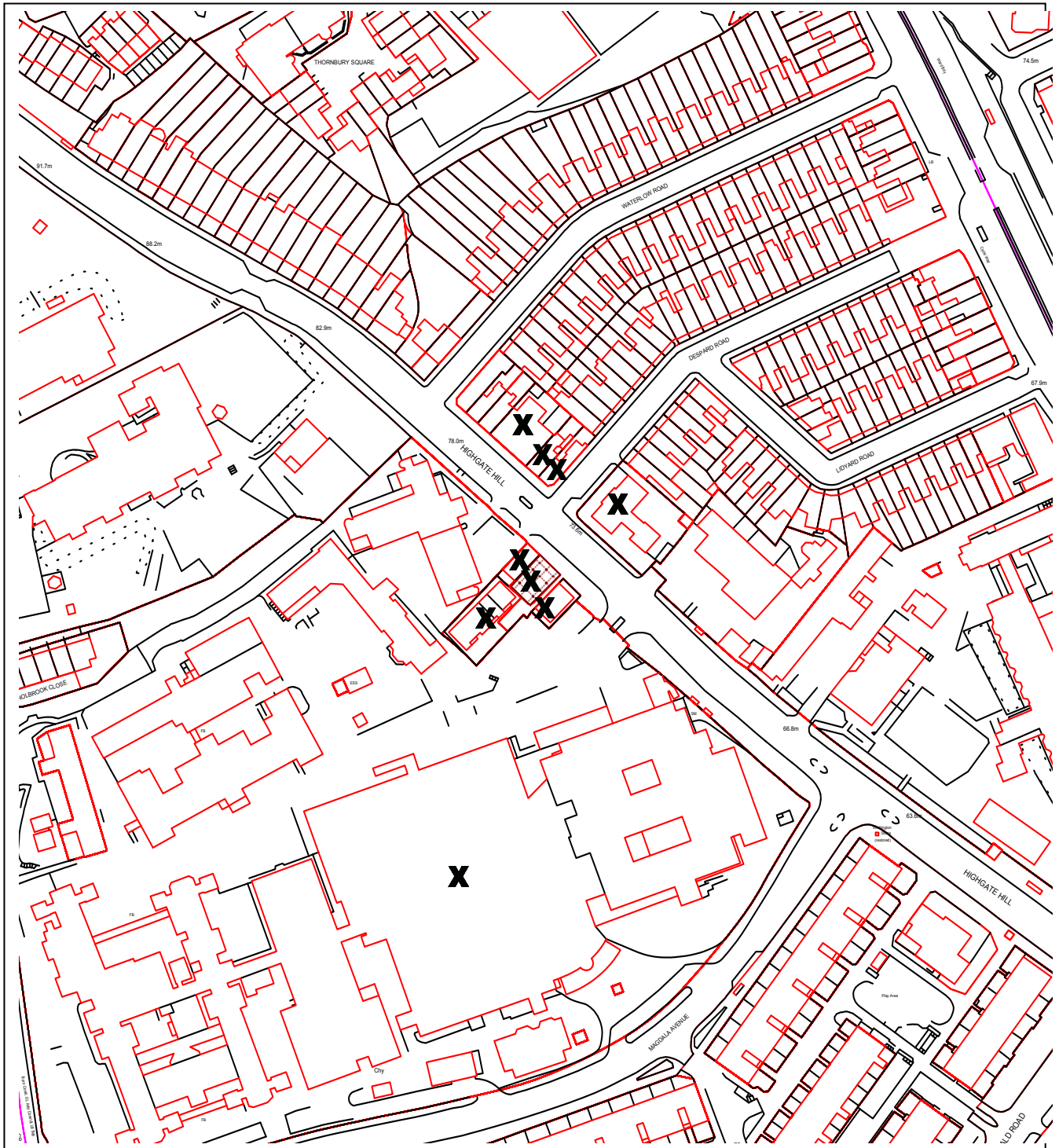
Islington Local Plan

- Inclusive Design in Islington (2014)
- Highgate Hill Conservation Area Design Guidelines (2002)

London Plan

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

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE A	AGENDA ITEM NO:	B4
Date:	27 th March 2018	NON-EXEMPT

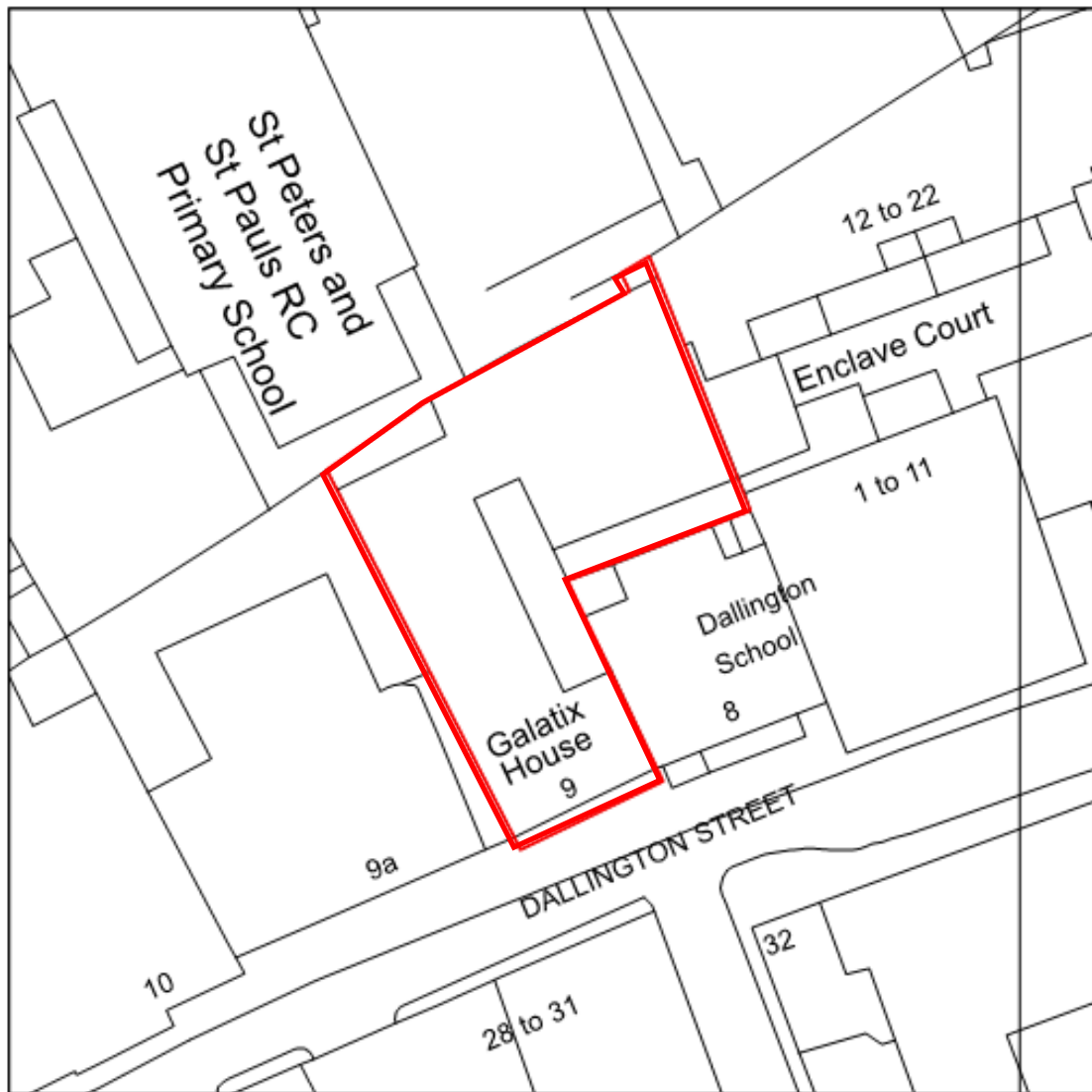
Application number	P2017/4021/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	Bunhill
Listed building	Not listed
Conservation area	Hat and Feathers
Development Plan Context	Core Strategy Key Area - Bunhill & Clerkenwell Central Activities Zone Employment Priority Area - Finsbury Local Plan Policy Mayors Protected Vistas - Alexandra Palace viewing terrace to St Paul's Cathedral Article 4 Direction A1-A2 (Rest of Borough)
Licensing Implications	None
Site Address	9 Dallington Street, London, EC1V 0BQ
Proposal	Section 73 variation to Condition 2 (drawing and document numbers) of planning application P2016/2420/S73. The original application was for the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space together with associated works and external alterations. The proposed variation to Condition 2 relates to external design changes to the building such as adjustment to doors, windows, roof fascia, the omission of brise soleil, and addition of functional building elements including access ladder, flues and rainwater goods.

Case Officer	Andrew Moore
Applicant	Dallington Street Limited
Agent	DP9 Ltd

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 red)



3. PHOTOS OF SITE/STREET

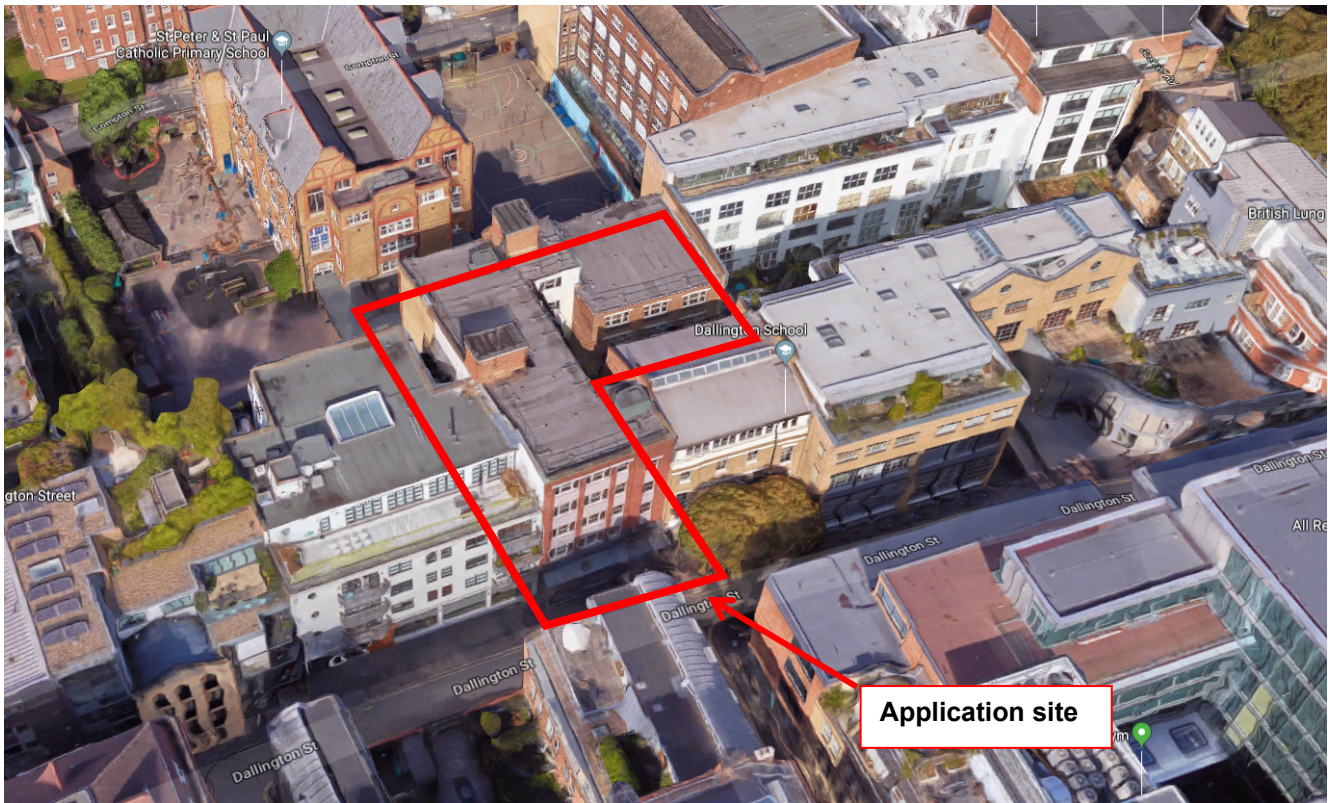


Image 1: Aerial view of application site (looking north)

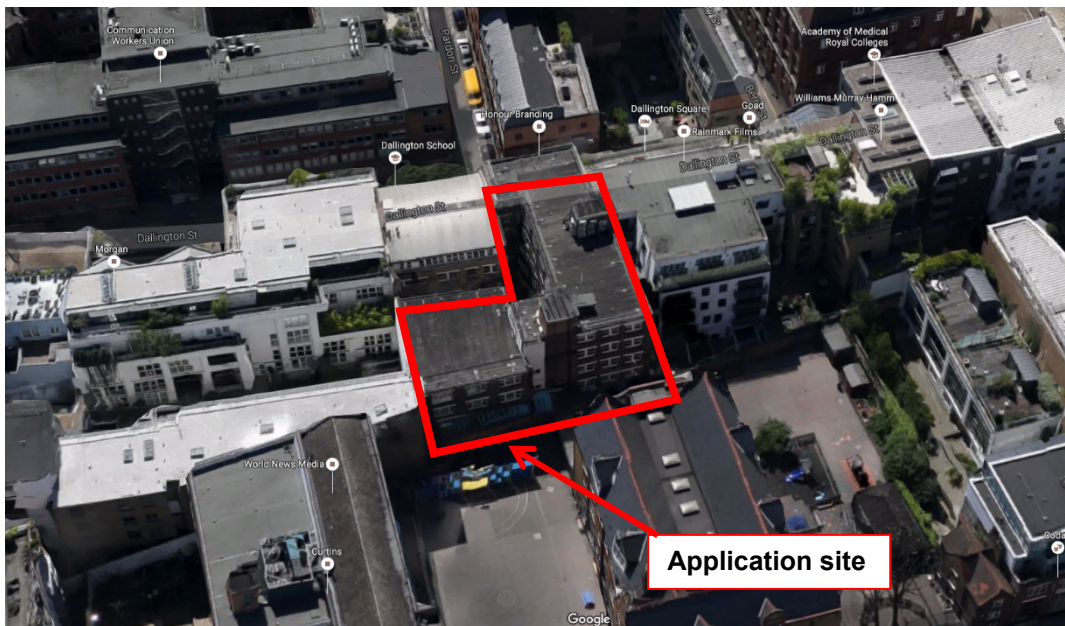


Image 2: Aerial view of application site (looking south)



Image 3: Site Frontage from Dallington Street on (October 2016)



Image 4: Existing shop front (October 2016)



Image 5: Front elevation of the building as of January 2018



Image 6: Fifth floor of the building's courtyard elevation facing Dallington School as of January 2018 (constructed as per this current S73 application)

4. SUMMARY

- 4.1 Section 73 is an application for "planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted." A section 73 application is therefore often limited in its scope due to the existing permission and while it does result in a new permission, its effect is to "amend" the conditions and cannot be used to extend the timeframe to implement a permission. A section 73 cannot be used where the development proposed is fundamentally different to the original permission, such as on an entirely new site area.
- 4.2 Planning permission (ref. P2015/0586/FUL) was granted by Committee on the 27th July 2015 for additions and alterations to the existing office building at 9 Dallington Street. This included the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1).
- 4.3 A Section S73 application (P2016/2420/S73) was later lodged in June 2016 to vary condition 2, 3, 8, 10, 12 and 13 of planning consent P2015/0586/FUL. These amendments including a range of design changes such as retention of parts of the existing building at ground, first and fifth floors previously identified for demolition, addition of rooflights at first and fifth floors, inclusion of rear roof terraces at first to fourth floors with screening and balustrading, omission of decorative feature to

front elevation, enlargement of roof level plant, and alterations to the shopfront. This application was granted by Committee on 28th November 2016.

- 4.4 Condition 2 of planning permission P2016/2420/S73 required the consent to be carried out in accordance with the approved plans and documents. This is a standard condition placed on all planning applications for the purpose of proper planning to ensure that development is constructed in accordance with the approved plans. The subject S73 application (P2017/4021/S73) is seeking to vary Condition 2 once again to authorise further design changes to the building.
- 4.5 It is recommended that the application is granted because the external design changes will not harm the appearance of the building or the character of the Conservation Area. The application will also not facilitate any additional amenity impacts on neighbouring properties (such as noise, littering and general nuisance) in comparison to the previously approved scheme.
- 4.6 Associated changes to existing condition 12 and 14, plus a new condition 17 are also recommend. These conditions have been modified to reflect the latest plans and to ensure that the privacy screens and planters on the main roof terraces are installed as per the previously approved drawings.

5. SITE AND SURROUNDINGS

- 5.1 The site is located on the north side of Dallington Street and contains a mid-terraced building that occupies the majority of the site area. The building and site boundaries have an 'L' shape that wraps around the adjoining property to the east (Dallington School). This layout creates a small enclosed courtyard in the centre of the site.
- 5.2 The building was originally constructed in the 1950's/1960's and is five storeys in height with a flat roof and solid masonry. The rear part of the building is set at a lower level than the main part of the building fronting Dallington Street.
- 5.3 In recent years the building has been operating as an office building with a retail unit (A1 use) at ground floor level.
- 5.4 The property is currently vacant because construction work is underway on the site. Large parts of the building's exterior are currently covered with scaffolding and building wrap. Some of the design changes that are sought in this S73 application have already been installed onsite.
- 5.5 The properties surrounding the site on Dallington Street comprise a mix of styles ranging from 1970s style buildings to art deco and modern buildings. These vary in height ranging from four to six storeys. The neighbouring properties include a mix of uses including educational, retail, commercial facilities and residential properties.
- 5.6 The rear of the site abuts St Peters and St Pauls Primary School and the eastern boundary of the site abuts Dallington School which is a day school for children aged 3 to 11.
- 5.7 The site is located within the Hat and Feathers Conservation Area; however the building is not listed.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks to amend condition 2 of planning permission P2016/2420/S73 in order to authorise external design changes to the building (some of which have already been constructed).
- 6.2 In comparison to the previously approved variation (P2016/2420/S73), the proposed changes can be summarised as follows:

General Changes

- Enlarged roof fascia and alterations to zinc roof profile.
- New angled pitched roof over lift well
- Flues and rainwater goods now shown on the drawings.
- Roof lights now protruding above the curved roof of the building by 160mm rather than being flush with roof.

Front Elevation

- The pattern of the crittall entrance doors on the ground level has been regularised.
- The brise soleil on level 5 has been removed.
- The gable end eyebrow window has been subdivided into two glazed panes
- Adjustment to parapet above the stair core to allow weathering to the adjacent roof.

Rear Elevation

- Roof access ladder added (for access and maintenance).
- Level 5 fenestration has been modified.
- Existing window openings on levels 1-4 to be changed to new doubled glazed units with painted timber frame with architrave above.

Inner Courtyard Elevations

- Level 4 & Level 5 rear building window fenestration altered from consented drawings. Sliding doors and mullion positions adjusted to suit.
- Balconies removed from level 1, 3,4 and 5. Associated privacy screen also removed.
- The brise soleil on level 4 and 5 is removed.

6.3 Condition 2 planning permission P2016/2420/S73 states:

DRAWING AND DOCUMENT NUMBERS: The development hereby permitted shall be carried out in accordance with the following approved plans:

LP001 Rev P1, LP002 Rev P1, EX EL01 Rev P1, EX GA00 Rev P1, EX GA01 Rev P1, EX GA02 Rev P1, EX GA03 Rev P1, EX GA04 Rev P1, EX GA06 Rev P1, EX S01 Rev P1, EX S02 Rev P1, EL01 Rev P1, GA00/B Rev P5, GA01 Rev P1, GA02 Rev P1, GA03 Rev P1, GA04 Rev P1, GA05 Rev P1, GA06 Rev P1, S01 Rev P1, S02 Rev P1, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).

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.

6.4 The proposed condition 2 would state:

DRAWING AND DOCUMENT NUMBERS: The development hereby permitted shall be carried out in accordance with the following approved plans:

LP001 Rev P1, LP002 Rev P1, EX EL01 Rev P1, EX GA00 Rev P1, EX GA01 Rev P1, EX GA02 Rev P1, EX GA03 Rev P1, EX GA04 Rev P1, EX GA06 Rev P1, EX S01 Rev P1, EX S02 Rev P1, 21483-07-100C, 21483-07-101B, 21483-07-102C, 21483-07-103B, 21483-07-104D, 21483-07-200A, 21483-07-201A, 21483-07-202A, 21483-07-203A, 21483-07-204A, 21483-07-205A, 21483-07-206A, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016 and 11 October 2017), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).

7. PLANNING HISTORY:

- 7.1 **P2017/3664/AOD** - Submission of Details pursuant to conditions 3 (materials) and 7 (window treatment) of planning permission P2016/2420/S73 dated 28/11/2016. **Approved** 13/11/2017
- 7.2 **P2017/1902/AOD** - Submission of Details pursuant to conditions 3 (materials) and 7 (windows) of planning permission P2016/2420/S73 dated 28/11/2016. **Withdrawn** 27/07/2017
- 7.3 **P2017/0181/AOD** - Approval of Details in pursuant condition 10 (acoustic plant and lift overrun details) of planning permission ref. P2016/2420/S73. **Approved** 08/03/2017
- 7.4 **P2016/4741/AOD** - Submission of details pursuant Condition 11 (Construction Method Statement) of planning permission ref: P2016/2420/S73. **Approved** 22/06/2017
- 7.5 **P2016/2420/S73** - Section 73 application for variation of condition 2, 3, 8, 10, 12 and 13 of planning consent ref: P2015/0586/FUL. Amendments include retention of parts of existing building at ground, first and fifth floors previously identified for demolition, addition of rooflights at first and fifth floors, including of rear roof terraces at first to fourth floors with screening and balustrading, omission of decorative feature to front elevation, enlargement of roof level plant, alteration to shopfront and other alterations. **Approved 28/11/2016**
- 7.6 **P2015/0586/FUL** - Erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) together with associated works and external alterations, provision of amenity space, landscaping and installation of eight No. condenser units with a screened enclosure at fifth floor level. Internal alterations at the ground floor level to create a new entrance courtyard and insertion of two new roof lights to the rear. **Approved 27/07/2015**
- 7.7 **P2014/1604/FUL** - Erection of a fourth floor extension and a fifth floor at roof level to provide an increase in office floorspace (Use class B1a) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no. condensers within a screened enclosure at roof level. **Refused** at Planning Sub-Committee B on 15/07/14.

Reason for Refusal: The proposed development, by reason of the additional height in close proximity to the site boundary, would result in a detrimental material impact on the amenity of the neighbouring Dallington School by virtue of an unacceptable loss of daylight. As such the proposal would be contrary to policy DM2.1 of the Development Management Policies June 2013 together with the guidance within the Hat and Feathers Conservation Area Guidelines.

The application was subsequently appealed (appeal reference APP/V5570/A/14/2226349) through the written representations process. The application was dismissed at appeal on 23/12/2014. In his report the Inspector concluded that *the proposed development would, by reason of its height and proximity to the boundary, unduly harm the amenity of users of Dallington School with regard to loss of daylight.*

- 7.8 **P031181** - Renewal of existing lean to roof to the rear of the premises, including slight adjustment of roof pitch and boundary wall height. **Approved** 18/07/2003
- 7.9 **P00373** - Change of use of loading bay to gallery and installation of new shopfront. **Approved** 27/03/2000
- 7.10 **961164** - Change of use of the top (third) floor (rear) from B1 offices to a live-work unit; the installation of a roof lantern within the unit. **Approved** 24/10/1996
- 7.11 **931394** - Alterations to windows and doors replacement of skylight new flat roof raising 4th floor flank wall and other alterations in connection with refurbishment for business use (B1). **Approved** 03/12/1993.

