



AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **18 December 2014 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 9 December 2014

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk**


Committee Membership

Wards

Substitute Members

Councillor Klute (Chair)	- St Peter's;	Councillor Chowdhury	- Barnsbury;
Councillor Nicholls (Vice-Chair)	- Junction;	Councillor Convery	- Caledonian;
Councillor Kay	- Mildmay;	Councillor Fletcher	- St George's;
Councillor Khan	- Bunhill;	Councillor Gantly	- Highbury East;
Councillor Picknell	- St Mary's;	Councillor Comer-Schwartz	- Junction;
		Councillor O'Sullivan	- Finsbury Park;
		Councillor A Perry	- St Peter's;
		Councillor R Perry	- Caledonian;
		Councillor Poole	- St Mary's;
		Councillor Poyser	- Hillrise;
		Councillor Smith	- Holloway;
		Councillor Spall	- Hillrise;
		Councillor Ward	- Holloway;
		Councillor Wayne	- Canonbury;
		Councillor Williamson	- Tollington;

Quorum: 3 councillors



A.	Formal Matters	Page
1.	Introductions	
2.	Apologies for Absence	
3.	Declarations of Substitute Members	
4.	Declarations of Interest	

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a)Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

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7.	Highbury Vale Police Station, 211 Blackstock Road, N5	109 - 136
8.	St Mary Magdalene Church, Former Coroner's Court/Parks Depot, Holloway Road, N7 8LT	137 - 198
9.	Whittington Park Football Pitch, Holloway Road, N19	199 - 210

C. Consideration of other planning matters

D. Urgent non-exempt items

Any non-exempt items which the Chair is of the opinion should be considered as a matter of urgency and to consider whether the special circumstances included in the report as to why it was not included on and circulated with the agenda are acceptable for recording in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining items on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

F. Confidential/exempt items

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G. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Sub Committee B, 5 February 2015

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Crane/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk

London Borough of Islington

Planning Sub Committee B - 6 November 2014

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 6 November 2014 at 7.30 pm.

Present: **Councillors:** Martin Klute (Chair), Tim Nicholls (Vice-Chair), Jenny Kay, Angela Picknell and Kat Fletcher.

Also Present: **Councillors:** Clare Jeapes

Councillor Martin Klute in the Chair

40 **INTRODUCTIONS (Item 1)**

Councillor Klute welcomed everyone to the meeting. Members of the Sub-Committee and officers introduced themselves. The Chair explained that the Sub-Committee would deal with the determination of planning applications and outlined the procedures for the meeting.

41 **APOLOGIES FOR ABSENCE (Item 2)**

Apologies were received from Councillor Robert Khan.

42 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

Councillor Kat Fletcher substituted for Councillor Robert Khan.

43 **DECLARATIONS OF INTEREST (Item 4)**

Councillor Kay informed the Sub-Committee that she would not take part in Item B3, 8 St Paul's Road, N1 as she had pre-determined this matter.

44 **ORDER OF BUSINESS (Item 5)**

The order of business would be B4, B2, B5, B6 and B3. Item B1 had been withdrawn from the agenda.

45 **MINUTES OF PREVIOUS MEETING (Item 6)** **RESOLVED**

That the minutes of the meeting held on the 18 September 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

46 **10-22 CALSHOT STREET, N1 (Item 1)**

Proposed vehicular crossover to provide access into the electricity depot site at Nos. 10-22 (even) Calshot Street, London, N1 9DA. (P2014/2842/FUL)

The Sub-Committee noted that this item had been withdrawn by the applicant.

47 **UPPER FLAT, 183 OFFORD ROAD, N1 (Item 2)**

Erection of half width extension at second floor level with terrace above and new access door to terrace. (P2014/1541/FUL)

In the discussion the following points were considered:-

- The Sub-Committee were sympathetic to the needs of the applicant but considered that the impact on immediate neighbours' amenity would outweigh this concern.
- That the impact of the development was considered to be intrusive in terms of design and amenity.

RESOLVED that the application be refused for the reasons detailed in the report.

48 **8 ST PAUL'S ROAD, N1 (Item 3)**

Revised Scheme. Erection of a part three storey, part single storey rear extension. Alterations to the rear façade, creation of steps to rear garden and associated landscaping. (P2014/1208 and P2014/1276/LBC)

Councillor Jenny Kay left the table during discussion of this item.

In the discussion the following points were considered:-

- The previous application was deferred for revisions to the proposed scheme to lessen the visual impact.
- The revised scheme had been lowered by 550mm from the height of the previously submitted scheme.
- A further plan had been submitted which detailed the existing extension at number 10 as well as the proposed extension at number 8 and which indicated the similarities and differences.
- The revised scheme had not overcome the objections raised by the Design and Conservation officer and the officer recommendation was therefore to refuse the application.
- The consideration by the Sub-Committee that the revised proposal achieved subservience to the main building.

Councillor Klute proposed an amendment to conditions that a physical sample of the proposed brick be provided for approval prior to construction and that further conditions be delegated to officers. The proposal was seconded by Councillor Nicholls.

RESOLVED that planning permission and listed building consent be granted subject to conditions and informatives. Wording to be delegated to officers and appended to the minutes.

49 **FLAT A, 71 LOFTING ROAD, N1 (Item 4)**

Erection of a single storey side and rear extension. (P2014/2948/FUL)

In the discussion the following points were considered:-

- There was an existing permission for the side/rear infill to the extension. The Sub-Committee were therefore only considering the additional rear extension.
- The relocation of the access staircase to the rear elevation had been removed from the application.
- The assurance from the applicant that there would be no narrowing of the walkway between dwellings and that this element of the scheme was unchanged from that previously approved.
- The wall was 2.2 m high but was to be erected at the lowest point possible to ensure impacts on the neighbour were avoided.
- The proposal complied with the daylight/sunlight guidelines and was south facing.

RESOLVED:

That planning permission be granted subject to the conditions and informative detailed in the report.

50 **FLAT B, 51-53 ST PAULS ROAD, N1 (Item 5)**

The demolition of the existing rear extension and the erection of a two storey rear extension at basement and ground floor levels to provide an additional bedroom and additional living room space. (P2014/2873/FUL)

In the discussion the following points were considered:-

- There were two previous approvals to the scheme and this proposal was identical to the previous applications.
- Although the 45 degree rule had been breached it was noted that the neighbouring ground floor windows were dual aspect and the property faced due south so would continue to receive good levels of sunlight.
- There had been no material change in policy since the most recent approval for the scheme in 2011.
- An application for a two storey rear extension at the adjacent property, number 55, had been refused and dismissed at appeal. The Sub-Committee noted the comments of the inspector at appeal that the extension at number 53 would not be visible from public view and therefore differed to the extension at number 55.

RESOLVED that planning permission be granted subject to the conditions and informative detailed in the report.

51 **LAND AT BENNETT COURT, ADJ 3 AXMINSTER ROAD, N7 (Item 6)**

The erection of a three storey building to provide two residential units: At ground floor – Flat 1 (2 bed, 4 person) and at first and second floor – Flat 2 (maisonette) (4 bed, 6 person) together with front and rear garden layout, brick boundary wall and gate. Amended drawings showing extension of rear garden and removal of two parking spaces, amendments to the north elevation and the west elevation. (P2014/2901/FUL)

In the discussion the following points were considered:-

- There had been a previous application for a four bedroom, three storey dwelling that had been approved in 2012.
- A proposed condition set out the hours of operation and good practice guidelines regarding dust and noise.
- The future behaviour of residents was not a material consideration for the Committee.
- The distance of the proposed development from the neighbouring block was within the permitted guidelines and there would be no material loss of daylight or sunlight.
- The parking bays for people with disabilities would be retained.

RESOLVED that planning permission be granted subject to the conditions, informatives and Director level agreement detailed in the report.

CHAIR

The meeting finished at 9:05pm

52

WORDING DELEGATED TO OFFICERS (Item)

Minute 48

8 St Paul's Road, N1

Conditions relating to planning permission

1. CONDITION: the development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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).

2. CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:

J150 P 001, J150 EX 101, J150 EX 102, J150 EX 103, J150 EX 104, J150 EX 105, J150 EX 106, J150 EX 107, J150 EX 108, J150 EX 109, J150 EX 110, J150 P 201, J150 P 202, J150 P 203, J150 P 204, J150 P 205, J150 P 206 RevA, J150 P 207 RevA, J150 P 208 RevA, J150 P 209, Existing Front Elevation Photographs, Existing Rear Elevations Photograph, Rear Elevation lower Part Photograph, Rear Elevation close ups Lower Ground Floor Photographs, Birdseye view of existing Closet Wings and Rear Extensions Photographs, View of neighbouring properties to the rear Photograph, Interior photos – Lower Ground Floor Front Kitchen Rear Dining Room, Interior photos – Lower Ground Floor Stairs to Upper Ground Floor, Interior photos – Upper Ground Floor Front Reception Room Rear Reception Room, Interior photos – Upper Ground Floor Entrance Hallway Door to garden Cloakroom/WC, Interior photos – Upper First Floor Front Master Bedroom Rear Family Bathroom, Interior photos – Second Floor Front Bedroom Rear Bedroom 2nd Floor Stair landing, Design Access and Visual Impact Statement and Heritage Impact Assessment dated 17th March 2014, Schedule of External Demolition and Stripping Out 15.03.2014, Aerial photo showing rear extensions along terrace (birdseye view), Aerial photo showing rear extensions along terrace (seen from the rear).

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.

3. MATERIALS (DETAILS): Details and samples of facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the work commencing on site. The details and samples shall include:
 - a) Timber Window treatment (including sections and reveals);
 - b) Cast Iron drain pipe

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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.

4. CONDITION: The second floor flat roof area on the extension 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 maintenance or repair, or escape in case of emergency.

REASON: To prevent the undue overlooking of neighbouring habitable room windows.

5. CONDITION: All new facing brickwork shall match the existing brickwork to the rear elevation of the main house in respect of colour, texture, face bond and pointing. The pointing shall be carried out using a lime mortar with a ratio of ratio of 1:2.5 (lime:sand) and shall be flush/slightly recessed.

A 1m x 1m sample panel is to be constructed on site, to be approved in writing by the Local Planning Authority.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

6. CONDITION: Notwithstanding the plans hereby approved the new sash windows shall accurately replicate, in terms of material, profile and detailing, the original late-Georgian windows surviving to the property. They shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be cylinder glass and no greater than 11mm (3mm outer glass : 4mm gas : 4mm inner glass) in total thickness. No horns, trickle vents or metallic/perforated spacer bars are permitted.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

Conditions relating to Listed Building Consent

1. 3 YEAR CONSENT PERIOD FOR LBC and CAC: The works hereby permitted shall be begun not later than three years from the date of this consent.

REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

2. CONDITION: Notwithstanding the plans hereby approved both the existing opening at lower ground floor level in the original rear wall and the existing window opening at stair landing level between ground and first floors shall not be widened.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

3. MATERIALS (DETAILS): Details and samples of facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the work commencing on site. The details and samples shall include:

- a) Timber Window treatment (including sections and reveals);
- b) Cast Iron drain pipe

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

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.

Planning Sub Committee B - 6 November 2014

4. **CONDITION:** All new facing brickwork shall match the existing brickwork to the rear elevation of the main house in respect of colour, texture, face bond and pointing. The pointing shall be carried out using a lime mortar with a ratio of ratio of 1:2.5 (lime:sand) and shall be flush/slightly recessed.

A 1m x 1m sample panel is to be constructed on site, to be approved in writing by the Local Planning Authority.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

5. **CONDITION:** Notwithstanding the plans hereby approved the new sash windows shall accurately replicate, in terms of material, profile and detailing, the original late-Georgian windows surviving to the property. They shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be cylinder glass and no greater than 11mm (3mm outer glass : 4mm gas : 4mm inner glass) in total thickness. No horns, trickle vents or metallic/perforated spacer bars are permitted.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

Schedule of Planning Applications

PLANNING COMMITTEE - Thursday 18 December, 2014

COMMITTEE AGENDA

- 1 21-36 Outram Place and playground at rear, London N1 0UX

- 2 9 Shillingford Street, London N1 2DP

- 3 Brecknock Estate, (16 Blocks) Brecknock Road, Islington, London, N19 5AN

- 4 Brecknock Road Estate
Islington
London

- 5 Highbury Fields Tennis Courts Church Path, London N5 1Qn

- 6 Highbury Fields Tennis Courts, Church Path London N5

- 7 Highbury Vale Police Station 211 Blackstock Road, London, N5 2LL

- 8 St Mary Magdalene Church
Former Coroner's Court/Parks Depot
Holloway Road
Islington
London
N7 8LT

- 9 Whittington Park Football Pitch, Holloway Road, London, N19

1 21-36 Outram Place and playground at rear, London N1 0UX

Ward: Caledonian

Proposed Development: Retrospective application for the construction and conversion of undercroft car parking area into offices, locker rooms, storage and kitchen facilities and the use of the playground, to the north of Bingfield Street for the parking for service vehicles.

Application Number: P2014/4049/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Raymond Yeung

Name of Applicant: London Borough of Islington

Recommendation:

2 9 Shillingford Street, London N1 2DP

Ward: St. Marys

Proposed Development: Creation of a roof terrace on the existing flat roof to 9 Shillingford Street, to be accessed via a new staircase from the existing first floor landing, with a mechanically opening glass rooflight above. This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended) ; section 73.

Application Number: P2014/0012/FUL

Application Type: Full Planning Application

Case Officer: Krystyna Williams

Name of Applicant: Mr Clive Evans

Recommendation:

3 Brecknock Estate, (16 Blocks) Brecknock Road, Islington, London, N19 5AN

Ward: St. Georges

Proposed Development: New boiler flues and plume managements kits.

Application Number: P121391

Application Type: Full Planning (Council's Own)

Case Officer: Krystyna Williams

Name of Applicant: Mr Paul Croom Islington Council

Recommendation:

4 Brecknock Road Estate Islington London

Ward: St. Georges

Proposed Development: Replacement of single glazed windows and doors with double glazed, aluminium framed windows and doors.

Application Number: P2014/3482/FUL

Application Type: Full Planning Application

Case Officer: Krystyna Williams

Name of Applicant: See agent

Recommendation:

5 Highbury Fields Tennis Courts Church Path, London N5 1Qn

Ward: Highbury East

Proposed Development: The installation of 8.00m floodlighting to two existing outdoor tennis court Nrs 5 and 6 along the eastern boundary (Highbury Grove side).

Application Number: P2014/3720/FUL

Application Type: Full Planning Application

Case Officer: Eoin Concannon

Name of Applicant: Mr Noel Headon

Recommendation:

6 Highbury Fields Tennis Courts, Church Path London N5

Ward: Highbury East

Proposed Development: The installation of low level floodlighting to two existing outdoor tennis courts (courts 7 & 8) along southern boundary (Baalbec Road side).

