

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department



<b>PLANNING SUB- COMMITTEE B</b>		
<b>Date:</b>	27 <sup>th</sup> February 2017	<b>NON-EXEMPT</b>

Application number	P2016/0529/FUL
Application type	Full Planning Application (councils own)
Ward	Clerkenwell Ward
Listed Building	Not Listed
Conservation Area	Not within a Conservation Area
Licensing Implications Proposal	None
Site Address	Flats 1 - 37, Mulberry Court Tompion Street London EC1V 0HP
Proposal	Replacement of the existing single glazed metal windows with aluminium framed double glazed casement windows.

Case Officer	Eoin Concannon
Applicant	Breyer Group Plc - Ms Linda Harris
Agent	FES Group - Mr David Johnstone

## 1. RECOMMENDATION

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

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

## **2 REASON FOR DEFERRAL**

- 2.1 This application was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. At the meeting there were concerns in relation to the thickness and depth of the existing and proposed window frames.
- 2.2 Members of the Committee and the public gallery raised concerns that the drawings did not accurately reflect the proposed variance in thickness and depth of the proposed windows. It was not clearly visible the differences in the overall thickness. It was also suggested to review the use of metal frames.
- 2.3 The sample window provided at the meeting was not actually a sample of the window to be used. It was considered that due to the inaccurate drawings and an inaccurate sample window provided at the meeting, there was insufficient information to make a decision on the night. The applicant was also asked to consider other finishes for the frames and carry out further consultation.

## **3. AMENDMENTS TO THE SCHEME**

- 3.1 Since the Committee meeting, amended plans have been received comparing each individual window existing and proposed. Each window now illustrates both existing and proposed including the sectional drawings.
- 3.2 Annotations have been included which clearly depict the differences in width and depth between the existing frames and the proposed windows have also been amended by reducing the nominal width of the proposed window frames. The applicant uses drawing WS006.1 Rev C as an example.
- 3.3 It was requested that drawings detailing how an installed window would fit within the reveal be provided, drawing WS006.1 provides this and also demonstrates that the proposed windows can be installed within the existing aperture without disturbing any of the existing building fabric.
- 3.4 The applicant has now also provided a sample window that will be used and this sample is accurate to the revised drawings that have been submitted. Given that the existing window measures 1200mm x 1200mm, a cut away corner section has been provided which is accurate to the plans.
- 3.5 The applicant had considered the possibility of steel frames at the request of one of the residents. However it was decided that it was not fair to pass the dramatic increase in cost onto the leaseholders of the building when there is no onus to use steel and the thermal performance of the proposed windows will be better. As such, the material would be power coated aluminium as previously proposed.
- 3.6 The amended drawings include a side by side comparison between the existing and proposed windows and a drawing detailing how an installed window would look. The applicant has also provided a Residents Consultation Leaflet that was sent to all residents prior to the first residents meeting on the 7<sup>th</sup> December 2015.

#### **4. PUBLIC CONSULTATION**

- 4.1 Further letters of consultation were sent to 142 neighbours on the 27<sup>th</sup> January 2017 providing residents 14 days to comment on the amendments drawings. The public consultation of the application, for these amended drawings, therefore expired on 10<sup>th</sup> February 2017; however it is the Council's practice to consider representations made up until the date of decision.
- 4.2 At the time of writing the report a total of 1 additional response had been received since it was previously discussed at Planning Sub Committee B on 3<sup>rd</sup> October 2016. The representation queried the time it was taken to replace the old windows. It states that the current windows are old and unsafe to the residents living in the property.

