



PLANNING SUB COMMITTEE A
Date: 20th June 2013

AGENDA ITEM NO:
NON-EXEMPT



Application number	P121039
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	Unlisted
Conservation Area	None
Development Plan Context	Finsbury Park Town Centre
Licensing Implications	None
Site Address:	89-93 Fonthill Road, London N4 3JH
Proposal	The erection of two additional storeys at second and third floor levels to the rear of the site, over the mall and car park area, to provide 444m ² of additional B1 office space and 138m ² of circulation space

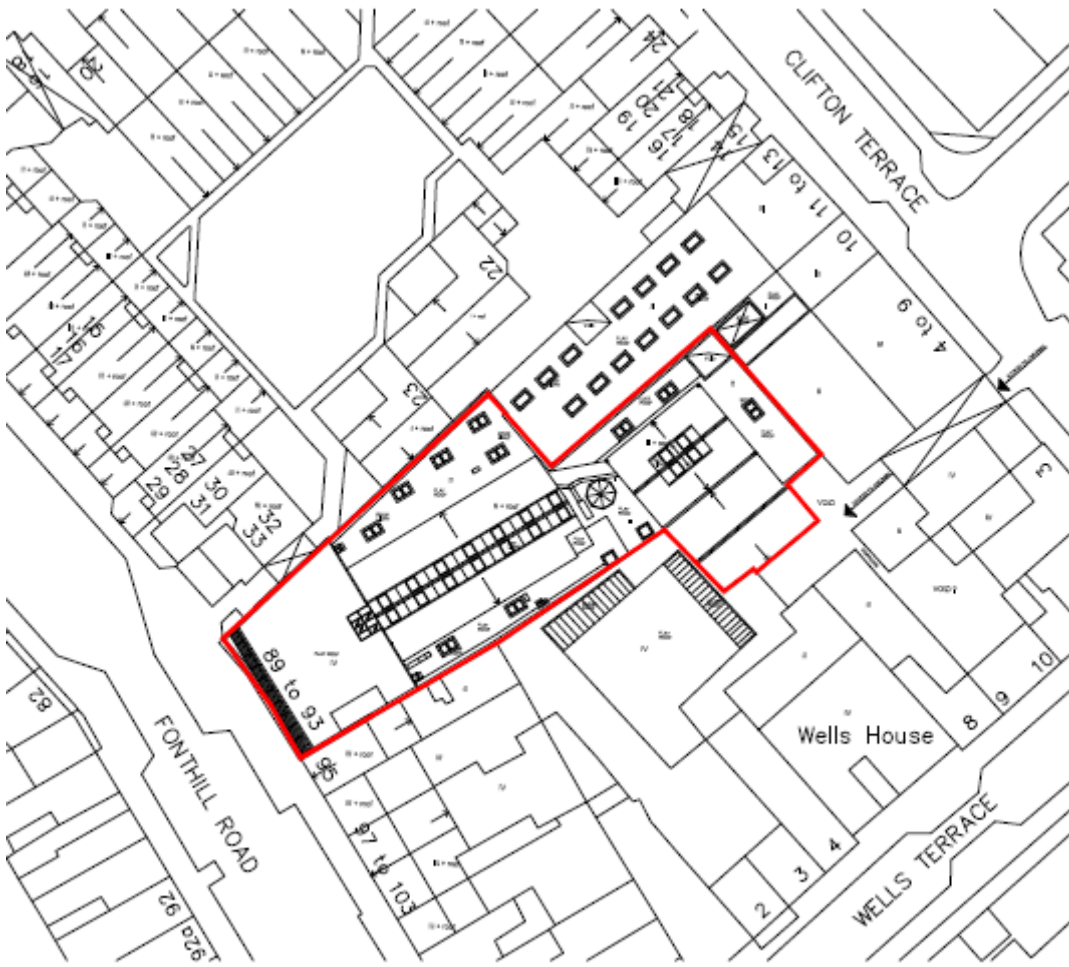
Case Officer	Ashley Niman
Applicant	Douglas and King Architects
Agent	Douglas and King Architects

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOGRAPHS OF SITE



The site looking north



The site looking south

SUMMARY

4. The proposal is for the construction of two additional storeys to the rear of the site to provide 444m² of additional commercial (B1) floorspace, together with 138m² of ancillary space including staircases and toilets.

The principal issues arising from the proposal are: Land use (additional commercial space); design, form and scale of the new structure, impact on the amenities of adjacent residents, transport and highway matters.

