

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:	5 November 2013	NON-EXEMPT

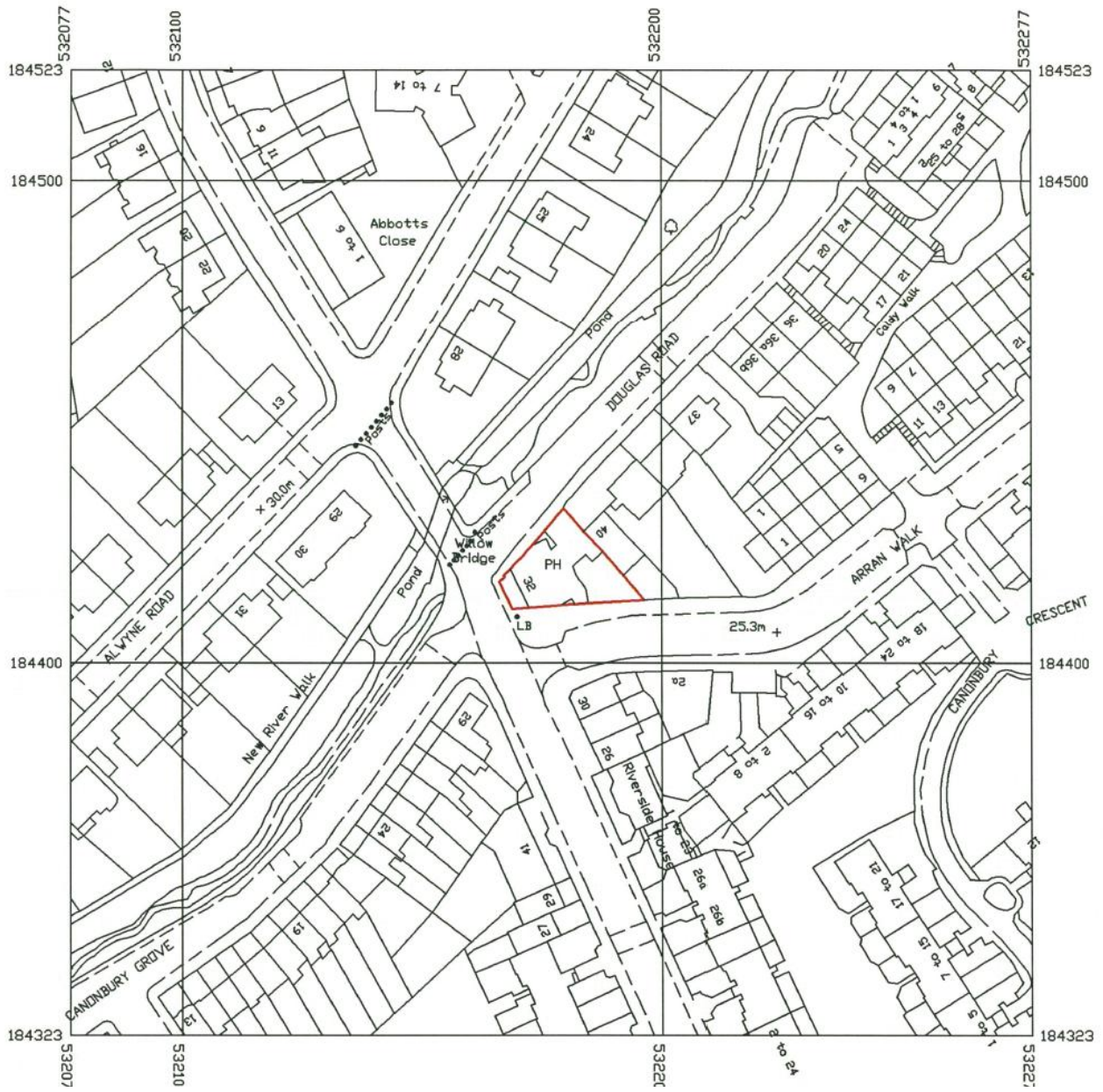
Application number	P2013/2616/FUL & P2013/2726/LBC
Application type	Full & Listed Building Consent
Ward	Canonbury
Listed building	Listed Grade II
Conservation area	Canonbury Conservation Area
Development Plan Context	Conservation Area Listed Building
Licensing Implications	None
Site Address	32 Canonbury Street, London N1 2TB
Proposal	Erection of new timber pergola with part clear glazed roof to beer garden with fixed timber seating