- 7.12 As further background, it is noted that an alcohol and music license application for the site was submitted in 2017. However, this application was withdrawn on 30 November 2017 and no alcohol licenses have been lodged since.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 194 adjoining and nearby properties. A site notice and press advert were displayed on 9/11/2017. Re-consultation letters were sent out 08/02/2018 and a site and press notice was re-issued on 15/02/2018 because some of the proposed plans were not displayed on the council's website. The application description was also slightly modified. The public consultation of the application therefore expired on 08/03/2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of **85 responses** had been received from the public with regard to the application. It is noted that a large number of these submission are identical in content. The issues raised can be summarised as follows:
- The applicant is seeking to obtain a music and alcohol licence for the café. Allowing the ground floor to become open to the street as a result of bi-folding doors being installed will result in noise spilling onto the street and impact neighbouring residents. The bi-fold doors associated with a café will also result in litter and general nuisance problems for the street which would be further exacerbated if an alcohol and music licence is granted. The front of the building should be kept enclosed with no open bi-folding doors (**see paragraphs 11.5-11.11, and 11.26-11.28**).
 - Dallington Street is a narrow single lane road and sound rebounds off the tall buildings that line the street. Noise from the proposal would further exacerbate this existing problem (**see paragraphs 11.18 – 11.25**).
 - Bi-fold doors associated with a café at ground level may encourage smokers to gather and litter outside. Children walking past the site will be exposed to smoke fumes or it may end up drifting to the school next door (**see paragraphs 11.29-11.30**).
 - A café at ground floor with bi-fold doors open to the street will result in tables and chairs creeping onto the pavement and will create a safety issue due to the narrowness of the pavement (**see paragraphs 11.31-11.32**) (officer note: nothing in this application seeks use of the ground floor as a café since it is already consented as an A1 unit).
 - There is no acoustic report assessing the noise impact of the proposal (**see paragraphs 11.18 - 11.25**).
 - The lack of an acoustic/visual screen on the terraces will impact the privacy and amenity of adjacent properties, especially Dallington School which is less than 10 metres away from the site (**see paragraph 11.33-11.35**).
 - The applicant has failed to demonstrate that noise from opening windows and sliding doors on terraces will not cause noise disturbance to residents and school children (**see paragraph 11.23**).
 - A café at ground level will require early morning delivers and rubbish collection which will have a negative impact on neighbouring residents and worsen the existing noise).
 - Construction workers currently on the site are creating noise and smoke disturbance outside the property (**see paragraph 11.34**).
 - The 5th floor of the building is intended to be used as a social space with a bar that is not consistent with the B1 use of the top floor, Noise from the 5th floor will disturb the occupants and users of surrounding properties (**see paragraphs 11.19-11.25 and 11.35-11.39**).
 - The application site is surrounded by a venerable population who's wellbeing will impacted by the propsoal.
 - The application indicates scope creep and is creating an entertainment venue by stealth (**see paragraphs 11.2-11.4 and 11.38-11.39**).

Friends of Bunhill Residents Association

An objection was received from the Friends of Bunhill Residents Association which reiterated a number of the other public comments. The comments from the Friends of Bunhill Residents Association can be summarised as follows:

- There is litter in the locality from the many cafes and hot food takeaways in close proximity to Dallington Street. Cafes and drinking establishments should be resisted when they would result in a negative cumulative impact due to an unacceptable concentration of such uses and where they are in proximity to school in accordance with Policy DM4.3. (**see paragraphs 11.5-11.12**).
- The development has had a huge impact on wellbeing in the area during construction (**see paragraph 11.7**).
- The project results in a loss of privacy and overlooking into two schools, and private residences at Dallington Square, 2 Dallington Street, 9a Dallington Street and 10 Dallington Street. The impact on children being overlooked in their classrooms has a huge impact on distractibility which disproportionately affects children with special needs. The loss of brise soleil from the development increases sightlines from the building. We are additionally concerned by the dropping of the stipulation for fixed blinds on the rear of the building. This had been deemed necessary as the changing rooms of St Peter's and St Paul's are seen from the windows on the top two floors (**see paragraph 11.33-11.35**).
- The owner intends to run a licensed café in the future which is against paragraph 35 of NPPF that states that developments should be located and designed to accommodate efficient delivery of goods and supplies and minimise conflict between traffic and cyclists/pedestrian, including avoiding street clutter (**see paragraphs 11.2-11.4 and 11.31-11.32**).
- The owners have already stated that they are running a 24 hour business that will involve refuse collection during the night, cleaning during the night and catering deliveries in the early hours. Refuse and delivery lorries reverse down Dallington Street and delivery vehicles serving the site mount the pavement. Residents are woken at night by catering and refuse trucks servicing the application site.
- We are particularly concerned by the use of the ground floor as a café. This planning application is the first time that bi-fold doors have been shown in drawings of the site. The installation of bi-folding doors does not respect local context. An entirely open façade is out of character for the area and is to the detriment of the local environment. A retractable façade has been refused planning permission repeatedly in this and adjoining boroughs due to the potential noise and odour issues from a café (**see paragraphs 11.26-10.28**).
- Finally, under Article 8 of the Human Rights Act (1998) we have the right to respect for our private and family life. Islington Council must take steps to ensure peaceful enjoyment of local resident's homes. There are 26 school aged children resident in Dallington Street, three wheelchair users and a vulnerable elderly population in 12 Dallington Street. There are 104 children at school, sharing a party wall with this café. Islington Council is required to mitigate the impact of 400 office users and 50 additional users of a café with fully opening doors, open from 7am. There is also the noise, smoking and associated nuisance from the licensed area on the top floor. Doors and windows need to be closed to contain noise. Black out blinds need to be installed to prevent light pollution and strict hours need to be imposed to allow us all to sleep. Our youngest community member lives 6 metres from café. He has to be allowed to sleep or he will not thrive (**see paragraphs 10.4-10.6**).

External Consultees

8.3 None.

Internal Consultees

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

8.5 **Alcohol Licencing:** A licencing application for the site was lodged in 2017 but withdrawn in January 2018. None of the responsible authorities made representations against the grant so there were no concerns from the experts and the application addressed the licensing objectives as far as they were concerned. The withdrawn alcohol licencing application is attached in Appendix 4.

9. RELEVANT POLICIES

National Guidance

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

Development Plan

9.2 The Development Plan is comprised of the London Plan 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.

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:

- Hat and Feathers Conservation Area
- Central Activities Zone (CAZ)
- Bunhill and Clerkenwell Core Strategy Key Area
- Employment Priority Area – Finsbury Local Plan Policy BC8
- Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

Supplementary Planning Guidance (SPG) / Document (SPD)

- Islington Urban Design Guide
- Clerkenwell Green, Charterhouse Square and Hat and Feathers Conservation Area Guidelines

10. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

10.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within a conservation area, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 10.2 National Planning Policy Framework (NPPF): Paragraph 14 states: “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...
- 10.2 At paragraph 7 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 10.3 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 10.4 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 10.5 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 10.6 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. ASSESSMENT

- 11.1 The main issues arising from this proposal relate to:
- Principle of varying conditions
 - Visual appearance of the building and design quality
 - Impact on conservation area
 - Impact on the amenity of neighbouring properties
 - Impact on streetscape amenity

Principle of Varying conditions

- 11.2 Section 73 is an application for "planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted." A section 73 application is therefore often limited in its scope due to the existing permission and while it does result in a new permission its effect is to "amend" the conditions and cannot be used to extend the

timeframe to implement a permission. A section 73 cannot be used where the development proposed is fundamentally different to the original permission, such as on an entirely new site area.

- 11.3 The principle of this Section 73 is acceptable as the scheme replicates the original consent in regards to the use of the building and its overall size and appearance. It is a common occurrence for such design changes to be dealt with under a section 73 application when the changes constitute more than a 'non-material amendment'.
- 11.4 Since the original grant of planning permission (P2015/0586/FUL) there has not been a fundamental shift in planning policies that are pertinent to the development. Whilst the London Plan has been adopted this brought no significant policy drafting changes. Apart from Islington Council Urban Design Guide (adopted in 2017) the proposed changes also do not trigger the need for an assessment under any new policies that had not already been considered under the originally approved scheme.

Land Use

- 11.5 Under the originally approved scheme (P2015/0586/FUL), the principle of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) were considered acceptable.
- 11.6 The subject S73 application does not propose changing the use of the building and therefore any impacts associated with the use of the building for B1 (office) or A1 (retail) purposes are not considered relevant to this application because the building's use has already been lawfully established and no increase to the floor area in either use is proposed.
- 11.7 A large number of objections raised concerns about the ground floor unit of the building being used as a café and its subsequent impacts such as noise, smoking, litter and general nuisance issues. However, the subject S73 application only involves design changes to the building and does not involve any change of use. It is also noted that Condition 15 of P2015/0586/FUL requires that, "*the ground floor A1 cafe/sandwich shop hereby approved shall not operate outside the hours of: 8:00am to 6:00pm (Mondays to Sundays)*"
- 11.8 The A1 Use Class allows for activities such as shops, hairdressers showrooms, sandwich bars, and corner stores. It is noted that there are three main use categories relating to the sale of food, being A1 (sandwich bar), A3 (café/restaurant) and A5 (hot food takeaway) uses. Aside from the statutory definition above, there is no definition or useful national guidance as to what an A1 use is. In addition, the law does not state at what point a change of use happens between Class A1 and the other food related uses.
- 11.9 The reference to 'café' in condition 15 attached to P2016/2420/S73 is considered an error and deletion of this reference is to be made under this S73 application.
- 11.10 A business would generally be classified as café (A3 use) if:
- The majority of food is consumed on site and the sale of food for consumption off the premises is the secondary function.
 - There is ample seating (the amount appropriate would be considered on a case by case basis, considering the size of the unit etc).
 - The food is prepared onsite.
- 11.11 If the A1 unit was to meet the above criteria, it would require planning permission or prior approval to operate as an A3 café. Any subsequent impacts such as noise, odour and refuse collection would be assessed as part of that application.
- 11.12 Some objections from the public also raised concerns about the fifth floor of the building being used as a social space with a bar which would be inconsistent with the B1 use of the site. In response to these concerns, it is again noted that the fifth floor of the building already has obtained planning permission for B1 use and no proposal has been put forward to change the use of the fifth floor. It is quite possible that a social space within an office building could serve alcohol while still retaining

its B1 use, provided that the consumption of alcohol was ancillary to the main office use of the site. It is common for high end serviced offices to supply a limited range of alcohol for occasional networking events, social functions, conferences etc. Issues surrounding the supply of alcohol at the site (provided it's within the remit of the B1 use class) would be addressed as part of any future alcohol licence application and conditions can be placed on the license to control alcohol related impacts if necessary.

Design, Conservation and Heritage

- 11.13 The proposed design changes in comparison to the previous S73 application (P2016/2420/S73) are relatively modest and will not significantly change the overall appearance of the building. While some of the proposed amendments will be noticeable, a number of the proposed amendments are technical adjustments to ensure the building is accurately detailed and can operate successfully such as the installation of rain water pipes, flues and access ladders.
- 11.14 Due to the 'L' shape of the building and its location in a tightly developed area, there are limited public sightlines to the building. The front elevation of the building is visible from Dallington Street and the rear elevation is partially visible from Compton Street through St Peter and St Paul Primary School. The side elevations of the building and the courtyard elevations of the building are not conspicuously visible from the public realm but are visible from adjacent properties.

Design Alteration	Comment
General Changes	
Enlarged roof fascia and alterations to zinc roof profile.	The enlarged roof fascia will not become a visually dominance feature and is still compatible with the overall architectural style and merit of the building. The enlarged roof fascia will also not increase the overall height of the building.
The previously proposed flat roof over the lift well is to be changed to a pitched roof.	Neutral impact on the building's appearance.
Flues and rainwater goods now shown on drawings	The proposed flues and rainwater piping was not shown on the drawings for P2016/2420/S73. Such items are standard features of buildings and will not detract from the overall architectural merit of the building.
Front Elevation	
The pattern of the crittall entrance doors on the ground level has been regularised	This change is considered to enhance the aesthetic qualities of the building and will give the building's front elevation a more unified appearance.
The brise soleil is now omitted as not required.	This will have a neutral impact on the building's appearance.
Gable end eyebrow window has been subdivided with minimal joint	This will have a negligible impact on the appearance of the building.
Correction made to retained roof light – was drawn incorrectly previously.	The submitted drawings show that roof lights now protrude above the curved slope of the roof by 160mm. Although this is an ideal outcome the small protrusion of the roof lights will on have a very minor impact on the building's overall appearance and design quality.
Rear Elevation	
Roof access ladder added as required for access and maintenance	Although the roof access ladder adds a small degree of visual clutter it is a standard building feature and is required for maintenance and safety purposes.

Level 5 fenestration has been modified	The changes to the fenestration are relatively inconspicuous and will not notably change the appearance of the building.
Existing window openings on levels 1-4 to be changed to new doubled glazed units with painted timber frame with architrave above.	This will be a noticeable change but the proposed will match the appearance of windows on other elevations.
Inner Courtyard Elevations	
Level 4 & Level 5 rear building window and door fenestration altered from consented drawings.	The changes to the fenestration are relatively inconspicuous and will not notably change the appearance of the building.
Balconies removed from level 1, 3, 4 and 5. Associated privacy screens also removed.	<p>Since the balconies are being removed, there is no need for the privacy screens. The removal of the balconies will not affect the architectural quality of the building or its impact on the surrounding conservation area.</p> <p>Condition 14 of the previous S73 application required that these balcony areas are not used as roof terraces. Its recommended that condition 14 is carried over and modified to reflect the latest drawings and to ensure these areas are not used a roof terrace.</p>
The approved brise soleil on the courtyard elevation on levels 4 and 5 has been removed.	This will have a neutral impact on the building's appearance.

11.15 It is considered that the proposed changes will not harm the architectural merit of the building or its contribution to the character of the conservation area. The proposed amendments will also not result in any conspicuous increase to the building's overall height or size. The changes on the building's inner courtyard elevation will also not be visible from the public realm.

11.16 It is also noted that the Council Design and Conservation team have no concerns or objections to the application.

Overall, the proposed design changes are considered acceptable in design terms and will not harm the architectural merit of the building or the Conservation Area. The proposal accords with the relevant planning policies, particularly CS8, CSDM2.1, DM2.3, the Urban Design Guide and the Conservation Area Design Guidelines.

Neighbouring Amenity and Streetscape Amenity

11.17 Policy DM2.1.A(X) 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.

Noise

11.18 A number of objections raised concerns about noise from the number of mechanical plant on the building's roof. The applicant has confirmed that there will be no change to the number of mechanical plant on the building's roof. Therefore, noise impacts from mechanical plant not a relevant consideration for this S73 application.

11.19 The original planning permission for the scheme (P2015/0586/FUL) was subject to a number of conditions whose purpose was control noise (Conditions 8, 9, 13, and 15). These conditions still apply to the development and if any of the conditions were to be infringed it would become an enforcement issue. In brief:

Condition 8 requires that *“The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr 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 LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.”*

Condition 9 requires that: *“The recommendations set out within the Noise Impact Assessment Rev 3 (dated: 5 April 2016) in conjunction with the Additional Acoustic Information sheet (dated: 08 September 2016) shall be implemented prior to the occupation of the development hereby approved and shall be maintained as such thereafter”.*

Condition 13 requires that: *“The roof terraces hereby approved shall not operate outside the hours of: 9:00am to 6:00pm Monday to Friday”*

Condition 15 requires that: *“Notwithstanding the plans and details hereby approved, the ground floor A1 use sandwich shop hereby approved shall not operate outside the hours of: 8:00am to 6:00pm (Mondays to Sundays)”*

- 11.20 It is considered that condition 8 adequately controls noise levels from the fixed plant on the building's roof and ensures that the amenity of neighbouring properties is protected from unreasonable noise.
- 11.21 Condition 13 ensures that the roof terraces will not be used in the weekends or after 6:00pm during weekdays. This condition ensures that the use of the building's terraces will not affect the amenity of neighbouring properties or cause any sleep disturbance.
- 11.22 The mechanical plant on the building's roof will be screened by louvers. During a site visit on the 23/01/2017 it was evident that the louvers had been installed.



Image 7: External louvers screening the mechanical plant on the building's roof (January 2018)

- 11.23 Some objectors also raised concerns about additional noise being emitted from the building as a result of the proposed design changes which will result in additional opening windows on the buildings courtyard elevation facing Dallington School. Given the nature of B1 office activities and the small windows openings it is considered that any additional noise emitted from the building will be negligible and will not be noticeable above the background noise of the urban environment. As such it is considered that the design changes will not affect the amenity of any neighbouring property or the learning environment of the adjacent schools.
- 11.24 It is also worth noting that the subject application involves the removal of balconies on level 1, 3,4 and 5 (located in the corner of the internal courtyard) which face Dallington School. The removal of these balconies will reduce a potential noise source and would more than offset any small increase of noise resulting from additional window openings.
- 11.25 Furthermore, Condition 13 of the approved scheme prevents the roof terraces from being used outside the hours of: 9:00am to 6:00pm Monday to Friday. As such there should not be any noise emitted from sliding doors that open onto the roof terrace outside these hours. If the terrace were to be used after these hours it would become an planning enforcement issue.

Streetscape amenity

- 11.26 A number of objections noted that the subject S73 application involves the installation of bi-folding doors at the front of the A1 unit which open out on to the pavement. These objections also noted that these bi-fold doors would result in additional noise spilling out on to the pavement which would affect passing pedestrians.
- 11.27 In response to this issue, it is noted that the approved plans of P2016/2420/S73 had full height framed folding glass doors' on the building's frontage which formed part of the A1 unit. The subject S73 application also proposes bi-folding doors. Any increase noise emission associated with the bi-fold doors will be no greater than would could occur under the previously approved S73 application (P2016/2420/S73). Therefore, it is considered that the proposed bi-fold doors are appropriate for an A1 unit and it will not result in any additional amenity issues for the public or neighbouring properties.
- 11.28 It is also noted that a part of the pavement outside the application site is in private ownership. Provided that the opening span of the bi-folding doors is contained within the property boundary of the site, the bi-fold doors are not considered no pose a threat to the safe passage of pedestrians.

Litter, smoking and general nuisance

- 11.29 A large number of objections raised concerns about the ground floor A1 unit of the building being used as a café and subsequent impacts such as noise, smoking, litter and general nuisance. As previously noted, the subject 73 applications only involves design changes to the building and does not involve any change of use. The proposal will not exacerbate any smoking, litter or general nuisance effects to a greater extent than what is already lawfully permitted at the site.
- 11.30 The objectors concern about the health effects and nuisance caused by tobacco smoke is acknowledged. However, it is not considered reasonable or lawful for a planning application to restrict the ability of individuals to smoke in the public realm.

Tables and chairs on the pavement

- 11.31 A number of objectors also raised concern about the tables and chairs from the building's A1 sandwich bar spilling out onto the pavement which could cause issues as a result of the narrow pavement and the number of people walking along Dallington Street, especially school children and their parents.
- 11.32 In response to this issue, the subject S73 application does not involve any expansion of the building's A1 floor space and does not propose any chairs or tables on the pavement. As such, the placement of tables and chairs on the pavement is speculation at this stage. In the event that tables

and chairs were to be placed on the pavement, they would require a 'Table and Chairs Licence' from Islington Council. Any impacts associated with tables and chairs on the pavement fall under the remit of this licencing process and are not a relevant planning considered in this instance.

Privacy and overlooking

- 11.33 The removal of balconies on level 1, 3, 4 and 5 (located in the corner of the internal courtyard) which face Dallington School will remove a potential source of overlooking. Condition 14 of the previous S73 application required that these balcony areas are not used as roof terraces. It is recommended that condition 14 is carried over and modified to reflect the latest drawings and to ensure these areas are not used a roof terrace.
- 11.34 The main change to the roof terraces is the removal of the brise soleil on level 4 and 5. It is noted that level 4 of the subject building is approximately level with the top floor of Dallington School and therefore it is considered that the removal of the brise soleil will not exacerbate privacy or overlooking effects with Dallington School. However, the current S73 application does involve the removal of planters on the roof terraces of level 4 and 5 which were shown in the previously approved plans. The removal of these planters is likely to decrease the level of privacy afforded to adjacent properties and its not considered acceptable. Therefore, recommended condition 17 will require these planters to be retained along the edge of the roof terraces on level 4 and 5 to help mitigate privacy and overlooking impacts on neighbouring properties.
- 11.35 It also noted that the proposed plans do not show the retention of all the 1.7m privacy screens on the eastern edge of the main roof terraces on level 4 and 5. It is considered essential that these privacy screens are retained in order to protect the privacy and amenity of neighbouring properties. Condition 12 of the previous S73 application (P2016/2420/S73) required the installation of these privacy screens and it is recommended that the wording of condition 12 is modified to ensure that these 1.7 privacy screens are installed prior to the occupation of the building.

Amenity summary

- 11.36 Due to the nature of the proposed changes and the recommended conditions, it is considered that there will be no material impact on the amenity of any neighbouring property in comparison to the previously approved S73 variation (P2016/2420/S73).

Construction Impacts

- 11.37 Matters related to the manner and method of construction are not material planning considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act, Control of Pollution Act and the Environment Protection Act. However, any complaints regarding construction impacts may be directed to the Islington's Council's Public Protection Team on 0207 527 3258 or noise.issues@islington.gov.uk

Alcohol Licence

- 11.38 A number of objectors raised concern about an alcohol licence being obtained at the site. No alcohol license for the site has been granted by the Council and there are not any liquor licences for the site currently lodged with the Council.
- 11.39 Any future application for an alcohol licence at the site has to go through the process of the Licensing Act 2003. There is no evidence to suggest that the license previously sought by the applicant would amount to a material change in the authorised B1 use of the site and therefore any issues related to alcohol are not considered to be a material planning consideration for the purpose of this application.

12. SUMMARY AND CONCLUSION

- 12.1 The application relates to the variation of Condition 2 of P2016/2420/S73 to authorise external design changes to the building. The remainder of the scheme would be as per its original design, layout and conditions as approved by Planning Committee on the 27th July 2015 (ref: P2015/0586/FUL). However, associated changes to existing condition 12 and 14, plus a new condition 17 are recommend. These conditions have been modified to reflect the latest plans and will also ensure that the privacy screens and planters on the main roof terraces are installed as per the previously approved drawings.
- 12.2 The application only relates to design changes to the building and therefore an assessment of the proposal needs to be limited to the impacts arising from the design changes.
- 12.3 Overall, the proposed design changes are considered acceptable as the building will still achieve a high quality architectural design that is compatible with the surrounding built form and will not harm the Conservation Area. The altered external appearance of the building will also not harm the amenity of the street scene or any adjacent property. As such the proposal is considered to accord with the relevant planning policies mainly DM2.1, DM2.3, the Islington Urban Design Guide and the Hat and Feathers Conservation Area Design Guides.
- 11.4 It is recommended that planning permission is granted subject to conditions.

APPENDIX 1 – RECOMMENDATION

RECOMMENDATION

That the grant of the Section 73 application be subject to conditions listed below

List of Conditions:

1	S73 Consent S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of 27/07/2018. REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 27/07/2015 [ref: P2015/0586/FUL]. 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)
2	Approved plans list CONDITION: LP001 Rev P1, LP002 Rev P1, EX EL01 Rev P1, EX GA00 Rev P1, EX GA01 Rev P1, EX GA02 Rev P1, EX GA03 Rev P1, EX GA04 Rev P1, EX GA06 Rev P1, EX S01 Rev P1, EX S02 Rev P1, 21483-07-100C, 21483-07-101B, 21483-07-102C, 21483-07-103B, 21483-07-104D, 21483-07-200A, 21483-07-201A, 21483-07-202A, 21483-07-203A, 21483-07-204A, 21483-07-205A, 21483-07-206A, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016 and 11 October 2017), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).
3	Materials (Details) CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include: a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window/door treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) curtain walling g) any other materials to be used. h) louvred screen The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard
4	Parking Restrictions (compliance) CONDITION: All future occupiers of the commercial units hereby approved shall not be eligible to obtain an on street business parking permit except : (1) In the case of disabled persons; (2) In the case of an occupier who is an existing holder of a business parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. REASON: In the interests of sustainability and in accordance with the Council's policy of car free development.