The proposed additional commercial (B1) floorspace is appropriate to the existing land uses of the building and to the policy requirements of the Finsbury Park Town Centre.

The design and form of the proposed structure is original and distinctive but will remain largely invisible from the public realm. There is no objection to the innovative design within the context of disparate buildings and structures.

The two additional floors will be visible to resident and occupiers of upper floors around the site but will not materially harm their privacy nor lead to a material loss of daylight or

sunlight. The analysis of the impact on amenity is examined by street and the conclusions confirm that the amenity impact will not be materially harmful.

- 4.3 The following report addresses each of these key issues in turn and demonstrates how the proposed development is considered acceptable.

5. SITE AND SURROUNDING

- 5.1 The site is a part four storey, part two modern building on the east side of Fonthill Road. The present building, with a remodelled 1990s front elevation and entrance to Fonthill Road, extends rearward to adjoin the rear of the new Park Theatre (11/13 Clifton Terrace) and the rear of 4-9 and 10 Clifton Terrace. The London Fashion Centre consist of small private shops (mainly selling clothing) together with one or two offices and cafes, all over two floors and forming a small mall.
- 5.2 The site has a vehicle access point off Clifton Terrace (between no. 3 and nos. 4-9) to access the rear car park and provide servicing. It is located to the end of the commercial element of Fonthill Road, with the character and land use becoming more residential to the north.
- 5.3 To the east (Clifton Terrace) and the south (Wells Terrace) the character of the area remains commercial in nature although there is residential use to some upper floors. The property is not listed nor in a conservation area. The site is noted within the boundary of the Finsbury Park District Centre and also forms an Area for Regeneration, and is within the designated Town Centre, Finsbury Park, (proposed Development Management policy DM21)

6. PROPOSAL (IN DETAIL)

- 6.1 The erection of two additional storeys at second and third floor levels towards the rear part of the site, over the mall and car park area, to provide 444m² of additional B1 office space and 138m² of circulation space.

7. RELEVANT PLANNING HISTORY:

940075 Conversion of existing building for use as B1 and B8 with ancillary parking and servicing approved 10 August 1994.

P010729 Erection of an additional storey at third floor level to provide B1 office floorspace approved 5 December 2001. This has been implemented.

P032162 Erection of new third floor to provide two 2 bedroom self-contained flats approved 17 February 2004. This has not been implemented.

P060281 Construction of two levels of B1 office accommodation at second and third floor level, over both mall and car park to rear approved at committee 20 October 2006. The current scheme before the Council is materially identical to this.

P101115, 4 and 6, Clifton Terrace, Demolition of building at number 6 Clifton Terrace and construction of a new five storey building to accommodate a commercial unit at ground floor; B1 office units at first and second floor and three residential units at third and fourth floor. New third floor extension to number 4 Clifton Terrace to accommodate two flats. Approved 23 August 2010. This scheme has not been implemented.

P101570 - The Park Theatre at 11/13 Clifton Terrace. Construction of a first floor extension to the rear of the building and a third and set back fourth floor extension to the main part of the building fronting Clifton Terrace. Change of use for the lower ground to first floors from office (B1) to theatre. A change of use/creation of 5 residential units to the upper floors. Approved 11 October 2010. This scheme has recently been implemented and is now open, as of May 2013.

P092492 City North Islington Trading Estate, Fonthill Road & 8-10 Goodwin Street, Demolition of existing buildings and the construction of a mixed use development comprising two 21 storey buildings above ground and first floor plinth; 10 storey building above ground and first floor plinth; and 3 storey building above ground floor plinth for to include 335 residential dwellings, 2172sq.m of office floor space and 436 sq.m of restaurant and cafe floor space. Approved 19 November 2010.

P032682 9-15 The Parade, Stroud Green Road, Demolition of existing buildings and erection of a basement plus six storey building comprising a four storey main block with additional 2-storey curved roof providing for 24 x one bedroom and 10 x two bedroom self-contained flats and three ground/basement level A3 commercial premises. Approved 18 October 2004. There have been subsequent minor amendments to this scheme, approved 25 January 2010.

The last three schemes outlined above reflect the changing land use and scale of development in the surrounding area.

ENFORCEMENT:

7.1 None.

PRE-APPLICATION ADVICE:

None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties at Fonthill Road, Clifton Terrace, Wells Terrace and Lenton Terrace.

8.2 At the time of writing this report a total of four individual residents have responded to the proposed development. The letters raise objections to the scheme, along with a petition listing 40 signatories, with addresses, who oppose the scheme.