Application Number: P2014/3719/FUL

Application Type: Full Planning Application

Case Officer: Eoin Concannon

Name of Applicant: Mr Noel Headon

Recommendation:

7 Highbury Vale Police Station 211 Blackstock Road, London, N5 2LL

Ward: Highbury East

Proposed Development: Change of use from Sui Generis (Police Station) to part D2 (Gym) use at upper ground floor level, four (4) flexible A1, A2, D1, & B1 use commercial units at lower ground and upper ground floor levels and eight (8) residential units at upper floors; external works including alterations to front facade, alterations to rear including upper ground floor extension, new stair core and lift shaft, new balconies and other alterations to roof and rear facade.

Application Number: P2014/1294/FUL

Application Type: Full Planning Application

Case Officer: Ben Phillips

Name of Applicant: Mr

Recommendation:

8 St Mary Magdalene Church Former Coroner's Court/Parks Depot Holloway Road Islington London N7 8LT

Ward: St. Marys

Proposed Development: Listed Building consent in connection with conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). (Full Planning Application (P2014/3112/FUL) also submitted.

Application Number: P2014/3117/LBC

Application Type: Listed Building

Case Officer: Not allocated - Planning Applications Team

Name of Applicant: St Mary Magdalene Church

Recommendation:

Ward: St. Marys

Proposed Development: Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). (Listed Building Consent P2014/3117/LBC also submitted.)

Application Number: P2014/3112/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: St Mary Magdalene Church

Recommendation:

9 Whittington Park Football Pitch, Holloway Road, London, N19

Ward: Junction

Proposed Development: Increase the height of the fencing along the north west boundary of the football pitch from 5m to 7m

Application Number: P2014/3121/FUL

Application Type: Full Planning Application

Case Officer: Krystyna Williams

Name of Applicant: Mr Jon Winder

Recommendation:

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street
 LONDON N1 1YA

PLANNING SUB-COMMITTEE B	AGENDA ITEM NO:
Date: 18 th December 2014	NON-EXEMPT

Application number	P2014/4049/FUL
Application type	Full Planning (Council's Own)
Ward	Caledonian
Listed building	Unlisted
Conservation area	No
Development Plan Context	Kings Cross and Pentonville Road Core Strategy Area and Site allocation KC4.
Licensing Implications	None
Site Address	21-36 Outram Place and playground at rear, Islington, London N1 0UX
Proposal	Retrospective application for the construction and conversion of undercroft car parking area into offices, locker rooms, storage and kitchen facilities and the use of the playground, to the north of Bingfield Street for the parking for service vehicles.

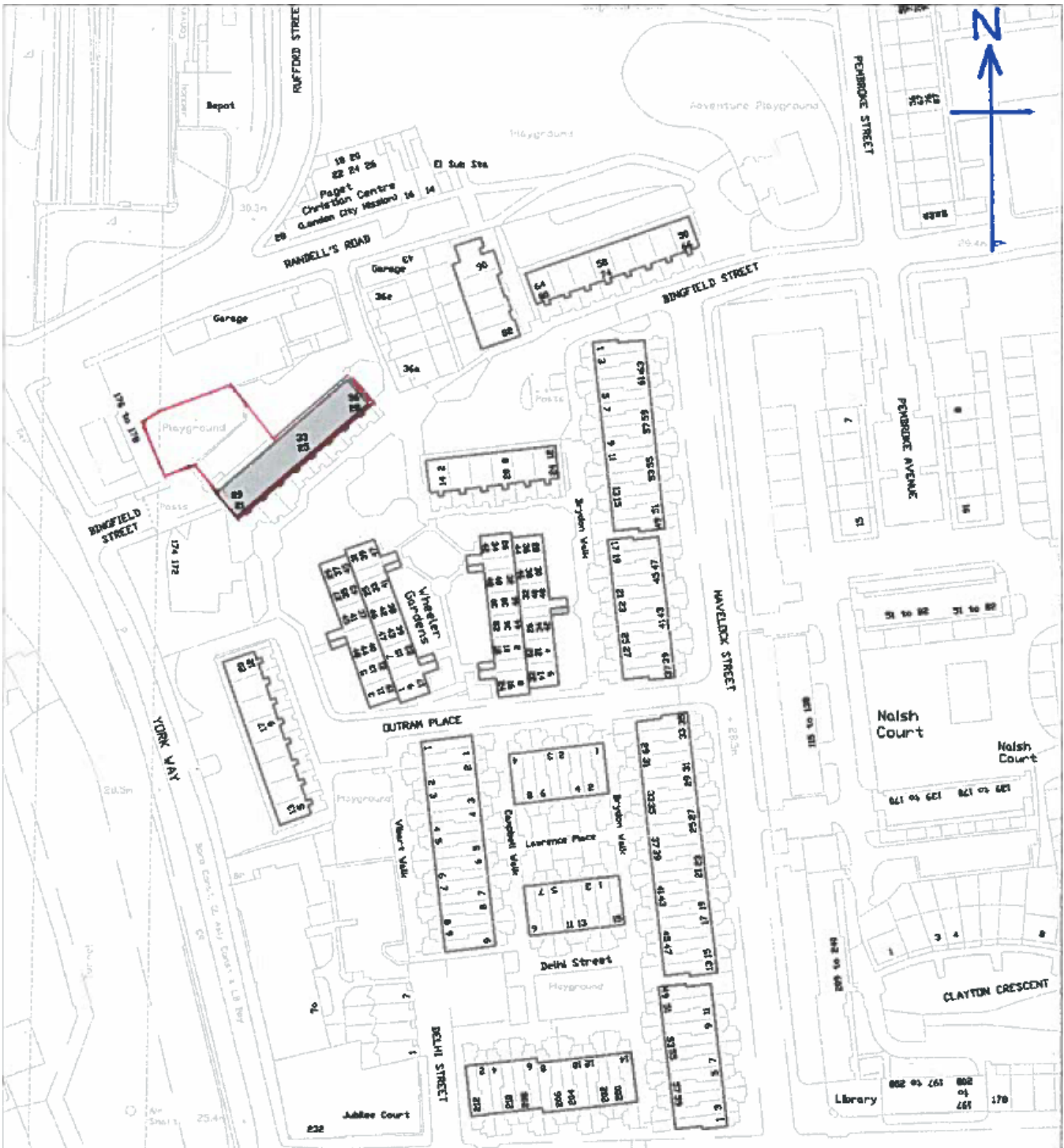
Case Officer	Raymond Yeung
Applicant	London Borough of Islington, Mechanised Services Department
Agent	N/A

1.0 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1;

2.0 SITE PLAN (Site outlined in black)



3.0 PHOTOS OF SITE/STREET



Photo 1: View of office space (previous undercroft)



Photo 2: View of storage space (previous undercroft)



Photo 3: View of parking area (former playground)



Photo 4: Improvement of play area at Dehli Outram Estate following previous permission



Photo 5 : Improvement of play area at Delhi Outram Estate being made ready for new turfing in September 2014.

4.0 SUMMARY

- 4.1 This application is a re-submission of the previous planning permission sought for the permanent retention of office space and the change of use of the former playground to provide parking for service vehicles used by the Council's Mechanised Services Department. The site has been operating in this use since 2009 and the application seeks to continue the use.
- 4.2 The previous permission was initially submitted for a permanent retention, however a 1 year permission was granted following the resolution at Planning sub-committee B in January 2014. This required removal of the temporary use and structures prior to 7/1/15.
- 4.3 The previous approval was restricted to 1 year only to allow for an assessment as to whether the site could be used for housing. This study explains there is limited scope for use of this site in isolation.
- 4.4 The applicant has submitted a feasibility study exploring the alternative use of the sites as housing. The study explains there is limited scope for the use of this site in isolation.
- 4.5 The loss of the open space would be off-set by the extension and improvement of other play facilities within the Estate. The loss of the residential car parking in the undercroft area and the use of the site for the parking of the Council's vehicles would be in accordance with the Council's car free policy.
- 4.6 Like the previous permission, the hours of operation proposed are 0800 to 1600 hours, and there would be a limited number of both employees and vehicles at any one time at the site. The works to the undercroft and CCTV column are acceptable and the physical works to the parking area fall within permitted development.
- 4.7 The Directors' Agreement associated with the previous planning permission requiring an improvement and extension of the playground at Delhi Outram Estate opposite 9-15 Delhi Street from the previous permission is not required with this application as the works are now complete.
- 4.8 The proposal is recommended for approval on a permanent basis.

5.0 SITE AND SURROUNDING

- 5.1 The site previously consisted of a rear undercroft below flats No. 29 to 36 Outram Place and a former playground area to the north of the undercroft, all set within the Council owned Dehli Outram Estate. The proposed works have been undertaken, with Mechanised Services occupying the site from 2009. The works enclosed the undercroft area to provide office space and the playground area had a vehicular access created, a surrounding fence erected and a light and CCTV camera on a pole erected. The current parking area was previously in use as a playground, but is anecdotally understood to have not been used as a play space since 2004. The vehicular parking area also includes a number of temporary container structures.
- 5.2 No. 2136 Outram Place consist of a four storey residential block incorporating an undercroft to the north. The playground is set to the south of a former petrol station, which is currently in use as a car sales outlet, and a two storey warehouse/office building. The site is accessed from a driveway leading onto Randell's Road to the north.
- 5.3 The site falls within the Kings Cross and Pentonville Road Core Strategy Area and the former playground area falls within site KC4 of the Site Allocations (June 2004).

6.0 PROPOSAL (in Detail)

- 6.1 The proposal is to permanently retain the works to the site to provide office space and change the use of a former playground to provide parking for service vehicles for the Mechanised Services provided to council estates.
- 6.2 The works to the office space consist of the infilling of 4 bays with facing brickwork, metal grill covered windows and steel doors; the infill of two bays with steel grilles/chequer plates and the partial infill of one bay with a secure weldmesh screen.
- 6.3 The works to create the parking area consist of the erection of a 2.8 metre high black painted metal fence around the south and east extent of the former playground, the creation of a vehicular crossover on the east side and the erection of a CCTV camera post and a security light on the eastern side of the site.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 **P091512** - Construction of a service depot for central estate services - Withdrawn (20/03/2013).
- 7.2 **P2013/3432/FUL** - Provision of office space and parking for service vehicles for mechanised services provided to council estates. Approved with conditions (07/01/2014)

Enforcement:

- 7.3 **E/2013/0473** – Unauthorised change of use and erection of fencing – Invite application (22/11/2013).

Pre-application Advice:

- 7.4 No formal pre application advice has been sought.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to 34 occupants of adjoining and nearby properties on 28th October 2014. A site notice was displayed on 28th October 2014. The public consultation of the application therefore expired on 18th November 2014, 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, no 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):

Internal Consultees

- 8.3 **Planning Policy** – No response received
- 8.4 **Public Protection Division** – No objections to the CCTV, it is only focused on the site and no control by conditions you need to attach. Similarly with lighting, it is already in place and no complaints have been received to date. From a noise perspective there should be no issue subject to hours of operation restricted as per Planning Officer suggested times.
- 8.5 **Parks and Open Space** – No response received.
- 8.6 **Access and Inclusive Design Officer** – No response received.
- 8.7 **Spatial Planning and Transport (Transport Officer)** – No response received.
- 8.8 **Highways** – No response received.
- 8.9 **Housing Department** – No response received, however it is noted that the housing feasibility study was undertaken by Housing Officers

External Consultees

- 8.10 **London Borough of Camden** – No response received
- 8.11 **Thornhill Square Association** – No response received

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

9.4 The relevant designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013 are listed in Appendix 2:

Islington Local Plan – Core Strategy

- Kings Cross and Pentonville Road Core Strategy Area
- Site allocation KC4 (Playground area only)

Supplementary Planning Guidance (SPG) / Document (SPD)

9.5 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:

- Land Use
- Neighbour Amenity
- Highways and Transportation
- Design

Land-use

10.2 There are two distinct areas to the planning application that of the former playground open space and that of the undercroft works.

10.3 The service vehicle parking area replaces a previous playground open space within Dehli Outram Estate Management to No.176-178 York Way. DM6.3 of the Development Management Policies sets out that development is not permitted on semi-private amenity spaces, including open space within housing estates, unless the loss of amenity space is compensated and the development has overriding planning benefits.

10.4 This open space has been in use as a service vehicle parking area since at least 2009 and the applicant has detailed that prior to this, the site was fenced off, secured and overgrown for a period of approximately six years. Funding has been secured to improve an existing play area to the south of 9-15 Dehli Street which will serve the local community significantly better than the previously vacant open space.

10.5 The provision of essential maintenance services is an ancillary function to the housing estates. In light of the fact that the playground has not been used since 2004 and an alternative located has been improved within close proximity, and furthermore, the previous play space falls within Site KC4 of Islington's Local Plan: Site Allocations (2013), where it is stated as being disused and is designated to be redeveloped, the loss of this open space is considered acceptable.

10.6 The office/storage space within the undercroft replaces a previous parking area. The loss of parking spaces is not resisted by the Council and it would be in accordance with the Council's car free policy DM8.5. Furthermore, prior to its conversion in 2009 it was a known location for anti-social behaviour.

10.7 The previous permission was subject to a Directors' Agreement to secure the improvement of the play area located to the south of 9-15 Delhi Street, as a benefit for the community. This work has now been carried out and therefore another Directors' Agreement is not required this time as the policy has been satisfied.

Housing feasibility

- 10.8 The applicant has provided a feasibility statement which explored the opportunity to use the site for housing.
- 10.9 The housing statement explains that the undercroft area (21 – 36 Delhi Outram Estate) below existing residential accommodation is too narrow to provide suitable and planning policy compliant living accommodation. It states that the New Build Team has developed other undercroft areas in Islington (e.g. Vulcan Way) but the depth of Delhi Outram is insufficient. In addition to this the heights of this site and single aspect nature would not be compliant with planning standards. Officers concur with this view.
- 10.10 The statement also explains in relation to the ‘triangular’ service vehicle parking area, there is potential for a small number of housing units (subject to survey and planning), however it is considered that there is more development potential from this site if it was to be included in a larger package of land, for redevelopment. To the north and west sides of the site there are privately owned buildings and a car wash. The potential to deliver a larger scheme providing more housing and more affordable / social housing accommodation on this and the neighbouring sites will be explored in the near future.
- 10.11 The statement also states that if the committee was to approve the current application for the Mechanical Services Depot, the land would still be owned by Islington Council and therefore would not hinder any future housing option for the site when a wider site assembly is explored.
- 10.12 The statement concludes that the site is not on the current programme for development and therefore is unlikely to be considered for 2 years plus. Officers are satisfied that this issue has been addressed.

