



ISLINGTON

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
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London
N1 1YA

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO:	B4
Date:	10 September 2012	NON-EXEMPT	

Application number	P121075
Application type	Full Planning Application
Site Address	36-47 Ray Walk, Islington, London, N7 7RD
Proposal	Retrospective application to change the use of 30 semi-basement garages (ancillary to residential use) to mixed B1 and B8 use plus external alterations.

RECOMMENDATION

That the Committee resolve to **GRANT** planning permission as set out in Appendix 1.

INTRODUCTION

Site and Surroundings

1. 36-47 Ray Walk is located on the east side of Ray Walk, close to the junction with Andover Road, within the Andover Estate. The semi-basement area of the building was previously occupied by 30 garages spanning the entire footprint of the building. There is a vehicular entrance to the east and a pedestrian entrance to the west. The residential use on the upper floors is contained in a two to three storey building. The surrounding area is largely residential. The property is not located within a conservation area nor is it a listed building.

Proposal (in Detail)

2. Retrospective application to change the use of 30 semi-basement garages (ancillary to residential use) to mixed B1 and B8 use plus minor external alterations.

Issues

3. The main issues arising from this proposal relate to the:
 - Land Use
 - Design and appearance
 - Neighbouring Amenity
 - Highways and Transportation

Relevant History

4. None.

CONSULTATION

Public Consultation

5. Letters were sent to occupants of 105 adjoining and nearby properties at Ray Walk, Andover Road, Todds Walk, Tomlins Walk and Lazar Walk on 05 July 2012. The public consultation of the application therefore expired on 2 August 2012, however it is the Council's practice to continue to consider representations made up until the date of a decision.
6. At the time of the writing of this report no responses had been received from the public with regard to the application.

External Consultees

7. No external consultation was required.

Internal Consultees

8. The Public Protection, Highways, Housing, Refuse Officers have not raised any concerns.
9. The Strategic Planning and Transport Officer has raised concerns regarding the proposal relating to vehicular/pedestrian conflict.

RELEVANT POLICIES

National Guidance

10. 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 considered as part of the assessment of these proposals.

Development Plan

11. The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

The London Plan 2011 - Spatial Development Strategy for Greater London

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.12 Improving Opportunities for All

6 London's Transport

Policy 6.3 Assessing effects of development on transport capacity

London's Response to Climate Change

Policy 5.16 Waste Self-Sufficiency
Policy 5.17 Waste Capacity

Islington Core Strategy 2011

Spatial Strategy

Policy CS2 (Finsbury Park)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS10 (Sustainable Design)
Policy CS13 (Employment Spaces)

Islington Unitary Development Plan 2002

Economic Regeneration Policies

E1 Business Development
E2 Business Development
E8 Storage and Distribution
E13 Protection of Premises for Small Firms and Opportunities for Business Start Up

Environment Policies

Env17 Protecting Amenity

Design and Conservation Policies

D3 Site Planning
D4 Designing in Context
D11 Alterations and Extensions

Sustainable Transport

T55 New Development
T56 Traffic Generation and Public Transport Capacity

Emerging Policy Documents

Islington's Development Management Policies – Proposed Submission, October 2011

12. The Submission stage version of Islington's Development Management Policies document was presented to and approved by full Council on 26 June 2012. This document is considered to be 'sound' (i.e. positively prepared, justified, effective and consistent with the National Planning Policy Framework) and was submitted to the Planning Inspectorate for Independent Examination on 16 August 2012. The document sets out in detail the Council's approach to determining proposals for the next 15 years and, whilst not adopted, contains emerging policies that are a material planning consideration and to which considerable weight can be attached.