8.3 The issues raised by objectors, in both the individual letters and the petition, can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

Objections -

- a loss of privacy to residents (10.9 – 10.15)

- a loss of sunlight (10.9 – 10.15)
- loss of outlook (10.9 – 10.15)
- noise from use of the terrace (10.9 – 10.15)
- Further congestion, pollution and parking problems (10.18)

External and Internal Consultees

8.4 Design and Conservation: The Design and Conservation Officer acknowledges the favourable Design Officer comments made in 2006 in regard to the earlier submission (which is identical in scale, form and mass) and has no disagreement with them. A request that samples of materials should be made a condition is recommended.

8.5 The 2006 comments are replicated below:

'The scheme may serve as yet another proof that the 1970s are not dead - and what is stylish enough for a London Cricket Ground, should be acceptable to a London backyard as well. Form follows function in this scheme at least in the sense that there is no better reference to contemporary design trends (furniture, radios etc) than to model the external envelope of a London Fashion Centre on the principle of curved edges. Bulk, size, mass, scale, proportions and dimensions of the proposal relate to the context of the existing and surrounding buildings certainly not less than a more conventional structure possibly could. It is almost a pity that views upon this folly will only be possible from the rear of properties.'

9. RELEVANT POLICIES

9.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considered 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.

Development Plan

9.3 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011 and Islington Unitary Development Plan 2002. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 of this report.

Emerging Local Development Framework Policy Documents

A. Islington's Development Management Policies (submission) June 2012

The relevant emerging local Development Framework policies to this application are listed in Appendix 2 of this report.

Designations

9.5 The site has the following designations under the London Plan 2011, Islington Development Plan and emerging Development Management policies:

- **Finsbury Park Town Centre (DM21)**

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:

- Land Use;
- Design, form, scale and appearance of building and impact on surrounding area;
- Neighbouring residential amenities; and
- Transport and highway matters

Land-use

10.2 Both Islington and London wide policies encourage the intensification and development of land to its full potential. Islington's Core Strategy, policy CS13, seeks the creation of and encouragement of new employment space for business, and this is encouraged especially within the town centres, including Finsbury Park Town Centre. Policy E1 of Islington's Unitary Development Plan addresses the creation of new business development, and Development Management policy DM30 encourages new business floorspace through intensification. This assumes compliance with other relevant policies including design, amenity impact of neighbours, and retention of active street frontages.

10.3 The additional space does not affect the functioning of existing space to lower floors. The existing un/loading area is unaffected by this proposal, with access retained to Clifton Terrace, and considered adequate to service the proposed increased floorspace. The site is exceptionally well located for direct access to Finsbury Park train, underground and bus station.

Design and Heritage Considerations

10.3 The present building, with a remodelled front elevation to Fonthill Road, extends rearward to adjoin the rear of the new Park Theatre (11/13 Clifton Terrace) and the rear of 4-9 and 10 Clifton Terrace. Effectively the southern half of the entire street block is built over with storey heights varying between two storeys and four storeys. The two storey structure located towards the centre of the site, although higher than immediate neighbours and prominent from upper windows of surrounding properties, should be considered to be an addition to this irregular collection of primarily commercial buildings.

The design, form and massing of the scheme replicates the one approved by committee 2006 and involves the construction of a second and third storey over part of the rear of the building (over part of the car park and first floor mall) which is enclosed by other neighbouring buildings to all sides and where the additional storeys will not be visible

from any immediate public highway around the site. Glimpses may be afforded from the eastern end of Morris Place.

- 10.4 The design, form, proportions and material are not obviously contextual but a more conventional approach would potentially achieve the same floor space without the same level of flare. The form of the structure reflects the curves of contemporary furniture and electronic devices and is a softer and interesting contrast to the surrounding and more conventional angular forms. The Council's Urban Design Guidelines, within and against the background of particular townscapes and contexts, supports high quality contemporary design, and this is a worthy example of that. Moreover and as already covered under the site history, Finsbury Park is a changing area in terms of land use, architectural investment and scale of new development either approved or under construction.
- 10.5 The approach described above is supported by the Design and Conservation Officer. The materials are modern (zinc cladding and translucent panels). The design is therefore consistent with policies D4 and D11 of the Unitary Development Plan 2002 and DM1 of the emerging Development Management policies, submission June 2012, and the Urban Design Guidelines 2006.