Neighbouring Amenity

- 10.13 Policies DM2.1, 2.2 and 6.3 of the development plan seek to protect residential amenity when considering development proposals. The office/storage space is created from the infill of the undercroft areas and the works to the playground consist of small scale fences and columns and lights. As such the main amenity consideration relates to potential disturbance from the use.
- 10.14 The site has 18 full time employees, parking for 14 vehicles and the hours of operation are detailed to be between 0800 and 1600 hours Monday to Friday. Due to the limited office space at the site and the nature of mechanised services provision, it is likely that numbers of employees at the site at any one time would be limited. Whilst there would be likely to be a peak of employees at the start and end of the working day, this would be for a limited time and within normal working hours. It is noted that the Public Protection Noise Team have not raised any objection to the use of the site.
- 10.15 It is noted that concern has been raised regarding potential disturbance from vehicle movements and repair works at the site. The number of vehicles at the site is limited to 14 and with regard to repairs being undertaken within the site, the site would be conditioned to be used for parking only.
- 10.16 With regards to use of the external lighting these share the same poles as the CCTV cameras facing onto the parking area within the former playground, this car parking sits adjacent to commercial properties. It is set over 15 metres away and set below the first floor habitable rooms of the residential buildings of 21-36 Outram Place, Public Protection has no objection to the lighting.
- 10.17 Subject to conditions restricting the hours of use, the number of vehicles at the site and the use of the former playground for solely parking use for the mechanised services vehicles and employees, the office and vehicle parking use of the site is considered to be in accordance with policy DM2.1 of the Development Management Policies and policy 7.15 of the London Plan with regard to neighbour amenity.

Highways and Transportation

- 10.18 Policy DM8.5 of the Development Management Policies states that non-residential parking will only be allowed where this is essential for operational requirements and therefore integral to the nature of the business or service. Furthermore, any parking should be off-street and located to be accessible and convenient in relation to the development.
- 10.19 Mechanised Services, by its very nature, requires vehicles for its daily operation. Therefore the parking of these vehicles is integral to operational requirements and service provision. The parking provision is off-street and is located in close proximity to the offices.
- 10.20 With regard to parking and manoeuvring, the site is located within a cul-de-sac with a turning 'T' which previously provided sufficient turning space for vehicles parking within the undercroft area. Furthermore, there is sufficient space within the parking area for the manoeuvring of vehicles, whilst the Junction with Randell's Road is of a sufficient size to allow vehicle to access and egress the site.
- 10.21 The site is located within close proximity to Kings Cross/St Pancras Railway Station and a number of bus routes whilst the store areas would provide sufficient space for cycle parking.
- 10.22 The parking space is considered to be in accordance with Development Management policies DM8.2, DM8.3, DM8.4 and DM8.5.

Design

- 10.23 The built up wall sections and steel walled bays which create the offices incorporate regular spacing and are of a small scale, facing onto the service vehicle parking area, which forms the end part of a cul-de-sac. The fenced area is set back from the rear elevation of the undercroft area and due to its open nature is not intrusive within the locality. The infilled bays provide an active frontage to a previously open and inactive space. By reason of this, the regular bay spacing and the simple form of the development, the office space is considered to be acceptable.
- 10.24 Whilst the floor plans detail a CCTV column to the east of the former playground, elevational plans have not been submitted as part of the application. However, the CCTV column was viewed at the time of the site visit and a photo with written dimensions has been submitted. The CCTV column is of a typical design and scale and is not overly prominent within the locality.
- 10.25 The 2.8 metre high black painted metal fence, vehicular crossover and security light which were erected at the site would fall within the provisions of Schedule 2, Part 12, Class A of the Town and Country planning (General Permitted Development) Order 1995, as amended by the 2011 Order and would therefore do not require express planning permission.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal provides a suitable parking and office space for Mechanised Services Department would not detrimentally impact upon the amenity of the neighbouring occupiers and has secured improvements to a nearby play space area. The housing feasibility study has been assessed and it is concluded that this proposal would not hinder any future housing option for the site.
- 11.2 As such, the proposed market is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Approved plans list
	<p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans: Location plan DO/001/P, Existing plan and elevation to estate with drainage layout, LS006 Rev A, Planning Statement, email dated 12/11/2014, play area improvements statement dated 25/9/14 and New Build feasibility appraisal.</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>
2	Hours of Operations
	<p>CONDITION: The Office space and service vehicle parking area for services vehicles operating as part of the Mechanised Services Department hereby approved shall only operate between the hours of 0800 and 1600 Monday to Friday and not at all on any other day.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
3	Service Vehicle Parking
	<p>CONDITION: The service vehicle parking area hereby approved shall only be used for the parking of vehicles and shall not be used as an area for repair works to be undertaken.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
4	Number of Vehicles
	<p>CONDITION: The service vehicle parking area hereby approved shall have a maximum of 14 vehicles parked at any one time.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</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>Verbal pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</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 a timely manner in accordance with the requirements of 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

3 London's people Policy 3.16 Protection and enhancement of social infrastructure	Policy 6.12 Road network capacity Policy 6.13 Parking
4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices	7 London's living places and spaces Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.15 Reducing noise and enhancing soundscapes
6 London's transport Policy 6.3 Assessing effects of development on transport capacity	Policy 7.18 Protecting local open space and addressing local deficiency

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)
Policy CS13 (Employment Spaces)
Policy CS15 (Open Space and Green Infrastructure)
Policy CS16 (Play Space)
Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage DM2.1 Design DM2.2 Inclusive Design	Health and Open Space DM6.3 Protecting open space
Shops, culture and services DM4.12 Social and strategic infrastructure and cultural facilities	Transport DM8.2 Managing transport impacts DM8.4 Walking and Cycling DM8.5 Vehicle parking DM8.6 Delivery and servicing for new developments
Employment DM5.1 New business floorspace	

D) Site Allocations June 2013

SA1 Proposals within allocated sites
KC4 176-178 York Way

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

- Kings Cross and Pentonville Road Core Strategy Area
- Site allocation KC4 (Playground area only)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

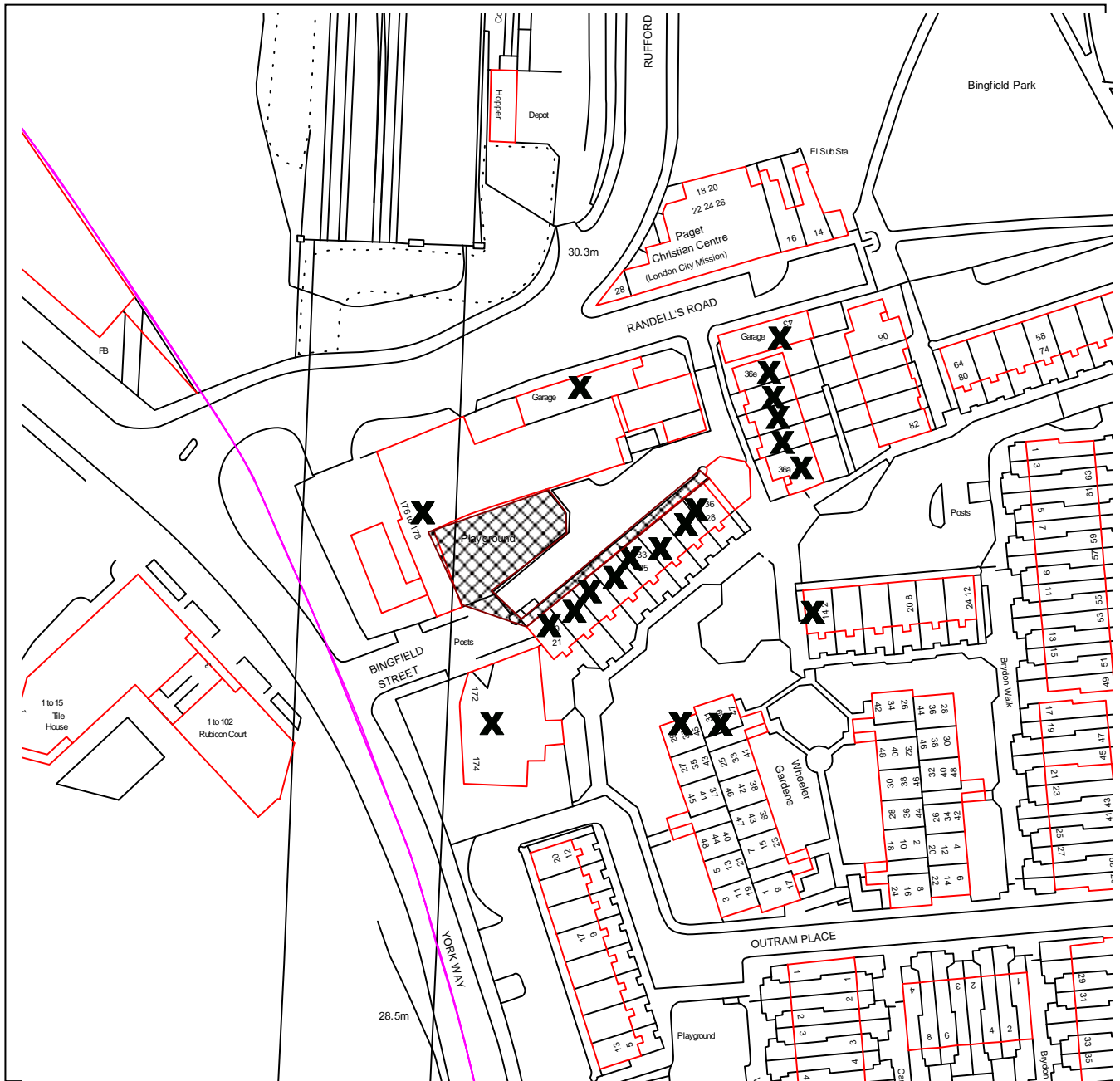
Islington Local Plan

Urban Design Guide

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/4049/FUL

LOCATION: 21-36 OUTRAM PLACE AND PLAYGROUND AT REAR,
LONDON N1 0UX

SCALE: 1:1250

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Islington Council, LA086452

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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 B		AGENDA ITEM NO:
Date:	18 th December 2014	

Application number	P2014/0012/FUL
Application type	Full Planning Application
Ward	St Marys
Listed building	No
Conservation area	Cross Street Conservation Area
Development Plan Context	Archaeological Priority Area, Angel & Upper Street Core Strategy Key Area, Conservation Area
Licensing Implications	None
Site Address	9 Shillingford Street, London, N1 2DP
Proposal	Creation of a roof terrace on the existing flat roof to 9 Shillingford Street, to be accessed via a new staircase from the existing first floor landing, with a mechanically opening glass rooflight above.

Case Officer	Krystyna Williams
Applicant	Mr Clive Evans
Agent	Tasou Associates

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 black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial image showing the existing flat roof at 9 Shillingford Street and existing surrounding roof terraces



Image 2: View looking north along Shillingford Street



Image 3: Frontage of 9 Shillingford Street (left) and 11 Shillingford Street with existing roof terrace and rooftop planters



Image 4: Front elevation of No.s 7, 9 & 11 Shillingford Street

4. Summary

- 4.1 Planning permission is sought for the creation of a roof terrace on the existing flat roof to 9 Shillingford Street, to be accessed via a new staircase from the existing first floor landing, with a mechanically opening glass rooflight above.
- 4.2 This application is being presented to the Planning Sub Committee after being called in by Councillor Gary Poole and Councillor Rhiannon Davis. There have also been three objections to the proposed development received from local residents.
- 4.3 The site is located within the Cross Street Conservation Area. Amended drawings have been submitted following concerns raised by officers insofar as views from the streetscene and privacy concerns to the rear of the site. Design and Conservation Officers have no objection to the proposed works.
- 4.4 Since the submission of this application a majority of the works have been undertaken including the installation of the roof top decking, erection of privacy screens and creation of access to the rooftop.
- 4.5 The site is located on the western side of Shillingford Street. The site is land locked to the north, east and south by residential properties. Opposite the site, on the eastern side of Shillingford Street is St Mary's Church of England Primary School.
- 4.6 Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, outlook and sense of enclosure. Appropriate privacy screening is proposed to protect the privacy of adjoining residents whilst protecting the surrounding conservation area. The rear section of the roof terrace and associated screening has been set in by 2 metres in order to overcome overlooking / loss of privacy without creating an undue sense of enclosure for neighbouring properties.
- 4.7 The proposed roof terrace and associated landscaping/screening are not considered to have any material adverse impact in terms of creating an undue sense of enclosure, loss of light and outlook, privacy or increased incidences of overlooking in relation to adjoining properties. There is not likely to be significant and adverse impact from noise emanating from the use of the area as a roof terrace under normal use.
- 4.8 Given the lack of impacts associated with the proposal and the prevalence of roof terraces within close proximity to the application site it would be unwarranted to refuse this application. The application is recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site comprises a two storey over basement building located on the western side of Shillingford Street.

- 5.2 Planning permission ref: P043023 was granted in March 2005 for the demolition of a car repair workshop at the site and the construction of two three-storey dwellings at 27 Florence Street & 9 Shillingford Street. More recently, planning permission was granted (ref: P2012/0473/FUL) for the creation of a roof terrace on the existing flat roof; new staircase from the existing first floor landing to roof terrace; insertion of a glass rooflight at 27 Florence Street on 09-01-2013.
- 5.3 The application building is not listed but is located within the Cross Street Conservation Area. The surrounding area is predominantly residential in character and appearance.

6. PROPOSAL (IN DETAIL)

- 6.1 Full planning permission is sought for the creation of a roof terrace area to an existing flat roof at second floor level to be accessed via a new staircase from the existing first floor landing, with mechanically opening glass rooflight above.
- 6.2 The flat roof is currently surrounded by a 1.1m high parapet wall and the proposed roof terrace will be enclosed by a combination of 1.7m high timber screening (600mm above parapet) and 400mm high planters (set on top of parapet).
- 6.3 The overall terrace space has been reduced during the course of the application to reduce the amount of useable flat rooftop space. The terrace area has been pulled in from the westerly (rear) section to overcome overlooking/loss of privacy concerns to adjoining occupiers, in particular Nos. 7 and 11 Shillingford Street.
- 6.4 The roof terrace privacy screening / landscaping has been amended to minimize views from the surrounding streetscene whilst maintaining an acceptable level of screening to protect privacy.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

P2013/3199/AOD - Approval of Details pursuant to Condition 3 (Details and Samples) of planning permission reference: P2012/0473/FUL dated 17 May 2013 for 'Creation of a roof terrace on the existing flat roof; new staircase from the existing first floor landing to roof terrace; insertion of a glass rooflight' at 27 Florence Street. Approved 17-10-2013.

P2012/0473/FUL - Creation of a roof terrace on the existing flat roof; new staircase from the existing first floor landing to roof terrace; insertion of a glass rooflight at 27 Florence Street. Approved 09-01-2013.

P112994(C7) - Approval of details pursuant of Condition 7 (boundary treatments) of planning permission P112994 dated 11 September 2012, at 9 Shillingford Street)known as 27 Florence Street and 9 Shillingford Street. Approved 29-11-2012.

P112994 - Application for removal of condition 2 of planning permission P043023 dated 22 March 2005 (which allows the construction of two dwellings within existing boundary walls, on the site of the demolished former workshop) to allow for Implementation of the scheme as shown on the submitted drawings, with simplification of the approved elevational treatments, internal layout changes within the two approved dwellings and relocation of an approved upper ground floor level balcony which overlooks the lower ground floor courtyard in the middle of the site, at 9 Shillingford Street (known as 27 Florence Street and 9 Shillingford Street). Approved 09-01-2012.

P080054 - Change of use from general industrial use (B2) to gallery use (A1) at 9 Shillingford Street. Approved 01-02-2008.

P043023 - Demolition of workshop and construction of two dwellings with roof terraces within existing boundary walls at 27 Florence Street and 9 Shillingford Street. Approved at Planning Committee 30-111-2004.

