



Resources Department
Town Hall, Upper Street, London, N1 2UD

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **21 November 2017 at 7.30 pm.**

Yinka Owa
Director of Law and Governance

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Tel : 020 7527 3068
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Despatched : 10 November 2017

Welcome:
Members of the public are welcome to attend this meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
6. Minutes of Previous Meeting	1 - 6
B. Consideration of Planning Applications	Page
1. 34 Drayton Park, N5 1PW	7 - 34

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| 2. | Flats A-F, 33 Charteris Road, N4 3AA | 35 - 48 |
| 3. | Unit 9 & 10, 9 Frogmore Industrial Estate, 99 Kelvin Road, N5 2PL | 49 - 66 |

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

D. Urgent non-exempt items

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

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

F. Confidential/exempt items **Page**

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee B, 8 January 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 Zoe Lewis/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk

London Borough of Islington

Planning Sub Committee B - 2 October 2017

Minutes of the meeting of the Planning Sub Committee B held at Council Chamber on 2 October 2017 at 7.30 pm.

Present: **Councillors:** Court, Kay and Fletcher

Councillor Fletcher in the Chair

307 INTRODUCTIONS (Item A1)

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

The Chair advised that due to technical problems, no power point presentations would be used until it is resolved.

308 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Donovan-Hart and Khan.

309 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

310 DECLARATIONS OF INTEREST (Item A4)

Councillor Kay declared a personal interest in item B3 – Newington Green Primary School.

311 ORDER OF BUSINESS (Item A5)

The order of business would be B1, B2, B3, B5 and B4.

312 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 25 July 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

313 44 PEAR STREET, LONDON, EC1V 3SB (Item B1)

Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.

(Planning application number: P2017/0865/FUL)

In the discussion the following points were made:

- The Planning Officer advised that due to some inconsistencies in the report, item should be deferred.

Councillor Fletcher proposed a motion to defer for the reason stated above. This was seconded by Councillor Kay and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

314 60 HALLIFORD STREET, N1 3EQ (Item B2)

Application for variation of condition 2 (Approved Drawings) of planning consent Ref: P2016/4970/FUL to allow for the demolition and rebuilding of the garden wall to form a side wall of the single storey extension.

(Planning application number: P2017/2464/S73)

In the discussion the following points were made:

- Planning Officer advised that planning consent had been granted by Committee on 20 April 2017 and that the changes requested by applicants was for minor amendments to the approved application.
- Planning Officer informed Members that following further revision, the small increase in the bulk, scale, depth and height of the scheme would have minimal impact on the amenities of the adjoining properties.

RESOLVED:

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

315 NEWINGTON GREEN PRIMARY SCHOOL, 105 MATTHIAS ROAD, N16 8NP (Item B3)

Erection of external canopy to east elevation at ground floor level.

Planning Sub Committee B - 2 October 2017

(Planning application number: P2017/1518/FUL)

In the discussion the following points were made:

- The Planning Officer advised Members that the design of the canopy was considered to be in keeping with the host building and surrounding area. It was noted that the proposal would preserve the visual appearance and historical character of the Newington Green Conservation Area.
- The Planning Officer informed Committee that the proposal would not impact on the amenities of the adjoining or adjacent properties in terms of noise disturbance, overlooking or loss of light.
- With regards to the status of the existing trees on the site, Members were advised that no objections were received from the Council's Tree Officer.

RESOLVED:

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

316 ORCHARD BUILDING, 25 PEAR TREE STREET, EC1V 3AP (Item B4)

The erection of two roof extensions, stair, lift core and stair walkway over existing roof level to provide 3 x self-contained 2 bedroom residential units together with private terraces and a green-brown roof.

(Planning application number: P2016/4087/FUL)

In the discussion the following points were made:

- The Planning Officer informed Members of a correction in paragraph 10.2 of the report, that the word ' not' to be deleted from the paragraph.
- The Planning Officer advised Members that 3 additional responses had been received since report was published and in particular the Fire Brigade had requested that sprinklers be installed in the building.
- The Planning Officer advised that the proposed additions are not considered to be out of character but relate well to the existing built forms in the vicinity.
- Objectors raised concerns about the overdevelopment of the site; its sense of enclosure; loss of daylight and sunlight and the level of noise from the construction activities. Objectors noted that Officers had not taken into consideration other recent permissions that had been granted in the vicinity and were concerned that the present proposal was being developed in a piecemeal manner.
- In response to concerns about the impact of noise disturbance during the construction period, the agent advised that a Construction Management Plan had been submitted with the application. The agent acknowledged that all building activities would be restricted to the normal working hours Monday – Friday. Finally agent informed Committee that most of the units would be assembled off site and transported onto the site and building lifts would not be utilised as an external lift

Planning Sub Committee B - 2 October 2017

would be installed for the operations.

- Members were advised that considering the dense development around the site, the daylight and sunlight loss was regarded as minimal. The Planning Officer advised that the BRE test is not strictly applied in central London locations.
- With regards to the material being used on the building, the agent advised that the difference in material was employed to reflect the original material and to be sympathetic to other buildings in the neighbourhood thereby having a minimal visual impact.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

317 UNIT 9 & 10, 9 FROGMORE INDUSTRIAL ESTATE, 99 KELVIN ROAD, N5 2PL (Item B5)

Section 73 application for the variation to conditions 3 (hours of operation and deliveries) of planning consent ref P122329 dated 12/08/2013 for the:
Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter.

The variation seeks to alter the hours of operation and deliveries to:
07:30-18:00 hrs Monday to Friday
07:30-13:00 hrs Saturday
Closed on Sundays and Bank Holidays

(Planning application number: P2017/1597/S73)

In the discussion the following points were made:

- Planning Officer advised that the extension to the hours of operation and delivery was to ensure flexibility and the increase in business need.
- Members were advised that the application was called in by ward councillors due to concerns about its impact on the amenity of residents.
- Councillor Gantly was concerned about the breach of previously agreed operation hours and that extending the hours of delivery by 30 minutes would further impact the amenity of residents who reside directly to the rear of the site. He was concerned that resident's complaints about the noise emanating from articulated vehicles and forklifts had not been addressed.
- The Planning Officer informed Members that the agent had not attended the meeting to address the Committee. A suggestion that item be deferred so as to provide Members a further opportunity to ask agent some questions was noted.

Planning Sub Committee B - 2 October 2017

Councillor Fletcher proposed a motion to defer item to another meeting so that the applicant or agent be invited.

This was seconded by Councillor Kay and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

The meeting ended at 8.55 pm

CHAIR

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PLANNING SUB-COMMITTEE B		
Date:	21 November 2017	NON-EXEMPT

Application number	P2016/4194/FUL
Application type	Full Planning Application
Ward	Highbury East
Listed building	none
Conservation area	none
Development Plan Context	Core Strategy Key Area Cycle Routes (Major)
Licensing Implications	Yes
Site Address	34 Drayton Park, Islington, London, N5 1PW
Proposal	Part-Retrospective change of use of part of the ground floor to restaurant (A3). Replacement of existing shutters on the ground floor front elevation with double glazing to create new window and sliding entrances and erection of three canopies and alteration to windows at upper floors, replacement of roof to the rear ground floor and addition of flue, solar panels and rooflights plus alterations to front forecourt.

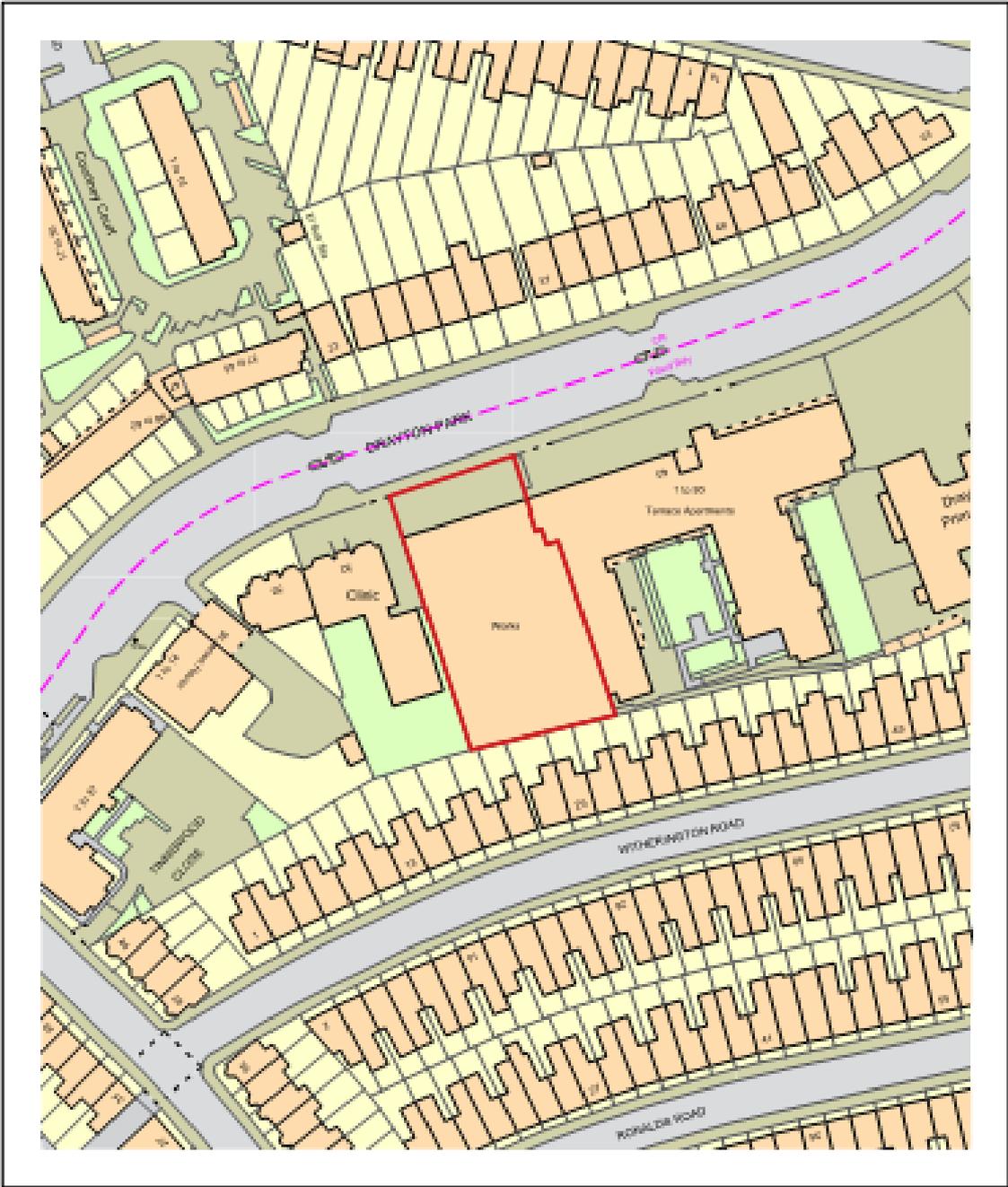
Case Officer	Joe Aggar
Applicant	C/O Agent
Agent	Indigo Planning

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)



2. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site

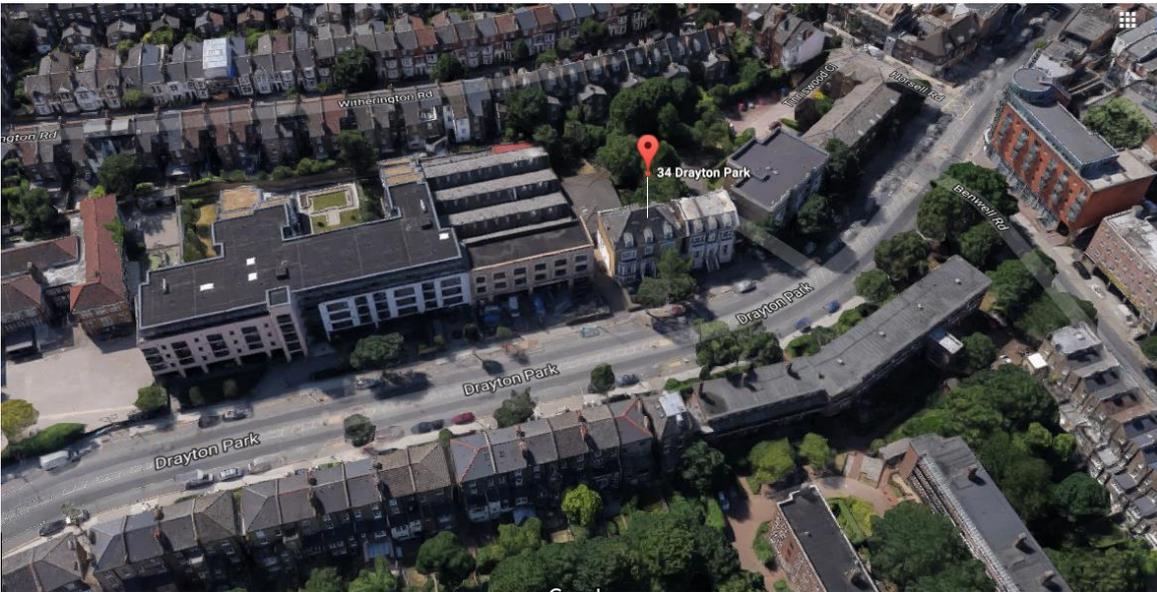


Image 2: Aerial view



Image 3: View of the front of the application site.