Case Officer	Patrick Brennan
Applicant	Young & Cos Brewery Plc
Agent	Mervyn Brown Associated Ltd

1.0 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission subject to the conditions set out in Appendix 1;

2.0 SITE PLAN (site outlined in red)



3.0 PHOTOS OF SITE/STREET



Photo 1: Southern elevation of host site, viewed from Arran Walk

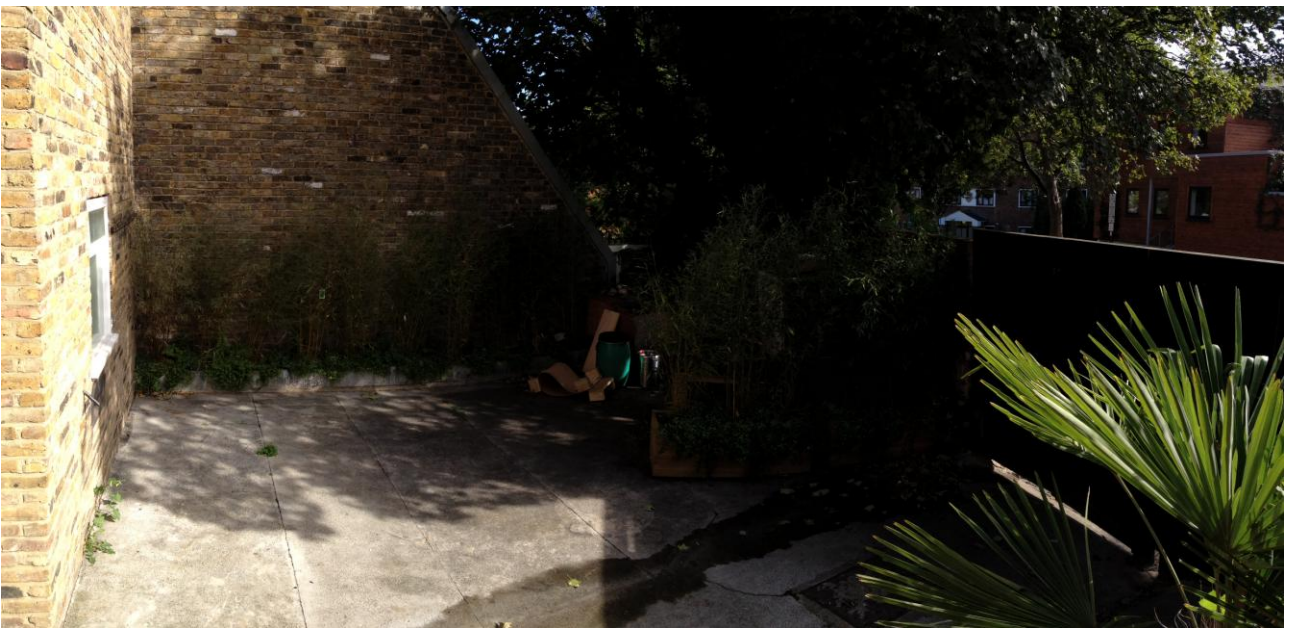


Photo 2: Location of proposed works, rear yard facing east.



Photo 3: Location of proposed works, rear yard facing east.