5	Refuse/recycling provided (compliance):
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) 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>
6	Cycle parking provision (compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered and secure, 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>
7	Windows (details)
	<p>CONDITION: Details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Double glazed units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.</p> <p>The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
8	Fixed plant (compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr 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 LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>Reason: To protect the amenities of neighbouring occupiers</p>
9	Noise controls (compliance)
	<p>CONDITION: The recommendations set out within the Noise Impact Assessment Rev 3 (dated: 5 April 2016) in conjunction with the Additional Acoustic Information sheet (dated: 08 September 2016) shall be implemented prior to the occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To protect the amenities of neighbouring occupiers</p>
10	Roof-top plant and lift overrun (details)
	<p>CONDITION: No development shall be carried out until details of the rooftop enclosures/screening and the lift overrun are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans and permanently maintained thereafter.</p>
11	Code of construction (details)
	<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"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials

	<ul style="list-style-type: none"> iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <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>
12	<p>Visual privacy screens (compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved. Visual privacy screens to the eastern edge of the main roof terraces on level four and level five shall be installed prior to the first occupation of the development and shall be maintained as such thereafter into perpetuity. The visual privacy screens shall have a height of no less than 1.7 metres</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.</p>
13	<p>Hours of operation (compliance)</p> <p>CONDITION: The roof terraces hereby approved shall not operate outside the hours of: 9:00am to 6:00pm Monday to Friday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
14	<p>Removal of permitted development rights (compliance)</p> <p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no change of use to the A1 use hereby approved shall be carried out without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future changes of use of the ground floor and to protect the amenity of neighbouring properties.</p>
15	<p>Hours of operation (compliance)</p> <p>CONDITION: Notwithstanding the plans and details hereby approved, the ground floor A1 unit hereby approved shall not operate outside the hours of:</p> <p>8:00am to 6:00pm (Mondays to Sundays)</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
16	<p>No use of flat roof areas for roof terraces</p> <p>CONDITION: Notwithstanding the plans hereby approved, no permission is granted for the formation of roof terraces within the internal courtyard area at 3rd, 4th and 5th floor level. The annotated and approved flat roof areas on approved plan numbers 21483-07-203 Rev A, 21483-07-2204 Rev A & 21483-07-205 Rev A shall not be used as any form of terrace, amenity space or sitting out space into perpetuity.</p> <p>REASON: In order to safeguard adjoining occupiers/uses from excessive overlooking and privacy loss.</p>

17	Notwithstanding condition
	<p>CONDITION: Notwithstanding the plans hereby approved, a scheme and detailed plans showing screening measures to be installed on all sides on the inner courtyards roof terraces at 4th and 5th level shall be submitted and approved in writing by the Local Planning Authority prior to the completion of the development and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To mitigate undue overlooking of neighboring properties.</p>

List of Informatives: foremost

	General
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>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	CIL Informative
	<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 cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Definition of 'superstructure' and 'practical completion'
	<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>
4	Highways
	<p>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 streetworks@islington.gov.uk.</p>

	<p>All agreements relating to the above need to be in place prior to works commencing.</p> <ul style="list-style-type: none"> - 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 streetworks@islington.gov.uk. <p>Section 50 license must be agreed prior to any works commencing.</p> <ul style="list-style-type: none"> - Compliance with section 140A of the Highways Act, 1980 - "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk - 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 streetworks@islington.gov.uk. <p>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 highways.maintenance@islington.gov.uk</p> <p>Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p> <ul style="list-style-type: none"> - 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. - 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 crossovers
5	Noise
	<p>NOISE: The applicant is advised that the plant is to be installed and operating correctly and the acoustic enclosure and other mitigation measures are effective. During the lifecycle of the plant the operator is to regularly check, maintain and service the plant to ensure compliance with the plant noise condition and that the equipment does not develop a character such as tonality, clicks, buzzes, hums etc.</p>
6	Conditions already discharged
	<p>It is noted that conditions 3, 7, 10 and 11 have already been discharged (application ref: P2017/3664/AOD, P2017/0181/AOD and P2016/4741/AOD) and therefore it is not necessary to re-apply for the conditions to be discharged.</p>

APPENDIX 2 – RELEVANT PLANNING POLICIES

The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.10 – 2.12 Central activities zone
Policy 4.2 Offices
Policy 4.3 Mixed use developments and offices
Policy 5.3 Sustainable design and construction
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.6 Architecture

Islington Core Strategy 2011

Policy CS 8 - Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 - Sustainable Design

Development Management Policies June 2013

DM2.1 Design
DM2.3 Heritage
DM2.4 Protected views
DM4.2 Entertainment and the night-time economy
DM4.3 Location and concentration of uses
DM4.8 Shopfronts
DM5.1 New business floor space
DM5.4 Size and affordability of workspace
DM6.1 Healthy Development
DM7.1 Sustainable design and construction
DM7.4 Sustainable design standards
DM7.5 Heating and cooling
DM8.2 Managing transport impacts
DM8.4 Walking and cycling
DM8.6 Delivery and servicing for new developments

Finsbury Local Plan June 2013

BC7 - Historic Clerkenwell
BC8 - Achieving a balanced mix of uses
BC9 - Tall Buildings and contextual considerations for building heights
BC10 - Implementation

APPENDIX 3: PLANNING DECISION NOTICE TO BE VARIED

PLANNING DECISION NOTICE

DP9 Ltd - Mr Marlon Deam
100 Pall Mall
London
SW1Y 5NQ



Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA
Case Officer: Ben Oates
T: 0207 527 2401
E: planning@islington.gov.uk

Issue Date: 28 November 2016
Application No: P2016/2420/S73

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Approve with conditions

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	9 Dallington Street, London, EC1V 0BQ		
Application Type:	Removal/Variation of Condition (Section 73)		
Date of Application:	14 June 2016	Application Received:	14 June 2016
Application Valid:	08 July 2016	Application Target:	02 September 2016

DEVELOPMENT:

Section 73 application for variation of condition 2, 3, 8, 10, 12 and 13 of planning consent ref: P2015/0586/FUL. Amendments include retention of parts of existing building at ground, first and fifth floors previously identified for demolition, addition of rooflights at first and fifth floors, including of rear roof terraces at first to fourth floors with screening and balustrading, omission of decorative feature to front elevation, enlargement of roof level plant, alteration to shopfront and other alterations.

PLAN NOS:

LP001 Rev P1, LP002 Rev P1, EX EL01 Rev P1, EX GA00 Rev P1, EX GA01 Rev P1, EX GA02 Rev P1, EX GA03 Rev P1, EX GA04 Rev P1, EX GA06 Rev P1, EX S01 Rev P1, EX S02 Rev P1, EL01 Rev P1, GA00/B Rev P5, GA01 Rev P1, GA02 Rev P1, GA03 Rev P1, GA04 Rev P1, GA05 Rev P1, GA06 Rev P1, S01 Rev P1, S02 Rev P1, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).

CONDITIONS:

- 1 S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development

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hereby permitted shall be begun not later than the expiration of 27/07/2018.

REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 27/07/2015 [LBI ref: P2015/0586/FUL]. 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).

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby permitted shall be carried out in accordance with the following approved plans:

LP001 Rev P1, LP002 Rev P1, EX EL01 Rev P1, EX GA00 Rev P1, EX GA01 Rev P1, EX GA02 Rev P1, EX GA03 Rev P1, EX GA04 Rev P1, EX GA06 Rev P1, EX S01 Rev P1, EX S02 Rev P1, EL01 Rev P1, GA00/B Rev P5, GA01 Rev P1, GA02 Rev P1, GA03 Rev P1, GA04 Rev P1, GA05 Rev P1, GA06 Rev P1, S01 Rev P1, S02 Rev P1, Cycle Access Plan, Design & Access Statement Rev 2 (July 2016), Daylight and Sunlight Report (01 June 2016), Noise Impact Assessment Rev 3 (5 April 2016), Methodology Statement, Cover Letter (7 July 2016) and Response to Public Consultation Comments (6 September 2016).

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.

- 3 MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:
- a) solid brickwork (including brick panels and mortar courses)
 - b) render (including colour, texture and method of application);
 - c) window/door treatment (including sections and reveals);
 - d) roofing materials;
 - e) balustrading treatment (including sections);
 - f) curtain walling
 - g) any other materials to be used.
 - h) louvred screen

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

REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

- 4 PARKING RESTRICTIONS (COMPLIANCE): All future occupiers of the commercial units hereby approved shall not be eligible to obtain an on street business parking permit except :

(1) In the case of disabled persons;

(2) In the case of an occupier who is an existing holder of a business parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: In the interests of sustainability and in accordance with the Council's policy of car free development.

- 5 REFUSE/RECYCLING PROVIDED (COMPLIANCE): The dedicated refuse / recycling enclosure(s) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.

- 6 CYCLE PARKING PROVISION (COMPLIANCE): The bicycle storage area(s) hereby approved, which shall be covered and secure, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.

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

- 7 WINDOWS (DETAILS): Details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Double glazed units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.

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

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

- 8 FIXED PLANT (COMPLIANCE): The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr 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 LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.

Reason: To protect the amenities of neighbouring occupiers.

- 9 NOISE CONTROLS (COMPLIANCE): The recommendations set out within the Noise Impact Assessment Rev 3 (dated: 5 April 2016) in conjunction with the Additional Acoustic Information sheet (dated: 08 September 2016) shall be implemented prior to the occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To protect the amenities of neighbouring occupiers

- 10 ROOF-TOP PLANT AND LIFT OVERRUN (DETAILS): No development shall be carried out until details of the rooftop enclosures/screening and the lift overrun are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans and permanently maintained thereafter.

Reason: To ensure the proposal does not have a detrimental impact on the street scene.

- 11 CODE OF CONSTRUCTION (DETAILS): 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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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.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

- 12 VISUAL SCREENS (COMPLIANCE): The visual screens to roof terraces shown on the drawings hereby approved shall be installed prior to the first occupation of the development and shall be maintained as such thereafter into perpetuity.

REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows.

- 13 HOURS OF OPERATION (COMPLIANCE): The roof terraces hereby approved shall not operate outside the hours of:
9:00am to 6:00pm Monday to Friday.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

- 14 REMOVAL OF PERMITTED DEVELOPMENT RIGHTS (COMPLIANCE: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) no change of use to the A1 use hereby approved shall be carried out without express planning permission.

REASON: To ensure that the Local Planning Authority has control over future changes of use of the ground floor and to protect the amenity of neighbouring properties.

- 15 HOURS OF OPERATION (COMPLIANCE): Notwithstanding the plans and details hereby approved, the ground floor A1 cafe/sandwich shop hereby approved shall not operate outside the hours of:

8:00am to 6:00pm (Mondays to Sundays)

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

- 16 NOTWITHSTANDING CONDITION: Notwithstanding the plans hereby approved, no permission is granted for the formation of additional roof terraces at third, fourth and fifth floor level as annotated on plan numbers GA03 Rev P1, GA04 Rev P1 and GA05 Rev P1 (i.e. no permission is granted for the variation of the approved drawings under Condition 2 of planning permission ref: P2015/0586/FUL for any new roof terraces at the third, fourth and fifth floors shown on drawing numbers: GA03 Rev P1, GA04 Rev P1 and GA05 Rev P1).

REASON: To ensure that the development does not have an adverse impact on neighbouring amenity.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 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 a timely manner in accordance with the requirements of the NPPF.

- 2 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 cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.

Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

- 3 **DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'**
A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
- 4 **Highways:**
 - 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 streetworks@islington.gov.uk.

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 streetworks@islington.gov.uk.

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 streetworks@islington.gov.uk.

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-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 streetworks@islington.gov.uk.
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 highways.maintenance@islington.gov.uk
Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.
- 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.
- 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

- 5 NOISE: The applicant is advised that the plant is to be installed and operating correctly and the acoustic enclosure and other mitigation measures are effective. During the lifecycle of the plant the operator is to regularly check, maintain and service the plant to ensure compliance with the plant noise condition and that the equipment does not develop a character such as tonality, clicks, buzzes, hums etc.

Certified that this document contains a true record of a decision of the Council

Yours faithfully



KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER

APPENDIX 4 – WITHDRAWN ALCOHOL LICENCE APPLCIATION

Islington SE GIS Print Template



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P2017-4021-S73

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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE A		AGENDA ITEM: B5	
Date:	27 March 2018	NON-EXEMPT	

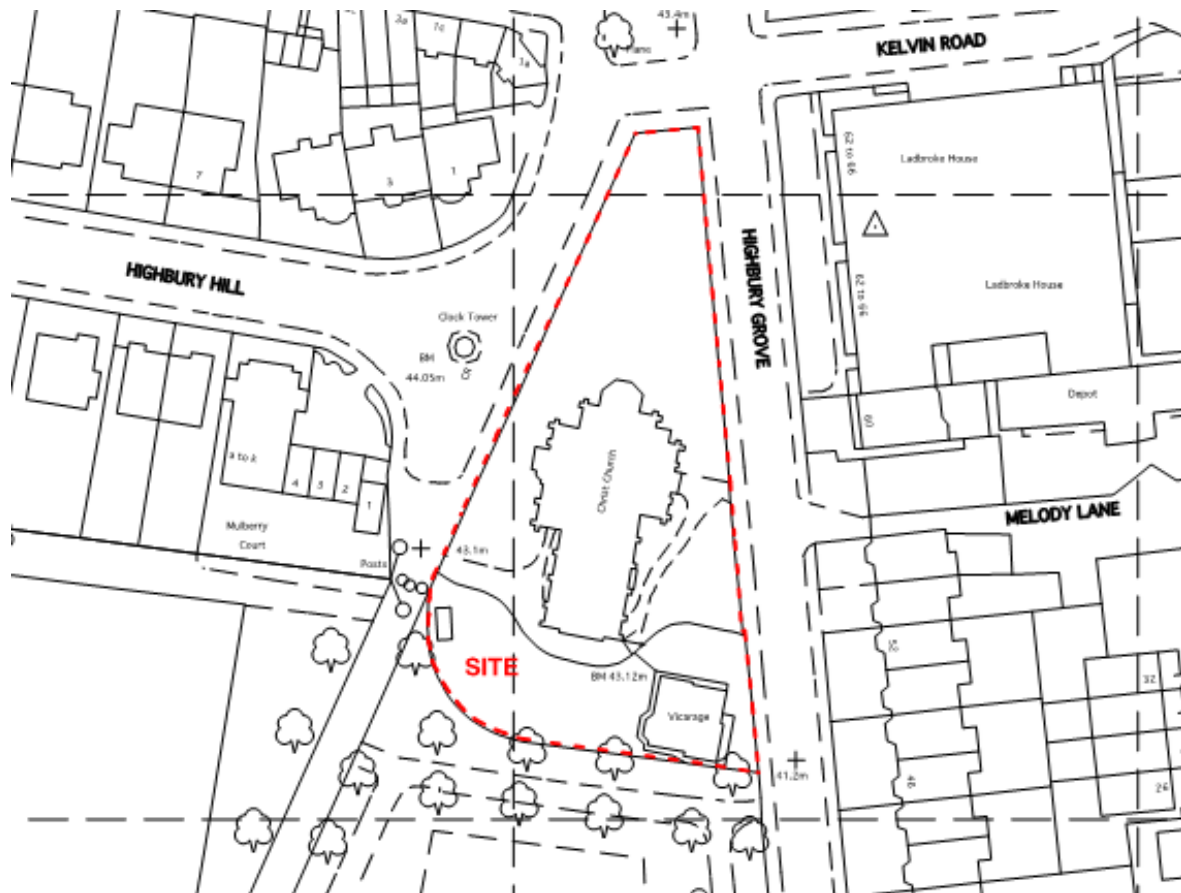
Application number	P2017/4445/FUL
Application type	Full Planning Application
Ward	Highbury East
Listed building	Grade II
Conservation Area	Highbury Fields
Development Plan	Grade II listed building Highbury Fields Conservation Area Local Cyce Route Designated Open Space (adjacent) Site of Importance for Nature Conservation (adjacent)
Licensing Implications	None
Site Address	Christ Church, 157 Highbury Grove, London, N5 1SA
Proposal	Erection of a new single storey Church and Community centre for Christ Church, Highbury, to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small café.

Case Officer	Rebecca Neil
Applicant	Parish of Christ Church, Highbury with St. John and St. Saviour
Agent	Matthew Lloyd Architects LLP

1.0 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 red)



3. PHOTOS OF THE SITE



Fig. 1: View of entrance, looking east (taken from Church Path)



Fig. 2: View of entrance, looking south (taken from Church Path)



Fig. 3: Christ Church, looking east (taken from Church Path)



Fig. 4: Christ Church, looking north-east (taken from Highbury Fields)



Fig.5: South-western corner of the site (taken from Highbury Fields)

4.0 SUMMARY

- 4.1 Planning permission is sought for a single storey building within the grounds of Christ Church, Highbury, which is Grade II statutorily listed. The application is brought to committee because of the number of objections to the proposal (five) from members of the public (as detailed in section 8.0 of this report).
- 4.2 The application site is a triangular plot located on the western side of Highbury Grove, bordering the north-eastern corner of Highbury Fields. The site comprises the main church and a three-storey vicarage fronting Highbury Grove. The south-western corner of the site, where the new building is to be located, contains a disused garage and a shed, and is of an unsightly appearance. The site lies within the Highbury Fields Conservation Area and is directly adjacent to Highbury Fields, the largest green space in Islington and a Designated Open Space and Site of Importance for Nature Conservation (SINC).
- 4.3 The building will be used as a new church and community centre, and will contain a main hall, two offices, a kitchen and a café. The café will have a serving hatch which opens onto the west elevation, allowing for the sale of light refreshments to passing members of the public on Highbury Fields. The building is proposed to be constructed in buff-coloured gault brick with bronze aluminium trims, windows and external doors, and has a flat sedum roof with five circular roof lights. The proposal also involves landscape works in conjunction with the new building, including a new paved courtyard, an accessible wheelchair parking space, 14 cycle parking spaces, a wheelchair ramp into the main church and new metal gates across the vehicular entrance.
- 4.4 The proposed development, particularly the provision of additional community space, is welcomed in principle, and would represent a significant improvement to this part of the church premises, which is unsightly and has a poor relationship to the adjacent public realm. The application has been considered in conjunction with the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.

- 4.5 The proposal is considered acceptable in terms of design, inclusive design, impact on neighbouring amenity, highways, transportation, parking, trees, landscaping and sustainability, subject to conditions which are set out in Appendix 1. The proposal results in less than substantial harm to the setting of the Grade II listed church and vicarage, and a small loss of semi-private open space, both of which are outweighed by the community benefits offered by the scheme. On balance, it is recommended that permission is granted.

5. SITE AND SURROUNDINGS

- 5.1 The application site is a triangular plot located on the western side of Highbury Grove, bordering the north-eastern corner of Highbury Fields. The site comprises the main church, located broadly in the centre of the plot, and a three-storey vicarage fronting Highbury Grove. The south-western corner of the site, where the new building is to be located, contains a disused garage and a shed, and is currently in an unkempt and overgrown state.
- 5.2 The church itself was designed by Thomas Allom and constructed in 1848. Both the church and the vicarage are Grade II listed. The site lies within the Highbury Fields Conservation Area and is directly adjacent to Highbury Fields, the largest green space in Islington and a Designated Open Space and Site of Importance for Nature Conservation (SINC). A Grade II listed Victorian clocktower sits outside the church in Highbury Place.
- 5.3 Highbury Fields wraps around the south-western corner of the site. To the west are residential properties located on Highbury Hill, with Highbury Grove running along the eastern boundary. Most of the site is surrounded by black railings mounted on a dwarf wall, with the southern boundary to Highbury Fields consisting of a dilapidated close-boarded fence. There is vehicular access to the church from Highbury Hill (where it joins Church Path), and vehicular access for the vicarage from Highbury Grove. There is also pedestrian access from both Highbury Hill/Church Path and Highbury Grove, with a public footpath running through the church garden.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for a single storey building located in the south western corner of the site, close to the boundary with Highbury Fields. The building would be partially located on land which currently belongs to the vicarage garden. The proposed building is 4 metres in height (from the lowest level of the land adjacent to it), covers a footprint of 190m², and has a curved design that follows the boundary of the site. It is to be constructed in buff-coloured gault brick with bronze aluminium trims, windows and external doors. It has a flat green roof containing five circular roof lights.
- 6.2 The building is to be used as a church and community centre and will enable relocation of the existing administrative and community functions (as well as the Junior Church) from their current location in the basement of the vicarage, which is no longer suitable for these functions. The proposed building contains a large room which can be divided into two smaller rooms by a sliding partition, two new offices, two WCs (one general use and one accessible), a store, a kitchen and a café. Although the café is predominantly for the use of visitors to the centre, it features a serving hatch enabling the sale of light refreshments and drinks to members of the public.
- 6.3 The proposal also involves landscape works in conjunction with the new building, including a new paved courtyard, an accessible parking space (accessed via the existing vehicular entrance from Highbury Place), a permanent wheelchair ramp into the main church and new metal gates across the vehicular entrance. A replacement close-boarded fence will be erected along the southern boundary of the site, and the existing hedge will be retained and consolidated. The proposal involves the removal of four trees to be replaced by four new trees in the vicarage garden, which also perform a screening function. A total of 14 cycle parking spaces will be provided on the forecourt.



Fig. 6: Computer generated image of proposed building from Highbury Place

- 6.4 Three sets of revised drawings have been received during the assessment and consideration of this proposal. The first revisions (Rev A, dated 26 January 2018) show water butts added to the scheme, following a suggestion by the Sustainability Officer. The second revisions (Rev B, dated 08 February 2018) show the addition of screening trees to the vicarage garden to replace those lost on the site, and the services intake/drainage route added to the ground floor plan. The third revisions (Rev C, dated 09 March 2018) show the reduction in the amount of disabled parking spaces from two to one, following concern that the vehicle swept path overlapped the disabled parking spaces. The general layout plan can be seen in Fig. 7 below.
- 6.5 It should be noted that the construction of the building is due to take place at the same time as internal works at the main church building, as indicated on the submitted drawings. These alterations are not subject to any application before this authority; they are exempt from the need to obtain listed building consent by virtue of Section 60 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (known as an 'ecclesiastical exemption').

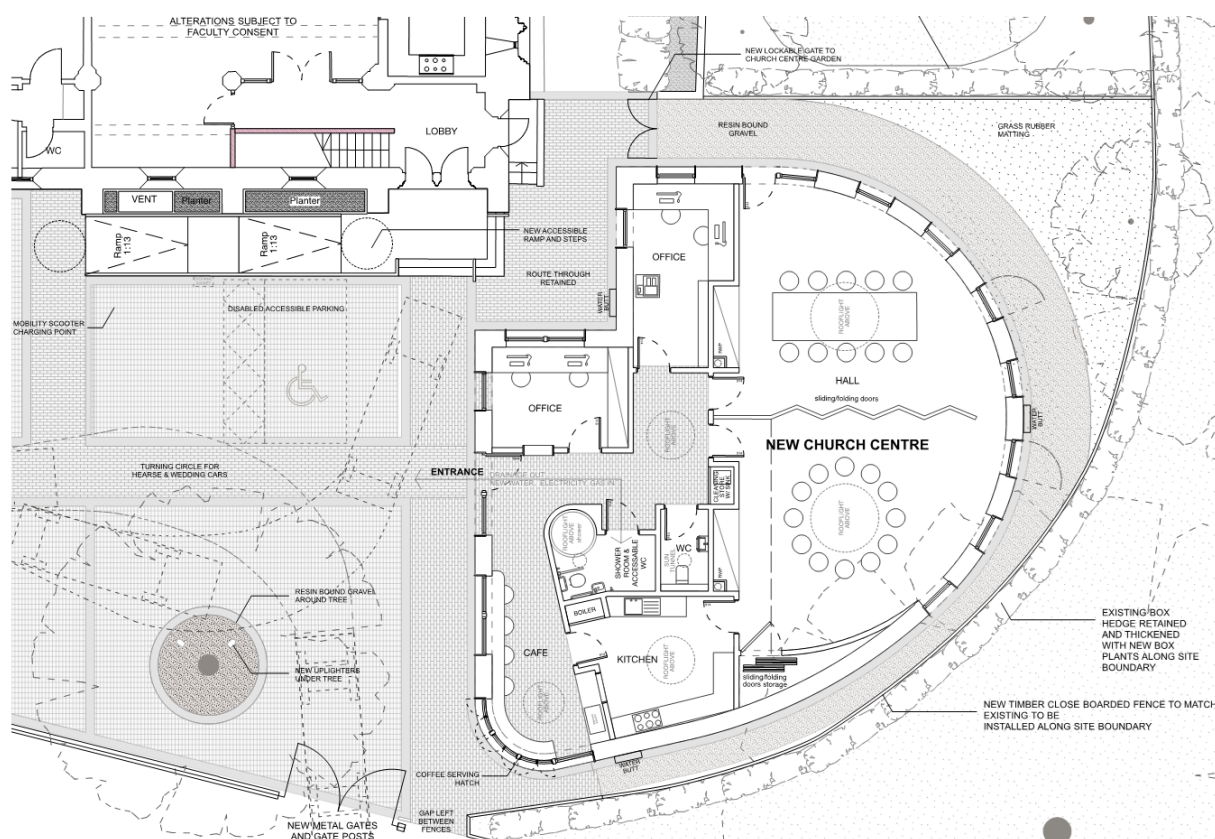


Fig. 7: Proposed ground floor layout and landscaping plan

7. RELEVANT HISTORY

Planning applications

- 7.1 P2017/2326/FUL – Erection of a new single storey church and community centre to accommodate the new church's office, reception and administration functions, as well as flexible community space for church activities and community outreach, and a small café (Withdrawn on 27/07/17).
- 7.2 P051811 - Erection of a 3.5 m high metal pole to carry 2 light fittings to illuminate the church (Approved on 07/11/2005).
- 7.3 P042529 - Erection of a 4-metre-high metal pole to carry 2 floodlights directed at the church and one spotlight directed at the spire (Refused on 10/01/2005).
- 7.4 831569 - Installation of new railings around church gardens (Approved on 01/02/1985).

Enforcement

- 7.5 None.

Pre-application advice

- 7.6 A pre-application request was submitted in May 2016 for the erection of a single storey church hall with ancillary office and café, replacement of the church entrance stairs and ramp, and the remodelling of the church courtyard including replacement boundary treatment, paving and three disabled parking spaces.
- 7.7 The officer's advice was that the principle of development was acceptable, but there was concern in relation to the inclusion of a canopy between the new building and the church, and the café use,

which it was considered might impact on the amenity and character of the church and open space. It was also suggested that additional planting was required on the southern boundary, adjacent to Highbury Fields.

