



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	AGENDA ITEM NO:	
Date:	NON-EXEMPT	

Application number	P2013/1535/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Unlisted
Conservation area	Keystone Crescent
Development Plan Context	None
Licensing Implications	None
Site Address	Unit D3, 53 Wharfdale Road, London N1 9RZ
Proposal	Change of use of the ground floor from public cafe to a cafe ancillary to the B1 business use of Regents Quarter units D2 and D4.

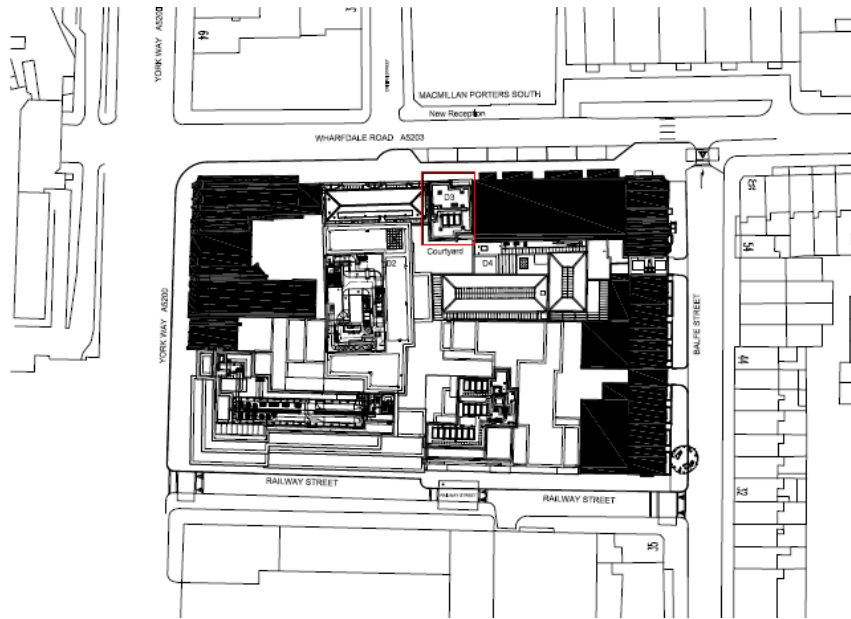
Case Officer	Sally Fraser
Applicant	Brian Szpakowski
Agent	Brian Szpakowski

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



The Wharfedale Road frontage of the unit



Looking west along Wharfdale Road towards York Way



Looking East along Wharfdale Road

4 SUMMARY

- 4.1 The application is for the change of use of the ground floor A3 unit (restaurants and cafes) fronting Wharfdale Road into a café usable only by the employees of Macmillians Publishing Ltd, who occupy offices at units D3 and D4, 53 Wharfdale Road, 55 York Way and the Porters South building opposite the site. The new use would be classified as ancillary B1 use. There would be no change to the existing shopfront.
- 4.1 The main considerations are the acceptability of the loss of an A3 unit accessible to the public and the acceptability of the ancillary B1 use.
- 4.2 The proposed development is acceptable. The loss of the A3 unit would not be detrimental to the character of the area and the ancillary B1 use is acceptable in policy terms.

5 SITE AND SURROUNDING

- 5.1 The application site is the ground floor A3 unit at 53 Wharfdale Road, a 4 storey mid terraced building. The unit forms part of 'Regents Quarter', a new mixed use development which extends from Wharfdale Road to the North to Pentonville Road to the South.
- 5.2 Work on the scheme has recently been completed and the unit is yet to be occupied.
- 5.3 The site is located within the Keystone Crescent Conservation Area. It is not located within a protected shopping area.

6 PROPOSAL (IN DETAIL)

- 6.1 The proposed change of use would not involve any changes to the appearance of the shopfront. The shopfront window would remain, as proposed by condition, unobscured to present an active frontage.
- 6.2 Access to the regents quarter walkway and internal courtyard, located to the western side of the unit, would remain accessible to the public

7 RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P011873-** Block D, 54-60 York Way, 45-67 Wharfdale Road, Land to the rear of 45 and 55 Balfe Street and Land at Railway Street: Redevelopment and conversion for business (class B1 and residential (class C3) use, food and drink (class A3) and shops/ retail units (class A1). **Approved with conditions 10/06/2001.**
- 7.2 **P090206-** 45 and 55 Balfe Street; 39--63 Wharfdale Road; 2, 3, 5 and part of 9 Railway Street including Balfe Yard: Variation of conditions 1, 3-16, 19, 23, 27, 29, 31, 32, 37 and 39-46 of planning permission ref: P080281, dated 11