Photo 4: Eastern elevation of Marquess Tavern, stairs leading to rear yard from dining area

4.0 SUMMARY

- 4.1 Planning permission and Listed Building Consent is sought for the construction of a pergola with a clear glazed roof and timber seating area within the rear yard of the Marquess Tavern, which is Grade II Listed.
- 4.2 The main issues to be considered in the assessment of this application relate to the principle of the proposed works, the impact upon the character and appearance of the conservation area and the locally listed host building, and impact on neighbouring properties in terms of visual amenity.
- 4.3 A number of objections have been raised relating to the potential amenity impacts associated with noise arising from the use of the rear yard. Planning permission is not required for the use of the rear yard for the service of patrons.
- 4.4 Overall, the proposal is considered to be acceptable. The proposed works are minor, and it is considered that the proposal will not cause any unreasonable harm to the character and appearance of the Canonbury Conservation Area or the setting of the Listed Building. Furthermore the proposal would not result in any unacceptable harm to the amenities of neighbouring occupiers in terms of visual bulk.

5.0 SITE AND SURROUNDING

- 5.1 The site is located on the western side Canonbury Street on a corner site, where Canonbury Street, Arran Walk, Douglas Road, Willowbridge Road and Canonbury Grove converge, and has frontages to Canonbury Street, Arran Walk (to the south) and Douglas Road (to the north).
- 5.2 The property consists of a three-storey detached building, occupied by the Marquess of Granby public house, developed by James Wagstaffe c.1854.
- 5.3 The existing building is considered to be significant in terms of the quality of its architecture and is Grade II listed as such. It is within the Canonbury Conservation Area, which is considered to be of high importance by virtue of its fine late-Georgian and early-Victorian terraces and squares.
- 5.4 The site directly adjoins one residential property, being 40 Douglas Road to the east.

6.0 PROPOSAL (in Detail)

- 6.1 The proposal would consist of the construction of a timber pergola with a clear glazed roof and a timber seating area within the existing service yard at the south-east corner of the property.
- 6.2 The proposed pergola and seating would abut the eastern property boundary and the southern wall of the existing toilet block for the pub and would have a footprint of 5.2m x 3.615m and an overall maximum height of 2.5m.

- 6.3 The southern side of the pergola would feature hit and miss timber boards, separating the seating area from the existing bin enclosure within the south east corner of the site.
- 6.4 A new gate on the western side of the bin enclosure would also be constructed.

Revision 1

In response to changes suggested by the Design and Conservation Officer, the applicant has provided amended plans reducing the height of the hit and miss boards on the southern side of the proposed pergola between the seating area and the bin enclosure to below the height of the boundary fence along Arran Walk, so that the wall would not be visible and views of the pergola from the street would be of an open structure.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 **P030568:** Approval of details pursuant of condition 2 (details of boundary railings and paving) of Planning Permission ref. P022362 and Listed Building Consent ref. P022405 dated 07/03/2003 – Approve with no conditions 1 July 2003.
- 7.2 **P082143:** Listed building consent in connection with internal alterations at ground and first floors – Approve with conditions 15 December 2008
- 7.3 **T100201:** Tree Preservation Application – Approve with conditions 9 July 2010
- 7.4 **P102004:** Installation of three replica chimney stacks to roof. Chimney stacks will contain telecommunication equipment including 6 no. antennas, two equipment cabinets at ground level – Refused 12 November 2010
- 7.5 **P102003:** Listed Building Consent in connection with Installation of three replica chimney stacks to roof. Chimney stacks will contain telecommunication equipment including 6 no. antennas, two equipment cabinets at ground level. Full Planning application P102003 also submitted – Refused 12 November 2010.

Enforcement

- 7.6 None

Pre-application advice

- 7.7 None

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of eight (8) adjoining and nearby properties on 3 September 2013. A site notice and press advert was displayed on 5 September

2013. The public consultation of the application therefore expired on 26 September 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 25 objections from 14 unique addresses had been received from the public with regard to the application, including an objection from the Canonbury Society and an objection from the Douglas Road Residents Association, which included a petition with at least 35 signatures.