- 7.8 Details of the anticipated use of the café and the servicing arrangements have been submitted with this application and are considered acceptable. The canopy has been removed from the proposal, and further screening is proposed on the southern boundary in accordance with the officer's advice. It is considered that all matters raised by the case officer at pre-application stage have been satisfactorily addressed in this application.

8. CONSULTATION

Public consultation

- 8.1 Letters were sent to occupants of 306 adjoining and nearby properties at Highbury Hill, Leigh Road, Hamilton Park, Highbury Grove, Kelvin Road and Melody Lane on 17 November 2017.
- 8.2 A notice was displayed outside the site on 14 December 2017 and a press notice published in the Islington Gazette on 23 November 2017. The public consultation period expired on 14 December 2017, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.3 At the time of writing of this report, a total of 5 objections, 2 expressions of support and 1 comment (a request for bird and bat boxes) had been received from members of the public. Letters of support have also been received from Councillor Hull, ward member for Highbury West, and the Highbury Fields Association.
- 8.4 Objections from residents have raised the following issues:
- There is no need for additional community space in the borough, and the Highbury area already benefits from an adequate supply of community facilities (objection addressed in para. 10.3 below);
 - The number of people who will benefit from the building is small in relation to the number of people who live in Highbury (objection addressed in para. 10.3 below);
 - The building is too large, and its design is out of keeping with the Conservation Area and harmful to the setting of the church and vicarage, which are Grade II listed buildings (objection addressed in paras. 10.7-10.11 below);
 - The proposal involves the felling of trees, shrubs and hedgerows and their replacement with hard surfacing, to the detriment of the landscape (objection addressed in paras. 10.1-10.23 below);
 - The proposed café will divert business from Oasis in the Park in Highbury Fields (objection addressed in para.10.6 below);
 - The late-night opening hours will create disturbance to the detriment of nearby residential properties and will result in additional noise, smells and litter (objection addressed in paras. 10.15-10.18 below);
 - If the land adjacent to the church is in a poor state of repair, it should be tidied up - a new building is not the only way to reinstate visual amenity (objection addressed in para. 10.5 below).

Internal consultees

- 8.5 Access and Inclusive Design – have recommended a shallower gradient for the wheelchair ramp (though the proposal is within the allowable limits) and also raised concern that the delivery vehicle swept path overlaps the accessible parking bays, which has now been rectified (see para. 6.4 above).
- 8.6 Design and Conservation – have noted that changes have been made to the scheme following the withdrawn application. Although there will still be *some* harm to the heritage assets, this harm is 'less than substantial' and should be weighed against the public benefits of this proposal.

8.7 Parks and Open Space – No objection.

8.8 Tree Preservation/Landscape – initially objected to the excessive pruning of T4 and requested additional replacement planting, as well as some amendments to the submitted arboricultural report. A revised report was provided on 09 February 2018, along with new drawing showing additional trees between the vicarage garden and the new church centre. The Tree Officer confirmed on 15 February 2018 that the proposal is now acceptable, subject to appropriate conditions relating to tree protection and tree replacement.

8.9 London Underground – No objection

8.10 Highways – No objection

8.11 Sustainability, Biodiversity and Nature Conservation – requested an ecological survey, which was later provided by the applicant, and suggested that water butts be installed (now shown on amended drawings Rev A). The Sustainability Team have also requested conditions in relation to the specification of the green roof and the installation of nesting/roosting boxes for birds and bats.

8.12 Noise Team (Environmental Protection) – No objection.

8.13 No comments were received from Building Control, Waste and Recycling or the Planning Policy Team.

External Consultees

8.14 Historic England – No objection

8.15 Historic England: Greater London Archaeological Advisory Service (GLASS) – No objection.

8.16 London Fire and Emergency Planning Authority – No objection subject to building regulations; recommends installation of sprinkler system in the new building.

8.17 No comments were received from the Metropolitan Police, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Islington Society, the London and Middlesex Archaeological Society, the Metropolitan Public Gardens Association, the Society for the Protection of Ancient Buildings, the Twentieth Century Society, the Victorian Society, or the MP for Islington North.

Applicant's own consultation

8.18 The Church held an open public meeting on 27th February 2017, which was attended by approximately 50 people, 33 of whom filled out feedback forms on the proposals. The results of this consultation can be found on pages 13 and 14 of the submitted Design and Access Statement.

9.0 RELEVANT STATUTORY DUTIES, DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

9.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
- To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).

- 9.2 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.3 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents:

National Policy

- 9.6 The National Planning Policy Framework 2012 (NPPF) contains a presumption in favour of sustainable development, which should be seen as '*a golden thread running through both plan-making and decision-taking*' (para. 14). For decision-taking, this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in the determination of this application and has been taken into account during the assessment of these proposals.

Development Plan

- 9.7 The Development Plan is comprised of the London Plan 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the 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) / Documents (SPDs)

- 9.8 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:

- Principle of development
- Design, conservation and heritage
- Inclusive design
- Neighbouring amenity
- Highways, transportation and parking
- Trees and landscaping
- Sustainability and biodiversity.

Principle of development

- 10.2 The London Plan provides that development proposals which provide high quality social infrastructure will be supported (Policy 2.6) and that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities (Policy 3.1). Policy DM4.12 of the Islington Development Management Policies 2013 provides that new social infrastructure should be accessible to the communities they serve by a range of sustainable transport modes; provide buildings which are inclusive, accessible and adaptable; be sited to maximise shared use of the facility; and complement existing uses and the character of the area, avoiding adverse impacts on amenity. In this instance, all criteria set out in Policy DM4.12 are met (see paras. 10.20, 10.13-10.14, 10.3 and 10.15-10.18 of this report respectively).
- 10.3 The construction of the new community centre would enable the church to continue a range of social and community functions which currently operate from the basement of the vicarage building, including the Parish office and the Junior Church. The basement is no longer considered suitable for these uses due to its limited accessibility, lack of natural light, poor ventilation and inflexible floor plan. The new building will also help the church expand its wider community programmes, such as the Christ Church Playgroup and Winter Night Shelter. The location of the building at the rear of the site, with a pedestrian and cycle access directly from Church Path, means that it is highly accessible to the public. It is therefore sited to maximise shared use of the facility in accordance with policy DM4.12, and will enable the church to continue to offer flexible meeting spaces to local groups (approximately 12 local groups presently utilise the church premises). As requested by officers at pre-application stage, the applicant has provided details of a feasibility study carried out in 2015 to demonstrate that the additional space required cannot be provided within the envelope of the main church (see page 3 of the Design and Access Statement). It is considered that the building provides a substantial community benefit and that - given the unsuitability of the current space in the vicarage basement - there is a need for such a facility. The fact that the facility may benefit a relatively small number of people compared to the general population of Highbury is largely irrelevant for the purposes of this application; it serves a need nonetheless and would be a valuable community use.
- 10.4 The new church and community centre will be used predominantly in connection with the church, both for the benefit of the congregation and for the benefit of the local community through the church's outreach programmes (much in the same way the existing basement rooms are used). However, the café is open to the public and includes a serving hatch, which would enable refreshments to be served to passing members of the public on a commercial basis. The café will only be open when the community centre is open, and will be run by the church, for the church. In this respect, it can be considered ancillary to the main use of the site, and will be subject to suitable conditions to ensure that the café remains a small-scale ancillary operation which does not unduly harm amenity (see para. 10.18 of this report).
- 10.5 The proposal results in the loss of a small amount of semi-private open space within the grounds of the church. Policies CS15 and DM6.3 provide that the loss of existing local open spaces, including incidental greenspace and private gardens, will not be permitted unless the loss is compensated and the development has overriding benefits. In this instance, the scheme will provide space for the operation of important community services, will improve the relationship between the church and the public realm, activate a neglected part of the site, and replace two dilapidated structures with a high-quality, modern building. Whilst the poor state of the site is not in

itself a reason to grant consent (as objectors have pointed out, there are other ways to improve the site's physical appearance), the chance to improve this area is one of several benefits provided by the scheme and officers are entitled to take it into account in the final balance of planning considerations. The improvement to this area of the site, coupled with the community benefits of the scheme, justifies the loss of open space in this instance.

- 10.6 Some residents have objected to this application on the basis that the existence of a new café adjacent to the park would affect the viability of the existing council-run café in Highbury Fields. The impact of a proposed use on the viability of a single business is not a material planning consideration, and cannot be taken into account in the determination of this application.

Design, conservation and heritage

- 10.7 The National Planning Policy Framework (NPPF) provides that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Para. 132 of the NPPF provides that any harm or loss to the significance of a designated heritage asset should require clear and convincing justification, and para. 134 provides that where a development will lead to 'less than substantial harm', this harm should be weighed against the public benefits of the proposal.
- 10.8 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of the Islington Core Strategy requires new buildings to be sympathetic in scale and appearance and complementary to local identity, and provides that the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced. Policy DM2.1 of Islington's Development Management Policies requires new development, *inter alia*, to respect and respond positively to existing buildings, the streetscape and wider context, and to be sustainable, durable, adaptable, safe and inclusive. Policy DM2.3 further provides that the borough's heritage assets should be conserved and enhanced in a manner appropriate to their significance, and that new developments within the borough's conservation areas are required to be of a high quality contextual design so that they conserve or enhance the Conservation Area.
- 10.9 The proposed building is within the immediate setting of two Grade II listed buildings (the church and vicarage), close to another designated heritage asset (the Grade II listed clocktower in Highbury Place), located within a Conservation Area, and is directly adjacent to Highbury Fields. It is therefore within an extremely sensitive location. The applicant has, in accordance with the requirements of Policy DM2.3, submitted a Heritage Statement with this application, which considers the impact of the new building on several views of both the church and vicarage. The greatest impact is on views from Highbury Place, as the building is situated directly adjacent to the site's western boundary; however, it only marginally obscures the church façade. The building would have a minor adverse impact on views from Highbury Fields, but would be screened by a reinforced hedge and fence. From Highbury Grove, the building would be glimpsed through the gap between the vicarage and the church, and from the north (Leigh Road), it would be visible to the right of the church but screened by the large London Plane tree, which is to be retained. It is therefore the case that views of the designated heritage assets *are* affected but not significantly so. The building has been carefully designed to respect its context - it is low-profile, of a simple, modern appearance, and is tucked away in the least sensitive corner of the site.
- 10.10 The building is proposed to be clad in a buff-coloured gault brick with bronze fenestration, which is designed to reference the main church. The use of these materials has been discussed with officers at pre-application stage and is considered acceptable (though due to the site's sensitivity, a condition will be attached requiring the submission of full details of materials, including samples, prior to development commencing).
- 10.11 Given all of the above, it is considered that the harm to the designated heritage assets is at the lower end of the scale, and 'less than substantial' in the context of para. 134 of the NPPF. Accordingly, one must consider whether the other benefits of the scheme outweigh the harm to the heritage assets. As discussed in paras. 10.3 and 10.5 of this report, the building will enable the church to continue to provide important services to the community and improve a neglected corner

of the site. It is therefore considered that the benefits offered by the proposal clearly outweigh the harm to the heritage assets.

- 10.12 The proposal involves the erection of a new metal gate across the vehicular access point. The design of the gate is considered appropriate and is in keeping with the traditional black-painted cast-iron railings which surround the site and are common in Highbury Park, Highbury Place and Highbury Terrace. A condition will be attached requiring details of the gates to be submitted and approved prior to development commencing (to be incorporated into the landscaping details condition, Condition 4).

Inclusive design

- 10.13 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate that they provide for ease of use and versatility in use, produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Policies on inclusive design are also supported by the Inclusive Design in Islington SPD, adopted in 2014.
- 10.14 The proposed landscaping works include the construction of an accessible parking bay on the forecourt of the site, a new wheelchair ramp into the main church, step-free access into the new community facility and the installation of storage and charging points for electric scooters. The internal layout of the new centre is suitable for wheelchair users and an accessible WC is provided. It is therefore considered that the development complies with inclusive design standards and is in accordance with Policy DM2.2 and relevant supplementary planning guidance.

Neighbouring Amenity

- 10.15 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 The proposed building is a single storey (4 metres) in height and is approximately 15 metres away from the nearest residential property (1 Mulberry Court). It therefore has no impact on any neighbouring residential occupiers by virtue of overshadowing, overlooking, daylight, sunlight, over-dominance, sense of enclosure or outlook. In terms of privacy, the proposed close-boarded fence around the south-western corner of the church, as well as the boundary fence to the residential garden at 1 Mulberry Court, will ensure that no overlooking occurs into the ground floor windows of that property. The upper floor windows are at too acute an upward angle for any overlooking to occur as result of the use of the new building, given that the proposed building is only a single storey in height.
- 10.17 Objections have been received in relation to the proposed opening hours of the community centre (08.00-00.00 Monday to Friday, 00.00 - 22.00 on Saturday and 08.00-22.00 on Sunday). Whilst the number of people that could potentially use the hall at any one time is unlikely to be sufficiently large to cause significant disturbance, it is nevertheless considered appropriate to impose a condition restricting the operating hours of the centre to between 08.00 and 22.00 daily. However, on Friday nights between 1st January and 31st March, the church intends to use the new centre to host a winter night shelter for the homeless. At present, this takes place in the main church building in the 'Fellowship Room', which the church considers is no longer appropriate for the Night Shelter due to its cold temperatures and the fact there is no washing facilities (the new building contains a shower). Relocating the shelter to the new building would require the centre to be open 24 hours, and it is considered reasonable to allow this to happen during the three months the night shelter is in operation, on Fridays only. A condition will be attached to this effect (Condition 5), which will specify that the late opening is in relation to the night shelter and for the benefit of no other use.

- 10.18 The public aspect of the café is modest and is unlikely to generate a significant amount of noise, but there is the potential for a degree of disturbance, particularly in the summer months. A condition will therefore be attached restricting the opening times of the serving hatch to between 08.00 and 18.00 daily (Condition 6), which also has the effect of ensuring the café remains ancillary to the church and community centre use. In terms of odours, the kitchen is not of a commercial scale and hot food will not be sold (refreshments will be limited to drinks and wrapped food). A small, domestic kitchen extract is proposed. A dedicated waste bin for the café is provided in the forecourt, and waste disposal facilities are provided within the grounds of Highbury Fields. Given the above, it is unlikely that the café use would generate any additional issues over and above that typically expected of kiosks/cafes in public parks, such as that run by the council (Oasis in the Park).

Highways, transportation and parking

- 10.19 Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. Policy DM8.1 provides that the design of new development is required to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM8.2 of the Development Management Policies provides that development proposals are required, *inter alia*, to maximise safe and convenient access to, from and within developments for pedestrians and cyclists, provide equal access for all, and adequately address delivery, servicing and drop-off requirements. Policy DM8.6 requires that servicing and delivery vehicles enter and exit the site in forward gear, and Policy DM8.4 requires cycle parking to be provided in accordance with the minimum standards set out in Appendix 6 of the Islington Development Management Policies.
- 10.20 The proposed development is located in an area with a PTAL rating of 5 (very good). The application does not provide any vehicle parking, with the exception of one accessible parking space. A total of 14 cycle parking spaces (in excess of that required) are provided. Deliveries will take place on the forecourt of the site, and the vehicle swept path shows that a wedding car, hearse or small delivery vehicle (the only types of vehicles that will be permitted to access the site) can comfortably turn in the space and leave the site in forward gear, in accordance with the requirements of Policy DM8.6. No objections have been received from the council's highways team, and it is considered that the proposal is acceptable from a highways and transportation perspective.

Trees and landscaping

- 10.21 Policy 7.21 of the London Plan provides that existing trees of value should be retained and that any trees lost as the result of development should be replaced. This is reflected in Policy CS15 (Part A) and Policy DM4.5 (B) of the Islington Development Management Policies, the latter of which stipulates that any loss will only be permitted where there are overriding planning benefits and the trees are suitably re-provided. Policy 7.5 of the London Plan provides that any public realm should incorporate the highest quality landscaping, planting, street furniture and surfaces. Policy DM6.5 (A) stipulates that developments must protect, contribute to and enhance the landscape, and are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation.
- 10.22 The application involves the removal of four trees in the south-western corner of the church grounds (three Leyland Cypress trees and a Holm Oak). These trees are amongst the smaller trees on site and provide limited canopy cover. The larger trees, including the mature London Plane, all contribute significantly to the amenity value of the site, Conservation Area and the designated open space, and are to be retained. The applicant has submitted an arboricultural report detailing pruning works to the retained trees, and has agreed to provide additional replacement trees in response to comments from the council's Tree Officer. These replacement trees will be provided between the vicarage and the new building, as shown on drawings PL203 and PL204 Rev C. Conditions will be attached requiring the submission of a report detailing tree protection during construction, as well as details of tree replacement.

- 10.23 A considerable amount of landscaping work is proposed as part of this proposal, including the re-paving of the forecourt to the church, the installation of LED lighting, and the replacement of the existing dilapidated fence on the southern boundary with a new fence. The proposal also involves the reinforcement of the poor quality leylandii hedge with evergreen planting to provide screening of the building from the northern part of Highbury Fields, as suggested by the officer at pre-application stage. Although the removal of the brick planter from outside the church involves the loss of greenery, it also 'opens up' the frontage and reveals more of the church façade from public views, and there is no objection to the re-landscaping of this area in principle. It is considered that a condition should be attached requiring submission of a detailed landscaping scheme for approval by the council prior to development commencing (Condition 4).

Sustainability and biodiversity

- 10.24 Policy CS10 of the Islington Core Strategy requires developments to address a number of sustainability criteria such as climate change adaptation, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards (provided within Islington's Environmental Design SPD and underpinned by the Mayor's Sustainable Design and Construction Statement SPG). Policy DM7.2 requires developments to achieve best practice energy efficiency standards in terms of design and specification, and Policies CS15 and DM6.5 require development to maximise opportunities to 'green' the borough through measures such as planting and green roofs. The local development plan provides strong protection for SINC's, and requires that any development having an adverse effect on a designated SINC will be resisted.
- 10.25 The applicant has submitted a Sustainable Design and Construction Statement with the application which details several sustainable design measures, including permeable paving, measures to minimise CO² emissions, water efficiency and re-use measures (including the installation of water butts on the site) and passive design features to minimise overheating risk. The measures proposed are proportionate to the scale of the proposal and have been welcomed by the Sustainability Team. The development is therefore considered to be compliant with the sustainability policies in the local plan.
- 10.26 As the site is located within a SINC, the applicant has submitted an ecological appraisal, which acknowledges the presence of several bird species and bats in Highbury Fields. The ecological appraisal has been scrutinised by the Sustainability Officer, who has no objection to the scheme, but has recommended a condition requiring the installation of no less than two nesting boxes/bricks to be installed on the new building (one for bats and one for birds). The flat roof space is proposed as a green roof, and a condition is recommended requiring the green roof to meet the council's standard requirements as set out in Islington's Environmental Design SPD (Condition 7).

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development, particularly the provision of additional community space, is welcomed in principle, and would represent a significant improvement to this part of the church premises, which is unsightly and has a poor relationship to the adjacent public realm. These benefits have been weighed against the shortcomings of the proposal, in particular the less than substantial harm to the setting of the designated heritage assets and loss of open space. Objections from residents (and comments of support) have also been considered in the final balance of planning considerations, and it is recommended that permission is granted subject to appropriate conditions relating to materials, landscaping, hours of operation, biodiversity and trees.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2	Approved plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>EX00 Location plan</p> <p>EX01A Existing site plan</p> <p>EX03 Existing landscape plan</p> <p>EX04 Existing first floor plan</p> <p>EX05 Existing north elevation</p> <p>EX06 Existing east elevation</p> <p>EX07 Existing south elevation</p> <p>EX08 Existing west elevation</p> <p>EX09 Existing Section AA</p> <p>EX10 Existing Section BB</p> <p>EX11 Existing Section CC</p> <p>EX12 Existing Section DD</p> <p>PL201D Proposed site plan</p> <p>PL203C Proposed landscape plan</p> <p>PL204C Proposed roof plan 1:200</p> <p>PL205 Proposed north elevation</p> <p>PL206 Proposed east elevation</p> <p>PL207A Proposed south elevation</p> <p>PL08 Proposed west elevation</p> <p>PL09 Proposed Section AA</p> <p>PL10 Proposed Section BB</p> <p>PL11 Proposed Section CC</p> <p>PL212A Proposed Section DD</p> <p>PL213C Proposed ground floor plan</p> <p>PL214C Proposed roof plan 1:100</p> <p>PL215A Proposed north elevation - new church centre</p> <p>PL216A Proposed east elevation - new church centre</p> <p>PL217A Proposed south elevation - new church centre</p> <p>PL218A Proposed west elevation - new church centre</p> <p>PL219 Proposed Section AA - new church centre</p> <p>PL220 Proposed Section BB - new church centre</p> <p>PL221 Proposed Section CC - new church centre</p> <p>PL222 Proposed façade detail</p>

	<p>Planning Statement (June 2017, revised March 2018)</p> <p>Design and Access Statement (November 2017)</p> <p>Heritage Impact Assessment and Heritage Statement (November 2017)</p> <p>Sustainable Design & Construction Statement (May 2017)</p> <p>Ecological Appraisal (January 2018)</p> <p>Arboricultural Statement (April 2017, revised February 2018)</p> <p>Structural Statement (November 2017)</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>
3	<p>Materials (details)</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses); b) window and roof light treatment (including sections and reveals); c) aluminium trims; d) any other materials to be used in the external construction of the building. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Landscaping (details)</p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) proposed trees (their location, species and size); c) soft planting (including grass and turf areas, shrub and herbaceous areas); d) enclosures (including types, dimensions and treatments of walls, fences, hedges and gates); e) hard landscaping (including ground surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, steps and synthetic surfaces); and f) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interests of biodiversity, sustainability and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
5	<p>Hours of operation (compliance)</p> <p>CONDITION: The community centre shall not operate outside the hours of 08.00am and 22.00 pm daily, with the exception of between 01 January until 31 March. Between these dates, the community centre shall not operate outside the hours of 08.00-22.00 Sunday to Thursday, 08.00-00.00 on Friday and 00.00-22.00 on Saturdays.</p> <p>Between the hours of 22.00 on Friday and 08.00 on Saturday (01 January to 31 March), the community centre shall operate for the sole purpose of hosting the Winter Night Shelter for the homeless and for no other use hereby approved.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
6	<p>Hours of operation for the café (compliance)</p> <p>CONDITION: The café hereby approved shall only be open to members of the public between the hours of 08.00 and 18.00 Monday to Sunday including public holidays. The serving hatch facing Highbury Fields shall be closed daily at 18.00.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
7	<p>Green Roof (compliance)</p> <p>CONDITION: The biodiversity (green) roof shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plans PL204 C and PL214 C hereby approved; and 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). <p>The biodiversity (green) roof 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 shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
8	<p>Nesting boxes (details)</p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>No less than 2 boxes/bricks (one for bats and one for birds) shall be provided and the details shall include the exact location, specification and design of the habitats.</p>

	<p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
9	<p>Tree protection (details)</p> <p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees c) Details of construction within the RPA or that may impact on the retained trees. This will need to detail foundation methods for the main building as well as any other construction activities (including): piling operations including access, installation of uplifting lighting within crown canopies d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. e) Methods to protect tree stems from car parking damage. f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing h) A specification for scaffolding and ground protection within tree protection zones. i) Tree protection during both demolition and construction indicated on two TPPs, demolition and construction activities clearly identified as prohibited in this area j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires k) Boundary treatments within the RPA l) Methodology and detailed assessment of root pruning m) Arboricultural supervision and inspection by a suitably qualified tree specialist n) Reporting of inspection and supervision. <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>

10	Arboricultural site supervision (details)
	<p>CONDITION: The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Condition 9 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>REASON: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under Condition 9.</p>
11	Tree planting (details)
	<p>CONDITION: Prior to completion or first occupation of the development hereby approved, whichever is the sooner, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.</p> <p>Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p> <p>REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>

List of Informatives:

1	Positive statement
	<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 applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

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 contains a presumption in favour of sustainable development and seeks to secure positive growth in a way that 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 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 2013.

