



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 B		AGENDA ITEM NO:	
Date:	17 March 2014	NON-EXEMPT	

Application number	P2013/4862/FUL
Application type	Full Planning
Ward	St Peter's
Listed building	Unlisted
Conservation area	Duncan Terrace/Colebrooke Row
Development Plan Context	Conservation Area
Licensing Implications	None.
Site Address	11 & 13 Elliott's Place, London, N1 8HX
Proposal	Installation of four windows at ground and basement levels to north elevation.

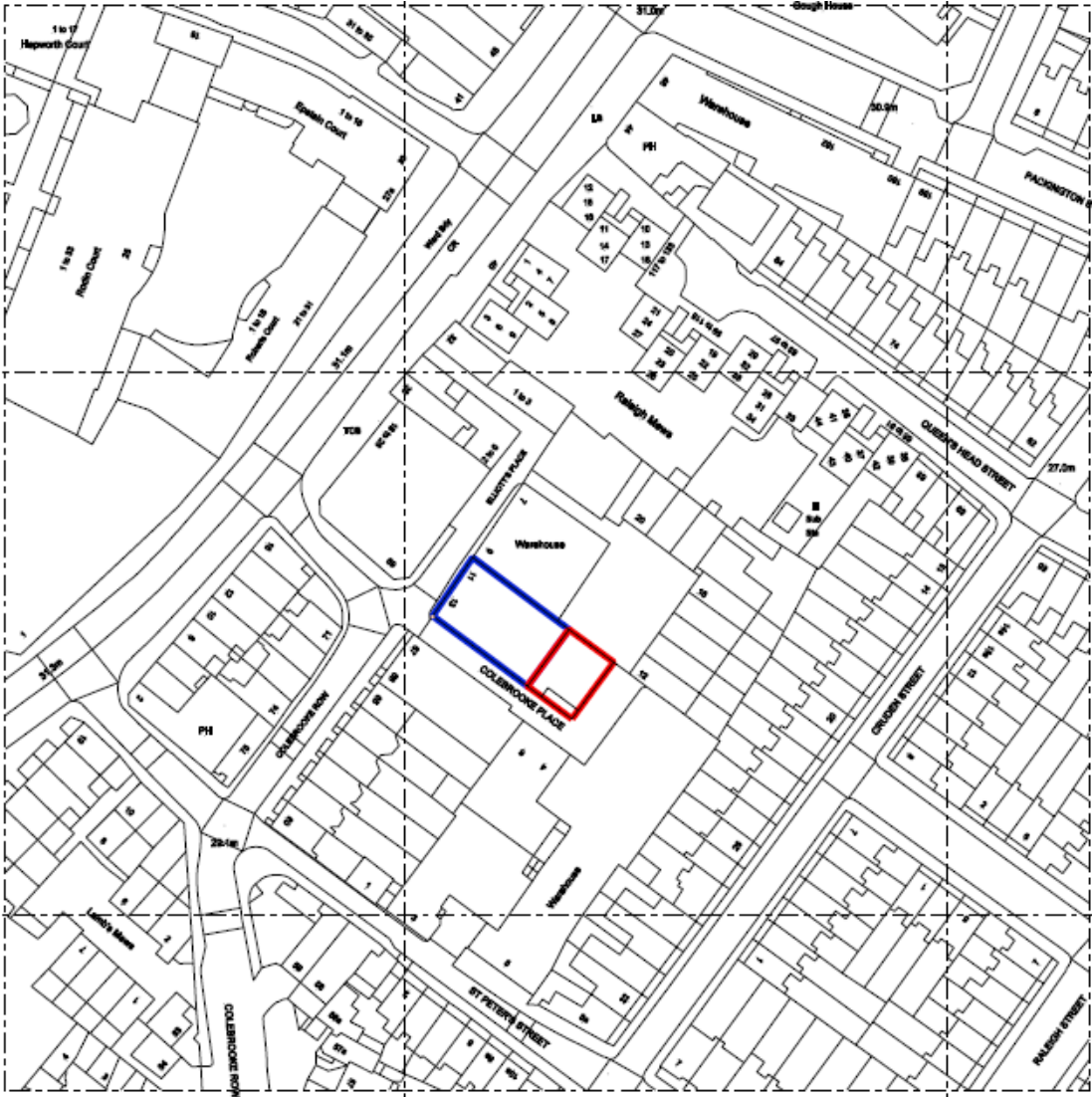
Case Officer	Russell Butchers
Applicant	Kevin McCusker, St Paul's (Colebrooke) Ltd
Agent	John Pike, Pike Planning