ENFORCEMENT:

7.2 None.

PRE-APPLICATION ADVICE:

7.3 None.

8. CONSULTATION

Public Consultation

8.1 A total of 39 letters were sent to occupants of adjoining and nearby properties dated 17/01/2014. Letters were sent to 7, 9, 11, Flats 1-8, 15 Shillingford Street, 26, 27, 28 & 29 Florence Street, 30A, 30B, 31A, 31B, 32, 33A & 33B Hawes Street, Ground Floor Shop and Upper Floors at 40 Cross Street, Ground Floor and Upper maisonette 42 Cross Street, Shop at 44 and 46 Cross Street, Ground Floor Shop at 50 Cross Street.

8.2 A site notice was displayed and a press advert was published on 16/01/2014. Consultation expired on the 27th March 2014. A further round of consultation was undertaken on the 22/10/2014 following the receipt of amended plans, with the re-consult date expiring on the 5th November 2014. However, it is the Council's practice to continue to consider representations made up until the date of a decision

8.3 There have been four objections raised to this proposal. The objections can be summarised as follows (with the relevant paragraph numbers of the evaluation listed):

- Loss of privacy and increased overlooking (See paragraphs 10.12 – 10.14);
- Noise and disturbance (See paragraph 10.16);
- Water seepage / party wall issues (See paragraph 10.18);

- Design and materials within a Conservation Area (See paragraphs 10.3 – 10.9);
- Incorrect annotation of plans: No. 7 Shillingford Street does not have a roof terrace (See paragraph 10.17);
- Loss of light (See paragraph 10.15).

External Consultees

8.5 None.

Internal Consultees

8.6 **Design & Conservation:** Following the submission of amended drawings (dated 03-06-2014) no concerns raised. The trellis along the east (front) and south (side) elevations has been replaced with planters to match those at No. 11 Shillingford Street. The rear of the terrace will be sectioned off (to overcome overlooking) – this will not be visible from the street and therefore acceptable in terms of its impact upon the Conservation Area.

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, The 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, and Site Allocations 2013:

- **Cross Street Conservation Area**

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and appearance and impacts on the host building & surrounding Cross Street Conservation Area; and
- Impact on amenity of neighbours.

Design and Conservation

10.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application.

10.3 The application site comprises a two storey dwellinghouse located on the western side of Shillingford Street. The proposal includes the creation of a roof terrace to the existing flat roof, to be accessed via a new staircase with a mechanically opening glass rooflight. The roof terrace will be surrounded by a variety of screening, including 1.2metre high red cedar slatted privacy screens and 400mm high planters on existing parapet (total height of planter and parapet to be 1.7metre above decking).

10.4 There are a number of roof terraces of variable designs along Shillingford Street, Florence Street and Hawes Street. In particular, there is an existing terrace at first floor to the front of No. 7 Shillingford Street and a sizeable roof terrace at second floor with landscaping at No. 11 Shillingford Street. There are also roof extensions at 27 Florence Street, immediately to the west of the site and at properties along Florence Street to the north of the application site.

10.5 The rear of the application building is not visible from the public realm however there are views of the south and eastern elevations of the building from various points along Shillingford Street.

10.6 Given the location of the site within the Cross Street Conservation Area any balustrade/screening to the proposed roof terrace should not be visible from the streetscene.

10.7 Amended drawings have been submitted following concern raised by officers insofar as views from the streetscene and privacy concerns to the rear of the site.

10.8 The trellis along the east (front) and south (side) elevations has been replaced with planters to match those at No. 11 Shillingford Street. The rear of the terrace will not be visible from the street and therefore acceptable in terms of impact on the Conservation Area. The 1.7metre high, timber screen along the northern and western sections will not be visible from the streetscene as it is either screened by 11 Shillingford or set well back from the frontage. This screening is therefore acceptable. The use of planters above existing parapets to the east and southern sections is viewed as acceptable as it will follow the existing terrace screening at neighbouring property, 11 Shillingford Street.

10.9 The revised scheme is considered to overcome design and appearance concerns, and the proposal would not cause any unacceptable adverse harm to the host building and surrounding streetscene, nor would it negatively impact on the appearance of the surrounding Cross Street Conservation Area. The proposed works are considered to generally accord with policy CS9 of the Core Strategy, and policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

Neighbouring Amenity

10.10 The site is located on the western side of Shillingford Street. The site is land locked to the north, east and south by residential properties. Opposite the site, on the eastern side of Shillingford Street is St Mary's Church of England Primary School. Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, outlook and sense of enclosure.

10.11 There have been three objections to the proposed works from owners /occupiers of No. 7 Shillingford Street (located immediately to the south), No. 11 Shillingford Street (located immediately to the north) and No. 32 Hawes Road.

10.12 Issues relating to design and appearance have been addressed above in paragraphs 10.2 - 10.9). The main concern is loss of privacy as a result of the creation of a roof terrace on the existing flat roof at the application site. A 1.7metre high timber slatted privacy screen is proposed to both the northern and eastern sections. This will provide protection between the proposed terrace and the existing terrace at No. 11 Shillingford Street.

10.13 In order to protect the privacy of residents to the rear of the site, the timber privacy screen has been set in my 2 metres. This was requested by officers to ensure there was no overlooking to the rear of No. 11 Shillingford Street and also to protect the privacy of occupiers of No. 27 Florence Street to the rear of the application site.

10.14 The southern boundary of the proposed roof terrace, adjoining No. 7 Shillingford Street, will include planters measuring 400mm in height, on top of the existing parapet wall. This will result in a total height from the rooftop decking to top of planters of 1.7 metres. The existing flat roof at second floor level of No. 7 Shillingford Street adjoins the application site. This section of flat roof is not used as amenity space and therefore overlooking/loss of privacy is not a concern to this elevation.

10.15 The proposed roof terrace and associated screening is not considered to result in loss of light to surrounding properties. The only property whereby loss of light may have been a potential issue is at No. 11 Shillingford Street which is located to the north of the application site and has rear windows (west facing) in close proximity to the proposed works. To overcome any loss of light, as well as overlooking/loss of privacy, the proposed 1.7metre privacy screening to this section has been set in by 2 metres from the rear elevation.

The proposed privacy screen is now set behind the existing rear wall of adjoining property. No 11 Shillingford Street and subsequently overcomes concerns.

- 10.16 Noise and disturbance as a result of use of the existing flat roof as a terrace has been raised as a concern. The use of the proposed roof terrace, like the existing terrace space, is expected to be undertaken in a neighbourly manner. However, if noise/disturbance is an issue this can be controlled by public protection. This is not considered to be a reason to warrant refusal of the scheme as the use of the roof as amenity space is equivalent to the use of a rear garden.
- 10.17 One letter of objection states that there is no roof terrace at No. 7 Shillingford Street. It would appear that there is a small terrace space at first floor level; however, this is not a contributing factor as to whether or not the proposal is deemed acceptable and has no bearing of the recommendation for approval.
- 10.18 Water seepage from the proposed roof top planters has been raised as a concern. Whilst this is not a material consideration in the assessment of this application, it should be noted that the use of planters is in part the result of the existing roof terrace and landscaping present at No. 11 Shillingford Street, which is viewed as an effective and visually successful manner of screening in this location. In addition, any issues with regard to the Party Wall Act or matters relating to the shared boundary are not a planning matter and are dealt with under separate legislation.
- 10.19 Overall, the proposed roof terrace and associated landscaping/screening are not considered to have any material adverse impact in terms of any undue sense of enclosure, loss of light and outlook, privacy or increased incidences of overlooking in relation to adjoining properties.
- 10.20 It is also considered that due to the prevalence of existing roof terraces within close proximity of the application site it would be unwarranted to refuse this application in terms of any potential adverse noise impacts emanating from the use of this area as a terrace space. The proposed development is considered to accord with policy DM2.1 (Design) of the Development Management Plan Jun 2012.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is generally consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions the reasons 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	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>P/01 Rev A; P/02 Rev A; P/03 Rev A; Design & Access Statement (Rev A – June 2014).</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	Materials
	<p>CONDITION: Details and samples of the privacy screening to enclose the hereby approved roof extension shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.</p> <p>The development shall be carried out 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 Authority may be satisfied with the external appearance of the building.</p>
4	Flat Roof Restrictions
	<p>CONDITION: The area of flat roof to the rear of the site not to be enclosed shown on plan no. P/01 Rev A 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 maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</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. A pre-application advice service is also offered and encouraged. Whilst no formal pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 a timely manner in accordance with the requirements of 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.

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 and the Finsbury Local Plan 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 7.1 Building London's neighbourhoods and communities
Policy 7.4 Local character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

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

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:

- **Cross Street Conservation Area**

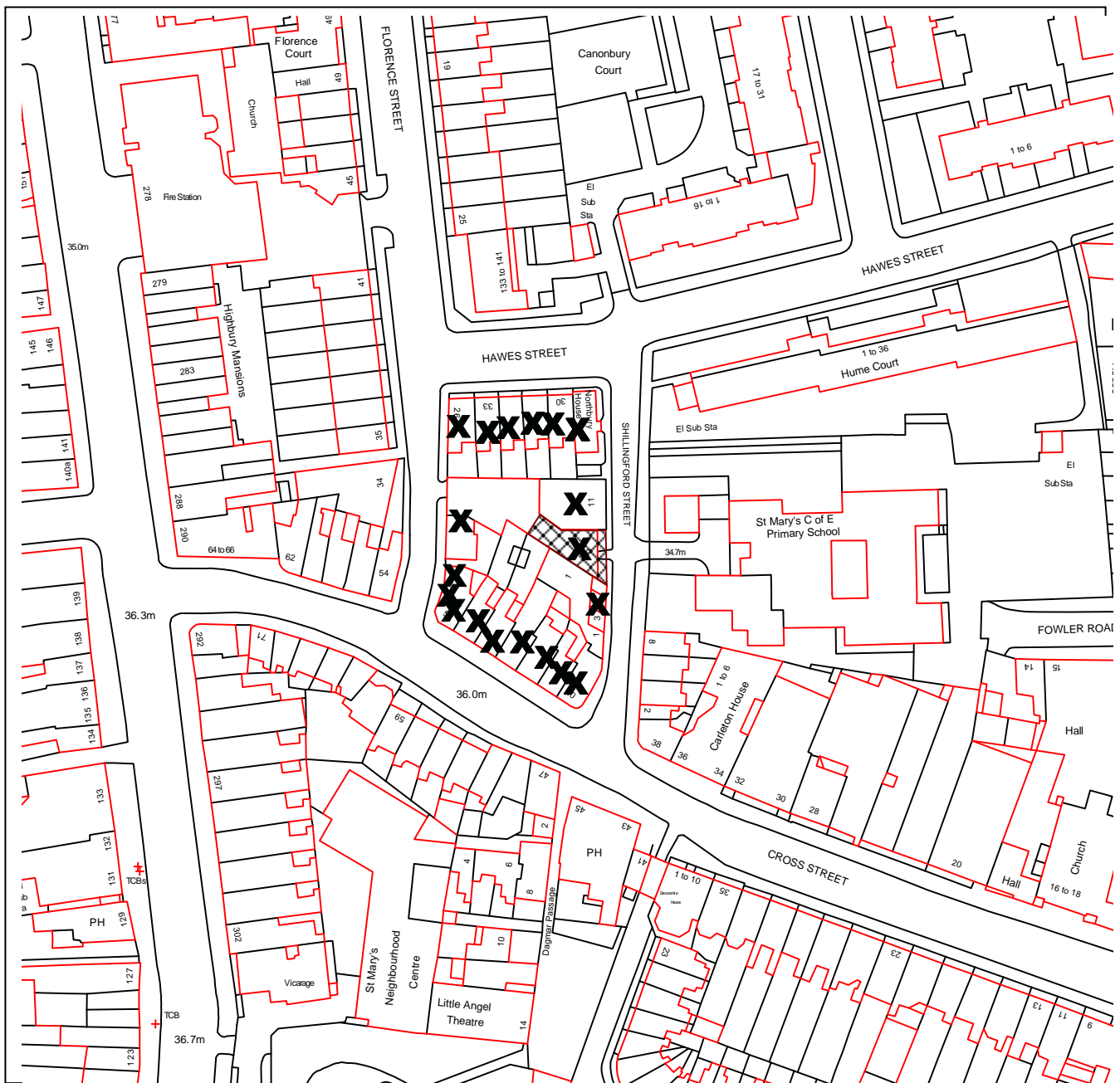
6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan**
- Conservation Area Design Guidelines (2002)**
- Urban Design Guide (2006)**



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0012/FUL

LOCATION: 9 SHILLINGFORD STREET, LONDON N1 2DP

SCALE: 1:1250

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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 B		AGENDA ITEM NO:
Date:	18 th December 2014	NON-EXEMPT

Application number	P121391
Application type	Full Planning (Council's Own)
Ward	St Georges
Listed building	Locally Listed
Conservation area	No
Development Plan Context	None
Licensing Implications	None
Site Address	Brecknock Estate, (16 Blocks) Brecknock Road, Islington, London, N19 5AN
Proposal	Installation of new boiler flues and plume management kits.

Case Officer	Krystyna Williams
Applicant	Mr Paul Croom, Islington Council
Agent	Mears Projects Ltd

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1 at the end of this addendum report;

2 SUMMARY

- 2.1 This application for Full Planning Permission was previously considered at the Planning Sub Committee B Meeting on 18th September 2014. It was resolved by the Committee Meeting that the item be deferred for:
- i) revisions to the location of the boiler flues to be reconsidered; and
 - ii) uncertainty over the period of time the drawings had been available online.
- 2.2 Amended drawings have been submitted following a meeting on site whereby the case officer, Design & Conservation officer, applicant, agent and spokesperson for the Brecknock Road state Steering Group met to discuss the proposal in detail.
- 2.3 The amended drawings show the revised locations of the proposed boiler flues and management kits on the elevations throughout Brecknock Estate.
- 2.4 The original plans were available to view on the Council's website from the 5th July 2013. On receipt of amended drawings a further round of consultation was undertaken on the 21st November 2014 and all properties were re-consulted. Amended drawings were also available to view on the Council's website. One letter was received stating that the proposed placement of the new flues, providing they are in line with existing and are sympathetic to the existing exterior in colour and design of original building facades, is supported.
- 2.5 The Design and Conservation Team raises no objection to the revised location of the boiler flues.
- 2.6 The application site consists of 16 residential blocks, each five storeys in height, bounded by Carleton Road to the south, Brecknock Road to the west, Anson Road to the north and Pleshey Road to the east. The blocks are arranged in two groups of eight which back onto and enclose communal gardens and playspace. The site is not located within a designated conservation nor are the buildings listed. However, the site is boarded to the east by the Tufnell Park Conservation Area.
- 2.7 The new boiler flues and plume management kits would be installed to properties at the Estate where new central heating boilers are to be installed. All external elements of the flue kits will be black to match the existing piping at the blocks. The boiler flues have been relocated to overcome residents' concerns. The applicant has worked with the Council's requirements and residents' concerns in order to provide amended drawings that are deemed satisfactory.
- 2.8 The revised scheme is considered acceptable and would not cause an unacceptable adverse harm to the host, locally listed building, or negatively impact on the surrounding area. There is considered to be no unacceptable adverse material impact on residential amenity in terms of loss of light, loss of privacy, sense of enclosure or overlooking as a result of the proposed development. The proposed works are considered to generally accord with

policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies June 2013.

