



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:	10 th December 2013	EXEMPT	
		NON-EXEMPT	

Application number	P2013/2673/FUL
Application type	Other Developments
Listed building	Locally listed building
Ward	St Mary's
Conservation area	Upper Street North Conservation Area
Development Plan Context	Upper Street North Conservation Area
Licensing Implications	None
Site Address	The Four Sisters Public House, 25 Canonbury Lane, Islington, London N1 2AS
Proposal	Conversion of basement level to kitchen & WC, erection of new single rear extension to include a raised and sound proofed roof.

Case Officer	Paul Conboy
Applicant	Euphorium Leisure Ltd.
Agent	Mr Andrew West- Studio:08 architecture + 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 THE SITE





Photo 2: Aerial view of the site.



Photo 3: View of existing rear roof slope



Photo 4: View of rear elevation of 263 Upper Street

4. SUMMARY

- 4.1 It is considered that proposed single storey rear extension, reconfiguration of the existing pub at basement and ground floor levels to create better toilet facilities, a kitchen area and a new ground floor seating area for the pub are acceptable in land use and visual terms.
- 4.2 Subject to conditions controlling the final finish of the rear extension and conditions ensuring any new ventilation systems of plant and machinery will require a new planning application for the council to assess the proposed development is considered to be acceptable and would not materially impact on the amenity levels of adjoining occupiers.

5. SITE AND SURROUNDING

- 5.1 The application relates to a three storey plus basement building located along Canonbury Lane. The basement and ground floor of the existing building are in use as a public house and related storage spaces. The ground floor public house backs onto the rear boundaries of adjacent retail units along Upper Street and other properties along Canonbury Lane. The site is located within the Upper Street North Conservation Area. The predominant use along Canonbury Lane and Upper Street is commercial activities at basement and ground floor levels and with residential units on the upper floors of these buildings. To the

south/south-west of the application site there are residential properties and gardens located along Tyndale Terrace.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal seeks to demolish the existing rear extension to the Four Sisters public house and conversion of the existing basement level to form a kitchen preparation area and toilet areas. The proposal would include a new single storey rear extension including a raised and sound proofed roof. The proposed rear extension would be used as an additional seating area to the pub as exists in this space at present. The plans would also create a fully wheelchair accessible toilet at ground floor level. The proposed rear addition is proposed to be finished in London stock brickwork. The kitchen area and new extension would facilitate the preparation of light snacks and meals and allow the greater use of the rear section of the pub as a seating area for the existing public house.
- 6.2 It is important to note that the current proposal does not include any plans for new chiller units, ventilation system or any other plant and machinery in this location.

7. RELEVANT HISTORY:

Planning:

- 7.1 **P110543:** Withdrawn application for the conversion of basement level to kitchen & Wc's, erection of new single rear extension to include a raised and sound proofed roof.
- 7.2 **P102414:** Withdrawn application for the Conversion of basement level to kitchen area and wc's, rear single storey ground floor extension to pub and creation of first floor roof terrace on the proposed roof of the extension
- 7.3 **P010476:** Grant of permission for the erection of a timber and glazed roof over existing garden area (April 2002)

ENFORCEMENT:

- 7.4 No detailed history. There have been records of some noise complaints from the area but the noise team were unable to ascertain which individual unit(s) along this section of Canonbury Lane and Upper Street was responsible for the noise generated.

PRE-APPLICATION ADVICE:

- 7.5 Following on from an application withdrawn by the council ref P110543 where the Council had assessed the case and recommended the case for approval based

on the planning merits of the case. Pre –app advice advised that the principle of a single storey rear extension was acceptable in this location.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties at Compton Terrace, Canonbury Lane, Upper Street and Tyndale Terrace. A site notice and press advert was displayed on the 15th August 2013. The public consultation of the application therefore expired on 5th 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 9 responses 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):
- Inaccurate and lack of detail in submitted drawings **(The council is satisfied there is adequate details and information in the submitted plans to enable the council to determine the application satisfactorily.)**
 - Lack of ventilation and noise details to control use from proposed basement kitchen. **(See paragraph 10.8)**
 - Fears the proposed rear extensions flat roof could be used as a roof terrace **(See condition 3 ensuring new rear extensions roof area not to be used as a roof terrace)**
 - Amenity concerns in terms of noise generation, late night disturbances, loss of light, outlook and increased sense of enclosure **(See paragraphs 10.7 to 10.14)**
 - Over intensification of the current public house in this location **(See paragraphs 10.2 to 10.4)**