A. The London Plan 2016 - Spatial Development Strategy for Greater London

Chapter 2: London's Places

Policy 2.18 Green infrastructure

Chapter 3: London's People

Policy 3.1 Ensuring life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.6 Protection and enhancement of social infrastructure

Chapter 5: London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.10 Urban greening
Policy 5.13 Sustainable drainage
Policy 5.15 Water use and supplies
Policy 5.18 Construction, excavation and demolition waste

Chapter 6: London's Transport

Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking

Chapter 7: London's Living Spaces and Places

Policy 7.1 Lifetime neighbourhoods
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.18 Protecting open space and addressing deficiency
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands

B. Islington Core Strategy 2011

Policy CS8	Enhancing Islington's character
Policy CS9	Protecting and enhancing Islington's built and historic environment
Policy CS10	Sustainable design
Policy CS11	Waste
Policy CS15	Open space and green infrastructure

C. Islington Development Management Policies 2013

Policy DM2.1	Design
Policy DM2.2	Inclusive Design
Policy DM2.3	Heritage

Policy DM4.12 Social and strategic infrastructure and cultural facilities

Policy DM6.2	New and improved public open spaces
Policy DM6.3	Protecting open space
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 DM7.5	Heating and cooling

Policy DM8.1	Movement hierarchy
Policy DM8.2	Managing transport impacts
Policy DM8.4	Walking and cycling
Policy DM8.5	Vehicle parking
Policy DM8.6	Delivery and servicing for new developments

3. Designations

Grade II listed building (church and vicarage)
Highbury Fields Conservation Area
Local Cycle Route (Church Path)
Designated Open Space (adjacent)
Site of Importance for Nature Conservation (adjacent)

4. Supplementary Planning Guidance (SPGs) / Documents (SPDs)

The London Plan

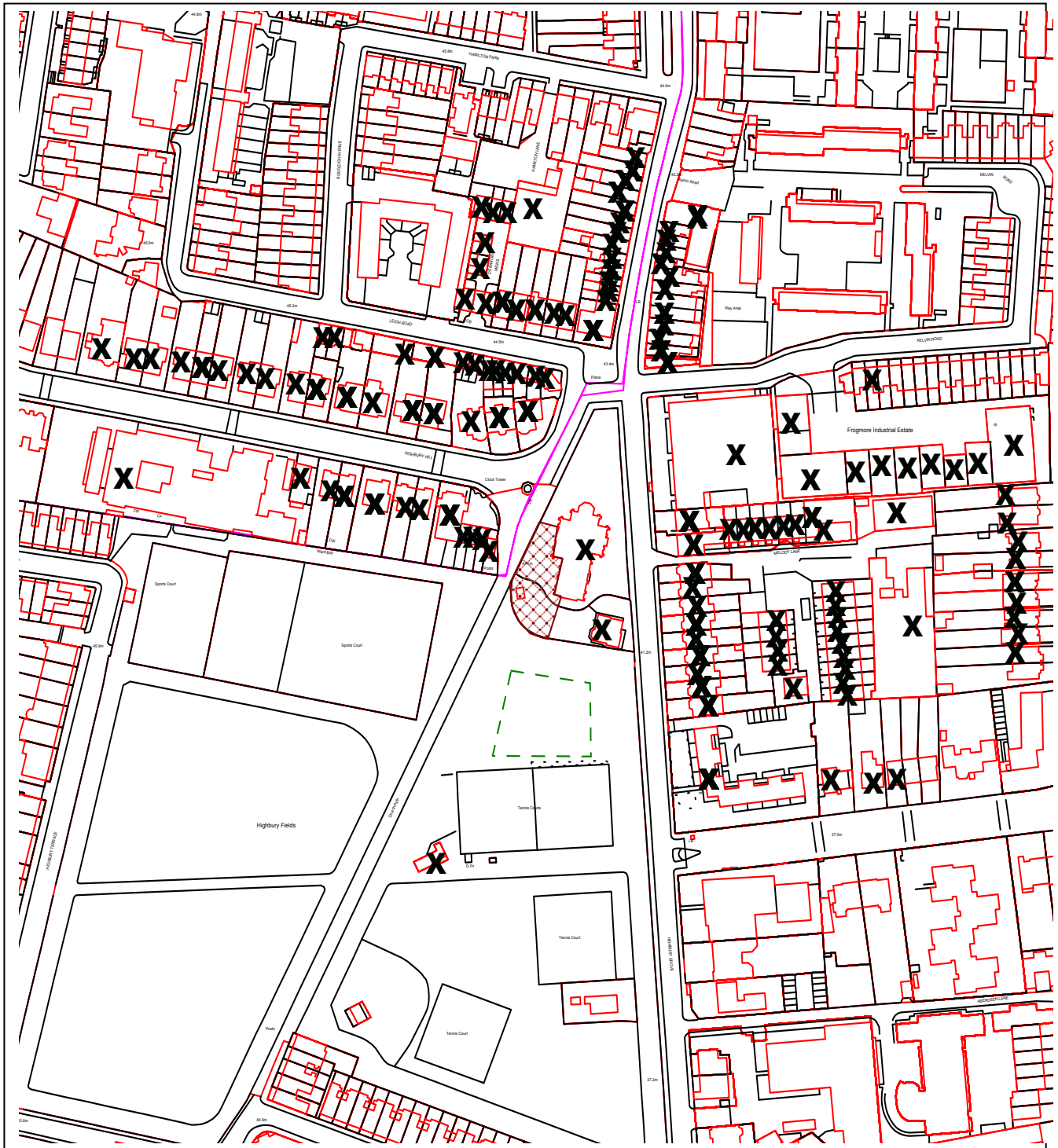
Social Infrastructure (2015)
Character and Context (2014)
Sustainable Design and Construction (2014)

Islington Development Plan

Islington Urban Design Guide (2017)
Inclusive Design in Islington (2014)
Inclusive Landscape Design (2010)
Environmental Design (2012)
Highbury Fields Conservation Area Design Guidelines (2002)

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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



PLANNING SUB COMMITTEE A		AGENDA ITEM: B6
Date:	27 th March 2018	NON-EXEMPT

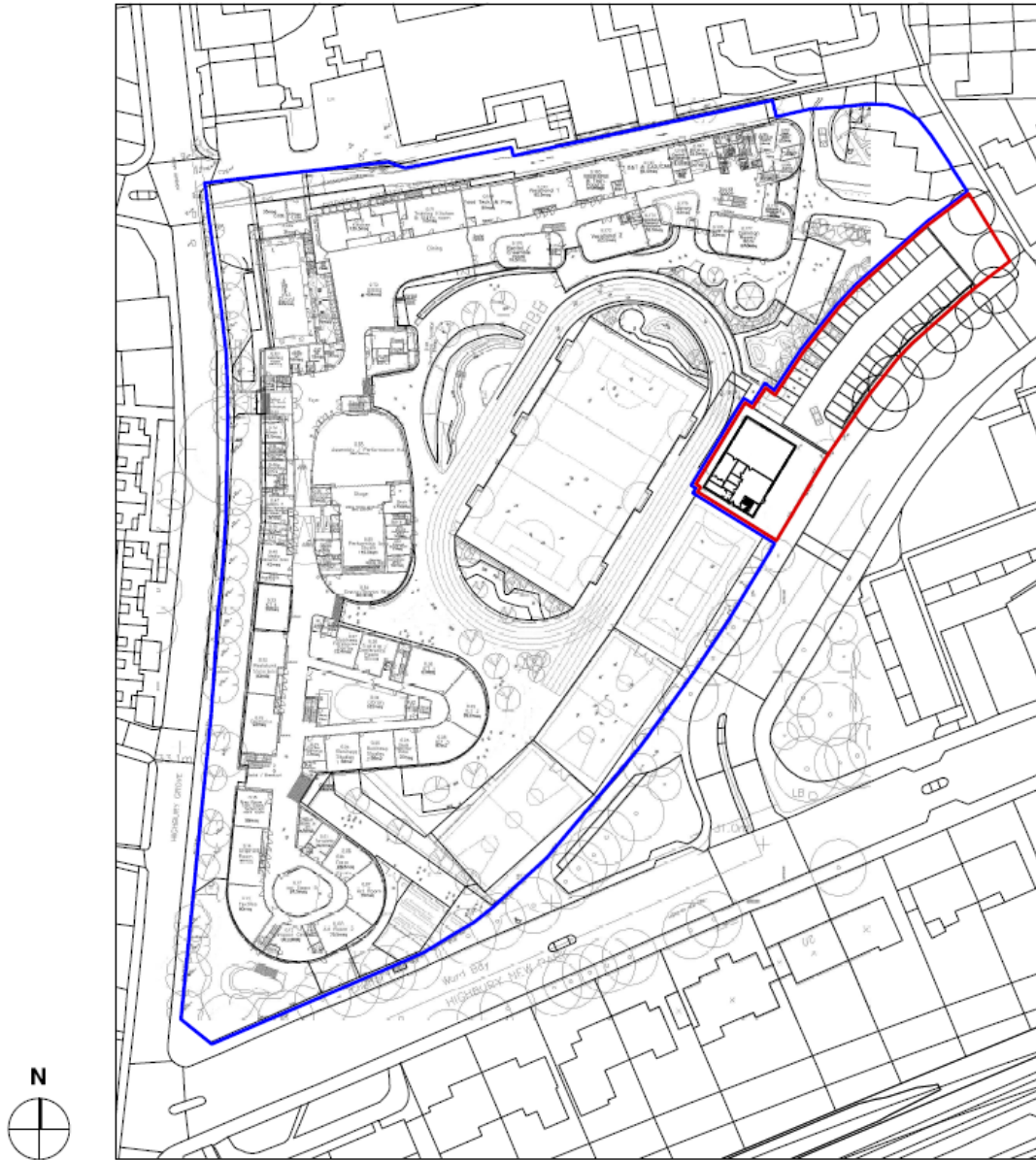
Application number	P2017/1725/FUL
Application type	Full Planning Permission
Ward	Highbury East
Listed building	No
Conservation area	Adjacent to Highbury New Park Conservation Area Adjacent to Highbury Fields Conservation Area
Development Plan Context	Adjacent to Highbury New Park Conservation Area Adjacent to Highbury Fields Conservation Area Local Cycle Routes
Licensing Implications	None
Site Address	Highbury Grove School, 8 Highbury Grove, London N5 2EQ
Proposal	Erection of a two storey extension to existing two storey detached building, to the south east corner of the site fronting Highbury New Park to create additional educational floorspace (213 sqm). The proposal includes alterations to the existing two storey building, including the internal reconfiguration, the windows and external changes including cladding at first floor. The proposal is to provide a new dedicated sixth form centre for Highbury Grove and Samuel Rhodes Secondary Schools, landscaping and other associated works.

Case Officer	Daniel Jeffries
Applicant	Mr Richard Henshaw - Amber Infrastructure Ltd
Agent	David Gibson Architects

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 the site arrow pointing at location of built extension



Image 2: View of existing car park where proposal would be located and existing two storey building



Image 3: View of existing access to Samuel Rhodes School adjacent to site location and adjacent property no. 21A Highbury New Park



Image 4: View facing east within existing car park



Image 5: View from elevated position (above 3rd floor roof) facing east of existing site towards proposal area.

4. SUMMARY

- 4.1 The application relates to improved and enlarged educational facilities for both Highbury Grove and Samuel Rhodes Secondary Schools, which are mainstream and S.E.N (Special Educational Needs) schools respectively. Samuel Rhodes School is located towards the northeast corner of the site with the remaining site and larger building relating to Highbury Grove School. The existing 6th Form provision (post 16 years old), which is currently housed within both the main part of the school buildings and the existing two storey detached building located to the south east corner of the site, facing Highbury New Park and referred to as the CLC building, which is adjacent to the existing school car park.
- 4.2 This application seeks planning permission to enlarge the existing CLC building, with a proposed two storey extension, to the east elevation, resulting in 213 sqm of additional floorspace. The proposal would result in changes to the existing CLC building including internally reconfigured, together with external alterations. This is to allow for the two schools to have dedicated building for these existing 6th Form provision for both Highbury Grove and Samuel Rhodes Secondary Schools.
- 4.3 The two storey extension would be positioned on part of the existing school car park resulting in the loss of 10 no. car parking spaces. The extension would be a flat roofed building, with a number of roof structures including green roofs, PV (photovoltaic) panels, cylindrical windcatcher towers and airhandling units. The elevations of the extension, as well as the existing CLC building would have aluminium cladding at first floor and brickwork. In addition, the windows and fenestration pattern has been altered on the existing CLC building to match those proposed on the extension. The extension would also include a central glazed entrance. The internal reconfiguration of the existing CLC building and proposed

extension would allow for 8 no. new classrooms, common rooms, study areas and other associated toilets, office space, and storage facilities.

- 4.4 The applicant has confirmed that the proposal is not required for the increase of the existing number of pupils for the existing 6th Form provision at both schools, with the current 6th Form provision being 190 no. pupils at Highbury Grove Secondary School, and the Samuel Rhodes Secondary School being 18 no. pupils. However, the applicant has confirmed that the proposal would enable the increase in capacity of the main part of Highbury Gove School. Currently the capacity at this school, including the 6th Form provision, stands at 1221 no. pupils. The proposal would allow for this existing capacity to be increased by 150 no. pupils.
- 4.5 In land use terms, the objectives of the NPPF and policy DM4.12 encourage the expansion of social infrastructure to support the needs of communities. Paragraph 7.2 of the NPPF seeks to ensure great importance is given to provide sufficient choice of school places to meet the needs of existing and new communities and Local Planning Authorities should give great weight to the need to create, expand or alter schools. The proposal would result in the loss of 10 no. car parking spaces. However, this loss is considered acceptable and in accordance with the requirements of policy DM8.5.
- 4.6 Whilst not within a conservation area, the site is bounded by a number of conservation areas. The nearest to the application site is the Highbury New Park Conservation Area which shares the south, east and part of the western boundaries of the site and Highbury Fields Conservation Area is located adjacent to the north west boundary of the site. It is therefore important that the proposal, which is highly visible from both public and private views, preserves the visual appearance and historic character of these designated heritage assets. In this regard, the design of the proposal is considered to be of an acceptable scale and in keeping with the existing buildings within the application site and the residential properties along Highbury New Park. The proposed fenestration pattern and materials used are considered to be appropriate and in keeping with the visual appearance of style and detailing of the existing buildings. It is acknowledged that there are concerns in relation to the position of the front elevation, which ideally would be set back from the public highway of Highbury New Park. However, given the constraints of the site, with an existing athletics track behind, this position is considered acceptable.
- 4.7 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, overlooking or loss of light. Also by creating additional 6th Form space here the proposal allows for the expansion of the main part of the existing Highbury Grove Secondary School (years 7-11). The proposal is also not considered to result in any anti-social behaviour issues over and above the existing situation, and is also considered acceptable in respect of sustainability, inclusive design and the impact on trees.
- 4.8 The application is presented to committee because the council has an interest in the site, as the school is on council owned land.

5. SITE AND SURROUNDING

- 5.1 The application site is located between the public highways of Highbury Grove, to the west, with Highbury New Park and Grosvenor Avenue to the south. The residential properties along Highbury New Park and Holmcote Gardens are immediately to the east of the site, and Highbury Grove and New Park Day Centres are located to the north of the site. The main school entrance to Highbury Grove is from the public highway of Highbury Grove, with Samuel Rhodes School's existing access via the existing private road immediately to the west of no. 21A Highbury New Park, from the public highway of Highbury New Park. The site itself consists of the main school buildings of both Highbury Grove and Samuel Rhodes Schools, which are predominantly three storeys in height, plus a setback single storey addition on a small section of the existing roof level. There is also an existing two storey detached building, referred to as the CLC building, which is located to the south east of the main building facing the boundary with the public highway of Highbury New Park, and adjacent to the existing school car park.
- 5.2 The site is surrounded by a number of residential properties, including along Highbury New Park and Holmcote Gardens to the south and east, to the south Grosvenor Avenue, and along Highbury Grove to the west. Whilst the host buildings are not listed and the site itself is not within a conservation area, the site is adjacent to a number of conservation areas. This includes Highbury New Park Conservation Area which shares the south, east and part of the western boundaries of the site and the boundary of Highbury Fields Conservation Area is located adjacent to the north west boundary of the site

6. PROPOSAL (IN DETAIL)

CLC building

- 6.1 The application seeks planning permission to enlarge the existing two storey detached building, known as the CLC building, and its alter the external appearance and be internally reconfigured, which is located to the south east corner of the application site facing the public highway of Highbury New Park. The proposed two storey building would be positioned on the existing school car park.

Accommodation

- 6.2 The proposal would provide the school with improved facilities to the existing 6th Form building for both Highbury Grove and Samuel Rhodes Secondary Schools. The building would provide 8 no. new classrooms, common rooms, study areas and associated toilets, office space, and storage facilities, including proposed plant equipment. The proposal would allow for the increase in the capacity of Highbury Grove School by around 150 no. pupils. The Samuel Rhodes Secondary School, which is a S.E.N (Special Education Needs) school, has 125 no. pupils, of which 18 no. are in 16 to 19 study programmes (information sourced from Ofsted report published on 25th April 2017). The Highbury Grove School, has 1221 no. pupils, of which 190 no. are in 16 to 19 study programmes information sourced from Ofsted report published on 8th February 2017). The proposal would be positioned on the existing school car park and would result in the loss of 10 no. spaces (out of a total of 34 no. spaces).

New extension

- 6.3 The proposed extension, would have a flat roof, at a height of 7m, with this eastern section of the roof having green roofs and photovoltaic panels installed. The extension would physically linked to the existing CLC building, creating an enlarged building, which would be internally reconfigured. The proposed extension would

match the eaves of this building, which has a pitched roof measuring a maximum height of 10.1m. The proposed building would have an irregular shape, with a maximum depth of 18.6m, and a length along Highbury New Park at 45.1m.

- 6.4 The proposal would utilise a ground floor plinth of off-white brickwork below an upper level of vertical aluminium siding, which would also be replicated within the existing CLC building. The submitted Design and Access Statement confirms that the cladding adopts a randomised pattern of two different widths of panel, two colours and two different joint profiles, producing a visual equivalence to the timber cladding, found on the existing buildings within the site, but with a more durable material finish. The two main materials are separated by a horizontal strip of zinc cladding which contains ventilation and other necessary incidental external wall elements. The zinc cladding is repeated at high level as the parapet cap coping. The main entrance to the building would be positioned centrally within the building to the south elevation facing Highbury New Park. This entrance would be glazed on both ground and first floor levels.

Other alterations

- 6.5 In addition to the above there would be a number of associated alterations, including changes to the access, and provision of cycle storage and proposal would result in the loss of 1 no. (Category C) tree. However, the proposed landscaping would provide 7 no. trees in mitigation.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
950168	Use of building as children's playcentre with new pedestrian access from Highbury New Park.	Approve with conditions	13/04/1995
970975	Replacement boundary fence and fire access gate to height of 1.8 metres.	Approve with conditions	07/08/1997
992643	Installation of 2.3 metre high metal fencing ('Heras Chaperon') adjacent to Highbury Grove frontage.	Approve with conditions	23/02/2000
P002645	Erection of a 2 storey building fronting Highbury New Park	Withdrawn	25/01/2001
P010832	Erection of a two storey building for educational use (Information and Communication Technology Centre).	Approve with conditions	05/07/2001
P020586	Erection of a two-storey building to the school.	Approve with conditions	21/06/2002
P022429	Erection of a two storey building (revised scheme).	Approve with conditions	18/12/2002
P040738	Construction of new sports hall, external landscaping and limited off-street parking	Withdraw	16/06/2004
P041002	Display of internally illuminated oval mounted advertisement on front	Refusal of permission	18/06/2004

	elevation.		
P042257	Installation of an internally illuminated fascia sign.	Approve with conditions	28/10/2004
P042517	Construction of new sports hall, external landscaping and parking.	Approve with conditions	10/02/2005
P042534	Installation of educational building sign	Withdrawn	18/10/2004
P071736	The redevelopment of the site for the re-provision of Highbury Grove School for continued secondary education purposes, and the separate provision of the secondary department of Samuel Rhodes School which is being relocated to this site (approximately 60 pupils). The development would involve the demolition of the existing buildings on the site (apart from the existing City Learning Centre), and the erection of a building of part 2 part 3 storeys and with a set back 4th floor along the Highbury Grove frontage of the site to provide 12 619 sq m of gross floor area for Highbury Grove School, and the erection of a building of 2 storeys along the northern site boundary to provide 2834 sq m of gross floor area for Samuel Rhodes School. The development involves a total of 15 453 sq m gross floor area.	Approve with conditions and legal agreement	29/11/2007

ENFORCEMENT:

- 7.1 E08/03472 Demolition of locally listed wall
- 7.2 E08/03927 Non compliance with approved plans
- 7.3 E11/05870 Noise from plant room
- 7.4 E/2013/0393 Breach of condition 22 of P071736 (Renewable Energy Monitoring) – Case Closed on 26/08/2015

PRE-APPLICATION ADVICE

- 7.5 Q2015/4426/MIN - Erection of a double-storey extension and internal reconfiguration of existing building to create a sixth form centre for Highbury Grove School and Samuel Rhodes School – Advised that the proposed extension is considered acceptable but should be pulled back from the street frontage. Brickwork should be used to the frontage in line with the wider street character and the surrounding area. However, use of timber cladding and render may also be acceptable as this is used elsewhere on the main school buildings. The existing trees on site need to be adequately considered and the constraints they impose on the site need to inform the design of any development. Finally, the re-provision of parking is not supported, ideally the development should be car free.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 500 adjoining and nearby properties at Spring Gardens, Highbury Grove, Highbury New Park, Holmcote Gardens, Grosvenor Avenue, and Baalbec Road on 20th December 2017. A site notice and a press advert were displayed on 4th January 2018. The public consultation of the application therefore expired on the 25th January 2018, 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 writing this report four responses, 3 no. objecting and 1 no. request/comments, had been received from the public with regard to the application. The responses received raised the following summarised concerns (with the paragraph that provides responses to each issue indicated in brackets):
- Loss of car parking (**paragraphs 11.61, and 11.8 to 11.10**)
 - Increase in the use of the access road adjacent to no. 21A Highbury New Park (**paragraphs 11.63 and 11.64**)
 - Anti-social behaviour by students in terms of being abusive to neighbours, and congregating and leaving bikes outside neighbouring properties (**paragraphs 11.79 to 11.81**)
 - Request that nesting boxes for swifts and house sparrows are integrated within the proposal (**paragraph 11.57**)
 - Overlooking to neighbouring properties (no. 21A Highbury New Park) (**paragraph 11.38 and 11.39**)
 - The lack of consultation to neighbouring properties by the applicant and by the Council (**paragraph 10.83**)

External Consultees

- 8.3 **Secured by Design Officer** raised no objections to the proposal.

Internal Consultees

- 8.4 **Design and Conservation Officer** commented that there are no objections to the proposal, and considers that the general design approach is acceptable. Whilst concerns were raised in relation to the front elevation (building line) of the extension protruding forward of the existing building, it is considered acceptable given the constraints of the site. There is also concerns raised in relation to the visibility of roof structures from street level.
- 8.5 **Tree Preservation Officer** commented that subject to the use of conditions relating to the construction access, tree planting, and an arboricultural method statement, there are no objections.
- 8.6 **Accessibility Officer** raised concerns in relation to the proposal. However, following the submission of further information they have requested a number to be secured by way of condition but overall they confirmed that the proposal is an example to other developments within the Borough in terms of providing an inclusive environment.
- 8.7 **Highways Officer** raised no objections to the proposal but commented that they would want the removal of the existing crossover from Highbury New Park, and in relation to a School Safety perspective it is advised that additional school signage on

Highbury New Park, and restrictions in relation to the use of vehicles during dropping off and picking up times by parents using the access to Samuel Rhodes Secondary School.

- 8.8 **Sustainability Officer** confirmed that there are no objections subject to conditions relating to biodiversity, roof structures and other environmental requirements.
- 8.9 **Energy Officer** raised no objections but requested a number clarifications and amendments to the energy information. However, following the submission of additional information they are satisfied with the proposal in this regard.
- 8.10 **School Travel Plan Officer** requested a condition for the submission for an updated Travel Plan.
- 8.11 **Pollution (Acoustic) Officer** raised no objections but requested a number of conditions relating to the construction period and in relation to noise levels.

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, Islington Core Strategy 2011 and Development Management Policies 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:
 - Adjacent to Highbury New Park Conservation Area
 - Adjacent to Highbury Fields Conservation Area
 - Local cycle routes

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

10.1 Islington Council (Planning Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within a conservation area, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

10.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...

10.3 At paragraph 7 the NPPF states: "that sustainable development has an economic, social and environmental role".

10.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

10.5 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

10.6 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions.

However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 10.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. ASSESSMENT

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

- Land Use
- Quality of accommodation
- Design & impact on adjacent Conservation Areas
- Inclusive Design
- Sustainability
- Highways and Transportation
- Trees and Landscaping
- Anti-social behaviour
- Refuse facilities

Land-use

- 11.2 The proposed two storey extension, which would involve alteration to the existing two storey building, would provide additional facilities to both Highbury Grove and Samuel Rhodes Secondary Schools in the form of an enlarged 6th Form building. This would provide a space solely for 6th Form students, including 8 no. classrooms, common rooms, study areas and associated toilets, office space, and storage facilities. The applicant has confirmed that this proposal would allow for Highbury Grove School to increase its capacity by 150 no. pupils overall.
- 11.3 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The DCLG Policy Statement (2012)- Planning for schools - mirrors this aim, stating that local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools, including free schools.
- 11.4 Development Management Policy DM 4.12 is very supportive of new social and community infrastructure provision, which the proposed expanded school would represent. The school would be increasing in size with regard to student numbers

and provides a valuable service in this locality, which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:

- i. *be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
- ii. *provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
- iii. *be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
- iv. *complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses. As such, the proposal would result in improved facilities for the school.*

11.5 Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states *'development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards'*

11.6 Meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the National Planning Policy Framework which states that the Government, *"attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement..."* The framework also states that Council's should give "great weight to the need to create, expand or alter schools". The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities.