2.9 The revised application for Full Planning Permission is considered to be acceptable and is therefore recommended for approval.

3 Conclusion

3.1 It is recommended that Full Planning Permission be approved with the conditions set out in the below Revised Appendix 1 – Recommendations.

REVISED APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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>Site Location Plan BRF SL; BRF01 Rev A; BRF02 Rev A; BRF03 Rev A; BRF11 Rev B; BRF12 Rev B; BRF13 Rev B; Design & Access Statement prepared by Mears Projects; Flue Installation High Efficiency Condensing Boilers prepared by Glow worm.</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 to Match
	<p>ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE): 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.</p>
4	Materials

	<p>CONDITION: The flues shall be black in colour and maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
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List of Informatives:

1	<p>Positive statement</p> <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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 a timely manner in accordance with the requirements of the NPPF.</p>
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PLANNING COMMITTEE REPORT

De
Pla  **ISLINGTON**
Environment and Regeneration Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE B		EXEMPT
Date:	18 th September 2014	

Application number	P121391
Application type	Full Planning (Council's Own)
Ward	St. Georges
Listed building	Locally Listed
Conservation area	No
Development Plan Context	None
Licensing Implications	None
Site Address	Brecknock Estate, (16 Blocks) Brecknock Road, Islington, London, N19 5AN
Proposal	Installation of new boiler flues and plume managements kits.

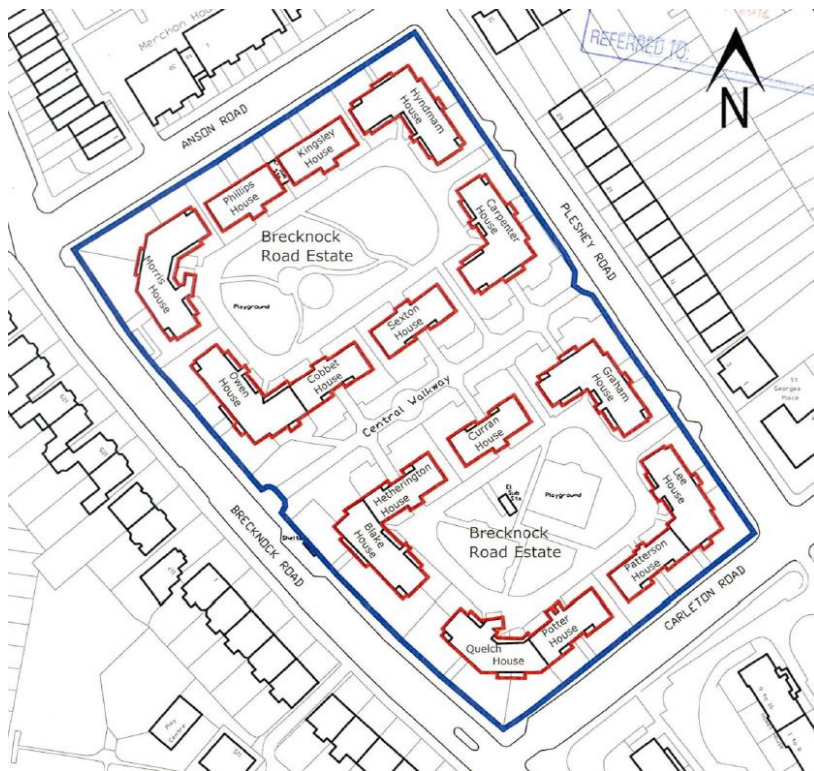
Case Officer	Krystyna Williams
Applicant	Mr Paul Croom Islington Council
Agent	Mears Projects Ltd

2. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;

3. SITE PLAN (site outlined in black)



4. PHOTOS OF SITE/STREET



Image 1: View looking south east from the corner of Brecknock Road and Anson Road (Morris House)



Image 2: View of Kingsley House and Phillips House along Anson Road

4. SUMMARY

- 4.1 Full planning permission is sought for the installation of new boiler flues and plume managements kits to 16 residential blocks at Brecknock Estate.
- 4.2 The application site consists of 16 residential blocks each five storeys in height, bounded by Carleton Road to the south, Brecknock Road to the west, Anson Road to the north and Pleshey Road to the east. The blocks are arranged in two groups of eight which back onto and enclose communal gardens and play space. The site is not located within a designated conservation nor are the buildings listed. However the site is boarded to the east by the Tufnell Park Conservation Area.
- 4.3 The new boiler flues and plume management kits would be installed to properties at the estate where new central heating boilers are to be installed. All external elements of the flue kits will be black to match the existing piping at the blocks. Where practical the new flues are proposed to the 'inside' elevations of the buildings which face into the communal courtyards in an attempt to avoid any visual impact to the surrounding streetscene.

5. SITE AND SURROUNDING

- 5.1 The application site consists of 16 residential blocks each five storeys in height, bounded by Carleton Road to the south, Brecknock Road to the west, Anson Road to the north and Pleshey Road to the east. The blocks are arranged in two groups of eight with a central walkway through the site. The residential blocks back onto and enclose communal gardens and play space. The site is not located within a designated conservation nor are the buildings listed. However the site is boarded to the east by the Tufnell Park Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 Full planning permission is sought for the installation of new boiler flues and plume managements kits to 16 residential blocks at Brecknock Estate.
- 6.2 The reason for the planning application is due to LB Islington's Housing Department seeking to install new central heating boilers to a majority of the tenanted properties which additionally will require the fitting of horizontal flues and plume management kits.
- 6.3 All external elements of the flue kits will be black to match existing piping at the buildings. The proposed locations of the new flues is somewhat dictated by the individual layout of the properties but great attempt has been made to align the new flues to result in a uniform appearance throughout the estate. Where possible the new flues are located to the rear elevations of the buildings which front onto the internal courtyard / gardens to minimise any impact on the surrounding streetscene and adjoining Tufnell Park Conservation Area to the east of the site.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2014/3482/FUL** - Replacement of all single glazed windows with double glazed, aluminium framed windows. Currently invalid.
- P112791** - Replacement of all single glazed windows with double glazed UPVC. Withdrawn by Council 13/06/2013.
- P112787** - Replacement of all single glazed windows with Double glazed UPVC. Withdrawn by Council 21/03/2013.
- P112785** - Replacement of existing single glazed crittal windows and doors with double glazed aluminium. Refused 29/03/2012.

REASON: The aluminium material proposed and the detailed design of the replacement windows would result in the loss of a traditional sympathetic material and the introduction of extra solidity to the windows. This is considered to be detrimental to the visual appearance of the Brecknock Estate and the surrounding area as well as reducing the levels of light some of the rooms in this estate will receive. The proposal is therefore contrary to Policy 7.6 of the London Plan, policy CS 9 of the Islington Core Strategy, policies D3, D4 and D11 of the Islington Unitary development Plan 2002 and section 2.3 of the Islington Urban Design Guide 2006.

REASON: The submitted plans do not accurately reflect the positioning and design of some of the windows which exist on the estate to allow for a full and proper assessment of the proposal in accordance with the Town and Country Planning Act 1990.

P022805 - Replacement of the existing main entrance doors to 16 houses and removal of brick balcony fronts and replacement with metal railings. Approved subject to conditions dated 13/02/2003.

ENFORCEMENT:

7.2 None

PRE-APPLICATION ADVICE:

7.3 None.

8. CONSULTATION

Public Consultation

8.1 A total of 377 letters were sent to occupants of adjoining and nearby properties dated 13/07/2012. A further round of consultation was undertaken on the 06/12/2013 following the submission of revised documents.

8.2 There has been one letter of objection received to this proposal from the Brecknock Road Estate Steering Group. The concerns can be summarised as follows:

- Inadequate and inaccurate plans (paragraphs 10.1 – 10.5);
- Appearance / locations of proposed flues (paragraphs 10.1 – 10.5).

External Consultees

8.4 None.

Internal Consultees

8.5 **Design and Conservation Officer** - No objection following the submission of amended drawings which include the property numbers and amended labelling. The position of the flues has been amended, locating a majority to the rear elevations of the buildings. This is now acceptable.

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.

9.2 **Development Plan**

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, The 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.

9.3 **Designations**

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

- **None**

Supplementary Planning Guidance (SPG) / Document (SPD)

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

ENVIRONMENTAL IMPACT ASSESSMENT

9.5 Not required

10. ASSESSMENT

The main issues arising from this proposal relate to:

- Design and Appearance;
- Neighbouring amenity impacts; and

Design and Appearance

10.1 The application site comprises 16 residential blocks each of five storeys in height, bounded by Carleton Road to the south, Brecknock Road to the west, Anson Road to the north and Pleshey Road to the east. The blocks are arranged in two groups of eight which back onto and enclose communal gardens and play space. The site is not located within a designated conservation area but the building is locally listed. However the site is boarded to the east by the Tufnell Park Conservation Area.

10.2 The new boiler flues and plume management kits would be installed to properties at the estate where new central heating boilers are to be installed. All external elements of the flue kits will be black to match the existing piping at the blocks. Where practical the new flues are proposed to the 'inside' elevations of the buildings which face into the communal courtyards in an attempt to avoid any visual impact to the surrounding streetscene.

10.3 The drawings were initially unclear with property numbers not indicated and the labelling not accurate. This was raised in the one objection received from the Brecknock Road Estate Steering Group. Amended drawings have been submitted which are clear and accurate with building numbers annotated as

requested and the position of the proposed flues corrected where necessary. Following the submission of amended drawings a further round of consultation was undertaken and no further objections were received.

- 10.4 All external elements of the flue kits will be black to match existing piping at the buildings. The location of the new flues is to a degree dictated by the individual layout of the properties. The flues have been aligned as far as practical given site constraints. Flues have also been re-positioned from the onward (front facing) elevations to the rear elevations in all instances where it is possible. This is considered favourable so not to detrimentally impact upon the adjoining Tufnell Park Conservation Area to the east of the site. The flues have also been re-located to be positioned under balconies or under soffits to ensure they are as discrete as possible. Overall, the flues do not affect the character and appearance of the locally listed building or the adjoining conservation area.
- 10.5 Overall, and taking into consideration the location and appearance of the residential buildings, the proposed works required to upgrade the boiler systems at the properties is acceptable and would not detract from the appearance of the locally listed host building, or surrounding streetscene and adjoining conservation area. The location and appearance is subsequently considered acceptable in accordance with policy CS9 of the Core Strategy 2011, and policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

Neighbouring Amenity

- 10.6 Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, loss of light and outlook.
- 10.7 There has been one objection raised by the Brecknock Road Estate Steering Group. The concerns relate to the accuracy/detail of the submitted plans and the appearance which has been addressed in paragraphs 10.1 – 10.5.
- 10.8 Overall, there is not considered to be an unacceptable adverse material impact on residential amenity in terms of loss of light, loss of privacy, sense of enclosure or overlooking as a result of the proposed development in compliance with policy DM2.1 of Islington's Development Management Policies 2013.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.2 The proposed development is considered to be acceptable as it would not have any detrimental impact on the character and appearance of the locally listed host building or the adjoining Tufnell Park Conservation Area. Nor would it have an undue effect on the amenities of surrounding residents and would comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of the Core Strategy; policies DM2.1 (Design) and DM2.3 (Heritage) of Islington's Development Management Policies June 2013 and Islington's Conservation Area Design Guidelines (2002).
- 11.3 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 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>Site Location Plan BRF SL; BRF01 Rev A; BRF02 Rev A; BRF03 Rev A; BRF11 Rev B; BRF12 Rev B; BRF13 Rev B; Design & Access Statement prepared by Mears Projects; Flue Installation High Efficiency Condensing Boilers prepared by Glow worm.</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 to Match
	<p>ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE): 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</p>

	the heritage asset.
4	Materials
	<p>CONDITION: The flues shall be black in colour and maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 a timely manner in accordance with the requirements of 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.

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 and the Finsbury Local Plan 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 7.1 Building London’s neighbourhoods and communities
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology |
| 5 London’s response to climate change
Policy 5.3 Sustainable design and construction | |

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

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:

- Hillmarton Conservation Area

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

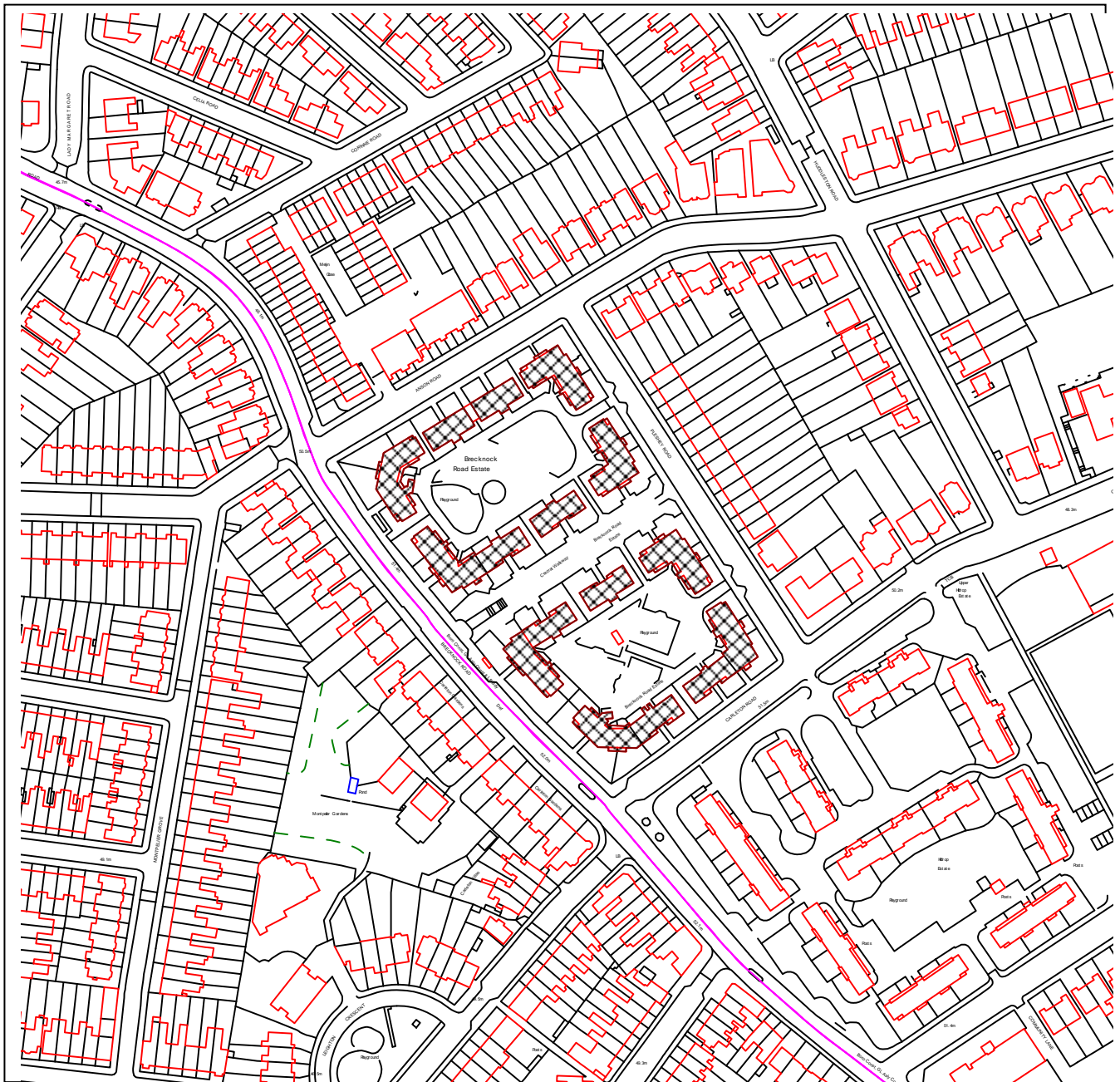
The following SPGs and/or SPDs are relevant:

- | | |
|--|-------------------------------------|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines (2002) | - Sustainable Design & Construction |
| - Urban Design Guide (2006) | |

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P121391

LOCATION: BRECKNOCK ESTATE, (16 BLOCKS) BRECKNOCK ROAD, ISLINGTON, LONDON, N19 5AN

SCALE: 1:2500

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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 B		EXEMPT
Date:	18 th December 2014	

Application number	P2014/3482/FUL
Application type	Full Planning (Council's Own)
Ward	St. Georges
Listed building	Locally Listed
Conservation area	No
Development Plan Context	None
Licensing Implications	None
Site Address	Brecknock Estate, (16 Blocks) Brecknock Road, Islington, London, N19 5AN
Proposal	Replacement of all single glazed windows and doors with double glazed, aluminium framed windows and doors.