Image 4: View of the front of the application site

4.0 SUMMARY

- 4.1 The site is currently occupied by a 1930s industrial building consisting of a 3-storey frontage building with a tiled front elevation, and a single-storey building (with a sawtooth roof) towards the rear of the site. The south side of Drayton Park is a road characterised by large-scale buildings of markedly different design, age and materials. Buildings are generally 3 - 4 storeys in height, though some, such as 1 Benwell Road, are markedly taller than this (totalling 7 storeys in height).
- 4.2 The majority of the buildings in the surrounding area are in residential use. These include 19th century terraced properties along Drayton Park and Witherington Road, and a more recent residential development (Terrace Apartments) at 36-52 Drayton Park. To the west of the site is a mental health care facility at 32 Drayton Park. The site is not within a conservation area. The building is not statutorily listed, nor does it contain a scheduled monument.
- 4.3 The upper floors do not form part of this application. Planning permission is sought for the retrospective change of use of 189.6sqm of B8 Use (warehouse space), to A3 Use (restaurant) plus i) external alterations to the front façade, ii) the roof of the saw tooth roof, iii) front forecourt and reduction in size of the crossover. The proposal would not result in a loss of B-floorspace (net increase in 161.9sqm, para. 10.6), nor would the A3 use detract from the vitality or vibrancy of nearby Town Centre or Local Shopping Area.
- 4.4 The design of the proposed development is considered acceptable and to accordance with CS9 of the Islington Core Strategy, DM2.1 of the Development Management Policies and the Urban Design Guide
- 4.1 The proposal, based on the details submitted and subject to condition, is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of daylight or sunlight, outlook nor increased sense of enclosure, noise or odours and would accord with policy DM2.1 of the Islington Development Management Policies June, 2013.
- 4.2 The redevelopment of the site would allow for vehicular servicing to the front and the provision of two disabled parking bays. The proposal has existing servicing and access which would be utilised and the requirement to service off road complies with the aims of policy DM8.4 of the Development Management Policies.
- 4.3 The application is referred to committee as a result of the number of objections. The proposal, on balance, is considered acceptable in terms of land use, design, impacts on neighbouring residential amenity and servicing, subject to conditions. The proposal is considered, to be acceptable (subject to conditions) and in accordance with the Development Plan policies. Planning permission is recommended for approval.

5. SITE AND SURROUNDING

- 5.1 The site is currently occupied by a 1930s industrial building consisting of a 3-storey frontage building with a tiled front elevation, and a single-storey building (with a saw tooth roof) towards the rear of the site. The south side of Drayton Park is a road characterised by large-scale buildings of markedly different design, age and materials. Buildings are generally 3 - 4 storeys in height, though some, such as 1 Benwell Road, are markedly taller than this, being 7 storeys in height.
- 5.2 The front elevation of building is clad in a terracotta faience. At ground floor, two wide loading bays are flanked by two smaller pedestrian entrances, one of which has been blocked up. At first and second floor are crittal windows set in panels of paler buff faience.

Windows have panels arranged eight by four, except for the far left hand bay. The proposed A3 Use at ground floor has been implemented and is considered operational. Separately to this there appears to be operational development within the forecourt. The forecourt has been divided into two with the erection of a boundary and the planting of trees and installation of large sleepers.

- 5.3 The site lies approximately 170m east from the Lower Holloway Local Shopping Area and approximately 500m from the Nags Head Town Centre to the north west. The surrounding area is predominately residential. These include 19th century terraced properties along Drayton Park and Witherington Road, and a more recent residential development (Terrace Apartments) at 36-52 Drayton Park. There are a mix of uses in vicinity including a school (Drayton Park Primary School), a clinic and other ground floor commercial uses.
- 5.4 The site is not within a conservation area. The building is not statutorily listed, nor is it a scheduled monument.

6. PROPOSAL (in Detail)

- 6.1 The applicant proposes a change of use of 189.6sqm of B8 use (warehouse) located on the ground floor to A3 use (restaurant). The application also involves the uplift of business floor space by 351.5sqm through the introduction of mezzanine levels within the remaining B8 space.
- 6.2 Since the application has been submitted, some aspects of the proposed works have been undertaken. These include:
- the change of use of part of the ground floor from warehousing and distribution to a restaurant, which is now operational
 - the installation of the flue to rear elevation and;
 - installation of glazed entrance screen to loading bay.
- 6.3 There are unauthorised works to the front forecourt. These include:
- Planting of trees
 - the installation of sleepers
 - the installation of timber seating and;
 - boundary fencing.
- 6.4 The existing crossover is proposed to be reduced in width from 10m to 6m with the ability to service formalised within the front forecourt. Two disabled parking bays, 5 cycle racks and 12 bins are also proposed to the front forecourt. The proposed external alterations to the front involve the removal of the shutters to the two loading bays and the installation of glazed openings. The two pedestrian openings would also be glazed. Above the ground floor entrances three canopies are proposed. The upper floor windows to the front elevation are proposed to be replaced with double glazed steel windows and the terracotta fiancé retained and repaired.
- 6.5 To the rear of the three storey front building, the erection of a flue is proposed and behind the three storey building the application proposes the replacement of the roof material to the distinctive saw tooth profile (single storey building) as well as the installation of new and replacement roof lights.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

34, Drayton Park

- 7.1 P2016/2171/PRA – Prior approval refused 27/07/2016 for the proposed change of use of part of the existing property to residential use (C3 class) creating 10 self-contained residential studios.

Reason: In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and specifically the provisions of Class O and paragraph W, the Local Planning Authority refuses this application as in its opinion, the applicant has provided insufficient precise and unambiguous information to enable the Local Planning Authority to confirm that the proposed development complies with restriction O.1(b) which requires that the use of the first and second floors (that are the subject of this application) was as B1(a) offices on or before 30 May 2013. Based on the information provided the Local Planning Authority considers that on the balance of probabilities the lawful use of the first and second floors on or before 30 May 2013 was not as a B1(a) office.

- 7.2 P080730 – Planning permission refused 29/05/2008 for change of use of first and second floors at 34 Drayton Park from office use to residential.

Reason: The proposed development would result in the loss of business premises originally purpose built for industrial or warehouse use with facilities adequate for the full range of B1 uses, and is therefore contrary to policy E4 of Islington's Unitary Development Plan (2002).

Reason: The proposal will result in the creation of residential accommodation with substandard level of amenity due its location above a warehouse which will generate noise and general disturbance. The application fails to demonstrate how this situation will be taken into account to protect potential occupiers contrary to the requirements of policy En17 of the Unitary Development Plan 2002.

- 7.3 931994 – Planning permission granted 27/06/1994 for change of use of ground floor premises at 34 Drayton Park from general industry to warehouse (class B8).

36-52, Drayton Park

- 7.4 P052909 – Planning permission granted 07/03/2006 for demolition of existing buildings (former olive factory) at 36-52 Drayton Park and redevelopment for mixed use comprising 93 units, 285sqm of office floorspace, a private gym, parking and associated landscaping and access.

36-38, Drayton Park

- 7.5 P052769 – Renewal of permission ref: 972127 refused 12/01/2006.
- 7.6 P031448 – Planning permission approved for reserved matters (siting, design, external appearance and access) pursuant to condition 2 of outline permission 972127.
- 7.7 972127 – Outline planning permission granted 21/09/2000 for the part demolition, extension at roof level and construction of new single storey buildings at the rear and conversion of existing frontage building at 36-38 Drayton Park to provide B1 floorspace on the ground floor and part first floor and residential on the remaining first, second, third and fourth floors and associated car parking, servicing and communal amenity area.
- 7.8 960968 – Outline planning permission refused 12/03/1997 for the demolition of existing buildings at the rear of the site at 36-38 Drayton Park to form residential parking and amenity access, and conversion and part vertical extension by one storey of the frontage building to provide flats. A subsequent appeal appears to have been withdrawn.
- 7.9 951828 – Planning permission granted 14/03/1996 for widening of existing crossover at 36-38 Drayton Park from 4.5m to 6.05m.

38, Drayton Park

- 7.10 871764 – Planning permission granted 10/02/1998 for widening of existing vehicle access at Cypressa House, 38 Drayton Park.

38-50, Drayton Park

- 7.11 850262 – Planning permission granted 27/08/1985 for redevelopment of part of the premises at 38-50 Drayton Park to provide a ground floor loading bay with a new 3-storey building above and a new single-storey building at the rear, for light industrial use.

36 Drayton Park

- 7.12 841721 – Planning permission granted 08/01/1985 for change of use of ground floor at 36 Drayton Park from light industry to distribution centre, packing and warehousing.

ENFORCEMENT

- 7.13 E11/05959 - First Floor Unit A, 34, Drayton Park. Unauthorised use as residential. Enforcement case closed.

PRE-APPLICATION ADVICE:

- 7.14 August 2016 Pre-application (ref: Q2016/2198/MIN) for, Proposed use of part of the proposed ground floor (190sqm).

“The proposed use may be acceptable subject to justification provided as to its location outside a town centre, and subject to your team demonstrating no adverse impact on neighbouring residential occupiers. I suggest that you review the pre-application proposal in light of the concerns raised at this stage.”

- 7.15 May 2016 Pre-application (ref: Q2015/5149/MJR) for the, Demolition of existing building (except for retention of façade) and erection of a 5-storey building (plus basement) accommodating 2,435.9sqm (GIA) B1 workspace at basement, ground, first and second floors, 9 residential units (3x 1-bed, 5x 2-bed and 1x 3-bed) at third and fourth floors, and associated cycle parking and landscaping.

CONSULTATION

Public Consultation

- 8.1 Letters were sent to 196 occupants of adjoining and nearby properties at Drayton park, Witherington Road and Courtney Road on 25 November 2016. The initial public consultation of the application expired on 22 November 2016.
- 8.2 Following receipt of an amended proposed front forecourt area and removal of the upper floors from the proposal a second round of consultation took place which ended on 28 March 2017. Following submission of sequential tests to asses Nags Head Town Centre and Lower Holloway Local Shopping Area a third round of consultation expired on 13 November 2017.
- 8.3 It is the Council’s practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 11 had been responses received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- In support of the application
 - Should be no takeaway or fast food licence (10.3)

- Drawings show, rooms, mezzanines and toilets which are positioned close to the rear gardens (10.42)
- New skylights proposed which faces residential properties (10.31)
- No neighbour notification in relation to P2016/2171/PRA (10.43)
- Detrimental to neighbouring amenity (10.31-10.33)
- Overconcentration of restaurants in the vicinity (10.29-10.34)
- Jeopardizes road safety (10.41)
- Threatens cyclists (10.41)
- Smell and odour from proposed flue (10.33)
- Drayton park already suffers from excessive traffic (10.41)
- Large restaurant should be located in primary and secondary frontages (10.18, 10.22)
- Loss of industrial space (10.6)
- Only 5 spaces for cyclists (10.37)

Internal Consultees

- 8.6 **Planning Policy:** This policy DM5.2 aims to prevent loss/reduction of business floorspace (B1, B2 and B8). Loss of B8 uses would be a concern in more defined industrial areas, but this location cannot be considered an industrial area.

The proposal provides an overall increase in business floorspace. While further B8 could be created in lieu of the A3 floorspace, there is no requirement for maximisation of business floorspace in this location, hence the proposed uplift is considered acceptable. The proposed B8 floorspace should meet requirement in DM5.1 particularly Part F. There is no explicit requirement for SME/affordable workspace, but provision would be encouraged; the design of the floorspace should be flexible, allowing for subdivision and hence possible occupation by SMEs, in line with DM5.1 requirement. DM4.4 directs new A3 uses to Town Centres, then LSA/edge-of-centre sites, then out-of-centre sites. This location is an edge-of-centre location. The application does not trigger the requirement for an impact assessment but it should be sequentially justified, i.e. the applicant should investigate whether there are sequentially preferable sites in the Town Centre and possibly in nearby LSAs. To be compliant the proposal must satisfy that any submitted sequential test is robust and demonstrates that there truly are no sequentially preferable sites. The proposed A3 use must ensure that any amenity impacts from odours, noise, etc are mitigated/prevented, in line with DM2.1 requirements.