#### **5. ASSESSMENT OF THE AMENDMENTS**

- 5.1 The amendments received illustrate that whilst there would be a variation in the thickness of the frames, these would not impact on the character and appearance of the building sufficiently to warrant a refusal.
- 5.2 The existing facing metal frames would have a slimmer profile than the proposed aluminium however the difference would be acceptable given the architectural composition of the building. This is post-war purpose built flat development with the fenestration set back from the façade. Visually to the front and rear, the existing green coated balconies and walkways dominate the elevations. Whilst replacing the metal frames with similar material would be desirable from a design perspective, it would not be as sustainable as aluminium framed windows. Given that the changes apply to the whole building, the building would retain a consistent uniform appearance that would not impact on its character.
- 5.3 The existing window frames have a nominal width of 53mm; the original proposed drawings shown on the 3<sup>rd</sup> October had a nominal width of 69mm. The amended drawings show a nominal width of 59mm which is more in keeping with the existing windows and would allow the frames to fit into the building fabric.
- 5.4 A request was made to investigate further material types and finishes. The only available options would be uPVC and steel. UPVC frames would comply with Part L of the Building Regulations and would achieve the desired U-values, however the width would be too great and given the concerns already raised this option was discarded.
- 5.4 Steel windows offer visual aesthetics and dimensions similar to the existing fenestration but with significantly reduced U-values and increased cost. Given that the desired u-values would not be achieved and overall cost of these metal windows, it is considered that on balance, the benefits from installation of aluminium frames would outweigh the benefits of metal frames in this case.
- 5.5 The design of the existing building would allow aluminium windows to fit comfortably within the building fabric without causing significant visual harm to the overall appearance of the building, the surrounding character and appearance of the area including nearby Grade II listed buildings at

## 6. SUMMARY AND CONCLUSION

### Summary

- 6.1 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 in appearance to the existing windows on the building.
- 6.2 The proposed replacement aluminium windows would not result in visual harm to the overall appearance of the building or to the character of the area. There is also a clear public benefit achieved in the proposal through the enhanced insulated offered by double glazed windows, which will improve the sustainability of the building.
- 6.3 As such, the proposed development is considered to accord with the policies in the London Plan 2016, Islington Core Strategy 2011, Islington Development Management Policies 2013 and the National Planning Policy Framework 2012 and as such is recommended for approval subject to appropriate conditions.

### Conclusion

- 6.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION A attached once again below with a proposed amendment to condition 2 (approved drawings) to reflect the additional drawings under consideration.

### **Appendix 1**

#### **RECOMMENDATION A**

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

#### **List of Conditions:**

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
<b>2</b>	<b>Approved plans list</b>
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:  Site Location Plan; PD004 (Photographic survey), PD001 Rev C, PD002 Rev C, PD003 Rev C, WS001 Rev C, WS002 Rev C, WS003 Rev C, WS004 Rev C, WS005 Rev C, WS006 Rev C, WS007 Rev C, WS008 Rev C, WS009 Rev C, WS010 Rev C, WS011 Rev C, WS012 Rev C, WS013 Rev C, WS014 Rev C, WS015 Rev C, WS016 Rev C, WS017 Rev C, WS018 Rev C, WS019 Rev C, WS020 Rev C, WS021 Rev C, WS022 Rev C, WS023 Rev C & WS024 Rev C.  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.
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**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>

## Appendix 2 : PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	3 <sup>rd</sup> October 2016	NON-EXEMPT

Application number	P2016/0529/FUL
Application type	Full Planning Application (councils own)
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Not within a Conservation Area
Development Plan Context	N/A
Licensing Implications	None
Site Address	Flats 1 - 37, Mulberry Court Tompion Street London EC1V 0HP
Proposal	Replacement of the existing single glazed metal windows with aluminium framed double glazed casement windows.

