

PLANNING COMMITTEE REPORT

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



PLANNING SUB COMMITTEE A		
Date:	09 July 2015	NON-EXEMPT

Application number	P2015/1412/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Grade II Listed Building
Conservation area	Barnsbury
Development Plan Context	Core Strategy Key Area 6 – Kings Cross and Pentonville Road; Local Shopping Areas – Caledonian Road (Central)
Licensing Implications	None
Site Address	382 Caledonian Road London N1 1DY
Proposal	Retention of the existing shop (A1 Use) at ground floor level; erection of a two-storey extension at rear basement and ground floor levels (with associated terrace at rear ground floor level) and change of use of the rear basement level from ancillary retail floor space (A1 Use) to a one-bed maisonette (C3 Use) at basement and ground floor level; lowering of the rear garden level; lowering of vaults and old lightwell and conversion to create addition retail floor space (A1 Use), including installation of a new shopfront and installation of replacement timber sash windows to the front and rear elevations.

Case Officer	Sandra Chivero
Applicant	Mr Warren Hyams
Agent	David Crosthwait – Lipton Plant

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



Aerial view of the site.



View to the rear of the site.

4. SUMMARY

- 4.1 The re-provision of retail floor space and the amendment to the scheme to secure associated retail storage space is considered acceptable and is not considered to have a detrimental impact on the vitality and vibrancy of the retail unit and the local shopping parade. The amended residential accommodation is considered to be on balance satisfactory and would accord with relevant policies.

- 4.2 Whilst, the two-storey extension is not ideal in design terms, there are examples of full or near full width two-storey extension within this section of the terrace. In light of the surrounding context, the principle of a two-storey extension is considered acceptable at this location. In addition, the proposed heritage benefits including installation of timber sash window and the traditional timber shopfront is considered to outweigh harm caused by the rear extension. Overall, the proposed development is considered to have a neutral to positive impact on the character and appearance of the host property and wider conservation area setting.
- 4.3 A viability assessment was provided to demonstrate that the full affordable housing contribution would not be viable. The independent surveyor provided a report concluding that the scheme cannot support any affordable housing contribution.
- 4.4 The proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels.

5. SITE AND SURROUNDING

- 5.1 The property is a mid-terrace three-storey property comprising of commercial unit at ground floor level and residential flats above. The site is in a terrace of 8 similar properties fronting onto Caledonian Road.
- 5.2 The building is not listed but it is located within the conservation area and is also located within a local shopping parade. Currently the rear of the property comprises a valley roof at second floor with a front parapet wall facing Caledonian Road.

6. PROPOSAL (IN DETAIL)

- 6.1 The original submission proposed to retain the existing shop (A1 Use) at ground floor level; erect a two-storey extension at rear basement and ground floor levels (with associated roof terraces) and change of use at basement level from ancillary retail floor space (A1 Use) to create a two-bed maisonette (C3 Use) at basement and ground floor levels; lowering of the rear garden level and associated alterations to the shopfront.
- 6.2 Amended drawings were received and the application was reconsulted upon for a period of 14 days from the 27th of May ending on the 17 of June. The amended scheme is as follows:
- 6.3 Retention of the existing shop (A1 Use) at ground floor level; erection of a two-storey extension at rear basement and ground floor levels (with associated terrace at rear ground floor level)
- First floor rear terrace omitted
 - Change of use of only the rear basement level from ancillary retail floor space (A1 Use) to residential accommodation (C3 Use)
 - Creation of a one-bed maisonette (C3 Use) at basement and ground floor level instead of a two-bed maisonette
 - Lowering of vaults and old lightwell and conversion to create addition retail floor space (A1 Use)

- The existing retail floor space including ancillary storage is 65.83sqm which is the same amount of floor space as the resulting retail floor with ancillary storage
- Installation of a new traditional timber shopfront
- Installation of replacement timber sash windows to the front and rear elevations

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 May 2015: Planning permission (Ref. P2015/1411/FUL) Granted for Erection of Mansard roof extension to enlarge existing upper floor maisonette.
- 7.2 February 2007: Advertisement Consent (Ref. P070196) Refused for Outside display of an internally illuminated static double sided advertising unit on pavement outside number 382. Subsequent appeal dismissed.
- 7.3 276 Caledonian Road: June 2012: Appeal (Ref. APP/V5570/A/12/2168332/NWF) for the non-determined application (Ref. P112405) for Refurbishment and conversion of a vacant retail unit to provide a shop and two 1-bedroom flats – ALLOWED.