- 8.7 **Design and Conservation Officer:** No objection.
- 8.8 **Licensing Officer:** The premises have a license which allows the sale of alcohol up to 11pm each day and close play at 11:30 each day.
- 8.9 **Inclusive Design:** The preference is for accessible parking bays to be located on street and only at a ratio of 1:33 employees for commercial developments. It is an objective of the proposal to provide ramped access and improve internal circulation and accommodation to facilitate wheelchair access. It seems the approach gradient is 1:21.5... this is shallower than a 'ramp' and so does not require handrails - this is welcome (however a landing should be provided at the head of the incline to enable users to stop and open the doors to the restaurant). The installation of automatic sliding doors is also welcome - will these be proximity activated or paddle controlled. If the latter, details of the paddle locations are requested.
- 8.10 **Highways:** need to alter the existing crossover and therefore requirement for s278. Vehicles must also exit in forward gear from forecourt.

8.11 **Noise Officer:** The rear of the site is screened from environmental noise by buildings and has very low background sound levels for an urban area. The submission includes a plant noise assessment for the building services plant, primarily the kitchen extraction system (the condensers are proposed to be installed internally). This is to be operated between 1000 and 2300 only. The following conditions on overall noise levels and times of operation controls are advised to minimise the impact of the plant:

"The plant noise rating level shall not exceed the following limits as measured at monitoring positions MP1 (1m from any residential façade at the front of site) and MP2 (1m from any residential façade at the rear of site):

	Noise Emission Limit: dB(A)
Location	Daytime (0700-2300 only)
MP1: Front of site	43
MP2: Rear of site	28

The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."

This condition is worded for no exceedance of background sound levels rather than the usual policy of 5dB below due to the very low background level measured in the area.

"Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of kitchen extraction system to between the hours of 07:00 to 23:00 each day only. The condenser unit shall not be operated outside of these hours. The timer shall be maintained as such thereafter."

The proposed restaurant use is in close proximity to residential and the following controls are advised to minimise the impact of operational noise:

"Deliveries, collections, unloading, loading shall only be between the following hours:

Monday to Saturday: 08:00 - 20:00

Sundays/Bank Holidays: not at all"

"The A3 use hereby approved shall not operate outside the hours of 1000 to 2300 hours each day only."

External Consultees

8.12 None.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

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

Land Use

- 10.2 The application site (34 Drayton Park) was built as a purpose built laundry in the 1930s. The use of the laundry finished a number of years ago and the site has a varied planning history, in use as industrial. The most recent planning history indicates that the sites lawful use is warehousing (B8 Use Class).
- 10.3 The application site is located on the southern side of Drayton Park and consists of a three storey storage and distribution building. The A3 (restaurant) element has been implemented and is considered operational. The site lies approximately 170m east from the Lower Holloway Local Shopping Area. Drayton Park Local Shopping Area is approximately 250m to the east and the site also lies approximately 500m from the Nags Head Town Centre to the north west. The surrounding area is predominately residential although there are a mix of uses in the vicinity including a school, clinic and ground floor commercial uses.
- 10.4 Policy CS4 in Islington's Core Strategy sets out the council's intentions for the Highbury Corner and Holloway Road key area, but does not set out any specific proposals for Drayton Park.

Loss of B-floorspace

- 10.5 The proposal would result in the loss of B8 floor space on the ground floor and part of the first floor of the existing four-storey office building. The site is not located in a designated industrial area where the loss of B8 would be resisted. Policy DM5.2 indicates that proposals that would result in a loss or reduction of business floor space 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 floor space. It is considered there have been periods of inactivity at the site. However, no clear information has been provided in terms of length of vacancy.
- 10.6 Appendix 13 of the Development Management Polices clarifies business floorspace/ buildings/ development/ uses includes activities or uses that fall within the B-Use Class (i.e. offices, industry, or warehousing). In this specific instance, the proposal results in change of use of 189.6sqm of B8 space to A3 space. The existing gross internal floor space of the unit is 1,965sqm. The proposal includes the introduction of mezzanine floors within the

remaining B8 space which would account for an uplift of 351.5sqm. Overall there would be 2126.9sqm of B8 floor space, a net increase of 161.9sqm. The proposal would therefore not conflict with the aims of Policy DM5.2 as there would be no net loss of business floorspace as a result of the proposal, but would in fact be an increase.

- 10.7 Development Management Policy DM5.1 concerns new (including replacement) business floorspace, including warehousing. Outside Employment Growth Areas, Town Centres and the Vale Royal/Brewery Road Locally Significant Industrial Site such as this, business floorspace may be provided within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth.
- 10.8 The introduction of a restaurant would result in a mixed use site. The introduction of a restaurant can be considered to enliven the street. This is subject to no adverse impacts on existing Town Centres and Local Shopping Areas (discussed below). The site currently has no residential element, and is solely in commercial use, as the site has been historically and would not compromise residential growth in this instance. As such the proposal is not considered to conflict with Part C of Policy DM5.1.
- 10.9 DM5.1 also requires that new business floorspace be designed to allow for future flexibility for a range of uses (including future subdivision and/or amalgamation for a range of business accommodation, particularly for small businesses). It can be seen from the floor plan that there is space capable of being used as separate spaces. A lobby/hallway circulates the ground floor providing access to possible individual business spaces giving a level of flexibility. This is considered to go some way in to meeting the aims of DM5.1, albeit this should be tempered against the existing lawful use of the building as B8 and can operate on this basis.

Effect on Town Centres

- 10.10 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.
- 10.11 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 edge of Local Shopping Areas.
- 10.12 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 Policy 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.
- 10.13 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 189.6sqm of floor space, of which the net useable floor space by patrons is approximately 67sqm. This small quantum of proposed floor space, when taken into account with the stated role and function of the proposal means that any effects would be very small and localised.
- 10.14 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 170m from the nearest local shopping area (Lower Holloway Local Shopping Area).

10.15 The sequential test considered sites within the nearest defined town centre, the Nags Head Town Centre and the Lower Holloway Local Shopping Area. The boundary of the town centre and LSA is defined within the Map in Appendix 3 of Islington's Development Management Policies. For the Nags Head Town centre, 10 sites were identified within the test, with a further site at 256-268 Holloway Road. The summary of the findings are outlined below. From the evidence there are no suitable sequentially preferable alternative sites identified.

Site number	Address	Site Area	Findings
1	Unit 1, Harper Building, 256-268 Holloway Road	114sqm	On its own, the unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
2	Unit 2, Harper Building, 256-268 Holloway Road	47sqm	On its own, the unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
3	Unit 3, Harper Building, 256-268 Holloway Road	85sqm	Indigo Planning has spoken to the agents for the site, who confirmed that the unit is now under offer. The unit is not available.
4	Unit 4, Harper Building, 256-268 Holloway Road	192sqm	Further analysis required of this unit as it is large enough to accommodate the proposed scheme. However although the agent has confirmed that the site is not currently under offer, Starbucks have recently received planning permission for a sui generis coffee shop.
5	Unit 5, Harper Building, 256-268 Holloway Road	36sqm	The unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
6	296 Holloway Road	190sqm	Indigo Planning has spoken to the agents for the site, who confirmed that the unit is now under offer. The unit is not available.
7	330 Holloway Road	110sqm	Even allowing for flexibility, the unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
8	328 Holloway Road	130sqm	From the site visit, a notice was on display at the site confirming that A&S Fast Foods Ltd has applied to LB Islington for a Premises License to sell alcohol from the unit. A&S Fast Foods are the current tenant of the unit, and operated the Sam's Chicken Brand that previously occupying the unit. It is clear, from the licensing application, that A&S Fast Foods Ltd maintains an interest in the unit and intends to continue to occupy and trade from it. Given this, the site is not available. Furthermore, the site is also too small to accommodate the proposed restaurant and is not suitable.
9	512 Holloway Road	120sqm	Even allowing for flexibility, the unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
10	550 Holloway Road	95sqm	Even allowing for flexibility, the unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.

Figure 1: Summary of sequentially preferable sites (Nags Head Town Centre).

10.16 The Lower Holloway LSA has a mix of commercial uses, with shops located in Victorian buildings, the average unit size being 77m² within the LSA. The proposal at 189.6sqm (A3 use) is over double the average unit size so the A3 unit would not be considered "small" relative to the LSA, however still be of a reasonable size. A sequential test was submitted in relation to Lower Holloway. Nine available sites were tested and none found to be suitable.

Lower Holloway Local Shopping Area			
Site number	Address	Site Area	Findings
1	Unit 2, 263-289 Holloway Road	300sqm	The site visit identified that the unit is to be occupied by Turtle Bay and is therefore not available. A planning application (ref: P2017/2506/S73) has recently been submitted to the LPA to extend the opening hours of the unit to facilitate its occupation.
2	Unit 3, 263-289 Holloway Road	200sqm	The site visit identified that the unit is to be occupied by Franco Manca and is therefore not available.
3	Unit 4, 263-289 Holloway Road	350sqm	The site visit identified that the unit is to be occupied by Nandos and is therefore not available.
4	158 Holloway Road	450sqm	The unit is too large for the proposed restaurant. The sub-division of the floor-space would result in each new unit having only a very small frontage. This would result in the internal areas of neither unit relating well in scale or configuration to their frontages. Sub-division would therefore not be viable. Furthermore, whilst the unit appeared vacant on the site visit, there is no evidence of the unit being marketed, which would suggest it is not available.
5	148 Holloway Road	420sqm	The unit is too large for the proposed restaurant. The sub-division of the floor-space would result in each new unit having only a very small frontage. This would result in the internal areas of neither unit relating well in scale or configuration to their frontages. Sub-division would therefore not be viable. Furthermore, whilst the unit appeared vacant on the site visit, there is no evidence of the unit being marketed, which would suggest it is not available.
6	120 Holloway Road	70sqm	The unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
7	141 Holloway Road	50sqm	The unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
8	83 Holloway Road	70sqm	The unit is too small to accommodate the proposed restaurant. The unit is not suitable or viable.
9	54 Holloway Road	130sqm	Indigo Planning has spoken to the agents for the site, who confirmed that the unit is now fully let and is therefore not available.

Figure 2: Summary of sequentially preferable sites (Lower Holloway Local Shopping Area).

- 10.17 Whilst restaurants are a part of the evening economy they also provide an active role during the day. It is considered that the with the existing shops, pubs, betting shops, cafés, takeaways and other night-time economy uses in the nearby Town centre and LSA, the proposal would not significantly detract from the vitality and viability of the Nags Head Town Centre or the Lower Holloway Local Shopping Frontage as areas as retail locations.
- 10.18 Overall the proposal provides an increase in business floorspace (B8 Use) of 351.5sqm. While further B8 could be created in lieu of the A3 floorspace, there is no requirement for maximisation of business floorspace in this location, hence the proposed uplift is considered acceptable. 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 an A3 restaurant use. Overall, the proposal would not conflict with the underlying objectives of Policy DM4.4 of the Islington Development Management Policies.

Overconcentration

- 10.19 DMP Policy DM4.3 deals with the location and concentration of specific uses. It refers to a number of uses, including cafes and restaurants, which will be resisted where an unacceptable concentration in one area would result in negative cumulative impacts. The Location and Concentration of Uses Supplementary Planning Document (LCUSPD), adopted by the Council in April 2016, complements this policy and gives more detailed guidance over identifying and addressing the concentration of such uses.
- 10.20 The council will also consider whether the proposal is likely to increase or create a negative cumulative impact in the surrounding area (generally within a 500m radius of the site). Proposals will be resisted that would result in unreasonable negative cumulative impacts that cannot be adequately mitigated. The council's Licensing Policy will be a key consideration in assessing potential impacts of proposals. It is acknowledged that the Planning and Licensing regimes are separate, however of particular note is that a license has been granted, including for the sale of alcohol.
- 10.21 The application site is located in between the Lower Holloway and Drayton Park Local Shopping Areas. The Drayton Park Shopping Area is markedly smaller than the Lower Holloway Consisting of 7 commercial units, of these two units are considered to be in A3 use. The Lower Holloway Local Shopping Frontage is considerably larger and extends linearly from High Corner Roundabout up Holloway Road to the junction with Hornsey Street.
- 10.22 There are 168 units identified in a retail study (2016) for the Lower Holloway Shopping Area. Approximately 35 units are A3 within the LAS, counting for 20% of the uses. The proposal for a further A3 use, within a 170m walk from the LSA is not, on balance, considered to result in an undue increase that would cause negative clustering of the restaurant/café uses within the area.

Design and Conservation

- 10.23 The application building was originally built in the interwar period, circa 1930s. Clad in terracotta faience to the front part of the building that rises three storeys. At ground floor two wide loading/delivery bays are flanked by two smaller pedestrian entrances. Above ground floor level at first and second floor level are six bays of crittall windows set into panels of paler buff faience. A blue string course demarcates the ground from the first floor.
- 10.24 The crittall windows have panes arranged eight by four, except for the far left hand bay. The front façade is surmounted by a flat roof. To the rear of the building which is single storey

and covers the majority of the site, is a distinctive saw tooth roof. The series of ridges with dual pitches has a steeper glazed pitch facing north.