10.8 **Neighbouring Amenity**

- 10.9 Given the complexity of the site and its relationship to adjacent properties, the amenity impact is analysed by street or specific block of properties.
- 10.10 Wells Terrace. The proposed extension is due north of the existing residential use at 8 Wells Terrace, and set back 19 metres, and is not considered to have any detrimental effect on loss of sun or daylight, or privacy and sense of enclosure to the residential accommodation to the upper floors. The windows facing the site in both No.8 Wells Terrace and Wells House serve bathrooms and kitchenettes and the residential amenity to these flats will not be materially harmed.
- 10.11 Lennox Road. The new structure would be 53 metres from the facing rear elevations of Lennox Road properties and there would be no overlooking to residents homes, sense of enclosure or any material loss of either daylight or sunlight given this distance.
- 10.12 Lenton Terrace. The new structure would be located east of Lenton Terrace properties and would lie obliquely when viewed from rear windows of these properties. The closest point of the new structure to the windows will be approximately 30 metres. Lenton Terrace properties will not be materially harmed in terms of light loss, privacy or sense of enclosure.
- 10.13 Clifton Terrace The properties at 14 to 21 Clifton Terrace lie within the lee, and to the north of, the new Park Theatre building at 11-13 Clifton Terrace. Consequently their view of the new structure would be very limited in oblique views to the left, and there will be no material loss of light, privacy and sense of enclosure to them.
- 10.14 22 and 23 Clifton Terrace. These two properties are to the north west of the proposed structure. 22 Clifton Terrace has two first floor windows facing towards the site. However, these windows are 20 metres away from the facing elevation of the new structure, and are positioned immediately facing the boundary wall of the new Park Theatre at 11/13 Clifton Terrace. This wall is six metres high, and when the approved

acoustic screen for the theatre is installed, will take the height to over seven metres. Consequently there will be no loss of privacy or light to the resident at 22 Clifton Terrace. Turning to the effect on 23 Clifton Terrace, this property lies perpendicular to the boundary wall with 11/13 Clifton Terrace, and the first floor window faces obliquely away from the site. Consequently there will be no material loss of either light or privacy, nor change in sense of enclosure.

10.15 4-9 Clifton Terrace. There is an approved scheme here for redevelopment to provide three floors of commercial space and two new floors (third and fourth floors) to accommodate three flats. The proposed new structure would be set back to be seven metres away from the new office structure. The new structure has no facing windows to this elevation and the flats at third and fourth floor levels would look over and across the new structure. There would therefore, despite the proximity of the two proposals, be no loss of privacy or breach of daylight and sunlight.

10.16 The proposed use for the two new floors is B1 and this use is entirely compatible (in terms of noise and pollution) with the residential uses located particularly to the north. A condition will be attached to prevent any outdoor use of the flat roof for amenity or leisure purposes. The proposal is therefore considered to be consistent with policies Env17 and D3 of the Unitary Development Plan 2002 and DM1 of the emerging Development Management policies, submission June 2012.

10.17 **Highways and Transport**

10.18 The additional office floorspace is modest (444m²) and the existing servicing facilities will accommodate this. The service dedicated access to the site, and the existing car park is off Clifton Terrace and it is considered the uplift in floorspace along with its associated servicing requirement will not result in there a material change in regard to congestion and pollution. A service delivery plan is required by condition as is the provision of eight bicycle stands. The site is very well located in regard to public transport (underground, overground and bus routes) and has a rating of 6a on the PTAL scale.

10.19 **Sustainability**

10.20 The building will be designed to perform within current guidelines for heat loss and heat gain. Construction costs and installed services will be employed to ensure carbon emissions will be kept to a minimum.

National Planning Policy Framework

10.17 The scheme complies with the provisions of the NPPF and local policy, and is in accordance with statutory and material considerations.

11. **SUMMARY AND CONCLUSION**

Summary

- 11.1 Overall, the proposal. In addition, it is considered that the proposed use would not result in any harmful impact on the amenities of local residential occupiers and is policy compliant in land use terms.

Conclusion

- 11.2 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 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 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), the emerging Development Management policies, submission June 2012, and other material considerations.