ENFORCEMENT:

- 7.4 January 2007: Enforcement Case (Ref. E06/02688) re. 6 Sheet freestanding advertisement Closed.

PRE-APPLICATION ADVICE

- 7.5 None

8. CONSULTATION

Public Consultation

- 8.1 Two consultations were carried out. Originally consultation letters were sent to occupants of 24 adjoining and nearby properties along Caledonian Road, Offord Road and Huntingdon Street on 23 April 2015. A site notice and a press advert were also displayed. The application was reconsulted upon for a period of 14 days from the 27th of May ending on the 17 of June, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing of this report a total of 5 objections (including one response from Cllr Rupert Perry) had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Unacceptable design (See paragraphs 10.8 – 10.14)
 - Impact on the Conservation Area (See paragraph 10.11, 10.12, 10.13)
 - Impact on the appearance of the shopfront (See paragraph 10.12, 10.14)
 - Contrary to policies and guidance (See paragraph 10.4, 10.7, 10.13, 10.14, 10.18, 10.20, 10.21)
 - Loss of privacy and noise disturbance (See paragraph 10.15 – 10.18)

- Impact of the viability of the commercial unity (See paragraph 10.5, 10.6, 10.7)
- Poor quality Basement accommodation (See paragraph 10.19- 10.25)
- Party wall issues (See paragraph 10.29)
- Basement excavation (See paragraph 10.28)

8.3 Cllr Rupert Perry and Cllr Paul Convery have requested the application to be heard at committee.

Internal Consultees

8.4 **The Access Officer** commented that ideally, there should be living/dining space and a WC at the entrance level. They stated that the entrance to the commercial unit incorporating level access appears to be satisfactory.

8.5 **The Design and Conservation Officer** commented that the fully glazed stall riser is unacceptable; the black cedar cladding and excessively large contemporary style openings fail to be adequately contextual; the conversion of the window to a door at 1st floor level is unacceptable as it harms the original fenestration pattern to the rear elevation; the creation of a terrace at this high level is also unacceptable as it detracts from the rear elevation and would lead to visual clutter.

8.6 The Officer further stated that the proposed rear extension failed to comply with the IUDG and the CADG as it is full-width and two-storeys and obscure the principal window to the principal floor however, acknowledged surrounding context with examples of full width and near full width extensions at rear ground floor level.

8.7 The Design and Conservation Officer also recommended provision of heritage benefits of installation of a new traditional timber shopfront and sash windows to offset the harm

8.8 **The Environmental Health Officer** commented that the dwelling may have inadequate natural lighting. It was further highlighted whilst there is no objection to the application, should planning permission be granted a condition suggested requiring the applicant to submit further evidence of daylight levels to be expected in the basement level bedrooms.

8.9 **The Public Protection Officer** commented that the only issue they have is with the age of the property that the flooring between the ground floor and the proposed basement residential is likely to have poor sound insulation properties. A condition requiring sound details between the new residential unit and the commercial unit to be submitted and approved in writing by the Local Planning Authority.

8.10 **The Development Viability Officer** commented that the residential element is a large proportion of development value for the scheme, its reduction will generally have a negative impact on the viability. Residential have been valued at £7,750 per sqm and Retail at £4,655 per sqm respectively.

8.11 The Development Viability Officer further commented that whilst there is a reconfigured retail space in the new proposal, it looks like there has been a reduction of 30sqm from Flat Two which takes a notable value out of the scheme.

9. RELEVANT POLICIES

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

National Guidance

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

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

Development Plan

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

Designations

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

- Core Strategy Key Area 6 – Kings Cross and Pentonville Road
- Barnsbury Conservation Area
- Local Shopping Areas – Caledonian Road (Central)
- Local view from Archway Road
- Local view from Archway Bridge
- Site within 100m of a SRN Road

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design and conservation impacts
- Neighbouring Amenity
- Internal living environment and residential standards