- 10.25 The structure is not locally or statutorily listed, nor is it located in a conservation area. Presently, the building appears to be in a generally poor state of repair. The refurbishment of the building is, therefore, in principle welcomed. In terms of design the key, relevant policy is Policy DM2.1 of the adopted 2013 Development Management Policies. Policy DM2.1 sets out a series of criteria that should be applied to new development. It emphasises the need for design to be of high quality that makes a positive contribution to an area's local character and distinctiveness. The requirements of Policies CS 8 & CS 9 in Islington's Core Strategy (2011). Also they seek to ensure that the scale of development should reflect the character of the area; the significance of the historic environment is to be conserved; coherent street frontages are to be maintained; and innovative design, of high quality, is welcomed. These policies are therefore considered to follow the aims of the National Planning Policy Framework.
- 10.26 There is a new glazed entrance to one of the ground floor loading bays which serves the operational A3 unit. However, it is apparent the design does not match the proposed drawings. The proposed alterations to the front elevation include altering the ground, first and second floor windows to steel galvanised powder coated to match the existing fenestrations and design. The glazing is proposed to be double glazed. Three canopies are proposed to the ground floor front openings with ramped access also to the A3 unit. In relation to the right hand loading bay, the proposed ground floor would be intended to incorporate sliding entrances. It is considered that the existing shutter should be maintained as a shutter to allow for effective servicing of goods (Condition 3).
- 10.27 The alterations to the rear would involve the removal of the cement roof and replacement insulated profiled steel sheets. The single glazing to the north face slopes is proposed to be replaced with double glazing and there would be the replacement and installation of additional rooflights. A proposed flue, serving the kitchen, would run up the rear elevation of the three storey building terminating above the parapet and is proposed to be acoustically encased. As a result of the reduction in the width of the cross over, details are reserved by condition of the boundary treatment (Condition 10).
- 10.28 The overall changes to the building would have no discernible effect on the perceived visual qualities of the building and the proposal would bring about the general refurbishment of the building which is welcomed. Accordingly, there would be no conflict with those provisions of policies CS8 and CS9 of Islington's Core Strategy designed to protect and enhance Islington's built and historic environment, and Policy DM2.1 of the Development Management Policies.

Neighbouring Amenity

- 10.29 London Plan policy 7.6 (part B) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy 7.15 (part B) states that development proposals should seek to manage noise, including by avoiding significant adverse noise impacts on health and quality of life as a result of new development; mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new developments; separating new noise sensitive development from major noise sources through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation; and promoting new technologies and improved practices to reduce noise at source. Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required 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. These considerations apply to the amenities of any existing residents, and of future residents of proposed developments.

- 10.28 Consistent with Development Management Policy DM4.2 entertainment/night-time uses (which include restaurants) are generally considered appropriate within town centres. Where proposed in other locations they are generally considered inappropriate, with applicants needing to demonstrate such uses will not result in adverse impacts on surrounding uses including residential amenity. In this case particular considerations are likely to be the opening hours, operation and servicing, and measures to mitigate odour and noise.
- 10.29 It is acknowledged the proposed restaurant (A3) use would be within the vicinity of a number of residential units. However, it is also important to consider that residential uses are not the sole uses within the vicinity of the site. The application site is located not far (170m) from the busy A1 and there are a number of other non-residential uses nearby including commercial at ground floors, a school, a community centre, train station and a parade of shops to the east (Drayton Park Local Shopping Area).
- 10.30 The proposed restaurant would be located to the front of the site, fronting onto Drayton Park. The proposal would be confined to the building alone. To the rear, at Witherington Road and opposite the site there are residential dwellings. The rear of the site is screened from environmental noise by buildings and has very low background noise levels for an urban area. The application site is physically separated from no. 32 Drayton Park, although this building is used as a clinic.
- 10.31 The proposed restaurant and the rear skylights would be located approximately 25 metres from the rear boundary of those properties on Witherington Road, with those properties located on Drayton Park, situated across a highway. Drayton Park is a particularly wide road. The proposed restaurant use would also be surrounded by a current B8 land use, which has the capability for warehousing which is likely to generate noise. The form of the building is such that opportunities for noise emission would be limited and there would be no intrusion to the amenities of nearby occupiers of nearby dwellings from internally generated noise.
- 10.32 Patrons movements to and from the venue may give rise to noise. However, the proposed forecourt is not to be used for congregating or seating in conjunction with the restaurant use. Condition 9 ensure that the unauthorised works are to be removed and to allow the forecourt for off-street servicing. The Noise Officer has been consulted and has not raised objections relating to the use or related operations subject to conditions. It is recommended to condition the submission of a plant noise assessment for the building services plant, primarily the kitchen extraction system (the condensers are proposed to be installed internally). The plant equipment shall include the installation a timer limiting the operation of kitchen extraction system to between the hours of 07:00 to 23:30 to mitigate noise in the morning and evening (condition 5).
- 10.33 The Licensing Team have confirmed a license has been issued to sell alcohol, with the premises required to close at 11:30 pm. Whilst the planning and licensing regimes are separate this is of note and has been taken into account in the recommendation of a condition for opening hours. Also the flue is located to the rear of the building approximately 20m from any adjacent residential occupiers. Any odours will be mitigated by an 'air scrubber', details of which are recommended by condition, to ensure no smell or odour would affect those properties on Witherington Road. The proposed use along with the

majority of the existing business space is not considered to cause undue harm in relation to living conditions of nearby residents whilst also creating employment opportunities.

- 10.34 Concern has been expressed at noise disturbance from customers leaving the premises and from extra car movements. Based on the distance of the premises for the nearest dwellings to the rear, the risk of nuisance from such an A3 use source would be considered minimal. In relation to those properties on Drayton Park it is important to bear in mind that the current commercial use, which allows for unrestricted frequency of deliveries and with the location of the entrance set within the site, set back behind a front forecourt, any noise generated in relation to the current operation of the site would not be considered adverse. Furthermore, the hours of operation to the restaurant have been restricted to protect neighbouring occupiers living conditions. As such, the proposed use is considered acceptable and would not lead to an adverse impact on adjoining and surrounding neighbours amenity.

Access

- 10.35 The proposal would introduce two disabled car parking spaces to the front forecourt. The Access Officer has stated it would be preferable to have accessible parking bays on street. However, it is preferable in this scenario to maintain off street parking and servicing, to not have any impact on the existing highway and utilise the front forecourt as is. As such this would not warrant a reason for refusal. The proposal also introduces ramped pedestrian access to the A3 unit which is considered beneficial.

Refuse

- 10.36 The floor plans show dedicated refuse storage to the front east and west boundaries of the site. The plans indicate the proposal exceeds the 1.5 cubic metre per 20 dining spaces amount of storage required. No details have been submitted in relation to recyclable material and therefore it is recommended to attach a condition to secure these details.

Highways and Transportation

Cycle Parking

- 10.37 The provision of secure, sheltered and appropriately located cycle parking facilities is expected in accordance with Appendix 6 of the Development Management Policies. 1 Space is required per 60sqm. 5 new bicycle stands are provided which exceeds the requirement of 3 cycle spaces. The proposal is therefore considered consistent with DM8.4.

Servicing and Delivery

- 10.38 Policy DM8.6 (delivery and servicing for new developments) of the Development Management Plan, requires the provision for delivery and servicing to be provided off-street, particularly for commercial developments over 200sqm. The proposed change of use is 189.6sqm however there is a warehouse and distribution (B8) use also located within the site. There is a front forecourt present which accommodates off street deliveries. Based on the overall size of the units combined it is considered preferable to maintain servicing and delivery off-street, albeit there is currently an unauthorised fence located within the forecourt, along with trees and sleepers. Drayton Park is a local road with no classification and is a major cycle route. A single yellow line exists directly outside. The site's Public Transport Accessibility Level (PTAL) is 6a (excellent).
- 10.39 Presently the number and frequency of trips to the site is not controlled by condition, although two previous conditions were attached to planning permission 931994 stating, the

existing internal loading bay shall be unobstructed and forecourt circulation area shall be maintained in an unobstructed condition to be capable of allowing vehicles to enter and leave in a forward gear. It is considered that the right hand loading bay shall be maintained as 'open' to allow for continued and effective servicing and delivery.

- 10.40 TRICS database suggests that employment floor space generates approximately 0.25 deliveries per 100sqm per day. As such the existing employment floor space could reasonably be expected to generate in the region of 4-5 deliveries per day. The proposal includes the provision of two disabled parking bays which would be located parallel with the site's northern border, while vehicles manoeuvre on site and leave in forward gear.
- 10.41 An A3 restaurant unit of 189.6sqm is likely to include circa 60 seats (assuming 1 seat per 3sqm approx.) and, in turn, that a 60 seat restaurant would be likely to generate a demand for circa 4-6 deliveries per day (comprising fresh fruit, vegetables and meat etc) and that goods will typically be delivered by small to medium sized vehicles. In order to facilitate provision for two on-site disabled parking bays, the proposed layout permits vehicles up to 8m in length to manoeuvre within the site's forecourt. This on-site servicing strategy will permit vehicles to enter and exit the site in forward gear. The applicant has submitted details in the form of an updated Transport Note which shows a loading or unloading vehicle may enter and exit the site in forward gear, with the two disabled bays on site. The proposal also reduces the entry width of the existing access from 10m to 6m. The Highways Officer is satisfied in terms of servicing and delivery which would not jeopardise highways/cyclist and pedestrian safety subject to the applicant entering into a S278 agreement to secure cross over alterations. Overall the off-street servicing is considered to be improved in comparison to the existing off-street servicing arrangements.

Other matters

- 10.42 The internal reconfiguration such as the toilets do not require planning permission. Therefore, their positioning is not considered to fall within planning control and is not a material consideration in the assessment of the application. The creation of the mezzanine floor levels also is not considered development as defined by Section 55 of the Town and Country Planning Act. However, their introduction, as proposed, prevents the net loss of business floorspace which helps maintain a consistency with policy. As such it is considered necessary that this element be carried out and a condition attached as such. If not, the proposal would lead to the net loss of business floor space. Therefore, the condition is considered to follow the relevant guidance within the NPPG by mitigating the adverse effects of the development and exercised in a way that is clearly seen to be fair, reasonable and practicable.
- 10.43 One objection received raised concerns regarding the neighbour notification process on a different application (P2016/2171/PRA). This application, a prior approval for change of use of part of the existing property to residential use (C3 class) creating 10 self-contained residential studios is not a material consideration in the current assessment. Notwithstanding this fact, Officers have reviewed the consultation process of this historic application and can confirm the consultation process was carried out in accordance with sub-paragraph (8) of paragraph W of Part 3 of Schedule 2 of the Order. A site notice was erected to give notice of the proposal P2016/2171/PRA. This was printed on 06/06/2016, and the consultation period expired on 30/06/2016.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed part change of use of the site from warehouse and distribution (B8) to restaurant (A3) and the proposed external alterations to the front elevation, introduction of a flue and alterations to the rear roof and front forecourt are considered acceptable. The proposal would not have a detrimental impact on the vitality and function of the Nags Head Town Centre or the Lower Holloway Local Shopping Frontage. The proposal would also not result in an overconcentration of A3 uses within the vicinity.
- 11.2 The impact of the proposal on the character and appearance of the host building and surrounding streetscape is considered to be acceptable. The general refurbishment of the building is welcomed and would improve its appearance in visual terms.
- 11.3 The impact on neighbouring amenity of the adjoining and surrounding properties is considered to be acceptable in term of noise, smell and odour subject to conditions.
- 11.4 The proposed servicing and access arrangements are considered suitable for the site and the proposed operations subject to the applicant entering a s278 Agreement.
- 11.5 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

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 permitted shall be carried out in accordance with the following approved plans:</p> <p>22140001/1; 3086/040A; 3086/041B; 3086/042B 3086/044; 3086/045; 3086/047; 3086/076E; 3086/077B; 3086/078B; 3086/082E; 3086/081A; 3086/075; 3086/083D; 3086/084A; 3086/085A; Sequential Site Analysis; Transport Note April 2017; Sequential Site Assessment dated 26 September 2017.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>						
3	Shutter						
	<p>CONDITION: Notwithstanding the plans hereby approved, no permission is granted for the removal of the shutter and installation of glazing to the western ground floor bay.</p> <p>REASON: In order to allow for service and delivery.</p>						
4	Noise						
	<p>CONDITION: The plant noise rating level shall not exceed the following limits as measured at monitoring positions MP1 (1m from any residential façade at the front of site) and MP2 (1m from any residential façade at the rear of site):</p> <table style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Location</th> <th style="text-align: left;">Noise Emission Limit: dB(A)</th> </tr> </thead> <tbody> <tr> <td>MP1: Front of site</td> <td>43</td> </tr> <tr> <td>MP2: Rear of site</td> <td>28</td> </tr> </tbody> </table> <p>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: In the interests of neighbouring occupiers' amenity.</p>	Location	Noise Emission Limit: dB(A)	MP1: Front of site	43	MP2: Rear of site	28
Location	Noise Emission Limit: dB(A)						
MP1: Front of site	43						
MP2: Rear of site	28						
5	Kitchen extract system						
	<p>CONDITION: The hereby approved plant equipment shall include the installation a timer limiting the operation of kitchen extraction system to between the hours of 07:00 to 23:30 each day only. The condenser unit shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p>						