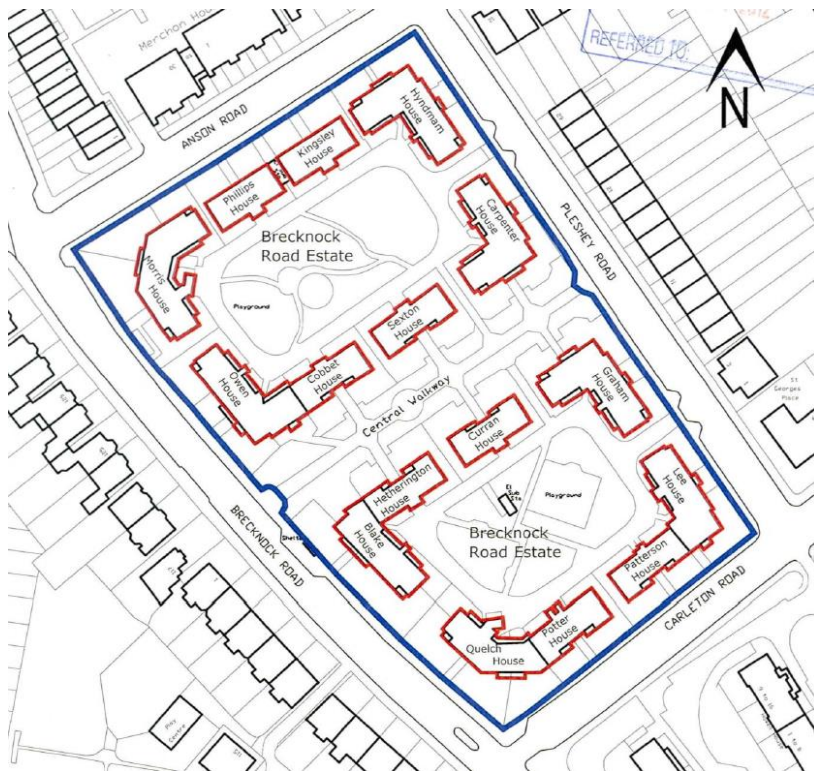
Case Officer	Krystyna Williams
Applicant	Islington Council
Agent	Mears Projects Ltd

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 black)



3. PHOTOS OF SITE/STREET



Image 1: View looking south east from the corner of Brecknock Road and Anson Road (Morris House)



Image 2: View of Kingsley House and Phillips House along Anson Road

4. SUMMARY

- 4.1 Full planning permission is sought for the replacement of all single glazed windows and doors with double glazed, aluminium framed windows and doors to 16 residential blocks at Brecknock Estate.
- 4.2 The site is not located within a designated conservation area nor are the buildings listed. However, the buildings are locally listed and the site is boarded to the east by the Tufnell Park Conservation Area.
- 4.3 The replacement of the existing single glazed windows with double glazed, aluminium framed windows is considered acceptable. In addition, there is not considered to be an unacceptable adverse material impact on residential amenity in terms of loss of light, loss of privacy, sense of enclosure or overlooking as a result of the proposed development in compliance with policy DM2.1 of Islington's Development Management Policies 2013.
- 4.4 The application is recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site consists of 16 residential blocks each five storeys in height, bounded by Carleton Road to the south, Brecknock Road to the west, Anson Road to the north and Pleshey Road to the east. The blocks are arranged in two groups of eight with a central walkway through the site. The residential blocks back onto and enclose communal gardens and play space. The site is not located within a designated conservation area nor are the buildings listed. However the site is boarded to the east by the Tufnell Park Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 Full planning permission is sought for the replacement of all single glazed windows and doors with double glazed, aluminium framed windows and doors to 16 residential blocks containing 190 dwellings at Brecknock Estate.
- 6.2 For clarity, the proposed works related specifically to 1-17 Morris House, 1-18 Owen House, 1-8 Cobbet House, 1-9 Sexton House, 1-16 Carpenter House, 1-17 Hyndman House, 1-9 Kingsley House, 1-9 Phillips House, 1-8 Hetherington House, 1-13 Blake House, 1-13 Quelch House, 1-9 Potter House, 1-9 Petterson House, 1-12 Lee House, 1-16 Graham House and 1-8 Curran House.
- 6.3 The Brecknock Estate is programmed for a major refurbishment and these works include the replacement of windows together with more general maintenance works throughout the estate to improve the housing stock.
- 6.4 The original steel framed windows were replaced in the 1960's in the style that is in situ at the site today. Only a few of the original windows are still in place, mainly to the communal stair wells and to a small number of flats
- 6.5 The replacement windows and doors will be double glazed, aluminium framed units. Amended drawings have been submitted to address the concerns made in an objection from the Brecknock Road estate Steering Group. On receipt of amended drawings a further round of consultation was undertaken on the 20th November 2014.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P121391** - New boiler flues and plume managements kits. Recommended for approval subject to conditions.

P112791 - Replacement of all single glazed windows with double glazed UPVC. Withdrawn by Council 13/06/2013.

P112787 - Replacement of all single glazed windows with Double glazed UPVC. Withdrawn by Council 21/03/2013.

P112785 - Replacement of existing single glazed crittal windows and doors with double glazed aluminium. Refused 29/03/2012.

REASON: The aluminium material proposed and the detailed design of the replacement windows would result in the loss of a traditional sympathetic material and the introduction of extra solidity to the windows. This is considered to be detrimental to the visual appearance of the Brecknock Estate and the surrounding area as well as reducing the levels of light some of the rooms in this estate will receive. The proposal is therefore contrary to Policy 7.6 of the London Plan, policy CS 9 of the Islington Core Strategy, policies

D3, D4 and D11 of the Islington Unitary development Plan 2002 and section 2.3 of the Islington Urban Design Guide 2006.

REASON: The submitted plans do not accurately reflect the positioning and design of some of the windows which exist on the estate to allow for a full and proper assessment of the proposal in accordance with the Town and Country Planning Act 1990.

P022805 - Replacement of the existing main entrance doors to 16 houses and removal of brick balcony fronts and replacement with metal railings. Approved subject to conditions dated 13/02/2003.

ENFORCEMENT:

7.2 None

PRE-APPLICATION ADVICE:

7.3 Pre-application discussions have been undertaken and the scheme reflects advice provided.

8. CONSULTATION

Public Consultation

8.1 A total of 405 letters were sent to occupants of adjoining and nearby properties dated 12/09/2014.

8.2 There was one letter of objection received to this proposal from the Brecknock Road Estate Steering Group in relation to the initial drawings. The concerns can be summarised as follows:

- Factual inaccuracies and numbering on plans (paragraphs 10.1-10.5);
- Detailing of proposed windows (paragraphs 10.1-10.5).

8.3 A further round of consultation was undertaken on the 20/11/2014 following the submission of revised documents. One further objection was received from the Brecknock Road Estate Steering Group, again raising concerns about factual inaccuracies on the plans. There was also concern raised in relation to the opening of windows.

External Consultees

8.4 None.

Internal Consultees

8.5 **Design and Conservation Officer** - No objection following the submission of amended drawings. No objection to the principle of replacement or the design of the proposed replacements following informal discussions and samples viewed on site.

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.

9.2 Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, The 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.

9.3 Designations

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

- **None**

Supplementary Planning Guidance (SPG) / Document (SPD)

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

ENVIRONMENTAL IMPACT ASSESSMENT

- 9.5 Not required

10. ASSESSMENT

The main issues arising from this proposal relate to:

- Design and Appearance;
- Neighbouring amenity impacts; and

Design and Appearance

- 10.1 The application site comprises 16 residential blocks each of five storeys in height, bounded by Carleton Road to the south, Brecknock Road to the west, Anson Road to the north and Pleshey Road to the east. The blocks are arranged in two groups of eight which back onto and enclose communal gardens and play space. The site is not located within a designated

conservation area but is the building is locally listed. However the site is boarded to the east by the Tufnell Park Conservation Area.

- 10.2 The proposed replacement window and doors will consist of double glazed, aluminium units. A previous application for replacement windows ref: P112785 was refused in March 2012 in part as a result of unacceptable detailed design. This application seeks replacement windows of simpler design, which are considered to compliment the style and architecture of the host locally listed building.
- 10.3 Amended drawings have been submitted to address the concerns made in an objection from the Brecknock Road Estate Steering Group. Following the submission of amended drawings a further round of consultation was undertaken. The objection letter included requests to amend the drawings to show non-opening windows or windows that open the other in a different way. This is however not a planning consideration.
- 10.4 The replacement windows would not appear unduly prominent and the host building would not read any differently to existing. The material, design and detailing of the proposed window replacements is considered acceptable and would not detrimentally impact upon these host locally listed buildings or adjoining Tufnell Park Conservation Area to the east of the site.
- 10.5 Overall, the proposed replacement windows and doors are acceptable and would not detract from the appearance of the locally listed host building, or surrounding streetscene and adjoining conservation area. The location and appearance is subsequently considered acceptable in accordance with policy CS9 of the Core Strategy 2011, and policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013.

Neighbouring Amenity

- 10.6 There has been an objection raised by the Brecknock Road Estate Steering Group. Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, loss of light and outlook.
- 10.7 The application to replace the existing single glazed windows with double glazing is due to the existing windows offering limited thermal and noise protection. The proposed double glazed units will be better for residents in terms of thermal capacity and noise insulation and therefore improve their living environment.
- 10.8 It is considered that the proposed windows would not have an unacceptable adverse material impact on residential amenity in terms of loss of light, loss of privacy, sense of enclosure or overlooking as a result of the proposed development in compliance with policy DM2.1 (Design) of Islington's Development Management Policies 2013.

11.0 SUMMARY AND CONCLUSION

Summary

11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

11.2 The proposed development is considered to be acceptable as it would not have any detrimental impact on the character and appearance of the locally listed host building or the adjoining Tufnell Park Conservation Area. Nor would it have an undue effect on the amenities of surrounding residents. In addition, the double glazed units would improve the living environment of residents by virtue of improved thermal capacity and noise insulation. The proposal would thereby comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of the Core Strategy; policies DM2.1 (Design) and DM2.3 (Heritage) of Islington's Development Management Policies June 2013 and Islington's Conservation Area Design Guidelines (2002).

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

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. 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).
2	Approved plans list
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan BRF SL; BR-MO-1-E Rev A; BR-MO-2-E Rev A; BR-MO-3-E Rev A; BR-MO-4-E Rev A; BR-MO-5-E Rev A; BR-OC-1-E Rev A; BR-OC-2-E Rev A; BR-OC-3-E Rev A; BR-OC-4-E Rev A; BR-OC-5-E Rev A; BR-SE-1-E Rev A; BR-SE-2-E Rev A; BR-SE-3-E Rev A; BR-CA-1-E Rev A; BR-CA-2-E Rev A; BR-CA-3-

	<p>E Rev A; BR-CA-4-E Rev A; BR-HY-1-E Rev A; BR-HY-2-E Rev A; BR-HY-3-E Rev A; BR-HY-4-E Rev A; BR-KG-1-E Rev A; BR-KG-2-E Rev A; BR-PH-1-E Rev A; BR-PH-2-E Rev A; BR-BH-1-E Rev A; BR-BH-2-E Rev A; BR-BH-3-E Rev A; BR-BH-4-E Rev A; BR-BH-5-E Rev A; BR-QP-1-E Rev A; BR-QP-2-E Rev A; BR-QP-3-E Rev A; BR-QP-4-E Rev A; BR-QP-5-E Rev A; BR-PL-1-E Rev A; BR-PL-1-EP Rev A; BR-PL-3-E Rev A; BR-PL-4-E Rev A; BR-GR-1-E Rev A; BR-GR-2-E Rev A; BR-GR-3-E Rev A; BR-GR-4-E Rev A; BR-CU-1-E Rev A; BR-CU-2-E Rev A; BR-CU-3-E Rev A; BR-BP; BR-MO-1-P Rev B; BR-MO-2-P Rev B; BR-MO-3-P Rev B; BR-MO-4-P Rev B; BR-MO-5-P Rev B; BR-OC-1-P Rev B; BR-OC-2-P Rev B; BR-OC-3-P Rev B; BR-OC-4-P Rev B; BR-OC-5-P Rev B; BR-SE-1-P Rev B; BR-SE-2-P Rev B; BR-SE-3-P Rev B; BR-CA-1-P Rev B; BR-CA-2-P Rev B; BR-CA-3-P Rev B; BR-CA-4-P Rev B; BR-HY-1-P Rev B; BR-HY-2-P Rev B; BR-HY-3-P Rev B; BR-HY-4-P Rev B; BR-KG-1-P Rev B; BR-KG-2-P Rev B; BR-PH-1-P Rev B; BR-PH-2-P Rev B; BR-BH-1-P Rev B; BR-BH-2-P Rev B; BR-BH-3-P Rev B; BR-BH-4-P Rev B; BR-BH-5-P Rev B; BR-QP-1-P Rev B; BR-QP-2-P Rev B; BR-QP-3-P Rev B; BR-QP-4-P Rev B; BR-PL-1-P Rev B; BR-PL-2-P Rev B; BR-PL-3-P Rev B; BR-PL-4-P Rev B; BR-GR-1-P Rev B; BR-GR-2-P Rev B; BR-GR-3-P Rev B; BR-GR-4-P Rev B; BR-CU-1-P Rev B; BR-CU-2-P Rev B; BR-CU-3-P Rev B, Design & Access Statement dated August 2014.</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 to Match
	<p>ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE): 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.</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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 a timely manner in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists 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, Development Management Policies 2013 and the Finsbury Local Plan 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