Land-use

- 10.2 It is proposed to retain the retail unit at ground floor level and ancillary storage at front basement level, including the re-provision of the rest of the ancillary storage within the converted front lightwell and vaults.
- 10.3 It is further proposed to create a one-bed flat to the converted rear basement level and new extension at rear basement and ground floor level. The principle of residential use in the original area of storage which is re-provided elsewhere is considered to be acceptable.
- 10.4 Whilst the basement floor level is identified in the submission as residential accommodation (C3 Use), this use has not been authorised by planning consent, the proposal is assessed in the context of a loss of A1 floorspace and assessed against the relevant planning policies. Development Management Policies DM4.1 (Maintaining and promoting small and independent shops) and DM4.6 (Local Shopping Areas) are pertinent in this respect.
- 10.5 Amended plans were required to overcome the policy objections to the loss of retail floorspace in the absence of marketing information. The amended plans re-provided the retail storage space in the front area at basement level in the vaults and lightwell. This amendment is considered to be acceptable and directly addresses any previous policy concerns regarding the unjustified loss of retail space within the submitted application.
- 10.6 The storage space lost at the rear basement level would be reprovided to the converted vaults and old lightwell. The re-provision of retail floor space and associated storage is considered acceptable and would accord with DM4.1 which seeks to protect small and independent shops. The policy sets out that *“the council views the retention of small and independent shops as a baseline and places great weight on the need to retain any shops which currently or potentially could be utilised by small and independent retailers.”*
- 10.7 The proposal would further accord with Policy DM 4.6 which seeks to protect retail units *“within the Local Shopping Area, which maintains and enhances the retail and service function of the Local Shopping Area” as in this instance.* There is no in principle objections to the proposed land uses within this application.

Design, Conservation and Heritage Considerations

- 10.8 The external alterations previously comprised of the erection of a two storey extension with roof terraces at rear ground and first floor levels; replacement of window opening at rear first floor level with access door to the new terrace; alterations to the shopfront and lowering of the rear garden level.
- 10.9 Concerns were raised regarding the proposed rear extension failing to comply with the requirements of the IUDG and the CADG as the two storey element is more than half width; The conversion of the window to a door at 1st floor level harming the original fenestration pattern to the rear elevation; and the creation of a terrace at a this high level detracting from the rear elevation and would lead to visual clutter. Amended drawings were received showing the removal of a rear first floor roof terrace and rear first floor level window to overcome the objections.

- 10.10 Whilst the two-storey extension is not ideal in design terms, there are examples of full or near full width two-storey extensions within this section of the terrace to which the application site belongs, the examples include the adjoining properties at nos. 380 and 384 Caledonian Road. In light of the surrounding context it is considered that the upper part of the extension does not cause any material visual harm such that the council could reasonably warrant the refusal of the application on these grounds. The immediate examples of large rear additions surrounding the property are material considerations in this case and are considered to add significant weight to the acceptability of the proposed rear extensions within this submission. Design and Conservation acknowledge this context and the difficulties of demonstrating the harm of a full width extension in this context.
- 10.11 In addition, the applicant was encouraged to provide heritage benefits including replacing the inappropriate modern windows with timber sash windows and replacing poor quality shopfronts with high quality traditional timber shopfronts to help improve the quality of the scheme and offset the elements which do not comply with policy or guidance. Amendments were proposed a new traditional timber shopfront and sash windows. These are significant heritage benefits linked to the scheme which are considered on balance to outweigh some of the identified harm in relation to the scale of the proposed rear extensions.
- 10.12 Due to materials, design and appearance the new sash windows and shopfront are considered to enhance the architectural character of the host Victorian building and the character and appearance of the surrounding Barnsbury Conservation Area especially when seen from the public realm. This would be consistent with policies DM2.3 and DM4.8 of the Development Management Policies. These works would further accord with guidance contained within the Conservation Area Design Guideline, the Islington Urban Design Guide and the Islington Shopfront Design Guidelines.
- 10.13 The shopfront would incorporate level threshold, this is considered to provide satisfactory access for people with mobility issues in line with the requirements of policy DM2.2 of the Development Management Policies.