	REASON: In the interests of neighbouring occupiers' amenity.
6	Hours of operation
	CONDITION: The restaurant (A3) use hereby approved shall not operate outside the hours of 1000 to 2330 hours each day. REASON: In the interests of neighbouring occupiers' amenity.
7	Crossover
	CONDITION: Prior to any alterations of the boundary treatment, the crossover shall be reduced in width pursuant to a Section 278 of the Highways Act 1990 agreement with the Local Highway Authority within 6 months of the date of permission. REASON: In the interests of ensuring the crossover reinstated to a safe layout in the interests if highway safety and functioning.
8	Extract Plant
	CONDITION: Details of the extract plant shall be submitted to and approved in writing by the Local Planning Authority within 3 month of the date of permission. The shall be carried out and operated strictly in accordance with the details approved and maintained as such thereafter. REASON: In the interests of neighbouring occupiers' amenity.
9	Removal of unauthorised development
	CONDITION: Notwithstanding the approved plans the planted trees, boundary partition and planting and wooden sleepers and any other associated fixtures and fittings shall be removed within 3 months of the date of permission. REASON: In order to allow for onsite service and delivery to be effectively carried out in the interests of highway safety.
10	Details of the boundary wall
	CONDITION: Notwithstanding the approved plans details of the boundary wall (as a result of the reduction in the width of the crossover) shall be submitted to and approved in writing by the local planning authority within 3 months of the date of permission. The approved boundary wall shall then be installed within 6 months of the date of this permission. REASON: In the interests of ensuring the crossover satisfactorily reinstated and to ensure highway safety from entering and emerging vehicles.
11	Increase in Business Floorspace
	CONDITION: The mezzanine floor to the business space must be constructed in accordance with the approval and available for full use within 6 months of this permission. REASON: To ensure no loss of business floor space.
12	Refuse Provision

	<p>CONDITION: Details of waste recycling shall be submitted to and approved in writing by the Local Planning Authority within 3 month of approval. The details shall include:</p> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse / recycling enclosure(s)</p> <p>The shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures 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>
13	Servicing and Delivery
	<p>CONDITION: All service vehicle deliveries / collections / visits to and from the restaurant unit hereby approved must not take place outside hours of: 0730 and 2300 on any day.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity</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 LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Surface Water Drainage
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
3	Signage
	<p>Please note that separate advertisement consent application may be required for the display of signage at the site.</p>
4	Construction works
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised</p>

	to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
5	Section 278 of the Highways Act
	Please note Planning Permission is subject to a Grampian condition in which a Section 278 Agreement is required to be entered into.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, 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 4.7 Retail and town centre development
Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS4 – Highbury Corner and Holloway Road
Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment
CS11-Waste
CS13 – Employment Spaces

C) Development Management Policies June 2013

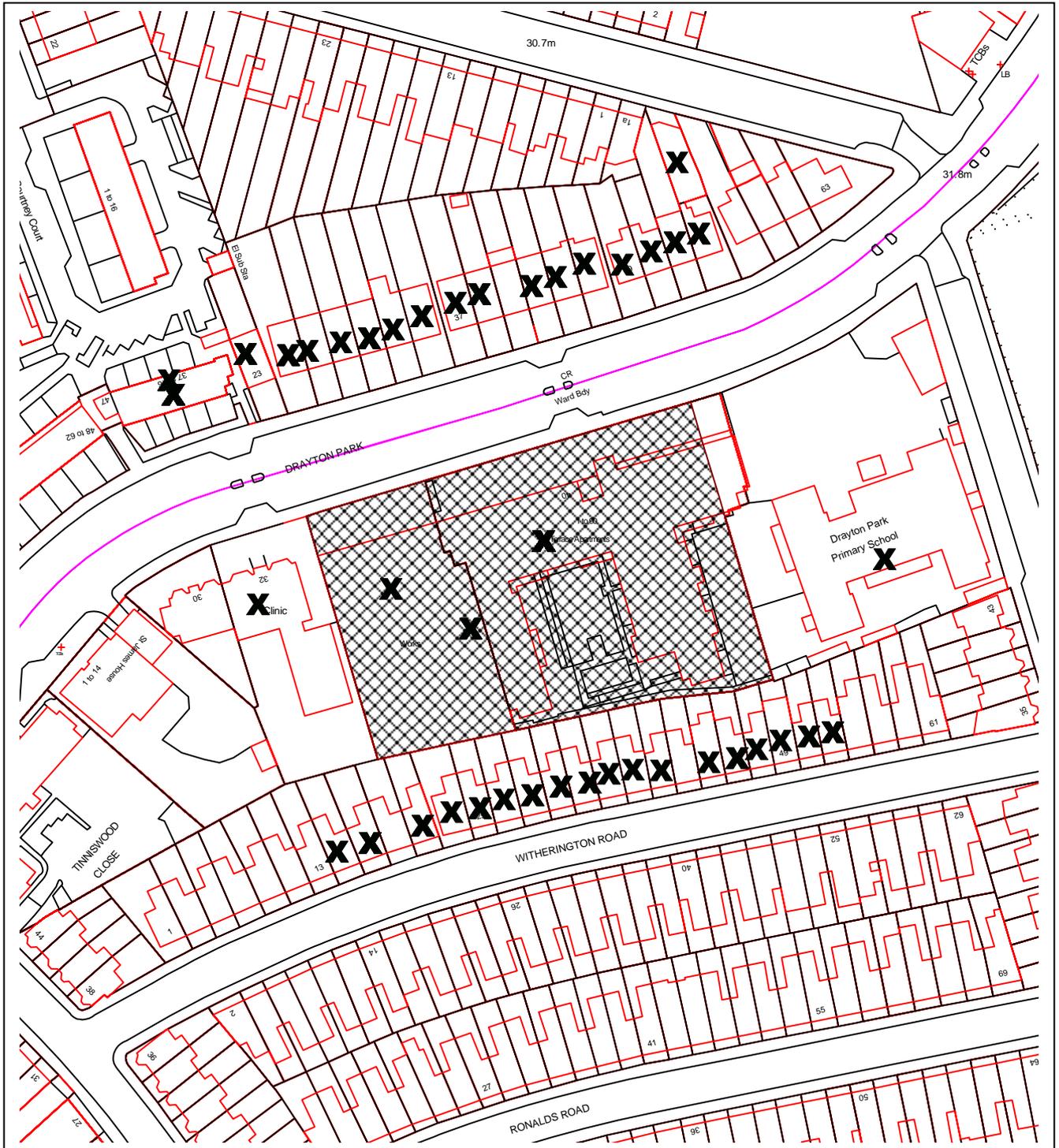
- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM4.3 – Location and Concentration of uses
- Policy DM4.4 – Promoting Islington’s Town Centres
- Policy DM4.6 - Local Shopping Areas
- Policy DM5.1 - New business floorspace
- Policy DM5.2- Loss of existing business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM8.4 - Walking and cycling
- Policy DM8.6 – Delivery and servicing for new developments

3. Designations

Highbury Corner Strategy Key Area
Major Cycle Route

4. SPD/SPGS

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 B		
Date:	21 November 2017	NON-EXEMPT

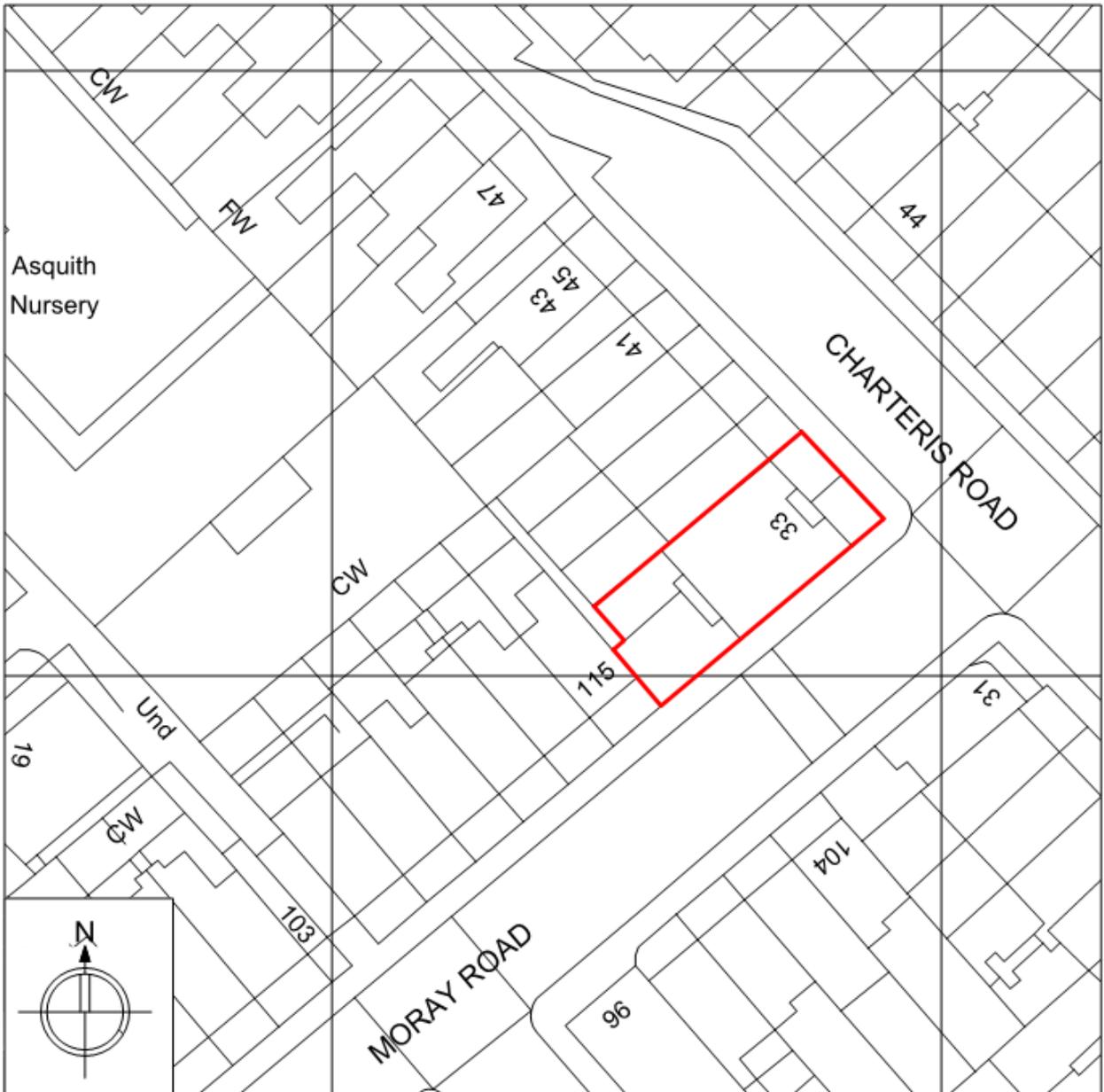
Application number	P2017/0306/FUL (Council's own)
Application type	Full Planning Application
Ward	Finsbury Park Ward
Listed building	Not Listed
Conservation Area	Not within a conservation area
Development Plan	Finsbury Park Core Strategy Key Area Local Cycle Route Within 50m of Tollington Park Conservation Area
Licensing Implications	None
Site Address	Flats A-F, 33 Charteris Road, London N4 3AA
Proposal	Replacement existing single glazed timber framed casement windows with uPVC double glazed windows.