- This decision was made by the Members of the Planning Sub-Committee A on the 20th June 2013.
- The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress;
- The proposal is not considered to have a significant adverse effect on the residential amenity of neighbouring occupiers and is considered consistent with policy D3 (Site Planning) of the Islington Unitary Development Plan (2002) which seeks to protect the residential amenity of neighbouring properties.
- The proposal is considered to be acceptable in overall design and not to have a material adverse visual impact on the appearance of the host building, surrounding conservation area and adjoining listed building. It is considered consistent with policies D4 (Designing in Context) and D11 (Extensions and Alterations) of the Islington Unitary Development Plan 2002, policies CS9 and CS9 of the Core Strategy 2011, and objectives of the Islington Urban Design Guide 2006 which seek to ensure the design of built developments are of a high standard.
- The proposed development is therefore considered to comply with the National Planning Policy Framework (2012); The London Plan (2011); policies CS8 (Enhancing Islington's character), CS9 (Protecting and Enhancing Islington's Built and Historic Environment), CS10 (Sustainable Design) and CS13 (Employment Spaces) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in Context), D11 (Alterations and Extension), and E1 (Business Development) of the Islington Unitary Development Plan (2002); the emerging Development Management policies DM1 and DM30; and the requirements of the Islington Urban Design Guide (2006).

RECOMMENDATION B

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

List of Conditions:

1	Commencement
---	--------------

	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, site plan LFCex 000B, LFC ex 100A, 101A, 102A, 103A, 104A, 200B, 201B, 205B, 302B, 303A, 304B, 306A, 307B, LFC ga 100B, 101C, 102C, 103D, 104C, 201E, 206C, 302C, 303C, 304C, 306D, 307D, LFC sk 201a B.</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	Materials
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Zinc cladding and translucent panels (samples and colours) b) window treatment (including sections and reveals); c) roofing materials <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard in accordance with policies: 7.4 and 7.6; of the London Plan 2011, policies: D4 and D11 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS10F of the Islington Core Strategy 2011.</p>
4	Cycle Parking
	<p>CONDITION: A bicycle storage area, which shall be covered, secure and provide for no less than eight bicycle spaces, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies: T34 and T52 of the Islington Unitary Development Plan 2002 and policy CS10H of the Islington Core Strategy 2011.</p>
5	Flat Roof
	<p>CONDITION: The flat roof area and escape stairs shown on plan nos. LFC ga 103D and LFC ga 104C hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential</p>

	<p>maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows in accordance with policies: D3, H3 and H7 of the Islington Unitary Development Plan 2002.</p>
6	Delivery Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP), including details of waste collection from the site, detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so 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 ensure that the resulting servicing arrangements are satisfactory and do not adversely impact on existing and future residential amenity in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies D3 of the Islington Unitary Development Plan 2002</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. 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 appendices list all relevant development plan polices 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 and Islington Unitary Development Plan 2002. The following policies of the Development Plan are considered relevant to this application:

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

5 London's response to climate change
Policy 5.3 Sustainable design and construction

7 London's living places and spaces
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.4 Local character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
CS13 (Employment Spaces)

C) Islington Unitary Development Plan (2002)

Conservation and Design Policies:

D3 (Site Planning)
D4 (Designing in Context)
D11 (Alterations and extensions)
E1 (Business Development)
E13 (Small Firms and Business Start-Ups)

3. Emerging Local Development Framework Policy Documents

Following the submission to the Secretary of State on 16/08/2012, the draft development plan document listed below is currently subject to Independent Examination:

- Development Management Policies (Submission) June 2012

Hearings pertaining to the Independent Examination were held between 10 and 12 December 2012. Following these hearings, the council has proposed amendments to certain emerging policies/allocations which aim to resolve objections raised by

representors. Key policies/allocations proposed to be amended and/or which are subject to unresolved objections are:

Development Management Policies:

Policy DM3 (Heritage)

Policy DM28 (Hotels and visitor accommodation)

Policy DM29 (Social and strategic infrastructure and cultural facilities)

Policy DM31 (Loss of existing business floorspace)

All emerging policies and allocations in the abovementioned document have a degree of weight as material considerations in the decision-making process. However, prior to receipt of the Inspector's Report on the outcome of the Independent Examination, the policies listed above should be considered to have relatively limited weight. Other emerging policies and allocations contained within these draft documents carry more significant weight.

A) Islington's Development Management Policies – Proposed Submission, June 2012.

Design and Heritage

DM1 Design

Employment

DM30 New Business Space

Energy and Environmental Standards

DM40 Sustainable design and construction statements

4. Designations

The site has the following designations under the London Plan 2011 and Islington Unitary Development Plan (2002):

- **Finsbury Park District Centre (UDP 2002)**

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

The following SPG's and/or SPD's are relevant:

Islington UDP

- Urban Design Guide

London Plan

- Sustainable Design & Construction