8.3 The objections raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Adverse impact on Grade II listed building (7.7-7.13);
- Adverse impact on conservation area (7.7-7.14);
- Opposition to change of use of service area (7.2-7.5);
- Submitted drawings do not accurately represent the relationship between the proposal and the adjoining property at 40 Douglas Road (7.15);
- Impact of works on existing tree in service yard (7.15);
- Impact on bats which use existing tree for roosting (7.15);
- Potential need for further bins, restricting space available for beer garden (7.2-7.3);
- Potential creation of access to beer garden from Arran Walk (7.2-7.3);
- Concerns about pub management's ability to comply conditions of 2005 licence (7.3);
- Impacts arising from noise and antisocial behaviour of patrons (7.2-7.5);
- Potential overlooking from pergola into adjoining property to east at 40 Douglas Road (7.15);

External Consultees

8.4 None

Internal Consultees

Design and Conservation

8.5 A summary of the Design and Conservation Officer's comments is provided as follows:

Summary of recommendation

There would be no loss of historic fabric and by virtue of the lightweight appearance of the timber and glass pergola, the setting of the listed building would not be significantly compromised. The height of the hit and miss boarding should be reduced in height so it is no taller than the height of the boundary wall and therefore not visible from the public realm.

Assessment of the proposal

The special interest of this listed building lies principally in its front and side elevations. The rear elevation and small yard at the rear are of little significance, except for providing greater emphasis to the principal elevations and letting the building 'breathe' on its prominent corner plot. The rear yard is small and has been

compromised somewhat by modern brick extensions which are visible from the public realm. The proposed timber pergola would be located within the yard and by virtue of the lightweight timber and glazed roof design, would appear relatively discrete. The roof would be visible above the boundary wall from the public realm but it is considered that the structure would not be overly apparent or obtrusive. The proposals include the erection of hit and miss boarding to the side elevation fronting the street to mask a bin store. A gate to the bin store is also proposed. Both of these should sit beneath the height of the brick boundary wall to ensure they are not visible from the public realm.

Acoustic Officer

- 8.6 The Council's Acoustic Officer has advised that there was a noise complaint in August 2009, which was unsubstantiated by the Noise Team and a noise complaint in May 2011, which resulted in the pub setting a noise limiter for amplified music.

9.0 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 London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

- Canonbury Conservation Area
- Article 4 Direction
- Grade II Listed Building

London Plan

None

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to design, conservation and heritage considerations, noting that the host building is a Grade II Listed Building.
- 10.2 Having regard to the issues raised by objectors, it must be clarified that this application is for works only, and the assessment of this application is limited to a consideration of the likely impacts of the proposed works in terms of visual amenity and any impact on the setting of the Listed Building.
- 10.3 Matters relating to the potential amenity impacts arising from the increased use of the rear of the existing pub by patrons, general operations of the pub or compliance with conditions of licenses issued by Council's licensing department do not form part of the assessment of this application.
- 10.4 No planning permission is required for the 'use' of the rear yard for the service of patrons of the pub. The area in which the proposed works are to be constructed can be used by patrons as part of the existing pub operations without the need for planning approval.
- 10.5 Indeed, in planning terms, there is nothing to prevent the pub from placing seating in the rear yard for the use of patrons as part of its current operations.
- 10.6 The proposal would consist of the construction of a timber pergola with a partly covered glass roof and timber seats within the rear yard of the host site. It would also include the construction of a new access gate to the bin enclosure within the south-east corner of the site.
- 10.7 The proposed seating area and the majority of the pergola would not be visible from the public realm, as views would be restricted by the boundary fence and timber gates which extend along the host site's southern boundary.
- 10.8 A small part of the top of the pergola would be visible from Arran Walk and Canonbury Street, to the south and south-west respectively, above the boundary fence.
- 10.9 The proposed new gate to the bin enclosure should sit below the height of the boundary fence, and this will be required as a condition.
- 10.10 The pergola would be constructed from lightweight materials and would have an open appearance by virtue of the revised plans submitted by the applicant lowering the height of the hit and miss timber wall on the southern side of the pergola, as suggested by Council's Design and Conservation Officer.
- 10.11 Those parts of the pergola which would be visible from the public realm would be visually separated from the host building and it is considered that it would not have any adverse impact on the character and appearance of the conservation area or the setting of the listed building.
- 10.12 Indeed, the Design and Conservation Officer noted that, *'the special interest of this listed building lies principally in its front and side elevations. The rear elevation and small yard at the rear are of little significance...the roof would be visible above the boundary wall from the public realm but it is considered that the structure would not be overly apparent or obtrusive'*.