Case Officer	Emily Benedek
Applicant	Ms Linda Harris
Agent	FES Group

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



Application Site

Image 1: Aerial View of the Application Site



Image 2: Photograph of the Front of the Site



Image 3: Photograph of the side of the Site facing Moray Road



Image 4: Photograph of the rear of the Site



Image 5: Photograph of Nos 35-41 Charteris Road whose windows comprise a mix of timber and uPVC



Image 6: Photograph of the Window Sample

Summary

- 3.1 Planning permission is sought for the replacement of the existing single glazed timber framed windows with double glazed uPVC windows on the front, side and rear elevations of the residential units known as Flats A-F, located at 33 Charteris Road. The key considerations in determining the application relate to the impact on the appearance of the existing building and on the character and appearance of the surrounding area, including the adjoining conservation area, as well as sustainability.
- 3.2 The application is brought to committee because the building is owned by the Council.
- 3.3 The application comprises a three-storey building containing 6no. self-contained residential units located on a corner site at the junction of Charteris Road and Moray Road. The application site is not listed and is not located within a conservation area but is situated within 50m of the boundary of the Tollington Park Conservation Area. The surrounding properties are predominantly residential in character with a mixture of period terrace housing and post-war infill developments.
- 3.4 The building currently contains timber framed casement, single glazed windows which is typical to housing estate buildings of this era, and therefore the main differences in their replacement would be the change from single glazed to double glazed units as well as the different materials (uPVC). In addition, the double glazed frames often need to be thicker to compensate for the increased weight of the additional glazing, which can impact on the external appearance of the building. The existing frame is not traditional timber sash but a casement style frame of no significant architectural merit. The change of materials would not result in an unacceptable degree of visual harm to the appearance of the building or to the character and appearance of the area. The replacement windows would have a neutral impact on the character and appearance of the nearby Tollington Park Conservation Area.

4. SITE AND SURROUNDING

- 4.1 The application site comprises a three-storey building on the south-west side of Charteris Road at the junction with Moray Road. The property is a purpose built block of flats which dates back to the 1960s/70s and is used for residential purposes. The building contains 6 self-contained flats (known as Flats A-F). The existing building is constructed out of brick with a slate roof and single glazed timber framed windows located on the front, rear and side elevations.
- 4.2 The application site dates back to the 1960s/70s and is of the same style and design as the adjoining residential properties at Nos 35 and 37 Charteris Road. Several of these neighbouring properties have changed their windows from timber to uPVC, without the benefit of planning permission. However, these properties differ greatly from the Victorian properties on Charteris Road, with traditional timber sash windows and are the predominant style for residential properties in this location. The application building is therefore considered to be atypical.
- 4.3 The building is not listed and is not within a conservation area, however, it is located within 50m of the Tollington Park Conservation Area. The surrounding area is predominantly residential in character.

5. PROPOSAL (IN DETAIL)

Planning permission is sought for the replacement of the existing single glazed timber framed windows with uPVC double glazed windows. The proposed replacement windows are similar in terms of function and appearance as the existing windows however will differ in terms of materials. As a new casement will be used, the proposed casement will be 10mm wider than existing when viewed externally. The proposed windows will also contain internal and external trickle vents.

6. RELEVANT HISTORY:

6.1 **P2016/1597/FUL** – Replacement of existing single glazed timber windows with uPVC double glazed windows. Withdrawn 18/08/2016. The application was withdrawn as the site boundaries were wrong and could not be altered in the duration of the application.

940581 - Replacement of brick wall with timber fencing to incorporate a tree currently on public land into a private garden. Approved 16/09/1994)

ENFORCEMENT:

6.2 **E/2014/0213** – Rear outbuilding. No further action as the shed had been there more than four years. Case closed (28/05/2014).

PRE-APPLICATION ADVICE:

6.3 None.

7. CONSULTATION

Public Consultation

7.1 Letters were sent to occupants of 40 adjoining and nearby properties at Charteris Road and Moray Road on 31 January 2017. The public consultation of the application therefore expired on 21 February 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.

7.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

Internal Consultees

7.3 Design and Conservation: Object to the proposal. The Design and Conservation officer expressed concern about the use of uPVC windows in close proximity to the Tollington Park Conservation Area and their impact on the character and appearance of the area.

External Consultees

7.4 None

8. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

8.1 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

8.2 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Design
- Neighbouring Amenity
- Sustainability

Design

9.2 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.

9.3 The proposed replacement uPVC windows would match the design of the existing windows with the exception that they would be double glazed rather than single glazed and the materials would be altered from timber framed to uPVC framed. The existing building contains single glazed timber framed windows which are currently in a poor state of repair. Whilst the main concern is that double glazing usually requires thicker frames, the details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building with a 10mm difference in the thickness of the frame between the existing and proposed windows, as seen in Image 7 below. Although the windows would be visible on the front, side and rear elevations, given that the window frames would not be significantly thicker than the window frames they are replacing, the proposed uPVC framed windows would not result in unacceptable visual harm to the appearance of the building or to the character of the area.

9.4 The Design officer raised concerns regarding the size of the trickle vents on the front of the window frames. The applicant explained that trickle vents are now a requirement for new windows and need to be vented to the exterior. As the site is largely obscured by existing hedging at the ground floor level and there is a large tree obscuring the site, the trickle vents will not be unduly prominent and are therefore, on balance, considered acceptable.

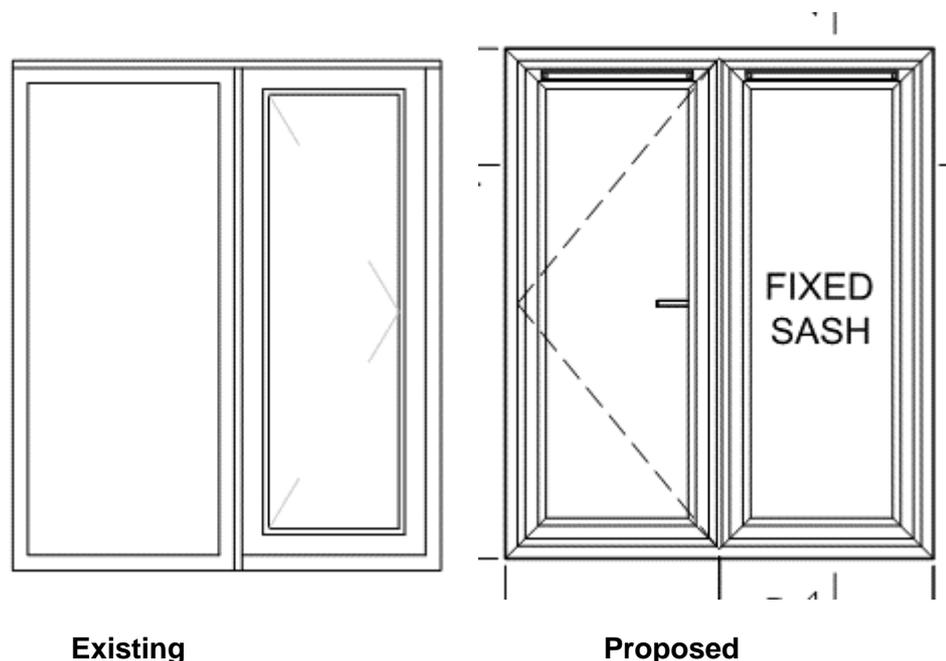


Image 7: Images of existing and proposed window frames

- 9.5 The application site forms part of a small number of properties on this section of the road (Nos 33-45) which are of different style to the surrounding properties. The application site is a 1970s style property, whilst the majority of houses on Charteris Road are Victorian with traditional timber framed sash windows. It is noted that some of these 1970s units have already changed their windows to uPVC and will match the proposal once carried out. Whilst these alterations were carried out without planning permission, photo data shows that the double glazed windows have been there for more than 4 years and are therefore lawful. Given that the style of the existing windows are different to the surrounding properties windows and that several other properties in the immediate locality have altered their windows to uPVC, it is not considered that the proposal would cause demonstrable harm to the character and appearance of the property or wider street scene. Several of the immediate neighbouring properties at Nos 35-41 Charteris Road have partially changed their windows to uPVC and therefore, as Image 5 demonstrates, these dwellings comprise a mix of timber framed and uPVC framed windows. The style of these windows are not traditional timber sash windows but a casement style frame which are of no significant architectural merit and therefore the change of material is not considered to be harmful to the properties or wider locality. Furthermore, as the properties that have already changed their windows to uPVC are closer to the boundary with the Tollington Park Conservation Area than the application site (which is located 27 metres from the Conservation Area boundary), it is not considered that the proposal would have a detrimental impact on the character and appearance of this conservation area. Although the Design officer raised concerns about the impact on the Conservation Area, Planning officers consider that given the type of housing, the limited views of the site and the style of the existing windows, the use of uPVC materials for the proposed window frames are not considered to be harmful to the character and appearance of the area to warrant refusal of the application for this reason.
- 9.6 Given the above, the proposal is considered to be consistent with the aims of the Council's policies on design and to accord with policies 7.6 (Character) of the London Plan 2016, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

Sustainability

- 9.7 The proposed double glazing would improve the insulation and thermal efficiency of each individual unit thereby contributing to reductions in carbon emissions and reducing energy costs. The proposed double glazing would enhance the sustainability of the 3 storey building, which contains 6 residential units. The proposals are therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building (additional thickness of 10mm). Furthermore, given the appearance of the existing building, it is considered that the proposed replacement uPVC framed windows would not result in visual harm to the overall appearance of the building or wider street scene. There is also a clear public benefit achieved in the proposal through the enhanced insulation offered by double glazed windows which will enhance the sustainability of the building.
- 10.2 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

10.3 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	<p>Commencement</p> <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	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>DS001 Revision B, PD001 REV-B, PD002 REV-B, WS001 Revision B, WS003 Revision A, Sheet 1 of 3 Revision 1, Sheet 2 of 3, Sheet 3 of 3, Z00.1, Sample 0123 works sheet 401204Y.</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</p> <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>

List of Informatives:

1	<p>Positive statement</p> <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>
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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

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**

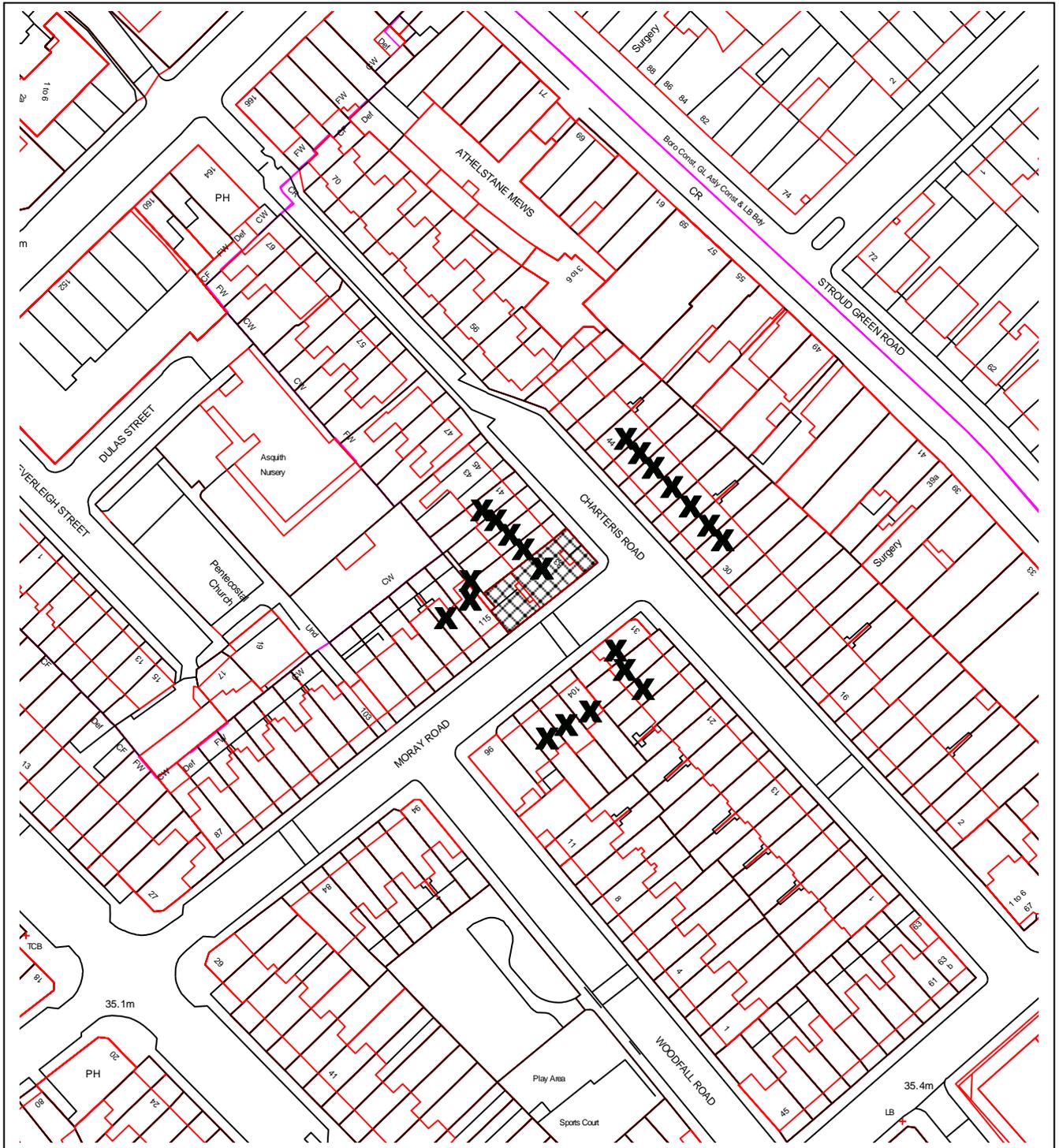
Finsbury Park Core Strategy Key Area
Local Cycle Route
Within 50m of Tollington Park Conservation Area