Design and heritage

DM1 (Design)

Transport

DM46 (Managing transport impacts)

DM49 (Vehicle Parking)

DM50 (Delivery and servicing for new developments)

Designations

13. The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):
- Finsbury Park Special Policy Area

Supplementary Planning Guidance (SPG) / Document (SPD)

14. The following SPG's and/or SPD's are relevant:
- None

EVALUATION

Land-use

15. The proposed retrospective change of use is from garages, ancillary to the residential above, to mixed used B1 and B8. This mixed use would involve the space being used as repair workshops for small electrical items and areas for sorting electrical recyclable goods from house clearances, plus a proportion of the site as offices and facilities for staff.
16. There is no relevant planning history for the site, however the garages as stated in the Design and Access statement have been redundant since the 1980's and most recently Balfour Beatty have used the application site for storage. The subterranean layout and size of the building means that it lends itself to be used as a storage and workshop area. The repaired electrical goods and items cleared from home clearances will not be traded from the application site. The repaired goods will be transported to a Bright Sparks shop located on Seven Sisters Road. Free PAT testing (the inspection and or testing that is required of all portable electrical appliances to assess their operational safety and the safety of personnel operating the equipment) and free repair service is expected to occur on site for residents of the estate but this is not considered to conflict with the largely residential character of the area. The proposed small scale and described operation as set out in the Design and Access statement along with the site being located at semi basement level, means that this particular mixed B1 and B8 use is

considered acceptable. It is recommended that a personal condition is attached to the permission due to the residential nature of the site so as to ensure that changes in activity do not occur which could harm the residential amenity of neighbouring properties.

17. With these conditions in place it is considered that the development is acceptable in land use terms and would accord with policies CS2 & CS13 of Islington's Core Strategy 2011 & Islington Unitary Development Plan policies E1 and E2. The operation will also provide training opportunities for local residents of the Andover Estate.
18. Although the proposal is considered not to comply with policy E8 (Storage and Distribution), which resists storage and distribution activities close to areas of significant residential areas, on balance, considering the nature of operations on site and the appropriate conditions as suggested, this mixed B1 and B8 use is considered to overcome policy concerns regarding the use and the proximity to neighbouring residents.

Design and Appearance

19. The louvered grill that runs down the side of the south and north elevations of the property have been altered in part. Some of the grills have been replaced by windows which provide natural light to the workshop areas. The access gate will remain unaltered. The alterations to the external of the property are relatively minor and are not considered to harm the appearance of the building as required by CS8 of the Islington Core Strategy, 2011, and policies D4 and D11 of the Islington Unitary Development Plan, 2002 and are therefore considered acceptable.

Highways and Transportation

20. The original use of the unit as garages had capacity for 30 cars with one main vehicular entrance to allow for vehicle access. The surrounding area is largely residential in nature and there are a number of examples of garages at ground floor level with residential above. It is not considered, the movements as indicated in the Design and Access statement would give rise to any discernable increase in traffic within the area in accordance with T55 and T56 of the Unitary Development Plan, 2002.
21. Concerns have been raised by officers with regards to pedestrian/vehicle conflict however there is a separate raised pedestrian footway and no pedestrian crossovers located close to the vehicular entrance of the unit. Pedestrian access will also be maintained from the rear of the site which can be used to enter and exit the building. The Design and Access statement states that a possible third entrance may be created to the south, however this is not proposed as part of the current application. The current size of the north entrance would not allow vans to enter the building. Servicing would therefore occur from outside. There are parking spaces adjacent to the site with one designated parking space that can be used for loading and unloading. The road layout is such that vehicles can manoeuvre in and out safely.
22. The remaining bays outside north entrance are used by residents. With a designated loading bay and the relatively small number of vehicular movements a day the servicing arrangements are not considered to impact adversely on the use of the existing residential parking bays.

Neighbouring Amenity

23. The submitted Design and Access statement details the predicted maximum number of vehicle movements to and from the site will be 6 per day. This is considered to be less than the number of possible unrestricted movements of an operational garage which could be used by residents (with a capacity of 30 vehicles). These deliveries and pick ups will be carried out within operational hours from 8am to 6pm so this is not considered to be harmful to residential amenity. It is recommended that a condition is attached to restrict operational hours to ensure the residential amenity is not adversely affected. The free PAT testing and electrical repairs are offered to local residents at the site and are not expected to harm the neighbouring residential amenity as it is a local, relatively small scale operation.
24. With the majority of the site being used for storage, the subterranean nature of the site and the small scale of repairs involved, the change of use is not considered to cause harm to the neighbouring and above residents in accordance with D3 and Env17 of the UDP, 2002.