- 10.13 The proposed pergola will have a maximum height of 2.5m and as previously noted, its visibility will be restricted by the existing boundary fence. A small part of the pergola would project beyond the plane of the sloping boundary wall between the host site and the adjoining property to the east (40 Douglas Road), and may be visible from this property, however it is not considered that it would cause any unreasonable amenity impact in terms of visual bulk. It is therefore considered that the proposal will not have any unreasonable impact on visual amenity.
- 10.14 With respect to the other matters raised by objections which have not already been addressed above, the following is noted:
- The drawings submitted with the application are considered to adequately depict the proposed works;
 - The proposed pergola will be adequately separated from the existing tree within the south-west corner of the site and will not have any adverse impact its health. The footprint of the pergola will not encroach significantly (if at all) into drip line of this tree and the top of the pergola will sit sufficiently below the tree branches and foliage so as to avoid having any adverse impact.
 - For the reasons set out above, the proposed pergola will not have any adverse impact on bats roosting in the existing tree.
 - The proposed pergola is to be located at ground level and will not provide opportunities for overlooking into the adjoining property to the east at 40 Douglas Road from the seating areas underneath.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal will result in the construction of a relatively small and lightweight structure above seating for the use of pub patrons.
- 11.2 For the reasons set out above, the proposal will not have any unreasonable impact on the setting of the listed building or the Canonbury Conservation Area, and the proposal would not result in any undue harm to the residential amenities of neighbouring occupiers that would warrant withholding planning permission.
- 11.3 The proposal is considered to be consistent with Development Management Policies DM2.1 and DM2.3, the Urban Design Guide 2006 and the Canonbury Conservation Area Design Guidelines.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to conditions 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:

P2013/2616/FUL

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:</p> <p>Drawing Nos. 1332/01, 1332/02, 1332/03, 1332/04 – Rev A, Site Plan, Design and Access Statement</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	All External and Internal Works to Match (Compliance)
	<p>All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, the Islington Development Management Policies 2012 and policy CS9A and B of the Islington Core Strategy 2011.</p>
4	Non-standard condition
	<p>Notwithstanding the plans hereby approved, the gate to the bin store shall not be higher than the brick boundary wall to ensure it is not visible from the public realm.</p> <p>REASON: To ensure that the proposed gate to the bin store area is not visible from the public realm.</p>

P2013/2726/LBC

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	All External and Internal Works to Match (Compliance)
	<p>All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, the Islington Development Management Policies 2012 and policy CS9A and B of the Islington Core Strategy 2011.</p>
3	Non-standard condition
	<p>Notwithstanding the plans hereby approved, the gate to the bin store shall not be higher than the brick boundary wall to ensure it is not visible from the public realm.</p> <p>REASON: To ensure that the proposed gate to the bin store area is not visible from the public realm.</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. 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 accordance with the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

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

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.

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

7 London's living places and spaces

Policy 7.4 Local character

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 June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

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:

Islington Local Plan

Canonbury Conservation Area

London Plan

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Small Sites Contribution

Conservation Area Design Guidelines

Urban Design Guide

London Plan