Internal Consultees

- 8.3 Design and Conservation Officer: The proposed extension will enhance the character and appearance of this section of the Upper Street North Conservation Area.
- 8.4 Noise team: As discussed previously, there is potential for the rear extension to lead to an upgrade in the sound insulation properties of the premises and

therefore the Pollution team would not object to the proposal subject to conditions.

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

Upper Street North CA

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.4 The following 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 and the principle of the development
- Design and impacts of the development on the character and appearance of the surrounding conservation area.
- Neighbouring amenity
- Accessibility

Land-use

- 10.2 The application building has been functioning as a public house for many years in this location. Planning application ref P010476 granted planning permission for the erection of a timber and glazed roof over existing garden area to be used as an additional space to the public house in 2002. Therefore the lawful use of the basement and ground floor of the building as a public house with related storage facilities has been clearly established over many years.
- 10.3 The removal of the existing rear extension and replacement with a more robust and better finished rear extension is considered to be acceptable in land use terms. The extension would replace an existing seating area related to the public house and would not create a new or different land use to what exists on site at present. The proposed extension will be more soundproof in nature than the existing extension on this unit which would lessen noise breakout from the pub in comparison to the existing situation. It is accepted that the creation of a new extension and kitchen area will create better functioning and better laid out space within the pub. This space would have the potential to be used more intensively than the existing situation here. However the structure will be built to higher soundproofing standards and current licensing laws and regulation will remain to control the use of the public house into the future. Bearing in mind these specific dynamics, the proposed development is not considered to be an over intensification of the existing A4 use of the site.
- 10.4 Concerns have been raised from residents regarding noise and the possibility of the public house use ceasing from this site. The council must consider the merits of the development as submitted. The use of the building as a public house has been established and is not a material planning consideration in the assessment of the current proposal to consider the cessation of this established use in this case.

Design, Conservation and Heritage Considerations

- 10.5 The existing rear extension at the application site is considered to be of a poor overall visual appearance with a utilitarian roof finish and adds little to the character and appearance of the host building and wider conservation area setting. It is also important to note that there are many examples of visually poor additions towards the rear of adjacent properties along Canonbury Lane and Upper Street particularly at ground level.
- 10.6 The proposed rear extension is of a simple yet sympathetic design which is considered to blend into its surrounds. The London stock finish is particularly welcome as is the flat roof finish which lessens the physical bulk of the proposed extension. The Council's Design and Conservation officer raises no objections to

the proposed rear extension bearing in mind the existing extension here and the surrounding context. The proposed extension is considered to accord with **CS Policy 9, DM policies 2.1 & 2.3 & Islington's Urban Design Guidance 2006.** .

Neighbouring Amenity

- 10.7 The Council has considered the close proximity of adjoining resident's rear upper floor windows in relation to the application site and the potential for unacceptable noise disturbances, odour concerns, night time disruption from the proposed new extension and creation of a kitchen area for the pub.
- 10.8 The proposed kitchen area is to be used for light snacks and food for the patrons of the pub. It is envisaged that the food preparation will not require any significant cooking and minimal chilling for what is a reasonably small proposed kitchen space. The current proposal does not include any plans for any new plant and machinery or new rear ventilation systems. Any plans for additional or new equipment would require a full planning permission application to be submitted to the Council for consideration. The proposed development is not considered to give rise to any material adverse impacts on adjoining residents amenity levels in terms of noise pollution and odour production.
- 10.9 The existing use of the ground floor is as a public house. The use of the building at basement and ground floor levels would remain as a public house. It is not considered that the reconfiguration of the basement level of the building and the creation of a new internal seating area in the proposed rear extension would give rise to any material increase in noise generation or pollution coming from the existing use. There are separate licensing controls in place which can adequately address noise breakout and nuisances from uses such as pubs where necessary and these are not subject to planning controls.
- 10.10 The Council's noise officer notes the fact that the new rear extension with its soundproofed roof has the potential to decrease noise breakout from the pub due to the more robust finish of the proposed extension when compared to the more lightweight and glass finished rear extension which exists at present.
- 10.11 Concerns have been raised regarding noise coming from an existing rear chilling unit on the application site. Reports have been made to the Council's noise team from some residents regarding this. However the Council's noise team were unable to specifically identify the chilling unit which was causing the noise. The council can investigate further complaints as they arise and deal with any nuisances under the relevant environmental legislation. The existing equipment on the building is not subject to the planning considerations of this particular case.
- 10.12 A condition is suggested on any grant of permission to ensure that the proposed roof of the rear extension is not used as any form of amenity space or roof terrace into the future.