National Planning Policy Framework and Final Balancing Exercise

25. On balance, the scheme is in accordance with existing and emerging planning policy and in accordance with the NPPF.

SUMMARY AND CONCLUSION

Summary

26. The proposed change of use of the garages to mixed B1 and B8 uses is considered acceptable in land-use terms and would lead to the appropriate and productive use of the redundant garages. The proposed land use would create valuable employment and would not cause harm to the amenity of adjoining users nor any harm in terms of traffic movements and parking pressures on the surrounding area.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
Application reference	P121075
Proposal	Retrospective application to change the use of 30 semi-basement garages, (C3) ancillary to residential use to mixed B1 and B8 use plus external alterations.
Drawing numbers	Design and Access Statement dated May 2012; Proposed Site plan including Transport Route for Bright Spark vehicles; 02 Existing Floor Plan; 03 Proposed Floor Plan; 04 Existing Front Elevation (A); 05 Proposed Front Elevation (A); 12 Existing Back Elevation (E-E); 13 Proposed Back Elevation (E-E); Existing South Facing Elevation (B) Revision II; Proposed South Facing Elevation (B) Revision II; Existing North Facing Elevation (H) Revision I; Proposed North Facing Elevation (H) Revision I; Photographs x 7.

Type of application	Full Planning Application
Application received	15 May 2012
Name of applicant	Islington Council
Name of agent	Riette Oosthuizen, HTA
Case officer	Joe Aggar
Area Team	Minors
Heritage information	Not applicable
Library (holding copy of application)	N/A (Minor Application)
Ward	Finsbury Park Ward
PS2 code description	Change of Use - Minor
56th day	10 July 2012

RECOMMENDATION A

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

List of Conditions:

1	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement dated May 2012; Proposed Site plan including Transport Route for Bright Spark vehicles; 02 Existing Floor Plan; 03 Proposed Floor Plan; 04 Existing Front Elevation (A); 05 Proposed Front Elevation (A); 12 Existing Back Elevation (E-E); 13 Proposed Back Elevation (E-E); Existing South Facing Elevation (B) Revision II; Proposed South Facing Elevation (B) Revision II; Existing North Facing Elevation (H) Revision I; Proposed North Facing Elevation (H) Revision I; Photographs x 7.</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</p>
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	interest of proper planning.
2	Hours of Operation
	<p>CONDITION: The use shall not operate except between the hours of 08.00 and 18.00 on Monday to Friday and 09.00 to 13.00 on Saturday and not at all on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises in accordance with D3 and Env17.</p>
3	Personal Planning Permission
	<p>CONDITION: Planning permission is hereby granted on a personal basis and shall operate for the joint benefit of DigiBridge and Voids Recycling Project only and shall not operate for the benefit of the land nor any other person or company having an interest therein.</p> <p>REASON: The council in determining the planning application consider that permission should only be granted subject to its limitation on a personal basis. It is considered that the grant of planning permission on a non-personal basis may cause harm. The limitation of planning permission ensures compliance with policies: D3 and Env17 of the Islington Unitary Development Plan 2002 and section 57(2) of the Town and Country Planning Act 1990 (as amended).</p>

RECOMMENDATION B

That if members are minded to approve this proposal officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

- This decision was made by the Members of the Planning Sub-Committee A, on the 10th September 2012.
- This proposal has been approved following consideration of all the relevant policies in the Development Plan (London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002), the National Planning Policy Framework (2012) and other material considerations.
- The proposed development brings a vacant garage ancillary to the residential use into a productive use with valuable employment creation. The change of use is not considered to have an adverse impact on the amenity levels of adjoining users nor any adverse impacts in terms of highways movements and parking within the surrounding area. The development complies with policies 4.1, 4.2 & 6.3 of the London Plan 2011, policies CS2 & CS13 of Islington's Core Strategy 2011, policies E1, E2, D3, D4, D11, T55, T56 and Env17 of Islington's Unitary Development Plan 2002.
- There are no other known reasons why planning permission should not be granted.