Neighbouring Amenity

- 10.14 Whilst there would be views from neighbouring properties, the proposed extension and roof terrace at rear ground floor level would not be located adjacent to habitable room windows to neighbouring and adjoining properties and are therefore considered not to result in harmful loss of light, outlook or privacy to neighbouring properties.
- 10.15 The omission of the rear first floor balcony is considered to address overlooking to neighbouring properties.
- 10.16 Concerns were also raised regarding the roof terrace resulting in noise nuisance. It is now only proposed to create a single roof terrace at rear ground floor level, the roof terrace at rear first floor has been deleted. This would be for residential use and is not considered to cause harmful noise and disturbance to warrant a refusal of the application.
- 10.17 Overall, the proposal is considered to accord with policy DM2.1 which requires development to provide good level of amenity including consideration of noise, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Quality of Resulting Residential Accommodation

- 10.18 It was previously proposed to create a two-bed maisonette with bedroom one being positioned at front basement level and incorporated windows opening a paved-over front lightwell and a small line of rooflight. This resulted in no outlook, inadequate light levels and no provision of natural ventilation to the habitable room.
- 10.19 The amended drawings showed the very small bedroom to the front basement level omitted from the proposal. This has now overcome the Environmental Health Officer's objection on inadequate daylight levels. It is now proposed to create a single person one-bed maisonette with a gross internal area of 39.74sqm. This would be inline with Development Management Policies document which requires which requires provision Gross Internal Area of 37sqm for a single person one-bed flat. It is noted that council's policy DM 3.4 details that studio/single bed units are only permitted in exceptional circumstances where a larger unit is not possible or this would result in a better aspect.
- 10.20 Whilst single person, one bed flats are very unusual, it is considered that the need to maintain the existing retail floorspace and erect appropriately designed and scaled rear extensions for the development have restricted the ability of the site to create a larger unit in this case. Therefore the creation of a smaller 1 single bedroom unit is on balance considered to be acceptable.
- 10.21 The outdoor amenity space would be 18.25sqm and this would meet the requirements of policy DM3.5 of the Development Management Policies which stipulates that the minimum requirement for private outdoor space is 15m² on ground floors for 1-2 person dwellings.
- 10.22 Whilst the resulting residential flat would be single aspect the habitable rooms are considered to have adequate outlook and daylight levels for a unit of this type and scale. On balance, the proposal which in all other aspect is satisfactory is therefore considered to be acceptable.
- 10.23 Attention is also drawn to the allowed appeal at no 276 Caledonian Road which related to the non-determined application for the refurbishment and conversion of a vacant retail unit to provide a shop and two 1-bedroom flats at rear ground floor level and basement level. The bedrooms at the rear of the flats were proposed to be lit by an internal lightwell and the living rooms were proposed to have an open garden aspect with floor to ceiling glazing at the rear. The Inspector stated that he could see no persuasive evidence that the outlook from any of the rooms including bedrooms opening up into the rear garden would be unacceptable. The Inspector concluded that no harm would be caused to the living conditions of prospective residents of the 2 flats in respect on the amount of internal living space and outlook.
- 10.24 While every planning case should be assessed on its merits, it is considered that the number of existing lawful flats at lower ground and ground floor levels within this section of Caledonian Road and recent appeal decisions are material considerations which weigh in favour of the proposed scheme in this case.
- 10.25 Ideally, as noted by the Accessibility Officer there should be living space and a WC at the entrance level, property is a conversion and the residential floor space at ground

floor level is not adequate to provide living space and WC given the policy requirements to retain the retail floorspace at ground floor level.

- 10.26 Concerns were also raised regarding age of the property that the flooring between the ground floor and the proposed basement residential likely to have poor sound insulation properties. A condition has therefore been recommended full particulars and details of a scheme for sound insulation between the new residential unit and the commercial unit to be submitted to and approved in writing by the Local Planning Authority.

Affordable Housing and Financial Viability

- 10.27 A viability assessment was submitted to demonstrate that the full contribution is not viable. The independent surveyor provided a report concluding that the scheme cannot support any affordable housing contribution.
- 10.28 The Council's Development Viability Officer further looked at the assessment and commented that the residential element is a large proportion of development value for the scheme, its reduction to facilitate retention of retail floorspace will generally have a negative impact on the viability. It was further commented that, whilst there is a reconfigured retail space in the new proposal, it looks like there has been a reduction of 30sqm which takes a notable value out of the scheme.
- 10.29 The overall conclusion of the independently assessed viability report was that no small sites contribution could be supported in this particular scheme.

Sustainability

- 10.30 Excavation would largely take place within the footprint of the main property, under the paved over lightwell and the vaults. The proposal would not result in a significant loss of outdoor open space. It is therefore considered that the proposal would not result in harmful impact on the drainage and biodiversity, nor would the excavation of the lightwells and vaults affect the amenity of adjoining occupiers.