- 10.13 The proposed height of the rear extension is not considered excessive bearing in mind the commercial use of adjoining properties at ground floor levels. The height of the extension measured at 4.4 metres (existing height of rear extension to top of glazed roof is 4 metres and 3.2 metres at the parapet level) is considered to be sufficiently set away from adjoining resident's upper floor windows to ensure that the development will not have any adverse impact on adjoining residents in terms of loss of light/daylight, outlook nor any material increase in enclosure in this case.
- 10.14 It is considered that the proposed development would not have a material adverse impact on the amenity levels of adjoining occupiers in this case. There remains separate licensing and environmental controls in place to address any future noise problems which may or may not arise with the use of the pub into the future.

Accessibility

- 10.15 The proposed development would maintain its level access from the public highway which is welcomed. As part of the proposed works the plans seek to move toilets to the basement level of the pub and create a fully wheelchair accessible toilet at ground floor level. The creation of a wheelchair accessible toilet is particularly welcomed within this development.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed conversion of the basement level of the pub to create toilets and a kitchen area together with the erection of a new single storey rear extension is considered to be an acceptable landuse in this location. The proposed design of the rear extension is considered to be acceptable and would enhance the character and appearance of the host building and wider conservation area setting.
- 11.2 The proposed rear extension is considered to offer the opportunity for less noise breakout from the seating area over the existing situation on site. The development does not include any plans for any new ventilation systems or plant and machinery. Any future plans for these elements would require a further planning permission to be sought from the Council. The proposed development is not considered to have any adverse impact in terms of noise pollution, odour problems or late night disturbances on adjoining occupiers in this case.

Conclusion

- 11.3 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:

1	<p>Further Limited Completion of the approved development</p> <p>CONDITION: The development hereby permitted shall be completed not later than the expiration of 3 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) and to ensure an acceptable and policy compliant development of the site.</p>
2	<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 report by studio 08, Noise survey report produced by Shaun Murkett Acoustic Consultants Ltd, drawing numbers: EX01 TO EX06 inclusive and P01/REV A to P06/REV A inclusive.</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>No rear roof terrace</p> <p>CONDITION: Notwithstanding the hereby approved plans, the flat roof area of the hereby approved single storey rear extension shall be used other than for essential repair or maintenance, or escape in case of emergency, and shall not be used as an amenity or sitting out area of any kind whatsoever.</p> <p>REASON: In order to respect the privacy of neighbours and avoid overlooking.</p>
4	<p>No planning permission for any new plant and machinery or rear ducting</p> <p>CONDITION: Notwithstanding the hereby approved plans, no planning permission is granted for any new plant and machinery or rear ducting for use in relation to the existing A4 use. Any new equipment and/or ventilation system will require a full planning application to be made to Islington Council.</p> <p>REASON: In order to safeguard the amenity levels of adjoining neighbours.</p>

5	Matching facing materials
	<p>CONDITION: The facing materials of the development hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</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>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>
2	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>

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

4 London's economy

Policy 4.1 Developing London's economy

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS 9 (Islington's Built environment)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

5. 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:

- **Upper Street North Conservation Area**

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Conservation Area Design Guidelines
- Urban Design Guide 2006
- Islington's Urban Design Guidance 2006