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 red)



3. PHOTOS OF SITE/STREET



Photo 1: North elevation where windows are to be installed.



Photo 2: North elevation in context of courtyard.

4. SUMMARY

- 4.1 The application seeks to insert four windows into the northern elevation of an office building. The northern elevation faces onto a courtyard area which is accessed by residents of Colebrooke Place and is used as a semi-private outdoor amenity space.
- 4.2 The main issues relate to design, appearance and neighbouring amenity.
- 4.3 Following assessment of the application it has been concluded that the proposal would not result in any undue levels of overlooking that would justify the refusal of planning permission and the proposed design and appearance is acceptable. The application complies with the Council's policies and is recommended for approval.

5. SITE AND SURROUNDING

- 5.1 The application property is a four storey building, including the basement and roof extension. The current lawful use of the building is B1 offices.
- 5.2 To the north of the building is a communal courtyard area that is accessed by the residential occupiers of 12 to 20 Colebrooke Place (nine dwellings). The building is not listed but is within the Duncan Terrace/Colebrooke Row Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 Insertion of four windows to the northern flank elevation of the building, including two high level windows at basement level and two windows at ground floor level.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P052007 – Demolition of existing (B1) offices and redevelopment of site to provide 586 m² replacement (B1) office accommodation and 6 x 2 bed residential units within a new basement plus two storey building (amended scheme with hipped roof to reduce east elevation and removal of the ground floor window on the north elevation). Approved November 2007.
- 7.2 P052008 – Conservation area consent in connection with P052007. Approved November 2007.
- 7.3 P081972 - Amendment to planning permission (Ref; P052007) to include additional basement office space and other alterations to the building to provide offices and 6 x 2-bed residential units. Approved November 2008.
- 7.4 P2013/2305/PRA – Prior approval of the Local Planning Authority in relation to the change of use from consented / lawful office floor space (B1a use class) comprised of 2 residential units. Approved August 2013.

ENFORCEMENT

7.5 None.

PRE-APPLICATION ADVICE:

7.6 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 17 adjoining and nearby properties. A site notice and press advert were displayed on 2 January 2014. Following information that the residents of surrounding the courtyard had not been consulted a further round of consultation was undertaken. The public consultation of the application expired on 14 February 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report a total of nine objections 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):

- Overlooking to the courtyard and neighbouring habitable rooms (proposed windows less than 18m from windows on Colebrooke Place); (10.5 – 10.9)
- Increased noise impacts; (10.10)
- Light pollution to courtyard; (10.10)
- Reduction in green space planting; (10.11)
- Reduction in children's play area. (10.12)

External Consultees

8.3 None.

Internal Consultees

8.4 Design & Conservation: No objection.

Other 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 Guidance

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.3 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

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

- Design and conservation
- Neighbouring amenity

Design, Conservation and Heritage Considerations

- 10.2 The design of the proposed windows will match the existing windows in the northern elevation in terms of materials. The profile and design of the windows does differ slightly from those on the first floor, however the proposed fenestration pattern is considered to be acceptable. The windows, which would serve the B1 office, are acceptable in relation to this use and are in keeping with the building. The windows would not be visible from the streetscene but would be visible from the communal courtyard. The proposal is acceptable in design terms.
- 10.3 Overall it is considered that the proposed works would preserve the character and appearance of the conservation area and the proposal is consistent with the Conservation Area Design Guidelines and policies DM2.1 and DM2.3.