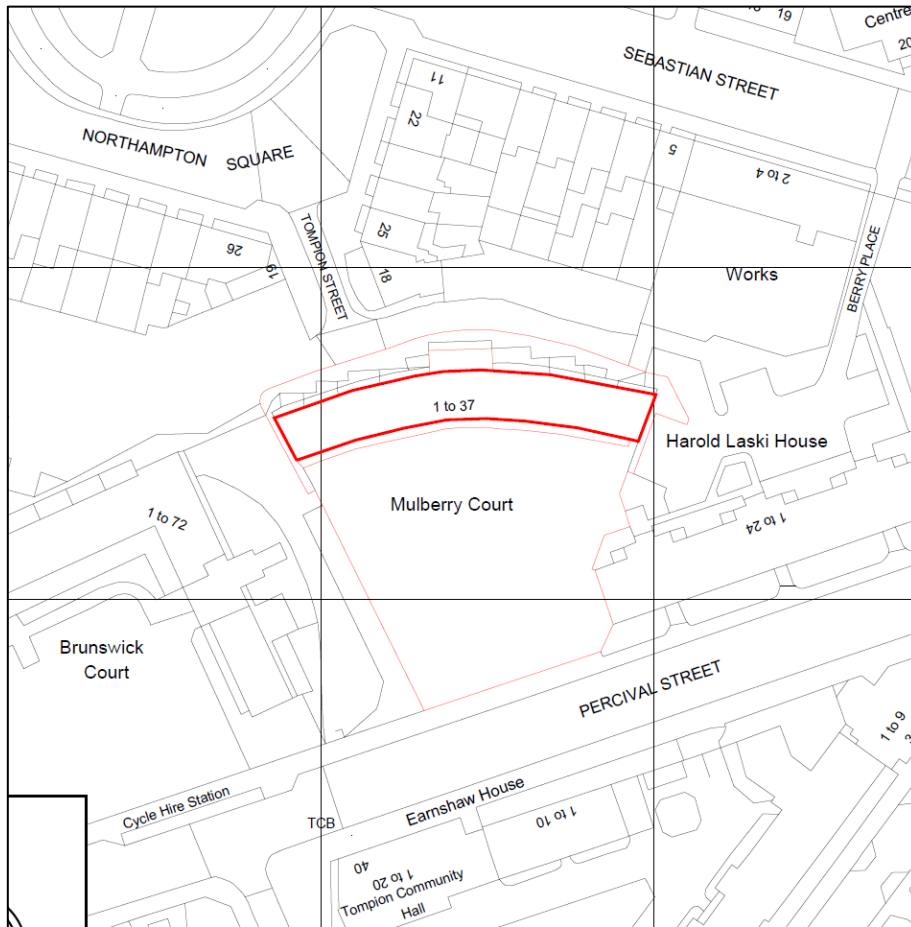
Case Officer	Ben Oates
Applicant	Breyer Group Plc - Ms Linda Harris
Agent	FES Group - Mr David Johnstone

### 1. RECOMMENDATION

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

2. Subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)





3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site from directly above the site



Image 2: Looking into the site in a Northerly direction





Image 3: View of front elevation from Tompion Street



Image 4: View of front elevation from Northampton Square



Image 5: View of rear elevation



Image 6: View of rear elevation



Image 7: Close up view of window style W14

## **4. SUMMARY**

- 4.1 Planning permission is sought for the replacement of all existing single glazed metal framed windows currently installed within the building with double glazed aluminium framed casement windows. The key considerations in determining the application relate to the impact on the existing building and surrounding area, as well as sustainability.
- 4.2 The application is brought to committee because the building is owned by the Council. The application is the first submission on the application property for a full replacement of the windows. No objections were received by the public.
- 4.3 The application property is a 6 storey crescent shaped residential apartment building of post-war construction and is not listed or within a Conservation Area. The surrounding properties are mainly residential; however there is a large variety of built form, age and character.
- 4.4 The building currently contains metal framed windows, which is typical to housing estate buildings of this era, and therefore the main difference in their replacement would be the change from single glazed and double glazed units. 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. Given the contemporary appearance of the existing building it is considered that the proposed replacement aluminium windows would not result in visual harm to the appearance of the building or to the character of the area nor views into the site from Northampton Square and its listed properties and Tompion Way.
- 4.5 The application is part of a wider Council program to upgrade the energy performance of buildings within Council ownership. Double glazed windows improve the insulation of each individual unit over and above that of the existing single glazed windows and therefore the proposal contributes towards reducing the carbon footprint of the building. Whilst there is a clear public benefit achieved in the proposal, it is considered that the proposed windows would be of an acceptable appearance. Therefore the application is supported and recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The application property is a 6 storey crescent shaped residential apartment building of post-war construction and is not listed or within a Conservation Area. The building consists of a mixture of brick, painted render and metal cladding with metal framed windows, which together with the form and design of the building give it a contemporary appearance. Despite being 6 storeys in height the building is not considered to be prominent due to the high density of its location and presence of larger buildings nearby; particularly the 14 storey residential blocks to the west. Tompion Street is a quiet residential street that generally gains no through traffic due to its location and narrow, winding nature with car parking areas throughout. It is also well screened from Percival Street to the south by the mature trees within its amenity space at the rear. There are some partial views of the building from Northampton Square Garden to the north, which is within the Northampton Square Conservation Area, through the gap formed by the junction of Tompion Street and Northampton Square.
- 5.2 The surrounding properties are mainly residential; however there is a large variety of built form, age and character.