11.7 Therefore, in land use terms, it is considered that the expansion of the school at this location would offer a number of policy benefits specific to this proposal.

11.8 Notwithstanding the above, the proposal would be located on an existing car park. Whilst it is acknowledged that the proposal would result in the loss of 10 no. parking spaces, this loss is considered acceptable, and would accord with planning policy guidance found with Policy DM8.5.

11.9 Part B of this policy relating to non-residential uses seeks to ensure parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses). In such cases, parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies. Normal staff parking will not be considered essential and will not be permitted. Given this policy guidance, the loss of the existing car parking spaces would be acceptable in land use terms

- 11.10 Overall, given the policy objectives of providing expanded and improved facilities for educational purposes, and the policy guidance in terms car parking provision, the proposal is considered to be acceptable in land use terms and would enhance the teaching facilities at the school.

Quality of Accommodation

- 11.11 Whilst there are no specific policies within the Development Plan which relate to the standard of the educational facilities the Council seeks to provide a good standard of accommodation for the school and good design is sought by policies DM2.1 and DM2.3. Furthermore, the Department for Education provides the guidance within the document titled 'Area guidelines for mainstream schools – BB103' dated June 2014'.
- 11.12 This guidance is generally written to apply to new buildings in primary and secondary schools (including 6th Forms). However, the principles apply to all types of mainstream schools (i.e. all those except special schools or alternative provision) and most of the details can be used when considering schools with existing buildings, whether they are to be remodelled or unaltered.
- 11.13 The above guidance outlines the recommended maximum and minimum areas per pupil for mainstream schools including for post-16 education facilities. The details are in the table below:

Recommended minimum areas for mainstream schools	Base area for:				Area per pupil place for:		
	All primary	Middle schools	Secondary and all-age up to 750		All primary	Key Stage 3/4	Post-16
			up to 16	with 16+			
1. Basic teaching	-	-	-	-	2*	2.9	3.2
2. Halls, dining and PE	100	200	300	375	0.3*	0.6	0.6
3. Learning resources	10	50	75	125	0.1	0.15	0.4
4. Staff and admin.	30	75	100	100	0.2	0.2	0.2
5. Storage	20	75	125	150	0.15	0.25	0.3
Float	80	100	150	250	0.15	0.4	0.3
Minimum net area	240	500	750	1000	2.9	4.5	5
Non-net area	110	200	300	400	1.2	1.8	2
Minimum gross area	350	700	1050	1400	4.1	6.3	7
Recommended maximum areas for mainstream schools							
Maximum net area	275	575	875	1175	3.1	4.9	5.4
Maximum gross area	400	835	1270	1700	4.5	7.1	7.85

Image 6: Table of recommended size for mainstream schools from Appendix A of document 'Area guidelines for mainstream schools – BB103' dated June 2014', including an arrow to show the relevant minimum net area.

- 11.14 In this instance, the total numbers for the 6th Form building is 208 pupils (190 no. from Highbury Grove School, and 18 no. from Samuel Rhodes School) and the proposal would result in a total floorspace of 614 sqm. Using the above table, the minimum net area for post-16 mainstream school should be 5 sqm per pupil place, using the proposed floorspace (at 5 sqm per pupil), the proposal would allow a capacity of 113 pupils, with the proposal only enabling 2.95sqm area per pupil. Therefore, at a full capacity, with both pupils from Highbury Grove School and Samuel Rhodes School using the building, the proposal would fall below the recommended size for post-16 provision for mainstream schools. In addition, no dedicated external areas have been provided for pupils at the school which is recommended within the guidance.
- 11.15 However, the proposal is considered to allow for a cohesive and educational facility for a much needed educational need. In addition, it is considered that the proposal would result in a significant improvement over the existing situation at the school, providing dedicated education facilities for the two schools post-16 provision. The proposal includes 8 no. new classrooms, common rooms, study areas and associated toilets, office space, and storage facilities, which are considered of adequate size. It should be noted that the majority of rooms have dual aspect, and are considered to have access to good levels of sunlight/daylight throughout the day.

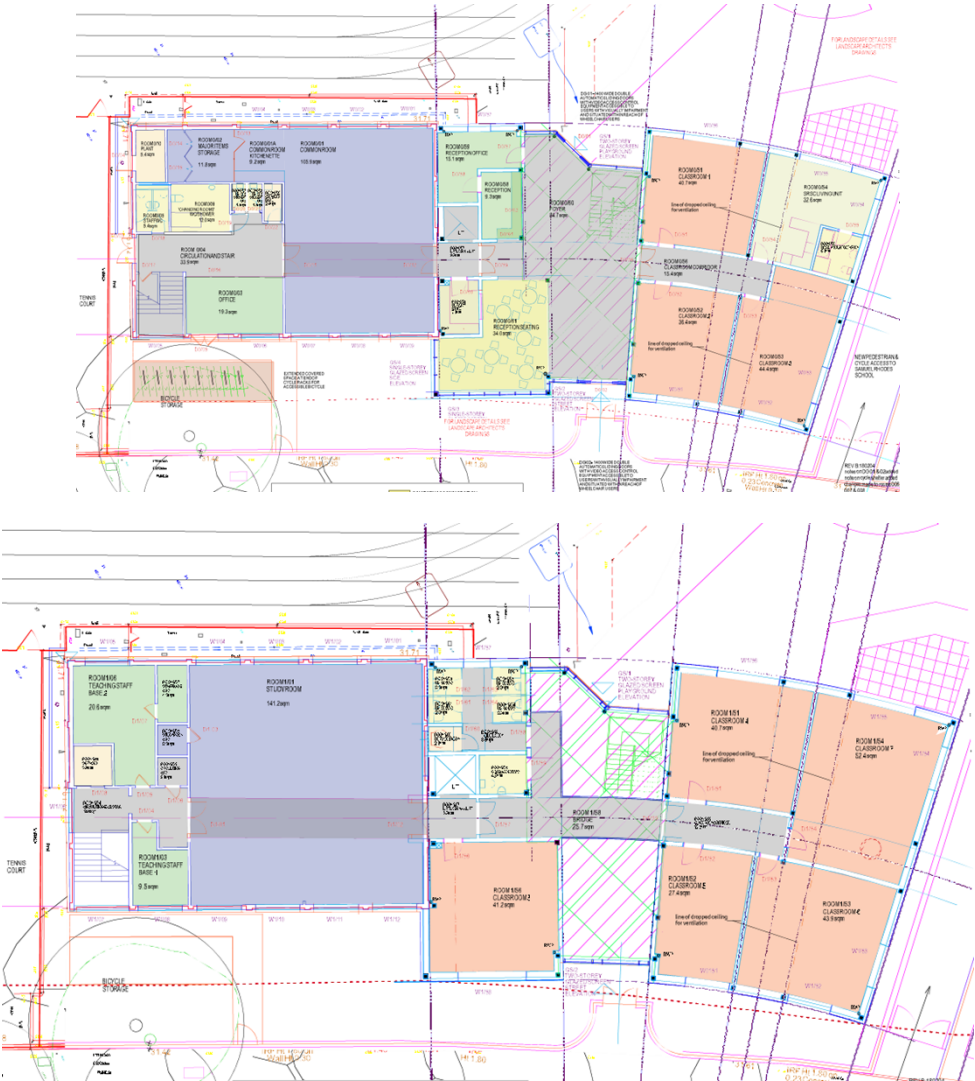


Image 7: Proposed floor plans showing layout at both ground and first floor levels

- 11.16 It should also be noted that these facilities form part of an extension to the main school to improve the general facilities, which will provide a more functional and integrated space. The pupils using the 6th Form building are also likely to benefit from access and the existing resources of the rest of the school site, including educational facilities, being the existing athletics track, as well as the dining and informal and formal social areas of the school site. The above document provides guidance information, rather than minimum requirements and are more aligned to new schools, rather than extensions to existing school sites.
- 11.17 Notwithstanding the above, the school would be required to adhere to the requirements of Ofsted (The Office for Standards in Education, Children's Services and Skills) which is a non-ministerial department of the UK government, reporting to Parliament. Ofsted carry out hundreds of inspections and regulatory visits throughout England and publish the results online, to achieve excellence in education and skills for learners of all ages, and in the care of children and young people. Both Highbury Grove and Samuel Rhodes School's have recently been inspected in 2017. This inspection included an assessment of the existing 6th Form facilities. The Ofsted reports identified that the existing post-16 provision at Highbury Grove School and Samuel Rhodes Secondary Schools is good and outstanding respectively. The improvement of these existing facilities is likely to support the schools maintain and improve these standards.
- 11.18 Overall, it is considered that the proposal would provide an acceptable standard of accommodation and improved 6th Form facilities for both the Highbury Grove and Samuel Rhodes Schools and is considered acceptable in this regard and would offer a much improved and needed educational provision.

Design and Conservation

- 11.19 Given the site is within the setting of both the Highbury Fields and Highbury New Park Conservation Areas the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 11.20 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 11.21 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 11.22 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 11.23 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.

- 11.24

Whilst it is acknowledged that the guidance within paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and are considered to be consistent with the above policy objectives. The guidance states that extensions ‘should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement’ and ‘the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building’.
- 11.25

In terms of the visual appearance the guidance advises that ‘there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate’.
- 11.26

Whilst the site is not within a designated Conservation Area, the Highbury Fields Conservation Area and Highbury New Park Conservation Design Guidelines state ‘in considering applications for extensions, alterations and refurbishment, the Council will normally require the use of traditional materials’.

Site Layout (including access routes)

- 11.27

The two storey extension would result in the existing two detached building being extended along the southern boundary with Highbury New Park. The building would form two adjoining parts, being the pitched roofed element to the west and the flat roofed element which would match the eaves towards the east. It would be positioned so that it would project beyond the front building line of the existing two storey building by 3.5m.

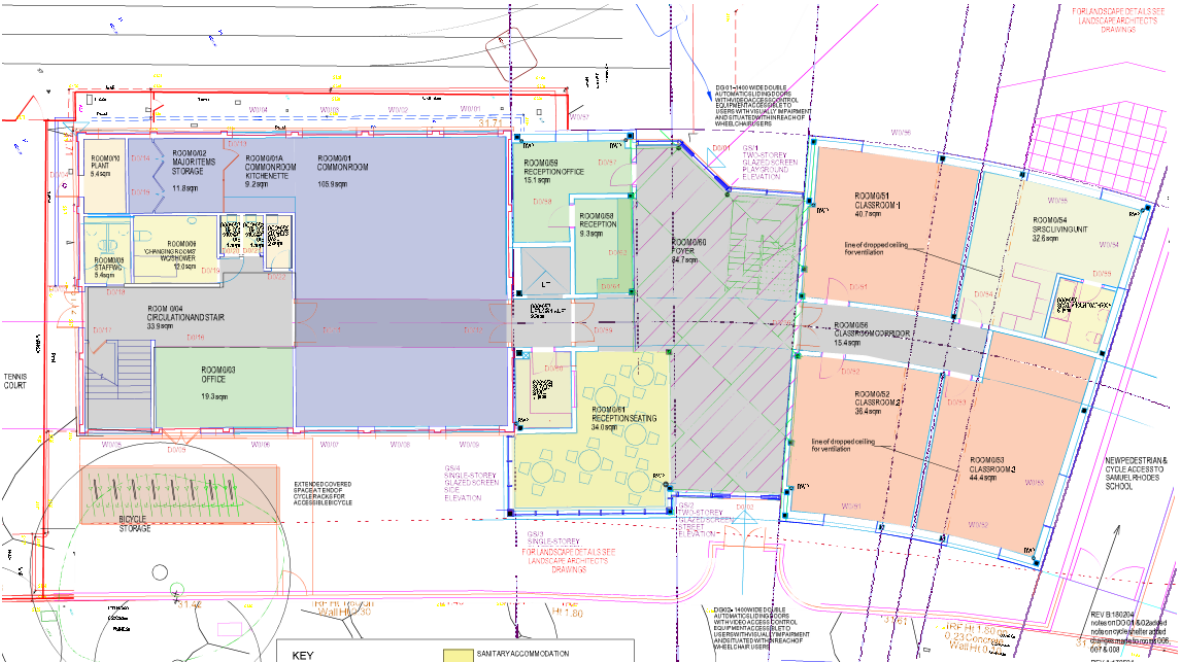


Image 8: Proposed Ground Floor Plan showing difference in building line (3.5m)

- 11.28 It is acknowledged that ideally the extension would be set back further from road, so that it would align with both the existing residential properties along Highbury New Park and with the existing building, given that generous front gardens define properties along this street and the car park forms a large gap between the extension and the residential properties to alleviate this however. However, this position is considered acceptable given the constraints of the site, which has the existing athletics track to the rear and a reduction in the size of the facilities is likely not to be able to provide adequate sized accommodation and be conducive to the educational function of the school, which would not address needs of both schools in this regard.
- 11.29 Access to the building is made via a proposed main entrance which would be positioned centrally, with alterations to the boundary treatment to create a separate access from Highway New Park. In addition, a new pedestrian and cycle access to the site would be created immediately to the east of the building. Whilst limited information has been provided in relation to the external changes for these access routes including to the existing boundary treatments, it is considered that these changes would be improve the existing access arrangements and allow the independent function of the building which is welcomed. A condition has been recommended for the submission of details of these external changes.

Height and massing

- 11.30 Given the majority of the main school building is three storeys in height, the proposal is considered to be of a scale which would be subordinate and in keeping with the visual appearance of the host building and surrounding area, including the residential properties found within the area. In terms of reaching this conclusion consideration has been given to the position of the proposed extension, the distances from adjoining residential uses and the open space within the site, including the adjoining school car park. It is considered that the distances are acceptable such that the scale proposed would remain subservient and cause no visual or amenity to the buildings within the site or the surrounding area.



Image 9: Proposed front and rear elevations

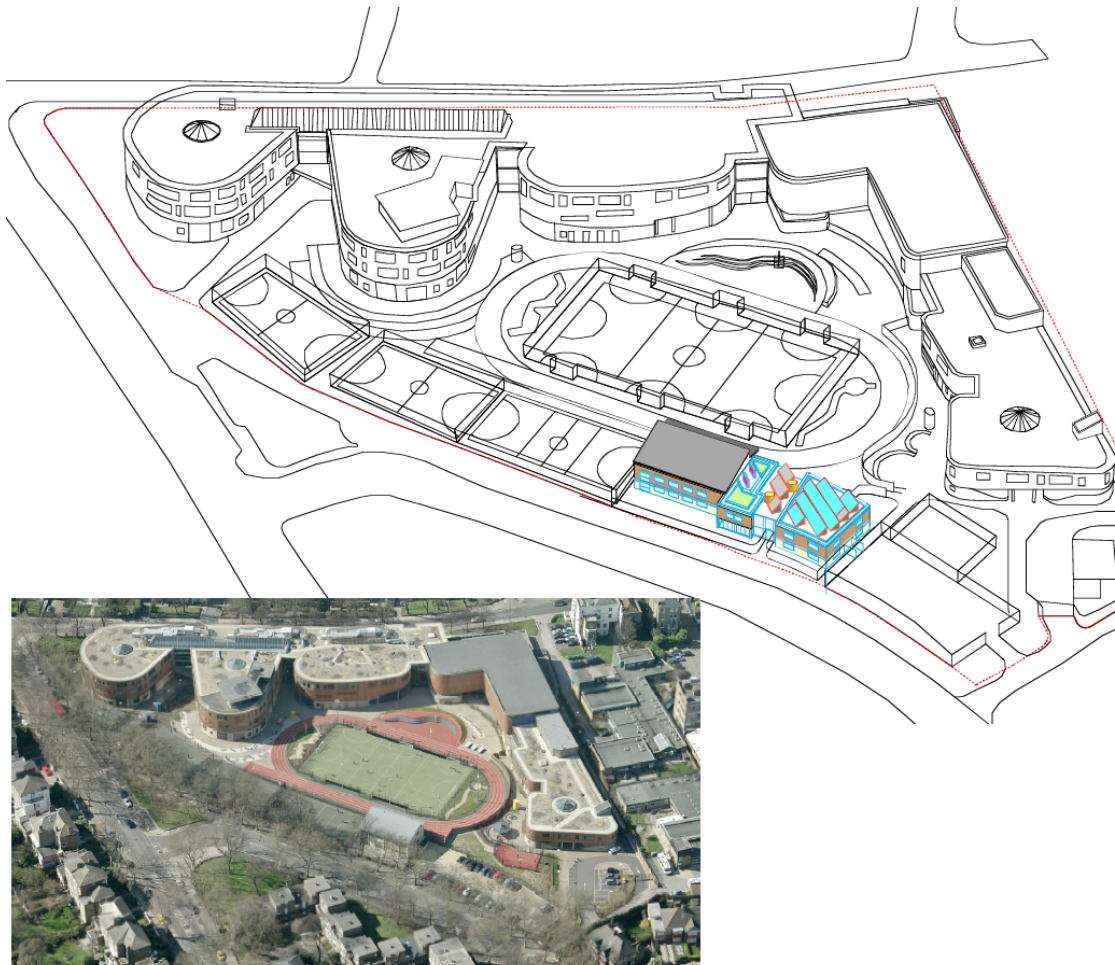


Image 10: Aerial photograph and 3D visual drawing of existing site including the proposal

Detail design/materials

- 11.31 In terms of the general arrangement and fenestration patterns, the language of the existing school buildings, which share a brick base with timber clad upper storeys, have been replicated and the same window design used. It is considered that given this part of the street does not have a strong uniform character, this seems to be a logical design approach to follow and is considered acceptable.
- 11.32 It is acknowledged that there would be a change from timber cladding to aluminium within the proposal, but this would follow the same pattern as the existing timber cladding to the school (randomised slats). It is considered that subject to recommended conditions relating to the submission of and approval of samples of materials, it is considered acceptable. It should also be noted that in this location it also likely that the use of aluminium would be better than timber given the close proximity of a large tree canopy which could have an undesirable impact on the way that the timber would weather and lead to the deterioration of the tree and the visual appearance of the proposal overtime. Bearing in mind the site locations, it is considered the use of aluminium cladding would be a robust and acceptable finish.

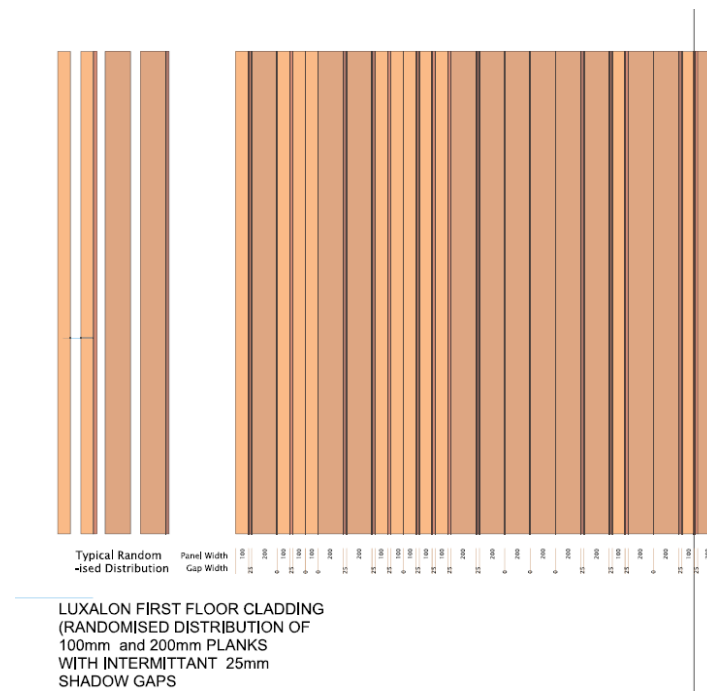


Image 11: Section of proposed cladding at first floor level

- 11.33 Notwithstanding the above, the proposed flat roof of the extension includes both green roofs and photovoltaic panels and other roof structures. The Council's Design and Conservation raised concerns in relation to their visibility and requested that a condition is recommended to ensure that these structures would not be visible from street level. In this instance, it is considered that the limited projection of these structures, being 1.6m above the flat roof, their position within the roof and the position of the extension which is set away from Highbury New Park, it is considered that views would be largely restricted. As such it is considered that the recommendations made by the Design and Conservation Officer would not be required in this instance.
- 11.34 Overall, the proposal is considered to be in keeping with the visual appearance of the main school building and is of appropriate siting, massing and detailed design and are not considered to detract from the character and appearance of the abutting Highbury New Park Conservation Area, to the proposal area, and the nearby Highbury Fields Conservation Area. The proposal would therefore accord with policies DM2.1 and DM2.3 of the Development Management Policies (2013) and Islington Core Strategy Policies CS8 and CS9, and the guidance found within the Urban Design Guide 2017 and the Highbury New Park and Highbury Fields Conservation Area Design Guidelines.

Amenity

- 11.35 Policy DM2.1(x) seeks to ensure developments 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.
- 11.36 In this instance, the proposal would be located to the existing school car park positioned to the south east corner of the site. As a result, the nearest residential properties to the proposal are to the opposite side of the public highway to the south,

and to the east, no. 21A Highbury New Park and no. 1 Holmcote Gardens. The separation distance between the side elevation of the proposal and the closest boundaries of these two properties is 46.9m (no. 21A Highbury New Park) and 53.3m (no. 1 Holmcote Gardens).

- 11.37 Given these separation distances, the proposal is not considered to result in any significant amenity issues, in terms of any loss of daylight/sunlight or outlook to these neighbouring properties. In addition, given the proposal is restricted to two storeys in height, it is also considered to be the same for the neighbouring properties located to the opposite side of Highbury New Park.
- 11.38 In terms of the privacy impact to neighbouring properties, paragraph 2.14 of the Development Management Policies (2013) seeks to protect privacy for residential developments and existing residential properties, stating there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 11.39 In this respect it is acknowledged that whilst there would be windows to the east/side elevation of the proposal, at ground and first floor level, these windows serve proposed classrooms and what is marked as 'SRSC living unit'. It is considered that the classrooms would not be habitable rooms, indeed whilst the labelling of the ground floor room as a living unit this is not for residential accommodation and would not be a habitable room. This room is allocated to Samuel Rhodes School as a centre for training in life skills for independent living. In addition, as described above the separation distance from the nearest residential properties to the east would far exceed 18 metres. Whilst the windows to the front elevation would not include any habitable rooms, overlooking across a public highway does not constitute an unacceptable loss of privacy. As such, the proposal is considered not to result in any significant overlooking issues associated with the proposal.
- 11.40 As part of the proposal (and internally located) a significant amount of plant equipment is proposed. As such the Council's Pollution Officer has recommended a condition to be attached to any approval in relation to noise levels. The Pollution Officer has commented that the applicant should also be aware of the BB93 guidance (BB93: acoustic design of schools - performance standards by the Department for Education and Education Funding Agency dated February 2015) which addresses acoustics within school environments and the need for good acoustic design to aid the learning within the space. An informative has been recommended for the attention of the applicant in this regard.
- 11.41 The Pollution Officer also advises that there's likely to be some disruption with the demolition and construction of the proposed building, especially to the existing school. As such a condition has been recommended for the submission of a Construction Environmental Management Plan assessing the environmental impacts including (but not limited to) noise & vibration and air quality including dust, smoke and odour of the development. This would be required to be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report would be required to assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.

- 11.42 Overall, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

Inclusive Design and Accessibility

- 11.43 Policy DM2.2 and the Inclusive Design SPD, seeks to ensure developments provide for ease of and versatility in use and deliver safe, legible and logical environments. In this regard the Design and Planning Statement confirms that the proposal would conform to the requirements of Part M of the Building Regulations and to DDA (Disability Discrimination Act) requirements, and in terms of the refurbishment of the existing building as much as is practical.
- 11.44 The Council's Inclusive Design Officer raised a number of issues with the proposal in respect of accessibility and providing an inclusive environment for future users of the building. As such, the applicant provided additional information to address these concerns.
- 11.45 The Inclusive Design has confirmed that the additional information has broadly addressed the concerns and confirmed that proposal would provide the school with an inclusive 6th form facility which is welcomed and sets an example to other development within the Borough. They have confirmed that the provision of a fire evacuation lift is very welcome. It has been requested that ground floor is built in accordance with Drawing No' 102K Rev B.
- 11.46 Given that there is a recommended condition relating to the approved drawings which includes Drawing No' 102K Rev B, it is considered that the proposal would be acceptable in regard to the Council's objectives in relation to Inclusive Design.