Neighbouring amenity

- 10.4 Planning permission P052007 granted permission for four windows at first floor level with no windows at ground or basement level. P052007 was amended by application P081972 whereby one of the first floor windows was

omitted from the scheme. P081972 also included a condition that the windows on the northern elevation be obscure glazed to protect amenity of neighbouring occupiers.

- 10.5 The window directly across the courtyard at 18, 19 and 20 Colebrooke Place are located at a distance of approximately 23m away. This is consistent with Islington's Development Management Policies which seeks a minimum distance of 18m to prevent overlooking to habitable room windows.
- 10.6 Habitable room windows in units at 12, 13, 14 and 15 Colebrooke Place would be located at a distance of less than 18m, however these windows would be at an oblique angle to the proposed windows and as such would not suffer any undue overlooking or loss of privacy as a result of the proposal.
- 10.7 In addition to the above, in order to address any potential overlooking concerns, in line with previous permission, the applicant has proposed that the ground floor windows be obscure glazed and fixed shut up to 1700mm above finished floor level and a condition is proposed. A condition requiring that these windows be obscure glazed is proposed to this effect. As the basement level windows would only be at a high level it is not considered necessary that they be obscure glazed or fixed shut as the occupiers would not be able to look out of them due to their high level location.
- 10.8 Objections have been received that the windows would result in overlooking to the courtyard. The courtyard is a semi-private outdoor amenity space and is not a habitable room. There are seven existing windows in the application building at first and second floors that already overlook the courtyard although these windows are obscure glazed to a high level. The courtyard is also overlooked by the windows of 12 to 20 Colebrooke Place.
- 10.9 Objections have been received that the proposed windows would result in increased noise levels and light pollution. The four windows are modest in size and would not result in any undue harm to neighbouring amenity by way of increased noise or light pollution.

Other matters

- 10.10 Objections were also received in relation to a reduction in available green space planting. The proposed windows would not prevent the planting of climbing plants or vines along the northern elevation of the building. There was no condition attached to planning permission P052007 that required any planting to the northern elevation of this building.
- 10.11 Further objections have been received that the proposed windows would reduce the ability of children to kick or hit a ball against the northern elevation of the building. This is not considered to constitute a material planning consideration.
- 10.12 The current lawful use of the building is B1 and the proposed windows are associated with this use. The prior approval that has been granted for a change of use to residential does not include these windows. If the applicant

wishes to implement a change of use to residential then a new prior approval is required.

11. SUMMARY AND CONCLUSION

Summary

11.1 The proposal to insert windows to the basement and ground floor north elevation of the B1 office building would not result in any unacceptable detrimental material impacts upon the amenities of neighbouring occupiers that would justify the refusal of planning permission. The proposal is also acceptable in design terms and would preserve the character and appearance of the conservation area.

11.2 Planning permission should be granted.

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 Committee resolve to GRANT planning permission subject to the following conditions.

List of Conditions:

1	Commencement
	<p>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>The development hereby approved shall be carried out in accordance with the following approved plans: 1104/GA/100/001; 1104/GA/100/002A; 1104/GA/1250/001.</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>WINDOWS OBSCURED AND FIXED SHUT / ANGLED AS SHOWN ON PLANS (COMPLIANCE): The northern elevation ground floor windows hereby approved shall be obscurely glazed prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</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>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 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 2011, Islington Core Strategy 2011, Finsbury Local Plan 2013, Islington Site Allocations 2013 and the Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

7 London's living places and spaces

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

3. Designations

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

- Duncan Terrace/Colebrook Row - Archaeological Priority Area Conservation Area

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

The following SPGs and/or SPDs are relevant:

- | Islington Development Plan | London Plan |
|---------------------------------------|--------------------|
| - Conservation Area Design Guidelines | - None. |
| - Urban Design Guide | |