- 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
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

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:

- **Within 50m of Tufnell Park Conservation Area**

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

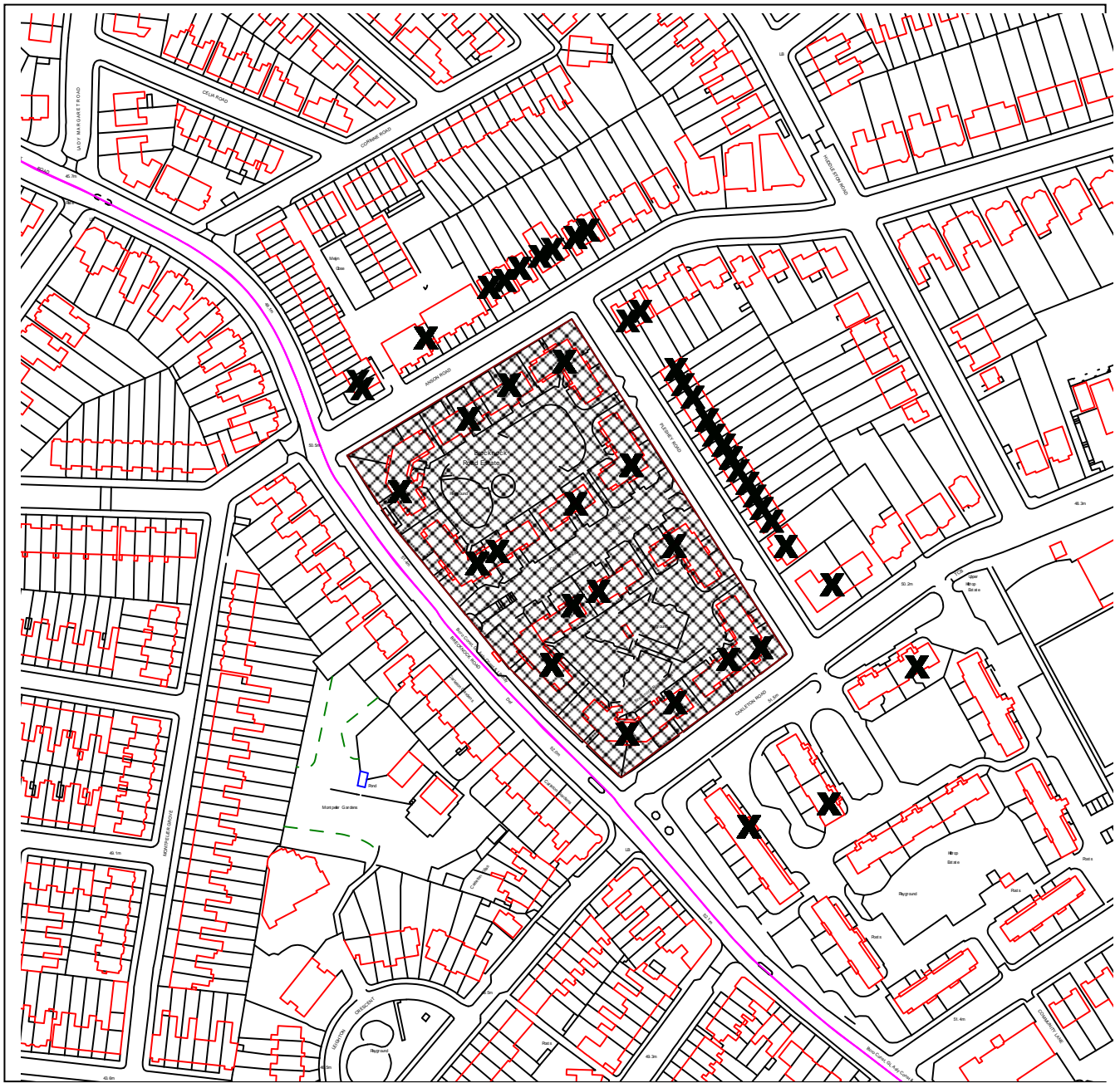
The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan** **London Plan**
- **Conservation Area Design Guidelines (2002)** - **Sustainable Design & Construction**
- **Urban Design Guide (2006)**

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3482/FUL

LOCATION: BRECKNOCK ROAD ESTATE, ISLINGTON, LONDON

SCALE: 1:2500

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Islington Council, LA086452

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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 B		AGENDA ITEM NO:	
Date:	18 th December 2014	NON-EXEMPT	

Application number	P2014/3720/FUL
Application type	Full Planning (Council's Own)
Ward	Highbury East
Listed Building	No
Conservation Area	Highbury Fields Conservation Area
Licensing Implications Proposal	None
Site Address	Highbury Fields Tennis Courts, Church Path, N5
Proposal	The installation of 8.00m high floodlighting to two existing outdoor tennis court No.s 5 and 6 along the eastern boundary (Highbury Grove side).

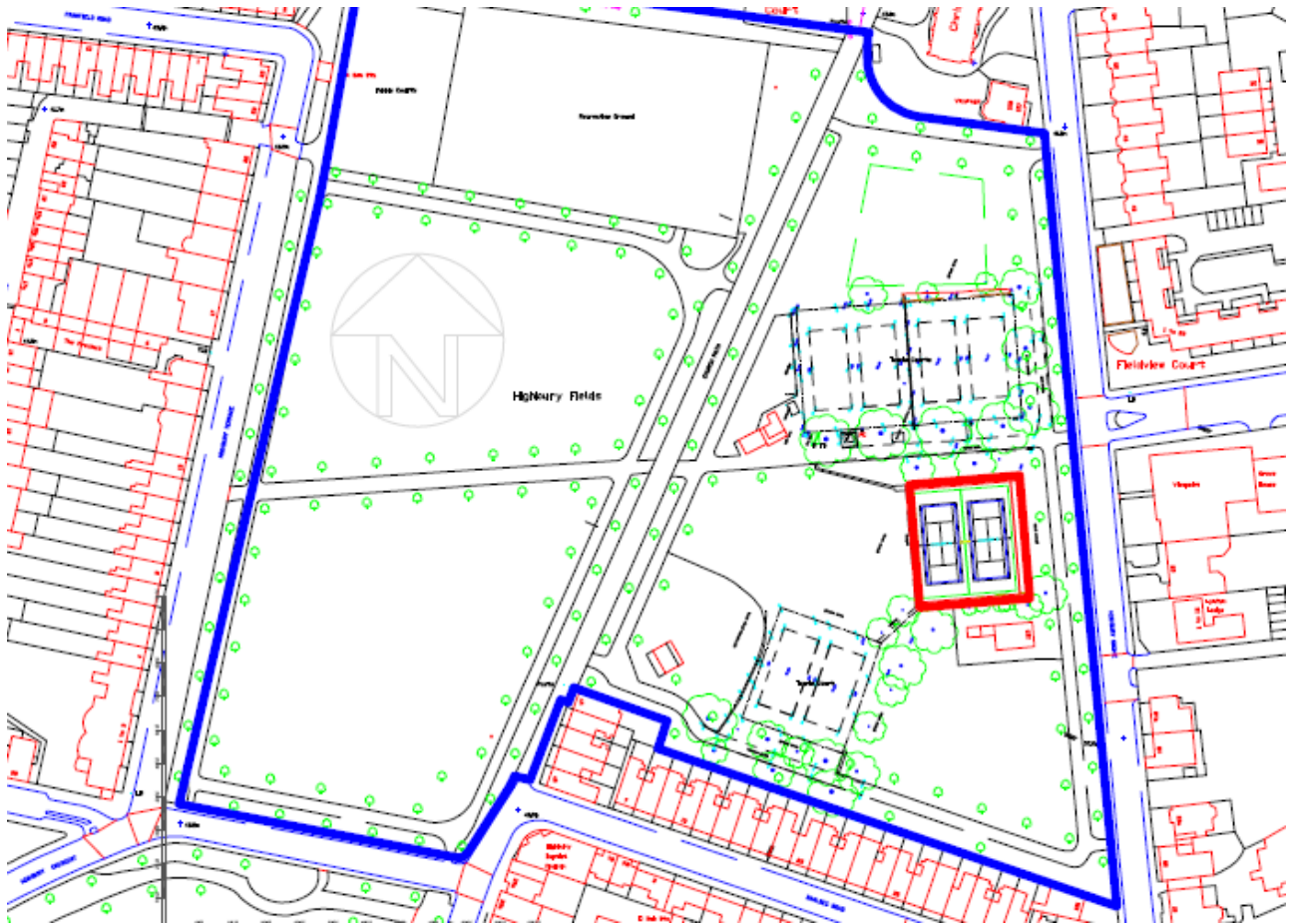
Case Officer	Eoin Concannon
Applicant	Islington Council
Agent	Mr Noel Headon

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 BLACK)



3 PHOTOS OF SITE/STREET



Photo 1: Aerial view of application site



Photo 2: View of courts Nos. 5 & 6 from southern boundary



Photo 3:View of court No.s 5 & 6 from the east of the site



Photo 4: Near residential property to the east on opposite side of Highbury Grove

4 SUMMARY

- 4.1 The application seeks permission for the installation of flood lighting around the perimeter of tennis courts 5 & 6 within Highbury Fields playing fields. The floodlights would be a maximum height of 8 metres above ground level comprising a total of 6 lights (3 each on the east flank and 3 on the west).
- 4.2 The main considerations are the impact of the development on the character and appearance of the area (including Highbury Fields Conservation Area), and the impact of the development on the residential amenity of the neighbouring occupiers. The proposal includes information that addresses the impact on the surrounding trees sited in close proximity to the development.
- 4.3 The set in of the floodlights from the perimeter of the site together with the location of trees directly behind reduces the overall visual impact on the Conservation Area. There would be sufficient distance to the nearest residential properties (opposite side of Highbury Grove highway) not to infringe on their amenity in terms of visual or light pollution. The adjacent boundary trees would be retained and protected. There would be limited impact upon bats. As such, the proposal is considered acceptable and recommended for approval.

5 SITE AND SURROUNDING

- 5.1 The application site is within Highbury Fields Public Park towards the eastern boundary and comprises two tennis courts (court No.s 5 & 6) over an area of approximately 1120 square metres.
- 5.2 The site is surrounded by public green space with a right of way access route situated to the east adjacent to the Highbury Grove highway. The nearest residential neighbouring properties are situated on the opposite side of this highway approximately 40 metres to the east (Lynton Lodge and 28 Highbury Grange).
- 5.3 In general, the surrounding area comprises of open green spaces and residential properties. The site is also within Highbury Fields Conservation Area.

6 PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission to install floodlighting along the boundaries of the tennis court to allow the courts to be used later into the evening. A total of 6 flood lights would be erected. Each floodlight would have a maximum height of 8 metres and positioned strategically along the boundary court to maximise the light for playing. There would be 3 floodlights situated

on both the east and west boundaries (with approximately 14 metres distance separating each floodlight).

- 6.2 Each floodlight would have a base diameter of 168mm with a foundation depth of 1.2 metres. The box light would project 200mm out from the top of the pole at 92 degree angle. Both the box light and pole would be finish in green colour to blend in with the surrounding environment. Each fitting would be clear of the existing trees to the northern and southern elevations.

7 RELEVANT HISTORY

Planning Applications:

- 7.1 **P111903** The removal of 15 existing floodlights and the installation of 10 new floodlights, new fencing and a new artificial turf football pitch. **(Approved 29/11/11)**

Enforcement:

- 7.2 None

Pre-application:

- 7.3 None

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 6th October 2014. A site notice was also displayed. The public consultation of the application therefore expired on 30th October 2014 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, no representations were received.

8.3 **Internal consultees**

- **Design and Conservation:** No objections
- **Tree Officer:** No objections
- **Nature Conservation Officer:** No objections. Given the lights will only be in operation during the bat hibernation periods and careful consideration has been given to the height of the floodlights including the use of low wattage bulbs and a design to minimise light spillage, there would no significant concerns to the bats.
- **Pollution Control Officer:** No objections 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Principle of the development;
- Impact of the development on the character and appearance of the adjoining Conservation Area and the open space;
- Impact of the development on the residential amenities of the neighbouring occupiers;
- Landscaping and trees;
- Other issues.

Principle of the development

- 10.2 The site is situated within an area designated as Open Space within the Development Management Policies. It is also highlighted as a playing field area within the Development Management Policies Plan, which would be predominately associated as a sports field. Policy CS17 (Sports and recreation provision) of the Core Strategy supports the need to improve the

quality, accessibility and capacity of sports facilities so that maximum use of all existing facilities can be made. The installation of flood lights around the perimeter of the tennis courts would allow the courts to be utilised for longer periods of the day thereby providing greater opportunities for local residents to participate in sport and recreation and maximise the use of the existing facilities.

- 10.3 Given that the floodlighting would improve a sport & recreation facility, the principle of the development is considered acceptable subject to the remaining considerations of this report. The open space would not be reduced, nor would it impact on the functionality of the site. It would therefore comply with Policy 7.18 (Protecting Local Open Space and addressing local deficiency) of the London Plan 2011, policy CS17 (Sports and recreation provision) of the Core Strategy and Policy 6.3 (Protecting Open Space) of the Development Management Policies 2013.

Impact of the proposed development on the character and appearance of the Conservation area and open space

- 10.4 Development Management policy DM2.1 states that 'all forms of development are required to be of high quality and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.'
- 10.5 The proposal would involve the erection of 8 metre high flood lighting which is required in association with the tennis courts. Each flood light would be strategically positioned along the tennis court to maximise the light for the court it would serve. The height of the floodlights would not cause a significant visual impact as it would be set in over 20 metres from the highway with a buffer of mature trees providing additional screening. This separation distance gradually increases away from the boundary for the floodlights along the west and east flank. Given this set in location of the tennis courts and their function as a sporting and leisure facility, it is considered that floodlights would not have an adverse impact on the surrounding Conservation Area. Furthermore, given the position and the direction of light fittings, light spillage will not occur.
- 10.6 Further visual protection would be provided through the location of existing trees in the background to the south and east of the boundary. These trees provide a natural buffer which would partially screen the floodlights and poles from the outer public realm and highway. A condition is proposed requiring a green coated finish to further reduce the visual impact.
- 10.7 Overall, subject to conditions, the proposed development is acceptable with regard to design and appearance and is in accordance with policies 7.4 (Local character), 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS8 (Enhancing Islington's character) and CS9 (Protecting and enhancing Islington's built and historic environment) of Islington's Core Strategy 2011, Islington Urban Design Guide 2006 and policies DM2.1 (Design) & DM2.3 (Heritage) of the Development Management Policies 2012.