Sustainability

- 11.47 Policy DM7.1 seeks to ensure development proposals integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.
- 11.48 Within the application details a Sustainable Design Statement was submitted. The report has been collated to review the potential installation of low and zero carbon technologies for the extension of the exiting 6th Form unit at Highbury Grove. The report records the anticipated energy requirements of the building and seeks to identify suitable sustainable means of providing this energy, and also includes a BREEAM assessment of the proposal. The report covers the following:
- Modelling of the proposed redevelopment, including the remodelled existing building and the extension.
 - Review of likely building energy usage.
 - Overview of each renewable/low carbon installation modelled (including feasibility overview).
 - Analysis of energy and carbon savings for potential renewable/low carbon technologies.
- 11.49 The Council's Energy Team confirmed that Council policies do not lay down a specific target for CO2 reduction in minor non-residential schemes. However, in this case, they consider that the applicant appears to have followed the London Plan

approach, seeking a 40% reduction in regulated emissions against a part L 2010 baseline which is welcomed.

- 11.50 The Council welcomes the use of the proposed air source heat pumps (ASHP). Whilst the applicant was advised that in non-residential non-major schemes, an ASHP system should provide one external point of connection enabling heat and hot water supply from a future decentralised energy system, in this instance this has not been achieved, as it is not considered viable. The existing heating system to the school is 80m or more away from the development and any service route would need to cross the existing sports field. However, they have confirmed that the heating system is fed from a single point and so would provide a potentially suitable future connection point for delivery of heat from a local network.
- 11.51 Whilst the Council does encourage non-residential developments to be connected to decentralised energy systems for ASHP systems for minor application development, this is a requirement for major applications as outlined within the Environmental SPD Appendix 7. As such the lack of connection is not considered to warrant refusal in this instance, in addition, the heating system would be fed from a single point meaning that in future it could be connected at future date.
- 11.52 It should be noted that whilst the report does confirm that the proposal could achieve BREEAM standard of 'very good', minor non-residential schemes are not required to achieve a specific BREEAM standard. Part D of Policy DM7.4 only requires a specific BREEAM standard for major non-residential developments. For an application of this scale, Part G of this same policy is more appropriate, which seeks to ensure proposals achieve at least 2 credits for water efficiency in the relevant BREEAM scheme. A condition has been recommended to comply with this requirement.
- 11.53 The Council's Sustainability Officer welcomes the proposed reduction in emissions through passive design and renewable energy. However, the development must achieve the good practice fabric energy efficiency standards set out on page 10 of Islington's Environmental Design SPD. In particular, as the development proposes to use mechanical ventilation the air tightness must be 3.0 or below. In addition, all lighting must be energy efficient (e.g. T5/LED lamps, daylight sensing and absence detection).
- 11.54 The proposal includes the installation of green roofs and photovoltaic panels above the flat roofed element of the proposal, which are welcomed. However, Part C of Policy DM6.5 seeks to ensure provision of green roofs are maximised. The Council's Sustainability Officer has commented that there is a preference for green roofs to cover as large an area as possible, so would encourage combining the use PV panels with the green roofs, or exploring the potential of reducing the amount of PV panels, given the energy benefits of the proposal.
- 11.55 It is considered that given the concerns in relation to the design concerns raised regarding the visibility of the roof structures, it is recommended that a condition is attached for the submission of details for these roof structures, to demonstrate that the green roofs have been maximised. A condition is also recommended to ensure that the green roof areas are based on wild flower planting rather than sedum, stated within the application details.
- 11.56 The Sustainability Officer also welcomes the retention of the existing SUDS (Sustainable Urban Drainage System) in the car park alongside the introduction of additional planting, which is considered to aid sustainable urban drainage at the site.

- 11.57 In accordance with Policy DM6.5, the Sustainability Officer has advised that application should seek to enhance the biodiversity value of the site through wildlife friendly planting, and bird/bat boxes. As such, they have recommended that conditions are attached to any approval in relation to bird/bat boxes which could also include specific reference to a swift box/brick.
- 11.58 Overall, the proposal is considered to be compliant with Council's Sustainable Design policies, and acceptable in this regard.

Highways and Transportation

- 11.59 The proposal includes alterations to the existing arrangements at the site from the public highway along Highbury New Park, this includes the creation of a new pedestrian access in front of the main entrance to the 6th Form building and a new pedestrian and cycle routes to the east elevation of the building. In addition, due to the position of the extension, the proposal would result in one of the access points to the school car park being removed and would result in the loss of 10 no. car parking spaces.
- 11.60 Policy DM8.1 seeks to ensure that the *design of developments, including building design and internal layout, site layout, public realm and the provision of transport infrastructure, is required to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles*. In addition, this is supported by Part B of Policy DM8.5 which seeks to ensure *parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses)*. In such cases, *parking will only be permitted where an essential need has been demonstrated to the satisfaction of the council and where the provision of parking would not conflict with other council policies*. Normal staff parking will not be considered essential and will not be permitted.
- 11.61 Given the above policy guidance, and as the site is within an area with excellent (PTAL 6a) public transport provision the loss of 10 no. parking spaces is considered acceptable. It should be noted that a significant proportion of the existing car parking spaces would be retained (24 no. retained out of 34 no. existing). It is therefore considered that the loss of the car parking is acceptable in addition to the benefits of proposal (which are outlined in the land use section above).
- 11.62 Part B of Policy DM8.2 and associated Appendix 5 does state that all school developments should have a school travel plan. Whilst it is acknowledged that a School Travel Plan was not submitted to accompany the application, the Council's School Travel Plan Officer has recommended a condition be attached to any approval for the submission of an updated School Travel Plan to account for the increase of the capacity of the main part of the school by 150 pupils.
- 11.63 The application originally proposed to use the existing access road, positioned to the east of the site and to the west of no. 21A Highbury New Park, for construction vehicles. This existing access road, which is not a public highway, provides existing access to the Samuel Rhodes Secondary School. The Council's Highways team raised no objections to the use of this access road, but requested conditions preventing vehicles using this access during school dropping off and picking up time, to prevent conflict with pedestrians, and requested additional school signage on Highbury New Park.

- 11.64 Whilst there are no objections to imposing these conditions, following concerns raised in relation to the potential impact on trees by construction vehicles, (which is outlined in the report below) the applicant has confirmed that this side access would not be used and that construction vehicles would use the existing access to the car park. As such, a condition has been recommended to ensure that there shall be no construction vehicles using the side access road, as well as the road signage along Highbury New Park. In addition, the Highways Officer has requested that the existing crossover be removed at the applicant's expense, which would be redundant as a result of the proposal. A condition has been recommended to fulfil this request.

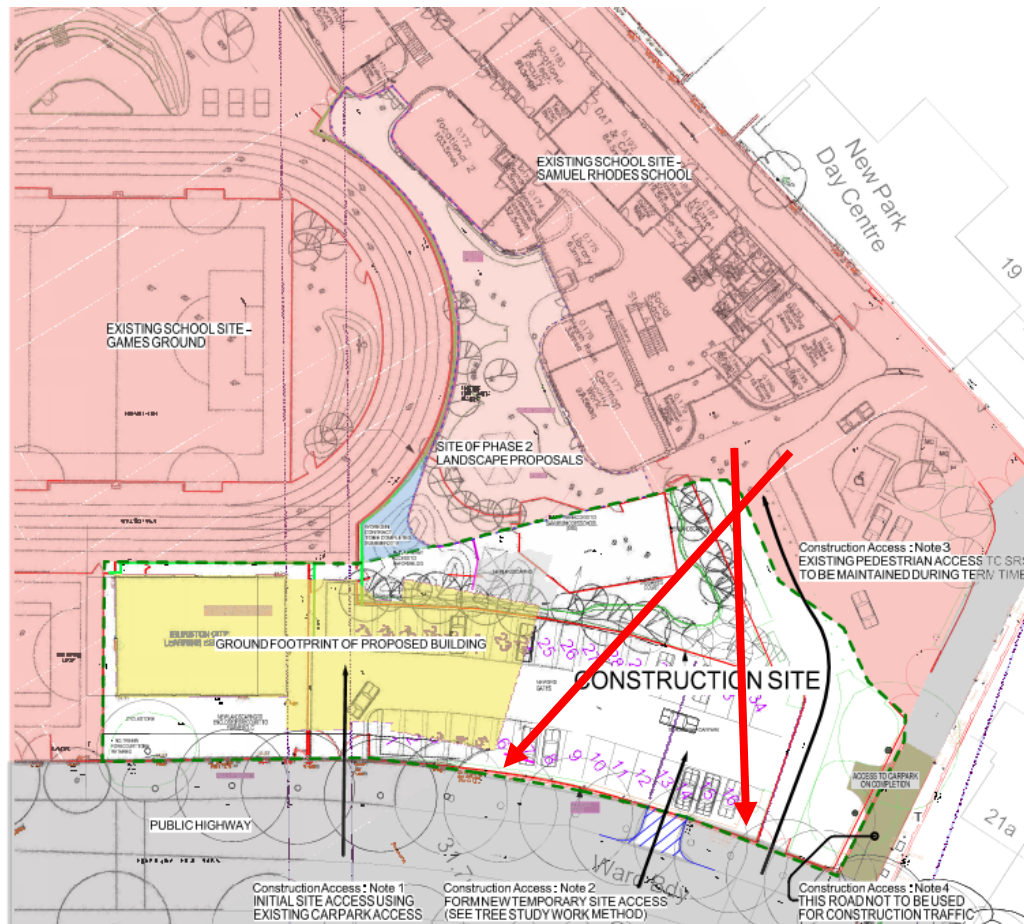


Image 12: Site Plans showing access routes during construction

- 11.65 Policy DM8.4 seeks to ensure minor developments creating new residential and/or commercial units, and extensions of 100sqm or greater, are required to provide cycle parking in accordance Appendix 6 of the Development Management Policies (2013). In this instance, Appendix 6 confirms cycle storage is required 1 per 7 staff plus 1 per 10 students.
- 11.66 In this instance, the proposal has included an area for the storage of 12 no. cycle which would be positioned between the proposal and the existing fencing along Highbury New Park to the east of the existing tennis courts. In addition, following advice from the Inclusive Design Officer an additional space for accessible cycle is provided, resulting in a storage for a total of 13 no. cycles.
- 11.67 As the proposal results in over 100sqm of floorspace, the proposal requires a minimum storage of 16 no. cycles, being 15 no. cycles for the uplift in students (150 no.) and 1 no. cycles in terms of the uplift in staff (10 no.).

- 11.68 The proposal would not accord with the minimum requirements of Appendix 6 in terms of cycle storage. Whilst it is acknowledged this application relates to an existing school which includes cycle storage forming part of the originally approved application, in order to ensure the proposal would provide adequate cycle storage provision for the increase in pupil numbers, a condition has been recommended to ensure that storage for 16 no. cycles is provided, which would need to be installed prior to the occupation of the 6th Form building.
- 11.69 Overall, subject to a number of recommended conditions outlined above, the proposal is considered to have an acceptable impact on the local highway network and pedestrian safety and is compliant with the Council's transport policies.

Trees and Landscaping

- 11.70 Part B of Policy DM6.5 seeks to ensure developments minimise any impacts on trees, shrubs and other significant vegetation. Whilst it is acknowledged the site is not within a conservation area and that there are no protected trees (benefitting from Tree Protection Orders) the policy seeks to ensure that there would not be any loss of or damage to trees, or adverse effects on their growing conditions, and that there loss will only be permitted where there are over-riding planning benefits. This includes developments within proximity of existing trees which are required to provide protection from any damage during construction phases and from the development.
- 11.71 As a validation requirement, an Arboricultural Impact Assessment was submitted to assess the impact of the proposal on the existing trees. This included the impact as a result of the extension and the proposed access from the private side road (between the east of the site and west of no. 21A Highbury New Park) through the area of vegetation.
- 11.72 Following the submission of this information, the Council's Tree Preservation Officers raised concerns in relation to the potential impact on trees as a result of construction vehicles using the side access and entering the site between two existing trees (marked as T1 and T2 on the drawings).

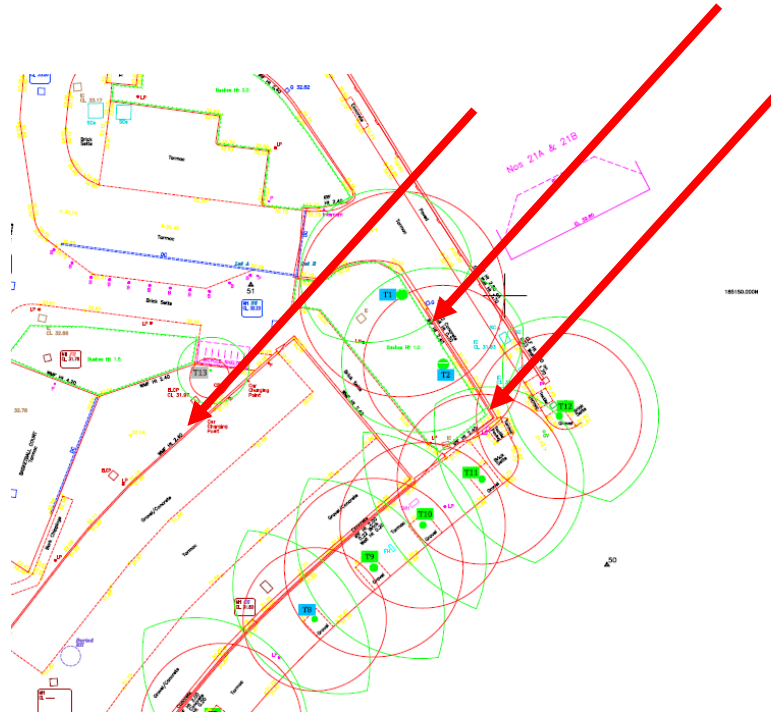


Image 13: Tree constraints plan showing the existing tree (T13) to be removed and the two trees (T1 and T2) either side of original access route.



Image 14: Photo of the two trees (T1 and T2) either side of original access route (arrow shows route).

- 11.73 These two trees (T1 and T2) have classified as B (moderate) quality and value trees, based on BS5837 retention categories. This categories trees based on the condition, quality and amenity value, also includes A (those of high quality and value), C (those of low quality and value) and U (unsuitable for retention) classification trees.

- 11.74 The Council's Tree Preservation Officer raised significant concerns in relation to the use of this access, due to the requirement for the use of ramps and other structures to overcome the changes in land levels. There were concerns that the use of this access could potentially result in the loss of one if not both of these trees, and it was advised that alternatives should be investigated.
- 11.75 As a result of these concerns the applicant has confirmed that this access would not be used for construction vehicles and they would use the existing vehicle car park entrance instead (from Highbury New Park). A condition has been recommended to ensure that there will be no use of this access for vehicles associated with the construction of the development.
- 11.76 As result all trees would be retained except for one Category C (those of low quality and value) tree (T13), which would be replaced by 7 no. semi-mature trees which would be planted to mitigate this loss. This tree is located within the central area of the site, to the north side of the existing car park. The Council's Tree Preservation Officer has confirmed that they are satisfied with this mitigation. A condition has been recommended to provide details of the species and location of these trees to be planted.
- 11.77 Notwithstanding the above, a condition has been recommended to ensure that an Arboricultural Method Statement is submitted and approved prior to the commencement of the development to ensure that appropriate measures are taken to ensure no significant impact on trees as a result of the proposal during the construction phase and as a result of the development.
- 11.78 Overall, subject to the imposition of a conditions relating to the access, details of the tree planting and the submission of an Arboricultural Method Statement, the proposal is considered to be consistent with the requirements of Policy DM6.5 of the Development Management Policies.

Anti-social behaviour

- 11.79 Concerns have been raised in neighbour consultation responses in relation to anti-social behaviour by students of the school, in terms of being abusive to neighbours, and congregating and leaving bikes outside neighbouring properties. As a result of these concerns, the Secured by Design Officer was consulted on the proposal.
- 11.80 The Secured by Design Officer confirmed that they have no objections to the proposal as it is within the secure confines of the school grounds. In relation to antisocial behaviour from the students as they leave the school, the officer considers that this is an issue that needs to be addressed with the school or/and with local ward officers who can assist in tackling any existing issues. The behaviour of students outside of the school, in their opinion, is not something that can be 'designed out' of the proposed development and therefore there is nothing they can suggest with regards to physical measures or design features which would prevent this existing situation. They have also noted that the 6th Form students having their own, more independent space, within the site may mean they are more likely to spend time there, rather than hang around outside the school, which may well lessen the actual occurrence or perception of anti-social behaviour.

- 11.81 Given these comments it is considered that the proposal would not give rise to any significant anti-social behaviour issues, over and above the existing situation, and is therefore considered acceptable in this regard.

Refuse

- 11.82 Whilst it is acknowledged that the proposal relates to an extension to an existing building, the proposal is likely to result in an increase in refuse and recycling. As a result, a condition has been recommended to require the submission of details prior to the commencement of the development to demonstrate there would be adequate provision.

Other matters

- 11.83 Concerns have been raised in relation to the lack of consultation from the applicant by the Council. Given the application relates to a minor development, there is no statutory requirement to undertake consultation with neighbours prior to the formal submission of an application. In terms of the consultation carried out within the planning application by the Council, as described above 500 letters were sent to adjoining neighbours, and it was advertised by Site and Press adverts. This consultation is considered to be adequate for the proposal and exceeds the statutory requirements.

12. SUMMARY AND CONCLUSION

- 12.1 The proposed two storey extension and refurbishment of the existing two storey detached building to provide improved dedicated 6th Form facilities to both Highbury Grove and Samuel Rhodes Schools are considered acceptable. Whilst the proposal would result in the loss of part of the existing car park (10 no. spaces) this is considered to align with the Council's policies in regards to sustainable forms of transport and promoting car-free developments. The provision of improved educational facilities for the existing schools is welcomed and supported by policy.
- 12.2 The extensions and buildings are considered to be acceptable in design terms and will not have a detrimental impact to the character of the adjacent and nearby heritage assets of Highbury New Park and Highbury Fields Conservation Areas and would fulfil the Council's statutory duty requirements (s72(1)) in this regard.
- 12.3 The proposal is also considered to be acceptable in terms of the Council's objectives on sustainability and inclusive design.
- 12.4 The amenity of neighbouring residents will not be materially harmed due to appropriate siting, scale and separation distances. In addition, in terms of noise and other amenity issues conditions have been recommended in relation to the submission of details for the construction period, and noise levels for the plant equipment. Planning conditions are proposed to ensure that the scheme would not detrimentally impact the existing trees and ensure that adequate mitigation is provided. In addition, the proposal is not considered to result in a detrimental impact to either pedestrians or vehicles using the surrounding local highway network.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>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	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>100.1, 100.2, 100.4, 011, 001, 002 (Ground Floor), 002 (First Floor), 004, 005, 006, 447.01_A, 447.02, 447.03, 105, 102/Rev.A, 102S 103, 104, 111, 101, 000, 5278, Design and Planning Statement dated April 2017, Appendices A1, A2, A3, A4, B1, B2, C, D, E, F, G (rev.B), H (rev.A), 202/Rev A, 115, Green roofs spec dated 20 May 2017, 116, 8763/002/Rev.B, 000/1250, Tree Survey Report/Rev.C dated June 2017, Addendum Design and Planning Statements dated March 2018, including revised drawings 012/Rev.B, 102K/Rev.B, 103K/Rev.B, 115/Rev.A, Inclusive Design Statement dated 5 March 2018.</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>
3	Materials
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) cladding (including brick panels and mortar courses) b) brickwork (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials (including position and location of structures); e) boundary alterations (including position) and f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

4	Green/Brown Biodiversity Roofs (Compliance)
	<p>CONDITION: The biodiversity (green/brown) roofs shown on drawing no. 1041.1 shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80 -150mm); b) laid out in accordance with plans hereby approved; and 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). <p>The biodiversity (green/brown) 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 laid out within 3 months of next available appropriate planting season after the construction of the building it is located on and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats, valuable areas for biodiversity and minimise run-off.</p>
5	Bird/bat boxes
	<p>CONDITION: Prior to the commencement of the hereby approved development details of the bat and bird boxes shall be submitted and approved. The details shall include information an investigation of the most suitable location and shall include nesting location and boxes for swifts. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
6	Water efficiency
	<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>
7	Construction Environmental Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Method of Construction Statement shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes

	<p>and access to the site;</p> <ul style="list-style-type: none"> e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction; i) Details of measures taken to prevent noise disturbance to surrounding residents j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; j) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) k) Details as to how safe and convenient vehicle access will be maintained for all existing units accessed via Melody Lane at all times, including emergency service vehicles; l) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised; m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area. The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads. <p>The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
8	Access route for construction vehicles
	<p>CONDITION: Notwithstanding the details shown within the approved drawing there shall be no use of the private access road along the eastern boundary of the site and the western boundary along no. 21A Highbury New Park, by construction vehicles.</p>

	REASON: In order to prevent conflict with pedestrian and vehicles
9	Signage
	<p>CONDITION: During the construction period for the hereby approved development signage shall be installed along the public highway of Highbury New Park to inform pedestrian and vehicle road users of the development.</p> <p>REASON: To avoid conflict between pedestrians and vehicles during the construction period.</p>
10	Bicycle Storage
	<p>CONDITION: Notwithstanding the details shown within drawing no. 102K/Rev.B for the hereby approved development, secure storage shall be provided prior to the first occupation of the development, for a minimum of 16 no. cycles and shall be permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking are available and easily accessible on site and to promote sustainable modes of transport.</p>
11	Travel Plan
	<p>CONDITION: An updated Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the hereby approved development. The Travel Plan shall assess the transport impact on the surrounding area as a result of the uplift in pupils. The recommendations identified within the updated Travel Plan shall be implemented in full and retained thereafter, apart from with written consent of the Local Planning Authority.</p> <p>REASON: To ensure there would not be a detrimental transport impact on the surrounding area.</p>
12	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) existing and proposed underground services and their relationship to both hard and soft landscaping; c) proposed trees: their location, species and size (minimum of 7 no.); d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and h) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved.