Other Matters

- 10.31 The concerns raised regarding party wall issues are not a material planning consideration and the Party Wall Act which deal these civil matters. The application therefore could not be refused for this reason.

11. SUMMARY AND CONCLUSION

- 11.1 The re-provision of retail floor space and associated storage space and associated storage is considered acceptable and policy compliant. The resulting residential accommodation is considered satisfactory within this constrained context and would on balance accord with relevant policies.
- 11.2 Whilst, the two-storey extension is not ideal, there are examples of full or near full width two-storey extension with this section of the terrace. In light of the surrounding context, the principle of a two-storey extension is considered acceptable in principle at this location. In addition, the proposed heritage benefits including installation of

timber sash window and the traditional timber shopfront are considered to go some way to outweigh the harm caused.

- 11.3 A viability assessment was provided to demonstrate that the full affordable housing contribution would not be viable. The independent surveyor provided a report concluding that the scheme cannot support any affordable housing contribution. The Council's Development Viability Officer stated that the reduction of the residential element will generally have a negative impact on the viability of the scheme as a whole and agreed with the independent surveyors conclusions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	<p>Approved plans list</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>412.(1).0.000, 412.(1).0.001, 412.(1).0.002, 412.(1).0.003, 412.(1).0.004, 412.(1).0.005, 412.(1).0.006, 412.(1).0.007, 412.(1).0.008, 412.(1).0.009, 412.(1).0.010; 412.(1).1.001Rev.A, 412.(1).1.002Rev.A, 412.(1).1.003Rev.B, 412.(1).1.004Rev.A, 412.(1).1.005; 412.(1).2.001Rev.B, 412.(1).2.002Rev.C; 412.(1).3.001Rev.A, 412.(1).3.003</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 to Match (Compliance)</p> <p>CONDITION: All enhancements/heritage benefits (which help weigh in favour of the approved scheme) shall be undertaken prior to occupation of the building. For the avoidance of doubt these primarily considered to be:</p> <ul style="list-style-type: none"> - The new traditional timber shopfront - The new traditional timber sash windows <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	<p>Materials to Match (Compliance)</p> <p>CONDITION: The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
5	<p>Sash widows</p> <p>CONDITION: All new sash windows shall accurately replicate, in terms of material, profile and detailing, the original windows surviving to the terrace. They shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be no greater than 12mm (4mm glass: 4mm gas: 4mm glass) in total thickness. No trickle vents or</p>

	<p>metallic/perforated spacer bars are permitted.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
6	Details/samples of the new traditional timber shopfront
	<p>CONDITION: The following shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing: Details/samples of the new traditional timber shopfront</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
7	Sound Insulation (Details)
	<p>Full particulars and details of a scheme for sound insulation between the proposed basement residential and ground floor commercial use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To secure an appropriate internal residential environment</p>
8	Car free development restriction
	<p>Car-Free Development: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) In the case of units designated in this planning permission as non car free; or iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

List of Informatives:

1	Car free development
	<p>You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.</p>
2	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will</p>

	<p>then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
3	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
4	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

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

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

3 London's people

Policy 3.5 Quality and design of housing developments

4 London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

6 London's transport

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.7 Noise and vibration (residential uses)

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops

DM4.6 Local shopping Areas

DM4.8 Shopfronts

Employment

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Transport

DM8.5 Vehicle parking

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction

APPENDIX 3: APPEAL STATEMENT



Appeal Decision

Site visit made on 18 April 2012

by Sue Glover BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2012

Appeal Ref: APP/V5570/A/12/2168332

276 Caledonian Road, London N1 1BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Kiyoko Ito Mustafa against the Council of the London Borough of Islington.
 - The application Ref P112405 is dated 17 October 2011.
 - The development proposed is the refurbishment and conversion of a disused retail unit into a mix use scheme, comprising a shop and 2 one bedroom flats.
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Decision

1. The appeal is allowed and planning permission granted for the refurbishment and conversion of a disused retail unit into a mix use scheme, comprising a shop and 2 one bedroom flats at 276 Caledonian Road, London N1 1BA in accordance with the terms of the application, Ref P112405 dated 17 October 2011, subject to the Schedule of Conditions set out in the Annex to this decision.

Main Issues

2. The main issues are the effect on the:
 - vitality of the street scene on account of a proposed reduction in size of the retail unit
 - living conditions of prospective residents of the 2 flats in respect of the amount of internal living space and outlook
 - living conditions of the residents of the basement flat in respect of privacy.