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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P2017/0306/FUL

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PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		
Date:	21 st November 2017	NON-EXEMPT

Application number	P2017/1597/S73
Application type	Full Planning Application
Ward	Highbury East
Listed building	Not listed
Conservation area	None
Development Plan Context	Employment Growth Area Within 50m of Aberdeen Park Conservation Area Within 50m of Highbury Fields Conservation Area
Licensing Implications	None
Site Address	Unit 9 & 10, 9 Frog more Industrial Estate, 99 Kelvin Road, London, N5 2PL
Proposal	Section 73 application for the variation to conditions 3 (hours of operation and deliveries) of planning consent ref P122329 dated 12/08/2013 for the: Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter. The variation seeks to alter the hours of operation and deliveries to: 07:30-18:00 hrs Monday to Friday 07:30-13:00 hrs Saturday Closed on Sundays and Bank Holidays

Case Officer	Joe Aggar
Applicant	Mr Mark Churchill.
Agent	Redbourn Group Limited - Ms Michele Bradley

RECOMMENDATION

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

- subject to the conditions set out in Appendix 1 of the original report attached;

2. REASONS FOR DEFERRAL

- 2.1 This application was originally discussed at the Planning B Sub-Committee meeting on 2 October 2017. Members decided to defer the application. It was suggested that the agent should attend the Planning Sub Committee meeting to address the following:
- clarification requested from the applicant as to why the extended operating hours were required and any noise mitigation measures that could be put in place.

3. UPDATES FOLLOWING COMMITTEE 02nd OCTOBER 2017

- 3.1 A update note has been received from the agent, providing an explanation as to why earlier opening times are sought. It is stated, the Howdens depot has been successful and the business is under increasing pressure from their customers to open earlier. This is to enable their customers to collect earlier to assist with their working day.
- 3.2 No further objections have been received in respect of this application since the previous report was published.
- 3.3 Members are asked to consider this Section 73 application in terms of the acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990, the nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme and any significant material alterations since the original grant of planning permission. The recommendation remains as per the previous report attached in Appendix 1.

Noise Complaints in relation to Units 9 & 10, Frogmore Industrial Estate

- 3.4 The Environmental Health Officer has provided a list of noise complaints, the timings and their nature. Since May 2016, the councils Public Protection Team have recorded 18 complaints. One of these activities generating complaints fell between 0730 and 0800 which was recorded in March 2017. The noise complaint related to lorry movements, beeping, engine noise, loading and unloading.

4. CONCLUSION

- 4.1 Planning permission is sought for the variation to condition 3 (hours of operation and deliveries) of planning consent ref P122329 dated 12/08/2013. Planning permission P122329 was for the Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter.
- 4.2 The variation seeks to alter the hours of operation and deliveries to:
07:30-18:00 hrs Monday to Friday
07:30-13:00 hrs Saturday
Closed on Sundays and Bank Holidays
- 4.3 The amendment to the condition would extend hours of operation and delivery by 30 minutes in the morning (from 8am to 7:30am) from Monday to Saturday. Howdens has been in operation at the site for approximately five years. The application has been called into committee by Councillors. The principle of the extension of hours and operation times are not considered to be unduly harmful to the amenities of adjoining residents. Subject to conditions, the proposal is considered to accord with relevant policies.
- 4.5 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

PLANNING SUB-COMMITTEE B		
Date:	02 October 2017	NON-EXEMPT

Application number	P2017/1597/S73
Application type	Full Planning Application
Ward	Highbury East
Listed building	Not listed
Conservation area	None
Development Plan Context	Employment Growth Area Within 50m of Aberdeen Park Conservation Area Within 50m of Highbury Fields Conservation Area
Licensing Implications	None
Site Address	Unit 9 & 10, 9 Frog more Industrial Estate, 99 Kelvin Road, London, N5 2PL
Proposal	Section 73 application for the variation to conditions 3 (hours of operation and deliveries) of planning consent ref P122329 dated 12/08/2013 for the: Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter. The variation seeks to alter the hours of operation and deliveries to: 07:30-18:00 hrs Monday to Friday 07:30-13:00 hrs Saturday Closed on Sundays and Bank Holidays

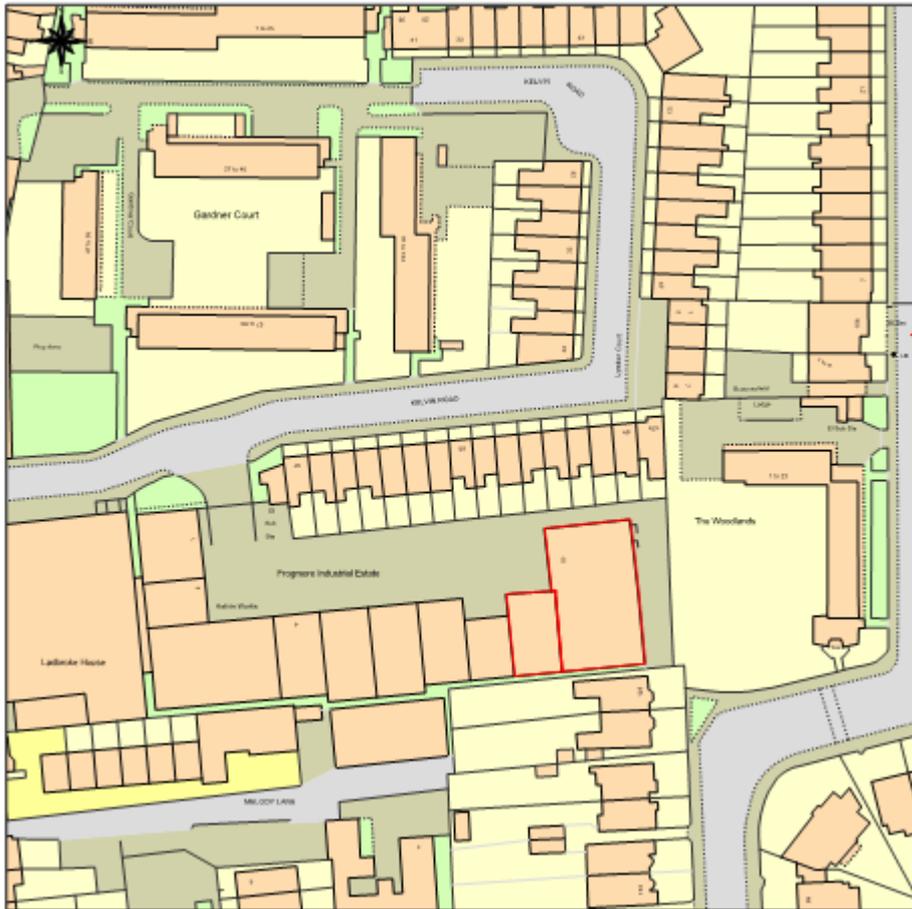
Case Officer	Joe Aggar
Applicant	Mr Mark Churchill.
Agent	Redbourn Group Limited - Ms Michele Bradley

RECOMMENDATION

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

- subject to the conditions set out in Appendix 1 of the original report attached;

2. SITE PLAN (site outlined in black)



1. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in northerly direction



Image 3: View towards Units 9 & 10 Frogmore Industrial Estate



Image 4: View to the rear of on Kelvin Road.



Image 5: View looking east to Unit 9 &10.

4.0 SUMMARY

- 4.4 Planning permission is sought for the variation to condition 3 (hours of operation and deliveries) of planning consent ref P122329 dated 12/08/2013. Planning permission P122329 was for the Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter.
- 4.5 The variation seeks to alter the hours of operation and deliveries to:
07:30-18:00 hrs Monday to Friday
07:30-13:00 hrs Saturday
Closed on Sundays and Bank Holidays
- 4.6 The amendment to the condition would extend hours of operation and delivery by 30 minutes in the morning (from 8am to 7:30am) from Monday to Saturday. The application has been called into committee by Councillors.
- 4.7 The issues arising from the application are the impact on neighboring amenity in terms of noise and disturbance from servicing and delivery due to the extended hours in the morning. These matters are outweighed by the existing context in which the site is located, the modest nature of the proposal and addressing the matter through condition.
- 4.8 The application is referred to committee as two councillors have requested the planning application to be heard at planning committee. The proposal is considered to be acceptable and it is recommended that the application be approved.

5. SITE AND SURROUNDING

- 5.1 The industrial estate is rectangular in shape and comprises 10, two storey commercial units arranged in an irregular U-shape to the southern part of the estate. Each of the units have a

loading bay to the front elevation. Marked customer and employee car parking abuts the rear gardens of the residential terraced properties located to the north of the site, located on Kelvin Road. The industrial estate is accessed from Kelvin Road. The application site comprises two of the commercial unit (operating as Howdens) which are located to the west of Frogmore Industrial Estate.

- 5.2 To the east of the site is a four storey L-shaped residential block with an area of open space known as 'The Woodlands'. To the west is a Ladbroke House, a substantial 4 storey, former university building. The site is located within an Employment Growth Area and is also located within 50m of Aberdeen Park Conservation Area and Highbury Field Conservation. The site is not statutorily listed nor is it locally listed.
- 5.3 There are instances of commercial and education uses within the vicinity however the surrounding area is largely residential. The Highbury Barn Local Shopping Area is also located within approximately 50m.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the variation to condition 3 (hours of operation and deliveries) of planning consent ref P122329 dated 12/08/2013. Planning permission P122329 was for the Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter.
- 6.2 The variation seeks to alter the hours of operation and deliveries to:
07:30-18:00 hrs Monday to Friday
07:30-13:00 hrs Saturday
Closed on Sundays and Bank Holidays
- 6.3 The condition currently allows hours of operation and delivery from:
0800 hours to 18.00 hours on Monday to Friday
08.00 hours to 13.00 Saturdays
Not operate on Sunday and bank holidays.
- 6.4 The amendment to the condition would extend hours of operation and delivery by 30 minutes in the morning.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 Unit 3, Frogmore Industrial Estate, planning application re: P002384 for the 'Change of use from commercial printers (Class B1) to electrical wholesalers (Class B8) with small ancillary counter' was GRANTED on the 15/01/2001.
- 7.2 Unit 4 and 5, Frogmore Industrial Estate, planning application re: P101346 for the 'Change of Use from B8 (Warehouse) to B2 (Garage with MOT Facility)' was GRANTED on the 19/08/2010.

CONDITION: The Garage with MOT facilities hereby approved shall not operate except between the hours of 8.00am and 6.00pm on Mondays to Friday between 10.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays.

REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises.

- 7.3 Unit 5, Frogmore Industrial Estate, planning application re: P110996 for the '*Change of use of existing industrial estate unit from class B2 (General industrial) to class D2 (Assembly and leisure) for use as a gymnasium*' was REFUSED on the 20/10/2011.
- 7.4 Unit 9 & 10, Frogmore Industrial Estate, planning application re: P122329 for the '*Retention of unit 9 & unit 10 for use as B8 storage and distribution with ancillary trade counter*' was GRANTED on the 12/08/2013.

CONDITION: The B8 use hereby approved shall not operate outside the hours of:

0800 hours to 18.00 hours on Monday to Friday
08.00 hours to 13.00 Saturdays
Not operate on Sunday and bank holidays.

No deliveries shall be made to the premises outside the above hours of operation.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity in accordance with policy CS12F of the Islington Core Strategy 2011.

ENFORCEMENT

- 7.5 Unit 9 & 10, Frogmore Industrial Estate - E/2017/0082 – Breach of Condition – Case Closed. Enforcement informed the operator on 03 April 2017, via letter, they were operating outside the hours stipulated by condition.
- 7.6 Unit 9 & 10, Frogmore Industrial Estate - E/2017/019– Breach of Condition.
- 7.7 Frogmore Industrial Estate - E/2017/019 – Unauthorised storage of building materials.

PRE-APPLICATION ADVICE:

- 7.7 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 79 occupants of adjoining and nearby properties at Aberdeen Park, Kelvin Road, Melody Lane and Highbury Grove on 04 May 2017. The public consultation of the application expired on 29 May 2017. One objection was received following the public consultation. The application has been called into Planning Committee by Cllr Erdogan and Cllr Gantly.
- 8.2 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Early morning disturbance, from noises related to service and delivery (See paragraph 10.11)

Internal Consultees

- 8.6 **Highways:** No comment at the time of writing the report.