	<p>The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. 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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
13	<p>Arboricultural Method Statement</p> <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods: the arboricultural method statement (AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction and construction method statement have been submitted to and approved in writing by the local planning authority.</p> <p>The AMS specifically needs to adequately address:</p> <ul style="list-style-type: none"> • Minimising and mitigating the impacts from service and drainage link up to the development • The foundation detail and how impact to the adjacent tree rooting volume is mitigated • Arboricultural site supervision through construction • Tree and ground protection through construction <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity</p>
14	<p>Noise levels</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr 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 LAF90 Tbg. 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: To preserve the amenity of neighbouring properties.</p>
15	<p>Refuse</p> <p>CONDITION: Prior to the commencement of the hereby approved development, details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To provide adequate refuse and recycling.</p>

16	Grampian condition :highways reinstatement
	<p>CONDITION: The occupation of the development authorised by this permission shall not begin until the highway/improvement works in relation to the removal of the redundant crossover and the footway reinstated on Highbury New Park has been completed by and to the satisfaction of Islington Council Highways Services (T:020 7527 2000 / E:streetworks@islington.gov.uk) with the cost met by the applicant.</p> <p>REASON: To secure and maintain an acceptable pavement layout and pedestrian safety.</p>

List of Informatives:

1	Positive Statement
	<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>
2	Construction Environmental Management Plan
	<p>The CEMP should pay reference to BS5228:2009+2014, the GLA's SPG on control of dust and emissions from construction and demolition, the Non Road Mobile Machinery register, CLOCs status for contractors and any other relevant guidance.</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:

3 London's people

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs and large buildings

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall
Policy 7.8 Heritage assets and
archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

B) Islington Core Strategy 2011

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

Policy CS10 (Sustainable Design)

Infrastructure and Implementation

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM6.5 Landscaping, trees and biodiversity

DM7.1 Sustainable design and construction

DM7.4 Sustainable design standards

DM8.1 Movement hierarchy

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM4.12 Social and Strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

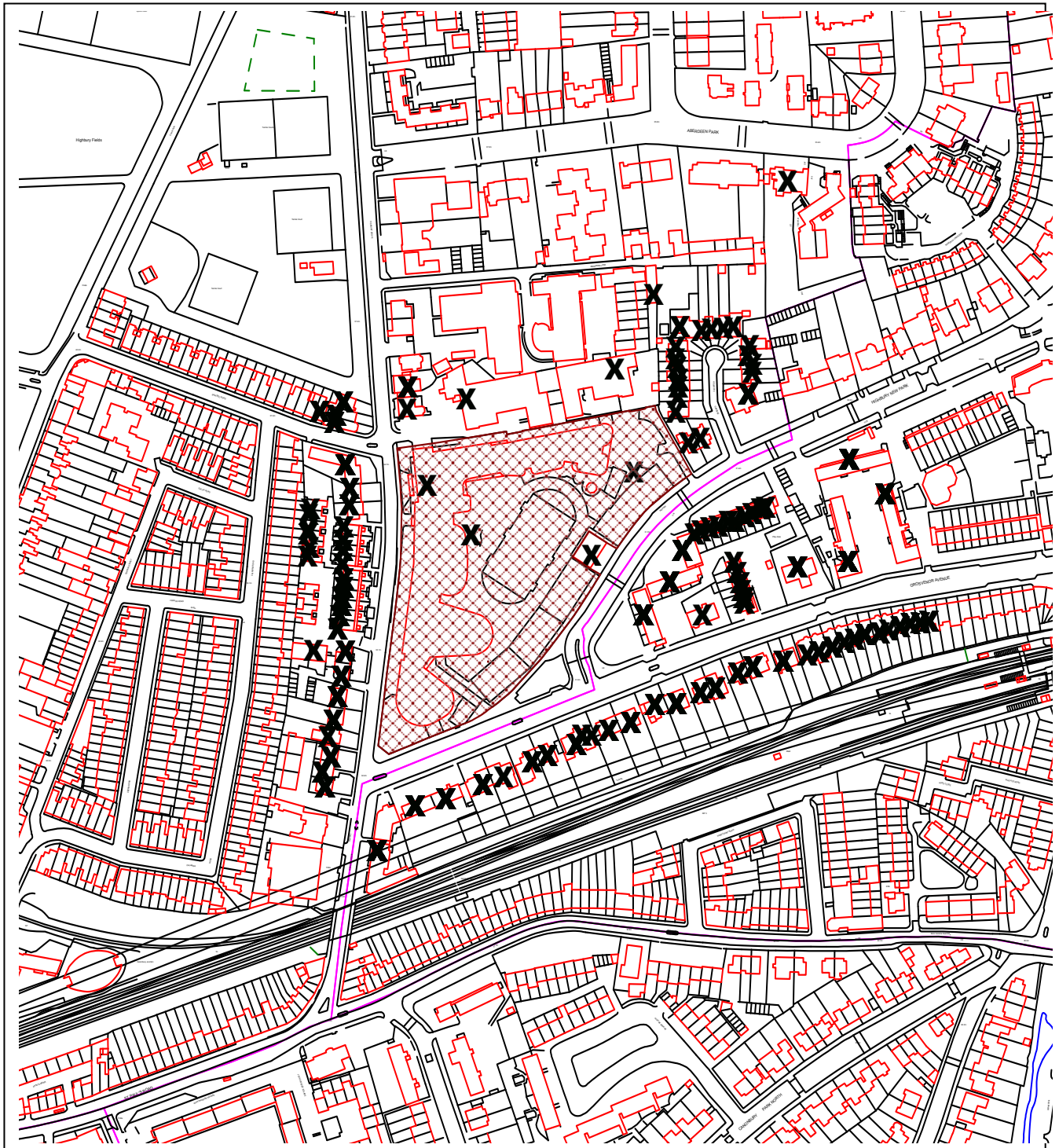
Islington Council Guidance

- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Environmental Design SPD
- Streetbook SPD
- Urban Design Guide

London Plan

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

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB COMMITTEE A		AGENDA ITEM: B 7	
Date:	27 March 2018	NON-EXEMPT	

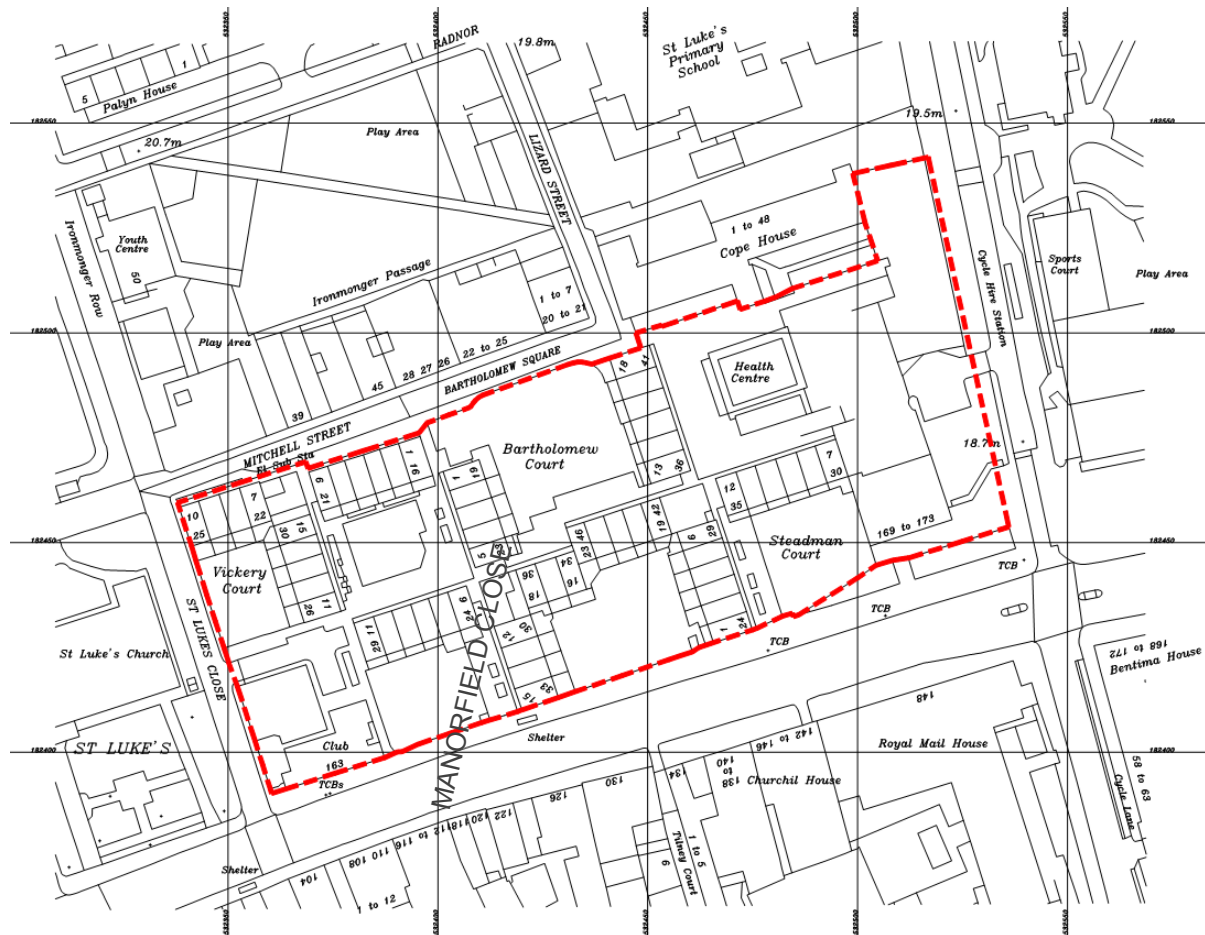
Application number	P2017/3454/FUL (Council's own)
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not Listed
Conservation Area	Not within a conservation area
Development Plan	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Finsbury Local Plan Within 50m of St Luke's Conservation Area Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Redbrick Estate Bartholomew Court, Steadman Court, Vickery Court Old Street and Mitchell Street London, EC1V 9NH
Proposal	Retention of external mechanical pipework at roof level and access staircases, with railings to the flat roof area of each block affected, and associated alterations.

Case Officer	Nathan Stringer
Applicant	Islington Council
Agent	BSW Heating – Mr Alex Henning

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)



PHOTOS OF SITE/STREET

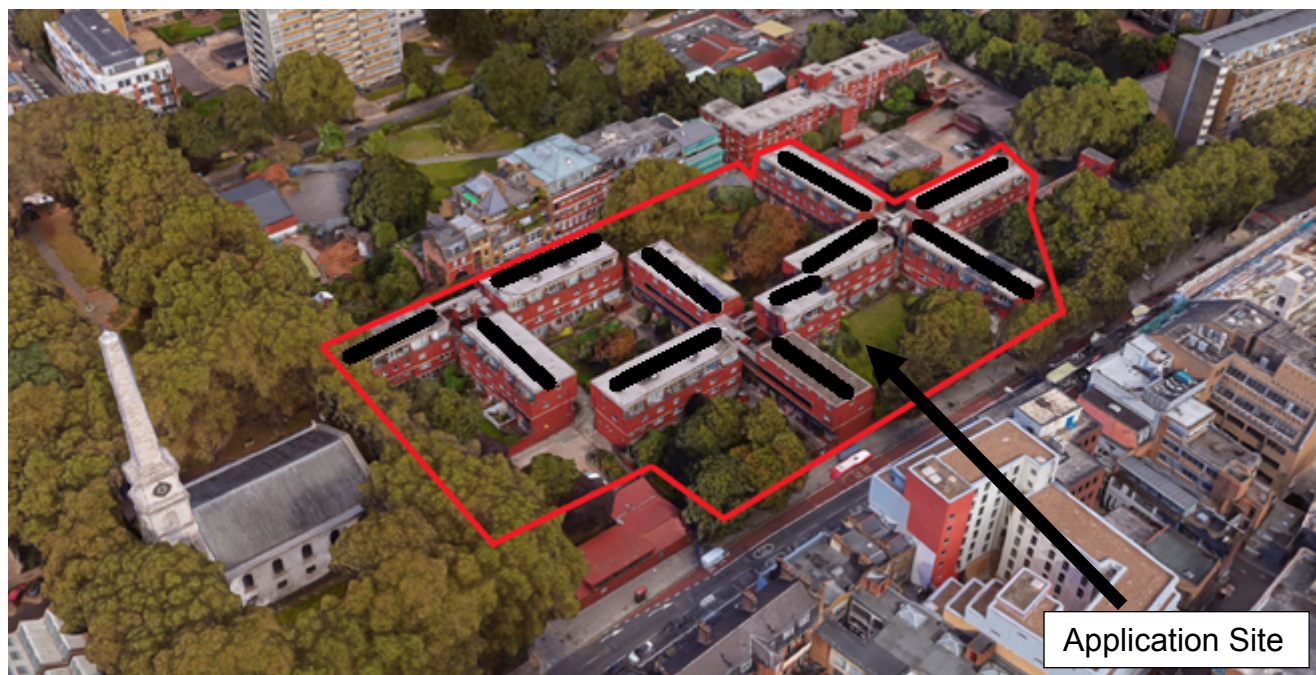


Image 1: Aerial View of the Application Site



Image 2: Photograph of the Front of Steadman Court from Old Street access



Image 3: Existing ladders and railings at Steadman Court



Image 4: View of Vickery Court from the north. St Luke's church is shown on the right.

3. Summary

- 2.1 Planning permission is sought for the retention of the upgraded communal heating system at three buildings comprising the Redbrick Estate, including Bartholomew Court, Steadman Court and Vickery Court. Works include the installation of replacement external mechanical pipework at roof level, and 10no. associated access ladders and railings. The key considerations in determining the application relate to the impact on the appearance of the existing buildings and on the character and appearance of the surrounding area, including the adjoining St Luke's Conservation Area, as well as sustainability.
- 2.2 The application is brought to committee because the properties are owned by the Council.
- 2.3 The application site comprises 3no. four storey residential buildings containing a total of 112no. self-contained residential units located on a street block surrounded by Old Street, St Lukes Close, Mitchell Street, Bartholomew Square and Bath Street. The application buildings are not listed and the site is not located within a conservation area but is situated within 50m of the boundary of the St Luke's Conservation Area. The surrounding properties are predominantly mixed use in character with a mixture of historic and modern developments ranging from three to twenty storeys in height. The Grade I listed St Luke's church is located opposite on St Luke's Close.
- 2.4 Prior to the installation of the upgraded system, the buildings contained mechanical pipework at roof level, with access stairs and ladders. Therefore, the main difference in their replacement is the increased scale of the pipework and the installation of rails above the flat roof at all buildings.
- 2.5 The new heating system consists of new flow and return pipework running from 2no. existing boiler houses, which rise vertically to roof level and across the rooftops where new services drop down through roof level into dwellings below. Powder coated aluminium casement to match surrounds is proposed around where the pipework rises from the boiler rooms to roof level. The proposal also includes the upgrade and replacement of existing ladders.
- 2.6 The proposed works would not result in an unacceptable degree of visual harm to the appearance of the buildings or to the character and appearance of the area, adjoining conservation areas or adjacent listed building, particularly having regard to the limited sightlines offered towards the proposed pipework and associated facilities, and the significant variation in building style, age and materials within the vicinity.
- 2.7 The Redbrick Estate has a major planning permission ref: P2015/0709/FUL for the construction of additional buildings between three and nine storeys in height, including a new community centre, and extensive public realm improvement works including hard and soft landscaping, alterations to entrances and alterations to boundary treatments. The scheme is currently under construction, and once finished would further reduce sightlines towards the roofs of Bartholomew, Steadman and Vickery Courts when viewed from the east.

3. SITE AND SURROUNDING

- 3.1 The application site comprises of 3no. four storey residential buildings located on a street block surrounded by Old Street, St Lukes Close, Mitchell Street, Bartholomew Square and Bath Street. Known as the Redbrick Estate, the properties are purpose built blocks of flats which date back to the 1960s/80s and are used for residential purposes. Overall, the buildings contain a total of 112no. self-contained flats. The existing buildings are constructed out of brick with a flat roof, and include existing pipework at roof level, with associated railings and access ladders.
- 3.2 The immediate area is characterised by a mix of historic and modern developments. Further, two additional buildings up to 9 storeys in height are currently under construction following major planning permission ref: P2015/0709/FUL. As such there is a variety of building styles, heights and designs within the locality. The surrounding area is predominantly mixed use in character. The buildings are not listed and are not located within a conservation area. However, the estate is within 50m of the boundary with the St Luke's Conservation Area. The Grade I listed St Luke's Church is also located opposite on St Luke's Close.

4. PROPOSAL (IN DETAIL)

- 4.1 Planning permission is sought for the retention of the upgraded communal heating system at the three buildings comprising the Redbrick Estate, including Bartholomew Court, Steadman Court and Vickery Court. Works include the installation of replacement mechanical pipework at roof level, and associated access railings across the flat roof of each building. Each railing would measure 1.1m in height, and would be set back from the edge by a distance of between approximately 4.1m and 1.4m (depending on the access requirements specific to each location). In order to access the roof level from the upper floor of each building, 10no. associated access ladders would be installed to replace existing ladders in each location.
- 4.2 The new heating system consists new flow and return pipework funning from 2no. existing boiler houses, which rise vertically to roof level and across the rooftops where new services drop down through roof level into dwellings below. Powder coated aluminium casement to match surrounds is proposed around where the pipework rises from the boiler rooms to roof level. The proposal also includes the upgrade and replacement of existing ladders.

5. RELEVANT HISTORY:

- 5.1 P2015/0709/FUL: Demolition of Vibast Community Centre, 169-173 Old Street and Health Centre, partial demolition of garages to west of Bath Street, the construction of 55 new homes (comprising 16 x 1 bed units, 25 x 2 bed units and 7 x 3x bed), a community centre (D1 use), two flexible A1/A2 use units across three buildings, consisting of the erection of a part single, four and nine storey building at the junction of Old Street and Bath Street to provide a community centre and A1/A2 unit with residential above, a part two and three storey building at the Junction of Old Street and St Luke's Close to provide an A1/A2 unit and residential units and a part single and four storey residential building fronting Bath Street, alterations to the garages fronting Bath Street, the provision of a new amenity space to the east of Steadman Court and public realm improvement works across the site, inclusive of hard and soft landscaping, cycle parking, alterations to entrances and alterations to boundary treatment. Application re-consulted following receipt of amended plans detailing two additional doors (serving a sub-station) in the Bath Street elevation of the garages. Approved with conditions and legal agreement by the Planning Committee dated 04/11/2015.
- 5.2 P100298: Proposed Installation of thermal Solar PV Panels on flat roof of Bartholomew Court. Approved with conditions 16/04/2010.
- 5.3 P041446 (Bartholomew Court, Steadman Court and Vickery Court): Replacement of windows with UPVC double glazing and installation of mechanical extracts for kitchens and bathrooms. Approved with conditions 13/08/2004.

ENFORCEMENT:

- 5.4 None.

PRE-APPLICATION ADVICE:

- 5.5 Q2016/0811/MIN: Renewal of existing communal heating system. Planning officers advised that the proposed heating pipes at roof level would likely be acceptable if assessed at application stage.

6. CONSULTATION

Public Consultation

- 6.1 Letters were sent to occupants of 467 adjoining and nearby properties on 2 October 2017. A site notice was displayed outside the site. Due to a change in the description, the application was re-consulted on 15 January 2018, and a further site notice was placed outside the site. The public consultation of the application therefore expired on 8 February 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.

6.2 At the time of the writing of this report 10 letters of objection and 3 comments had been received from the public with regard to the application. The concerns raised can be summarised as follows:

- Impact of the pipework and railings on the character and appearance of the buildings, noting that these would be highly visible. (**See paragraphs 8.2-8.9**)
- Lack of consultation with the community and lack of notification of the planning application, including concern that residents were previously assured that no external pipework altering the appearance of the estate would be proposed. (**See paragraph 6.1 and comments below.**)
- Concern that the new heating system is only being introduced to service the new flats. **See comments below.**
- Increased risk of break ins via accessible roofs. (**See paragraphs 8.12-8.13**)

Officer's Comment:

- The proposed elevation drawings show the pipework and railings as highly visible. However, the roof plan indicates that the pipework and railings would be set back from the parapet of the flat roof. Therefore, in sightlines towards the buildings, the pipelines and railings would be largely obscured, from ground level viewpoints.
- Letters were sent to residents and adjacent and adjoining neighbours on two occasions, and site and press notices were also placed. Therefore, it is considered that an adequate level of consultation has been undertaken, as part of this planning application. The applicant has advised that, prior to lodgement, they met with local residents to discuss options for the upgrading of the heating system. A large number of residents raised concerns that the initial proposal (which was to run the pipework across the face of the building front elevation and enter via bedrooms). The applicant advises that, in conjunction with residents, the pipes would run along the roofs and not across the elevations of the buildings.
- One objector noted that the system is only being introduced to service the new flats which were approved under major planning permission P2015/0709/FUL. The applicant has advised that the new build will eventually connect to the heating system, however those buildings are not yet built. The proposed pipe routes may be extended in the future to the new build by being laid under the green areas via a soft dig. Regardless, this is not a material planning consideration and has not been considered in the assessment of this application.
- Concern regarding increased risk of break ins via the accessible roofs. The Metropolitan Police has been consulted as part of the application, and advised that they are satisfied that the proposed ladders would not pose a risk in terms of illegitimate use and appear to be an improvement on the existing ladders with a cage covering the rungs. A condition has been recommended requiring that access to the ladders be restricted be to maintenance operations only.

Internal Consultees

6.3 Environmental Pollution, Policy & Projects Team: Does not object to the proposal, and notes that the proposal is unlikely to generate any significant sound or impact upon residents.

External Consultees

6.4 Metropolitan Police: advised that they are satisfied the proposed ladders would not pose a risk in terms of illegitimate use and appear to be an improvement on the existing ladders with a cage covering the rungs. They are not easily accessible and there are no access points into the building once on the roof.

7. 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.

- 7.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
 - To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).
 - The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
 - Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 7.2 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 7.3 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents:**

National Guidance

- 7.2 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.

Development Plan

- 7.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

8. ASSESSMENT

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

- Design and Heritage
- Neighbouring Amenity
- Other Issues

Design

- 8.2 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality; policies 7.1, 7.4, 7.5 and 7.6 state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context.
- 8.3 Islington's Planning Policies and Guidance encourage high quality design which compliments the character of the area. In particular, DM2.1 of Islington's adopted 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. Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 8.4 The proposed replacement mechanical pipework consists of flow and return pipework running from 2no. existing boiler houses, which rise vertically to roof level and across the rooftops where new services drop down into dwellings below. The pipework rises approximately 0.3m above roof level, and would be set back from the edge by between approximately 5.4m and 2m. Overall, due to the height of the buildings, minimal height of the pipework and its setback from the edge, it is not expected that it would be visible in long or short views.
- 8.5 The associated railings would measure 1.1m in height. The railings would be set back from the edge by a distance of between approximately 4.1m and 1.4m, depending on the roof plan of each block and location of pipework, except for in small sections where they are required for safe ladder access.
- 8.6 Overall, due to the height of the buildings and the set back of the rails, it is not anticipated that the set-back railings would be visible from the immediate streetscene. It is anticipated however that the proposed railings will be partially visible from longer views, including from within the surrounding St Luke's Conservation Area. Where railings are required to continue to the edge of the roof due

to ladder access requirements, this is minimised as much as possible. Whilst these sections of railings are visible in short views and from long distances, it is not considered that the impact is significant to warrant refusal for this reason. Further, following the construction of the permitted majors scheme on the Redbrick Estate site, sightlines towards the roofs of Bartholomew, Steadman and Vickery Courts would be further reduced when viewed from the east.

- 8.7 The applicant has advised that some sections of railings have been installed closer to the edge of the roof than indicated on the proposed plans, in order to allow for the safe installation of the pipework. These railings are to be relocated into the location shown on the proposed plans. To ensure that this is the case, a condition has been included requiring that the railings be relocated to the locations demonstrated on the proposed plans within 2 months of the completion of pipework installation, if members are minded to approve the application.
- 8.8 The proposal also includes the provision of fixed access ladders between the intermediate roof, up to the main roof level. These ladders would replace existing ladders and would not materially harm the character or appearance of the buildings.
- 8.9 The application properties are 1960s/70s style properties, and the properties adjoining and adjacent to the site are mixed in character. It is therefore not considered that the proposal would cause demonstrable harm to the character and appearance of the property or wider street scene. It is considered that given the style of housing, the presence of existing pipework and some existing railings, and the great variety of building style, age, design and materials, the installation of the upgraded communal heating system is not considered to be harmful to the character and appearance of the streetscene and wider area, nor would it materially harm the setting of the Grade I listed St Luke's Church which sits adjacent to Vickery Court.
- 8.10 Given the above, the proposal is considered to be consistent with the aims of the Council's policies on design and accord with policies 7.6 (Character) of the London Plan 2016, policy CS8 (enhancing Islington's Character) of the Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013.

Neighbouring Amenity

- 8.11 Policy 7.6 of the London Plan and policy DM2.1 of the Development Management Policies requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and day light, over-dominance, sense of enclosure and outlook.
- 8.12 The proposed railings and pipework would be located at the roof level and would not have any material impact on the occupiers on site or within the locality. The proposed access ladders would also not impact upon neighbouring amenity. Further, the Council's noise officer has confirmed that the proposal is unlikely to generate any significant sound or impact upon residents. Overall, the proposed development is acceptable in residential amenity terms and accords with policy DM2.1 of the Development Management Policies 2013.

Safety and Access

- 8.13 The proposal includes the provision of 10no. replacement ladders from the intermediate roof to provide access to the roof level of each building. Concern has been raised by residents that these ladders would allow illegitimate users to access the roof space, providing opportunity for break-ins from roof level. The Metropolitan Police has reviewed the application and has advised that the ladders would not pose a risk to illegitimate use and appear to be an improvement on the existing ladders with a cage covering and rungs. Further, should members be minded to grant permission, a condition has been included requiring that access to the ladders be restricted to maintenance operations only.

9. SUMMARY AND CONCLUSION

Summary

- 9.1 The installation of an upgraded communal heating system in this particular location, due to the specific details of the system proposed and variety of building styles, age and materials in the vicinity is acceptable in this instance. The pipework and railings would largely be obscured from both short and long views. Furthermore, given the appearance of the existing buildings, it is considered that the proposed system would not result in visual harm to the overall appearance of the building or wider street scene. A condition is also recommended to ensure that all railings are relocated to the locations indicated on the proposed plans. There is also a clear public benefit achieved in the proposal through the enhanced residential heating system which will enhance the sustainability of the buildings.
- 9.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents and as such is recommended for approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing numbers 02, 03, 04, 05, 06, 07, 08, 09, and M701; HeightSafe Systems Freestanding Guirrail System O&M Brochure; HeightSafe Systems Ladder Specification – Aluminium Standard Ladder with Walkthrough Top; HeightSafe Systems aerial photograph; Access Ladder Example; and Photographs x6.</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>
2	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. 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>
3	Condition
	<p>CONDITION: All roof top railings must be relocated to the locations indicated on the hereby approved plans within 2 months of the date of this permission and maintained as such thereafter into perpetuity.</p> <p>REASON: In order to protect the character and appearance of the site and the wider streetscene.</p>
4	Condition
	<p>CONDITION: Roof access ladders shall be secured and accessible only for maintenance purposes.</p> <p>REASON: In order to restrict public access to the roof and to protect resident safety.</p>

List of Informatives:

1	Positive statement
	<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 applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 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

London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 Design
Policy DM2.3 Heritage

Energy and Environmental Standards

Policy DM7.1 Sustainable design and construction
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes
Policy DM7.4 Sustainable Design Standards

3. Designations

Key Strategy Key Area – Bunhill & Clerkenwell
Finsbury Local Plan Area – Bunhill & Clerkenwell
Central Activities Zone
Within 50m of St Luke's Conservation Area
Article 4 Direction (A1-A2)

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan
- Urban Design Guide (2017)

Islington SE GIS Print Template



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