Reasons

Vitality of the street scene

3. The ground floor retail unit, which has been vacant for some time, would be reduced in size to make it more compact and affordable. The basement would be opened up to create a split level unit with the potential for additional retail and storage space below. A similar layout was created at the retail unit next door at no. 274, which I am informed was let on completion.

4. Although there are some retail vacancies nearby, the shopping centre appears to be a lively, thriving and vital area. The renovation of the appeal property and its re-use as a retail unit, albeit smaller in scale, would contribute to the liveliness and vitality of the street scene. I therefore find no conflict with the objectives of Policy CS 6 of the Core Strategy and Saved Policy S31 of the Unitary Development Plan 2002 (UDP).

Internal space and outlook at the 2 flats

5. The appellant indicates that the 2 flats are intended to be occupied by a single person only. I have no alternative evidence that they would be 2 person units as suggested by the Council. As one person flats each with an internal floor space of some 44 square metres they would exceed the internal floor space guidelines set out in Table 3.3 of The London Plan and the Planning Standards Guidance, Supplementary Planning Guidance (SPG). Furthermore, the rooms are well-proportioned, do not appear cramped and there would be external garden space for each of the flats in excess of the guidelines. The residents of the maisonette above would retain access to the large roof terrace.
6. The bedrooms at the rear of the flats would be lit by an internal light well, providing natural light and ventilation. The light well would have floor to ceiling glazing on 3 sides so that there would be views from the bedroom across the light well into the living room beyond, so increasing the outlook from the rear bedrooms. The living rooms would have an open garden aspect with floor to ceiling glazing at the rear. There is the intention of opening up the 4th wall of the light well linking into the adjoining open space at no. 274, so further improving the light and outlook in the rear bedrooms.
7. Taking into account these matters, I find no persuasive evidence that there would be substandard accommodation at the 2 flats, or that the outlook from any of the rooms would be unacceptable. There would be no harm to the living conditions of prospective residents of the 2 flats in respect of the amount of internal living space and outlook. In this respect there is no conflict with the objectives of CS Policy CS 12, UDP Policies H3, H7 and H10, and the guidelines in the London Plan and the SPG.

Privacy at the basement flat

8. There would be close views from the rear external staircase into the rear window of the basement flat, but I am satisfied that a condition could be imposed to erect a privacy screen to prevent any unacceptable overlooking. There would therefore be no material harm to the living conditions of the residents of the basement flat in respect of privacy and no conflict with UDP Policy D3.

Other matters

9. In reaching my decision I have had regard to the fact that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The repair and re-instatement of the original shop front would make a positive contribution to the character and appearance of Barnsbury Conservation Area. There is a mix of development at the rear of the terrace including some modest sized contemporary additions. The proposal has a contemporary feel but it is small scale, subordinate and in keeping with other development nearby.

10. I am therefore satisfied that the proposal would have no material effect on Barnsbury Conservation Area, and that its character and appearance would be preserved. A requirement for yellow stock brick on the rear extension would detract from the contemporary feel of this part of the proposed conversion and is unnecessary.
11. The proposal would create a mix of unit sizes and uses in the building. Storage for refuse and recycling facilities is indicated on the submitted drawings. I have considered all other matters raised, but I find none that warrant dismissal of this appeal. I have considered all the policies in the National Planning Policy Framework (NPPF) in the light of the submissions for this appeal, but the NPPF does not alter my conclusions.
12. I have imposed conditions in respect of new windows on the upper parts of the building to ensure a satisfactory finished appearance. There is also a condition requiring details of a privacy screen to prevent unacceptable overlooking. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Sue Glover

INSPECTOR

ANNEX

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans except as otherwise amended by condition: drawing nos. 001, 002, 003, 004 Revision A, 005 Revision B, 006 Revision A.
- 3) To the upper facades of the front and rear elevations the new windows shall be timber sash windows to match the existing original windows surviving to the host terrace in terms of material, profile and detailing. They shall be painted timber, double hung sash windows with a slim profile and narrow integral (not applied) glazing bars and a putty finish. The windows shall have horns and if they are to be double glazed, the glazing must be no greater than 10mm in total thickness. The windows shall be permanently retained as such thereafter.
- 4) No development shall take place until details of a privacy screen to be installed on the rear external staircase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the new dwellings.