September 2008, to vary the requirements of the timing of the submission of details or commencement of works pursuant to these conditions. **Approved with conditions 01/04/2009.**

- 7.3 **P2013/2373/AOD-** 45 and 55 Balfe Street; 39--63 Wharfdale Road; 2, 3,5 and part of 9 Railway Street including Balfe Yard: Approval of Details pursuant to condition 42 (details of roof level plant) of Planning Permission P090206 dated 23/03/2009. **Registered but not determined.**

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 62 adjoining and nearby properties on 04/06/2013. A site notice and press advert were displayed on 13/06/2013. The public consultation of the application therefore expired on 04/07/2013, 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 5 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):
- Loss of a cafe assessable to the public in an area that needs a greater number of active frontages (paras 10.2 and 10.3)
 - The loss of a publicly accessible internal courtyard (para 10.4)

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, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

9.3 The site has the following designations under the Islington Core Strategy 2011 and Development Management Policies 2013:

- Kings Cross Special Policy Area
- Keystone Crescent Conservation Area
- Employment Growth Area
- Commercial Corridor

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 The relevant SPGs and/or SPDs are listed in Appendix 2.

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- The loss of an A3 unit accessible to the public
- The acceptability of the ancillary B1 use

The loss of an A3 unit assessable to the public

10.2 There is no policy objection to the loss of A3 space where the site is not within a protected shopping area. The site is not located within a protected shopping area and, as such, its loss would not harm the character of the area. The proposal would not conflict with the council's aims to maintain the borough's existing healthy retail economy and to provide a range of goods and services.

10.3 There was no condition on the consent for the original scheme and no wording within the legal agreement attached to the permission which restricted the use of the unit for A3 only. The proposal would as such not be contrary to the aims of that permission.

10.4 There would be no loss of public access from Wharfdale Road into the internal spaces of the Regents Quarter including the inner courtyard, as was required by a condition on the original consent for the scheme, to ensure the development as a whole remains accessible to all.

10.5 It should be noted that new Part 4 Class D of the general permitted development order allows a change of use from A3 to B1 for a temporary period of up to 2 years.

The creation of ancillary B1 space

10.6 There is no policy objection to change of use to ancillary B1 floorspace. The site is within an Employment Growth Area where new business floorspace is actively encouraged.

- 10.7 The unit would continue to be used as a café and the retention of the shopfront would be required by condition, to ensure it maintains an active appearance.

Other matters

- 10.8 In terms of ventilation and extraction for the unit, the original planning application included an internal riser to a small area of rooftop plant for a kitchen extract. Condition 42 of the original permission read:

‘Details of any roof-top plant and lift over-run including its location, height above roof level, specifications and cladding shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant development phase superstructure works commencing on site.’ The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority’.

A details application relating to condition 42 has been submitted to the council but has not been determined. The applicant is reminded of the need to secure this consent, to ensure that adequate ventilation and extraction is provided without undue noise or smells to neighbouring residents. This is proposed as an informative should this be permitted.

11 SUMMARY AND CONCLUSION

Summary

The proposed development is considered to be acceptable. The loss of the A3 use would not harm the character of the area and the ancillary B1 use is acceptable in policy terms.

Conclusion

- 11.1 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION A.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<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	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>‘Proposed Change of Use Building D3 regents Quarter, 1-72-01, 1-02-00 T2, 3679.GF.101 rev3 and I-02-00 T1.</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>The window glass of the café shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level placed within 2m of the inside of the window glass.</p> <p>REASON: In the interest of serving passive surveillance of the street, the appearance of the street scene and preventing the creation of a dead frontage.</p>

List of Informatives:

	<p>The applicant is reminded that any roof top plant for ventilation/ extraction from the café is required by condition 42 of application P090206.</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, 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 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas developments

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.3 Mixed use development and offices

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)

C) Development Management Policies June 2013

Design and Heritage

DM2.2 Inclusive Design

DM2.3 Heritage

Employment

DM5.1 New business floorspace

3. Designations

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

- Kings Cross Special Policy Area
- Keystone Crescent Conservation Area
- Employment Growth Area
- Commercial Corridor

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Urban Design Guide