- 8.7 Noise Officer:** The 3/5/16 complaint is from a one off other complainant but all other complaints are from a single complainant on Kelvin Road. The ASB team have not witnessed a nuisance and most calls have just been logged without visiting the complainant's property. A diary sheet is provided, completed by the resident which is in relation to Howdens. Planning Enforcement appear to have been involved and it looks like they may have been operating outside of the previously consented hours of 0800-1800 Monday to Friday and 0800-1300 Saturday – extending the hours of use further does give cause for concern with this track record.

Some of the activities generating complaints fall between 0730 and 0800 but the vast majority do not. In noise terms we would look to protect the night time for the average person, commonly taken to be 2300 until 0700. Taken purely from a noise impact perspective, it would be difficult to argue that a 30-minute extension of the hours, outside of the normal night time hours and would lead to a significant adverse impact that could not be controlled. There are likely to be some objections with the history and close proximity of the estate to residential occupiers on Kelvin Road and therefore to attempt to tackle the issue the following condition requiring a NMP to be submitted:

"A Noise Management Plan assessing the impact of the B8 operation and extended hours shall be submitted to and approved in writing by the Local Planning Authority prior to the extended hours hereby permitted commencing on site. The report shall assess impacts of the use on nearby residents and other occupiers together with means of mitigating any identified impacts. The B8 use shall be operated 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."

The NMP should have clear management controls set out to control the hours of use of the site and delivery noise, shouting and worker behaviour, idling engines, loading/unloading noise, forklifts & pallet jacks, reversing alarms etc.

External Consultees

- 8.8** None.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
- Nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme
- Any significant material alterations since the original grant of planning permission.

Original application

10.2 There is planning history surrounding the development and its delivery hours, amongst other matters. The unit was originally granted permission was originally granted planning permission in August 2013 (Ref P122329) with conditions imposed thereon controlling its opening hours and permitted delivery times. These operation hours were 0800 hours to 18.00 hours on Monday to Friday and 08.00 hours to 13.00 Saturdays and not at all on Sunday and bank holidays. No deliveries were allowed outside the above hours of operation.

10.3 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.

10.4 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 fact that the permission is extant.

Variation to Opening hours and delivery times.

10.5 London Plan policy 7.6 (part B) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy 7.15 (part B) of the London Plan states that development proposals should seek to manage noise, including by avoiding significant adverse noise impacts on health and quality of life as a result of new development; mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new developments; separating new noise sensitive development from major noise sources through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation; and promoting new technologies and improved practices to reduce noise at source. Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required 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. These considerations apply to the amenities of any existing residents, and of future residents of proposed developments.

- 10.6 The site sits within the Frogmore Industrial Estate which is a relatively large area comprising commercial units, located within an Employment Growth Area. This comprises 10 commercial units which comprise, electrical and plumbing distributors, a MOT centre unit and a timber merchant. The site has marked car parking spaces for both employees and customers and within the estate there is standing space for delivery/serving with each unit having a loading bay area. The site has a single vehicular access from Kelvin Road. This leads into a gated service yard.
- 10.7 To north of the site abuts the rear boundary walls to 16 residential terraced properties located on Kelvin Road. The surrounding area is a mixture of commercial and residential, with the site located in close proximity to Highbury Park and close to a Local Shopping Area and former University building. Therefore, there is a high degree of activity with traffic within the site and the surrounding roads. It is acknowledged that the terraced properties (67b-97) Kelvin Road have a particular sensitive relationship to the Frogmore Industrial Estates based on the proximity and nature of the commercial units.
- 10.8 There are no physical changes proposed to the store or its means of access for deliveries. The variation of the condition and its replacement would have the effect of allowing deliveries to the unit to take place over a slightly greater timeslot with opening times and deliveries proposed 30 minutes earlier in the morning from Monday to Saturday.
- 10.9 The residential properties most likely to be affected by any noise generated by the movements of delivery vehicles to and from the commercial unit are those situated in Kelvin Road. These are situated to the north of the site. The rear gardens and the service yard is separated by a medium height masonry boundary wall.
- 10.10 Deliveries would therefore take place from 0730hrs to 1800hrs Monday to Friday and 0730hrs to 1300hrs on Saturday as opposed to the current opening and delivery times of 0800hrs, to 1800hrs on Monday to Friday and 0800 to 1300hrs on Saturday. The number of deliveries taking place throughout this period has not been commented on by the applicant. In this respect the situation that would arise with a marginal change in the hours that deliveries and loading could take place would be unlikely to change to any material extent as the number of deliveries that would take place to the unit in total over a given period of time would not necessarily increase if the condition were to be modified in the manner proposed.
- 10.11 A diary sheet has been submitted by a resident over a 2 week monitoring the disturbances at Units 9 and 10. The Environmental Health Officer has also provided a list of noise complaints, the timings and their nature. Since May 2016, The councils Public Protection Team have recorded 18 complaints and some of these activities generating complaints fell between 0730 and 0800 but the vast majority did not. In noise terms, Public Protection Officer has stated they would look to protect the night time for the average person, commonly taken to be 2300 until 0700. Overall, taken purely from a noise impact perspective it is difficult to substantiate that 30-minute extension of the hours, outside of the normal night time hours would cause significant nuisance or undue harm to neighbouring occupiers' amenity. The impact of earlier opening times and delivery noise needs to be considered in the context of the site which is located amongst other commercial activities. Moreover, this needs to be tempered against, in planning terms, that the majority of the commercial units are not restricted in terms of opening and delivery times. Due to the history of complaints and proximity of site to nearby residential uses it is recommended to attach a Noise Management Plan to have clear management controls in the event of any approval. The ability to control such matters by condition is a benefit of the proposal.
- 10.12 In conclusion, the additional 30 minutes during which opening hours and deliveries to Units 9 & 10 are sought would have very little, if any, negative impact on the living conditions of

the adjoining residents, subject to condition. As noted in paragraph 10.11, the normal hours of protection of night time noise levels is between the hours of 0700 and 2300hrs. The commercial units would continue to operate within these hours. It is considered that the modest changes to the original condition as proposed would not lead to an unacceptable impact on the living conditions or amenities of the local residents and there would therefore be no material conflict with either the local plan or with paragraph 17 and 123 of the National Planning Policy Framework, which seek to provide a good standard of amenity for all existing and future occupiers of land and building and mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- 10.13 The objections from one neighbour in particular are noted based on historic complaints. However, based on the above assessment the times and number of deliveries would not result in adverse harm to neighbouring occupiers in terms of noise or disturbance. The opening times would bring modest economic benefits. However, this has not been a determining factor within the assessment of the application.

Highways and Transportation

- 10.28 The existing estate is accessed from Kelvin Road with Highbury Park located close by. The estate is used by local traders and small/medium sized business with vans being the main mode of transport. There are separate CPZ controls in the surrounding residential streets to further ensure no parking pressures will be exerted on surrounding roads adjacent to the site.
- 10.29 There is not significant information to show that there would be any adverse effects of the development on the operation of the highway network or to highway safety. There is no formal footway within the estate and as such there is potential conflict with the estate traffic in regard to pedestrian safety. However, this situation is extant and previously mentioned, by increasing the opening and delivery times of one unit within the estate, is not considered to materially increase the frequency of daily deliveries that would result in an acceptable level of traffic generation. In conclusion the proposal would not conflict with DM8.6 of the Development Management Policies.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal for extended operating and delivery times is on balance not considered to cause undue noise or disturbance to neighbouring residential occupiers, notably those located on Kelvin Road.
- 11.2 The impact of the proposal is not considered to cause an adverse impact on the local highway in terms of traffic generation or highway safety.
- 11.3 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 12/08/2016.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 12/08/2013 [LBI ref: P122329]. 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	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site location plan, Supporting Statement incorporating Design and Access Statement from Howden Joinery Properties Limited dated October 2012, drawing numbers: 29585_01, 29585_02 & DE01/REV A.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Operating and Service and Delivery Hours (Details)</p> <p>CONDITION: The B8 use hereby approved shall not operate outside the hours of:</p> <p>0730 hours to 1800 hours on Monday to Friday 0730 hours to 1300 hours Saturdays Not operate on Sunday and bank holidays.</p> <p>No deliveries shall be made to the premises outside the above hours of operation.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
4	<p>Noise Management Plan</p> <p>CONDITION: A Noise Management Plan assessing the impact of the B8 operation and extended hours shall be submitted to and approved in writing by the Local Planning Authority prior to the extended hours hereby permitted commencing on site. The report shall assess impacts of the use on nearby residents and other occupiers together with means of mitigating any identified impacts. The B8 use shall be operated 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 proposed development does not have an adverse impact on neighbouring residential amenity.</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 LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, 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

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 12 – Meeting the housing challenge

Policy CS13 – Employment Spaces

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking
- Policy DM8.6 - Delivery and Servicing for new Developments

3. Designations

Employment Growth Area

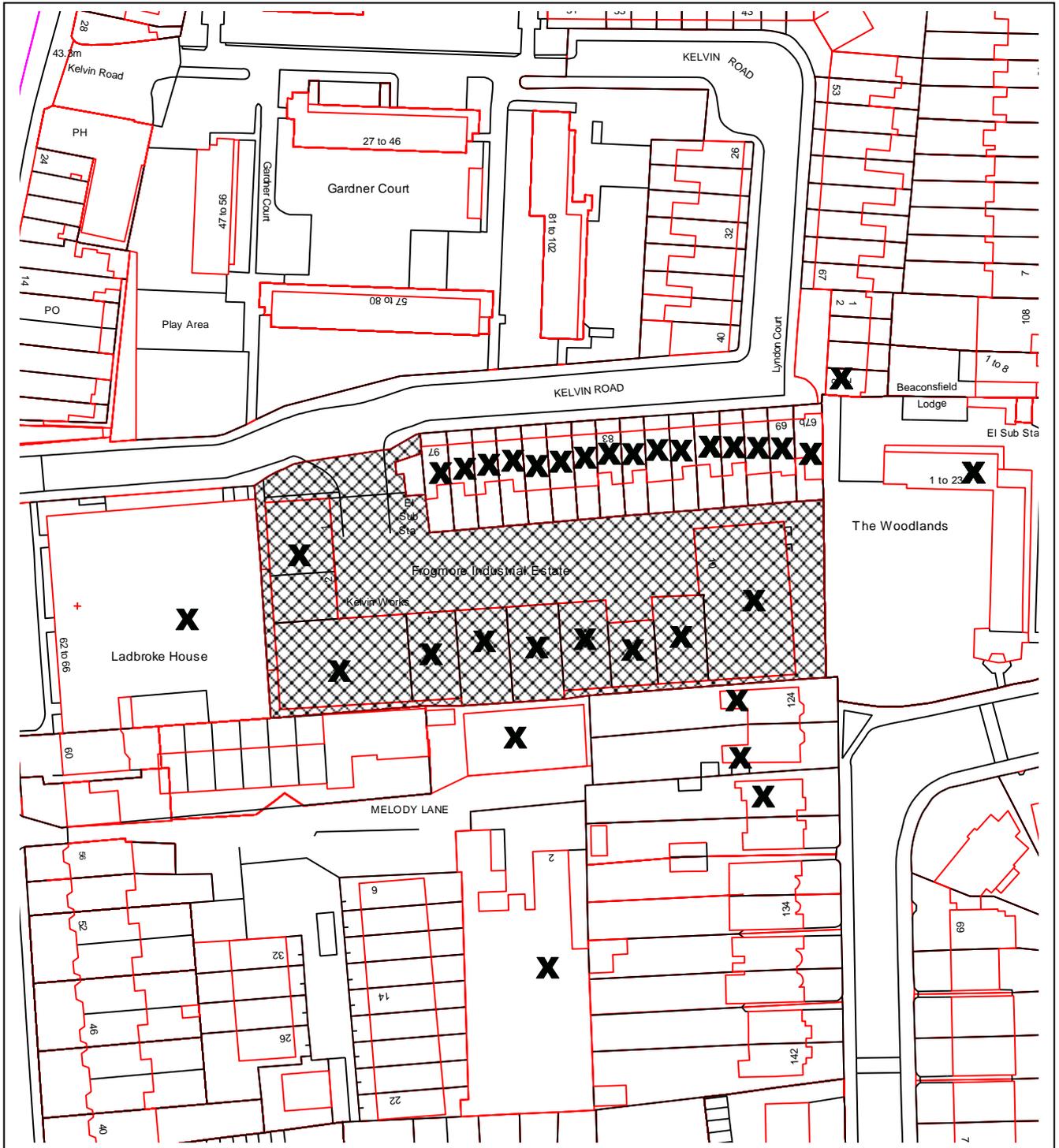
Within 50m of Aberdeen Park Conservation Area

Within 50m of Highbury Fields Conservation Area

4. SPD/SPGS

None

Islington SE GIS Print Template



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