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

- 6.1 The application proposes the replacement of the all existing single glazed metal framed windows currently installed within the building with double glazed aluminium framed casement windows. The new aluminium framed units are of a more sophisticated design and would not increase the thickness of the window frames when viewed externally.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 07/04/2009 – Planning Permission (ref: P090275) granted for *Installation of boiler flues (replacement scheme) along with associated alterations and works.*
- 7.2 31/01/2012 - Planning Permission (ref: P112263) granted for *Renewal of the main entrance doors and upgrade of the access control system on Brunswick, Emberton & Wycliff Courts and installation of the estate wide Close Circuit Television System on Brunswick Close Estate. And associated works and alterations.*

### **ENFORCEMENT:**

- 7.5 None.

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

- 7.6 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on 22/02/2016. A site notice was displayed on 25/02/2016. The public consultation of the application therefore expired on 17/03/2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

### **Internal Consultees**

- 8.4 Design and Conservation – No objection.

### **External Consultees**

- 8.5 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 Policy and 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:

- Impact on the character and appearance of the existing building and surrounding area; and
- Sustainability.

### **Impact on the character and appearance of existing building**

- 10.2 The proposed replacement aluminium framed casement windows would match the design of the existing windows with the exception that they would be double glazed rather than single glazed. 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. Furthermore, given the contemporary appearance of the existing building it is considered that the proposed replacement aluminium windows would not result in visual harm to the appearance of the building or to the character of the area.
- 10.3 The application property is visible from Northampton Square to the north, which is within the Northampton Square Conservation Area. The Conservation Area is relatively small for the borough and is characterised by the late Georgian terraced houses that surround the Northampton Square Gardens. Mulberry Court is visible between a gap in the terraced houses formed by the junction of Tompion Street and Northampton Square. However it is considered that at this distance there would be no noticeable difference between the existing and proposed replacement windows; particularly given the front elevation is partially concealed by balconies. Therefore there would be no demonstrable harm to the character and appearance of the adjoining Conservation Area.
- 10.4 The design of the proposal is considered to be acceptable in accordance with the guidance provided under the Urban Design Guide 2006, policies DM2.1 and DM2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the NPPF 2012.



## **Sustainability**

- 10.5 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 6 storey building, which contains 37 residential units, as it will improve the retention of heat in Winter and is therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 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. Furthermore, given the contemporary appearance of the existing building it is considered that the proposed replacement aluminium windows would not result in visual harm to the overall appearance of the building or to the character of the area. There is also a clear public benefit achieved in the proposal through the enhanced insulation offered by double glazed windows, which will improve the sustainability of the building.

- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan 2015, Islington Core Strategy 2011, Islington Development Management Policies 2013 and the National Planning Policy Framework 2012 and as such is recommended for approval subject to appropriate conditions.

### **Conclusion**

- 11.3 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:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PD001, PD002, PD003, WS001, WS002, WS003, WS004 and WS005.</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>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in 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 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

Policy 7.4 Local Character  
Policy 7.6 Architecture

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

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

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

Policy DM2.1 – Design  
Policy DM2.3 - Heritage  
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**

Central Activities Zone  
Bunhill & Clerkenwell - Core Strategy Key Area  
Bunhill & Clerkenwell - Finsbury Local Plan Area

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

Islington Urban Design Guidelines 2006  
Environmental Design SPD 2012