Neighbouring Amenity

- 10.8 Policy DM2.1 of the Development Management Policies Plan states that 'developments are required to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.' The nearest residential properties are situated to the east on Highbury Grove and south along Baalbec Road with a separation of a minimum separation distance of approximately 40 and 70 metres respectively between these residential dwellings and the proposed floodlights.
- 10.9 No objections have been received from members of the public in relation to the effect of the works and specifically the operation of the facility on neighbouring amenity.
- 10.10 The overall positioning of the floodlights is a sufficient distance away from the adjoining neighbours properties to not cause a significant adverse impact upon their amenity. With respect to the floodlighting proposed the applicant states that 'column height, placement and configuration are calculated in order to obtain the optimum aiming angles on the luminaries'. This is to maximise the light on the playing surfacing and minimise light spill off the pitch on to adjacent areas. An assessment has been submitted with the application considering the floodlight spillage arising. The Pollution Officer has been consulted and considers the information acceptable. The floodlighting as proposed complies with the guidelines and standards produced by the Institute of Lighting Engineers for areas designated as environmental zone E3 (Small town centres and urban areas). A condition is recommended requiring a post completion test to be carried out following the installation of the floodlighting.
- 10.11 In terms of noise, the artificial lighting as proposed will allow the use of the space for greater periods than current. It is also noted that these will result in a greater intensity of use of the leisure facility. The noise level from organised sports games is unlikely to cause a significant level of noise to nearby properties given the separation distance and the nature of the use.
- 10.12 The proposed hours of operation would be until 9.00p.m. Monday to Fridays and 8.00 p.m. during the weekend. These are considered acceptable hours of use given the positioning of the tennis courts.
- 10.13 Overall, the proposed development will not cause significant adverse harm to the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM2.1 (Design) of the Development Management Policies Plan 2013.

Landscaping & Trees

- 10.14 The proposal would be situated adjacent to several mature trees along the boundary. The tree officer has been consulted and has no objections to the

scheme. The floodlights are strategically positioned to prevent any adverse impact on the trees.

- 10.15 As such, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policy 7.21 (Trees and Woodlands) of the London Plan 2011 and policies DM2.1 (Design) and DM6.5 (Landscaping, trees and biodiversity) of the Development Management Policies 2013.

Other issues

- 10.16 Following the request of the Planning Officer, the applicant has provided follow up information on the anticipated impact on bats. A Bat Impact Assessment has been provided which concludes that the proposed lighting scheme complies with the guidance notes for the reduction of Obstrusive Light GN01:2011 published by the Institute of Lighting Professionals (ILP). It concluded that given the restricted operating hours of the tennis courts, the potential impact of the lighting scheme will therefore be restricted to early and late season of bat activity. The information provided within the report showed that there are no bat boxes within the zone of influence of the lighting scheme.
- 10.17 The floodlights at courts 5 & 6 are positioned away from the surrounding trees and at a height of 8 metres. The company that has designed the scheme is registered with the institute of Lighting Engineers and has worked with the Bat Conservation Trust. The times of lighting would be restricted until 9pm Monday – Friday and until 8pm on a Saturday and Sunday, with floodlights only used during September to April. During summer months the lights will not be required as play ends at 9pm with daylight still available. The months of use would be in line with the bat hibernation period. The Nature Conservation Officer is content that the floodlights would not impact on bats hibernating within the area, given their height and low wattage.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

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

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: 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>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2014-060-008, 2014-060-009, 2014-060-010, 2014-060-011, 2014-060-012, 2014-060-013, Design and Access Statement (Proposed development at Highbury Fields Court NRS 5 and 6) dated 05.09.2014, Statement of proposed use and community need Highbury Fields Tennis Project date 27.8.14, S.F.P.D. Outdoor Lighting Design for Highbury Fields (Floodlight two existing tennis court NRS 5-6), Argus Ecology Bat Impact Assessment ref 14-105 dated 3rd December 2014</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Finishes
3	<p>CONDITION: The floodlight poles hereby approved shall be coated dark green prior to installation, and maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the floodlights blends in with the character of the area, surrounding trees and green open space.</p>
	Floodlighting
4	<p>CONDITION : The hereby approved floodlighting shall not operate (be switched on providing artificial light) outside the hours of: Monday to Friday : 09.00 – 21.00 Saturday : 09.00 – 20:00 Sunday and Bank Holiday : 10.00 -20:00</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>
5	Floodlight details (Compliance)
	<p>CONDITION: The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) “Guidance Notes for the Reduction of Obtrusive Light” (GN01:2011) for zone E3. Prior to it first being brought into use, a</p>

	<p>suitably qualified contractor, shall check that any lighting installation to which this condition applies is fully compliant with the ILE guidance.</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises.</p>
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List of Informatives:

	<p>Positive statement</p>
<p>1.</p>	<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 a timely manner in accordance with the NPPF.</p>
	<p>Other legislation</p>
<p>2.</p>	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environmental and Pollution Controls.</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)

Policy 7.21 (Trees and Woodlands)

Policy 7.4 (Local character)

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 CS 15 Open space and green infrastructure

Policy CS 17 Sports and recreation provision

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)
Policy DM2.3 (Heritage)

Health and open space

Policy DM6.1 (Healthy development)
Policy DM6.3 (Protecting open space)
Policy DM6.5 (Landscaping, trees and biodiversity)

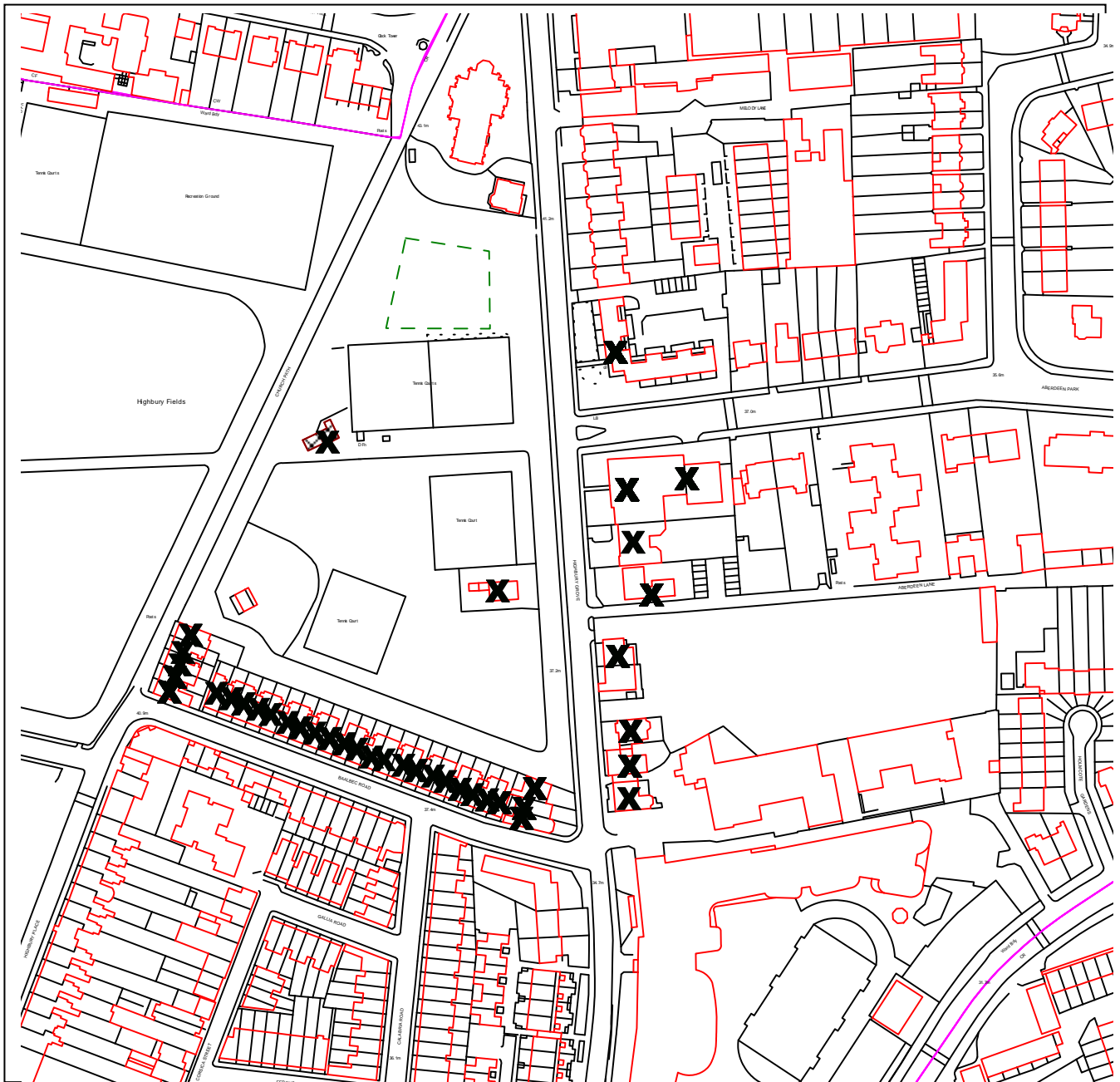
4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Inclusive landscape design



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3720/FUL

LOCATION: Highbury Fields Tennis Courts Church Path,
London N5 1QN

SCALE: 1:2500

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Islington Council, LA086452

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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 B		AGENDA ITEM NO:	
Date:	18 th December 2014	NON-EXEMPT	

Application number	P2014/3719/FUL
Application type	Full Planning (Council's Own)
Ward	Highbury East
Listed Building	No
Conservation Area	Highbury Fields Conservation Area
Licensing Implications Proposal	None
Site Address	Highbury Fields Tennis Courts, Church Path, N5
Proposal	The installation of low level 6.7m high floodlighting to two existing outdoor tennis courts (courts 7 & 8) along southern boundary (Baalbec Road side).

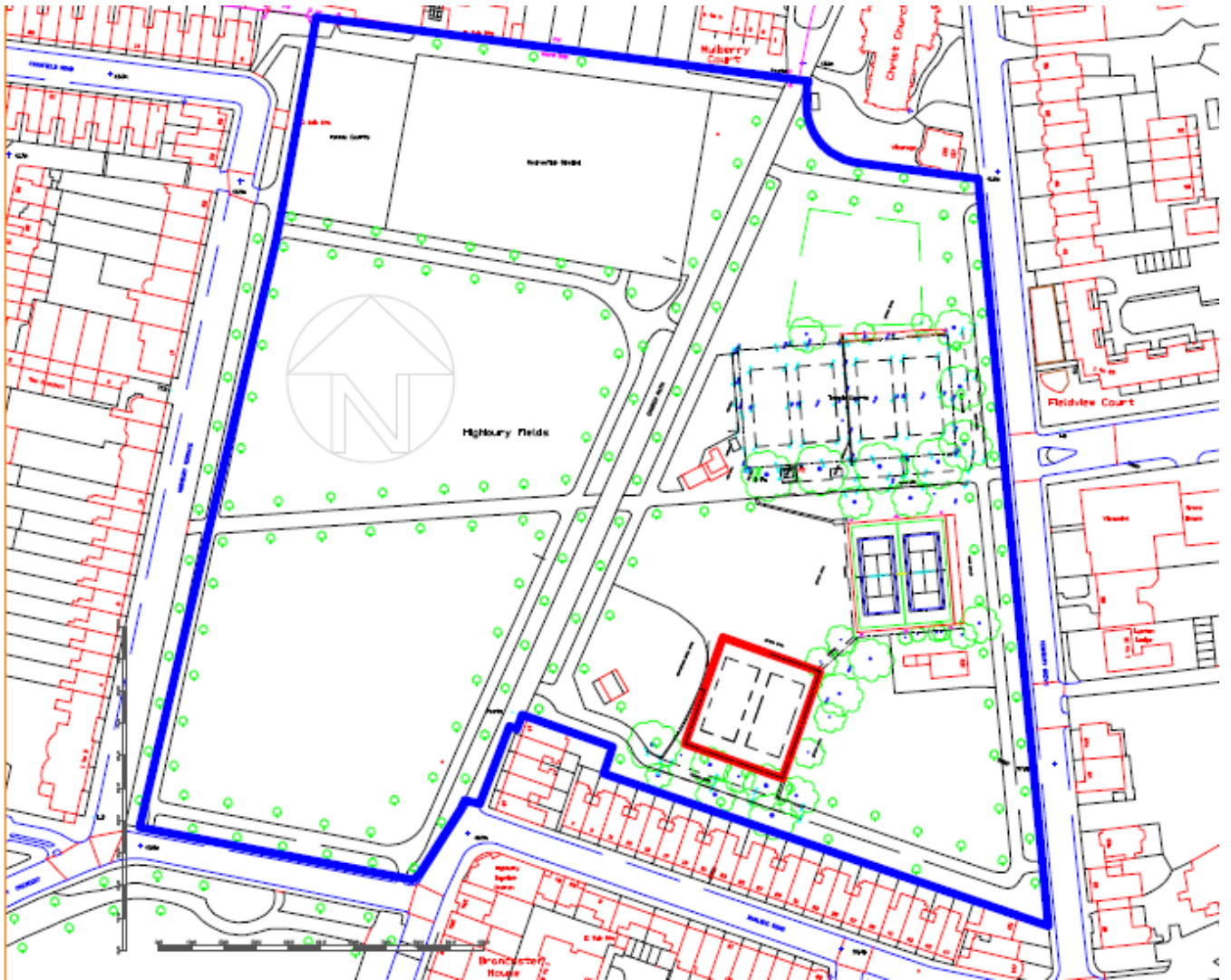
Case Officer	Eoin Concannon
Applicant	Islington Council
Agent	Mr Noel Headon

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 BLACK)



3 PHOTOS OF SITE/STREET



Photo 1: Aerial view of application site



Photo 2: Courts No. 7 & 8 taken from the southern boundary



Photo 3: View of courts 7 & 8 from the west entrance off Church Path



Photo 4: Tennis Courts in relation to nearest neighbouring properties on Baalbec Road

4 SUMMARY

- 4.1 The application seeks permission for the installation of flood lighting around the perimeter of tennis courts 7 & 8 within Highbury Fields playing fields. The floodlights would be a maximum height of 6.7 metres above ground level comprising a total of 8 lights (3 on opposite sides along the length of the tennis court and 1 centrally positioned between both courts on both the northern and southern side).
- 4.2 The main considerations are the impact of the development on the character and appearance of the area (including Highbury Fields Conservation Area), and the impact of the development on the residential amenity of the neighbouring occupiers. The proposal includes information that addresses the impact on the surrounding trees sited in close proximity to the development.
- 4.3 The set in of the floodlights from the perimeter of the site together with the location of trees directly behind reduces the overall visual impact on the Conservation Area. There would be sufficient distance between the floodlights and the adjoining neighbouring properties not to infringe on their amenity in terms of visual or light pollution. The adjacent boundary trees would be retained and protected. There would be limited impact upon bats. As such, the proposal is considered acceptable and recommended for approval.

5 SITE AND SURROUNDING

- 5.1 The application site is within Highbury Fields public park towards the southern boundary and comprises two tennis courts (court Nos.7 & 8) over an area of approximately 1120 square metres.
- 5.2 The site is surrounded by public green space with a right of way access route situated to the south. The nearest residential neighbouring properties are situated to the south along Baalbec Road (Nos.7 to 47) with over 20 metres separating the rear walls of these properties to the boundary of the site.
- 5.3 A row of trees separates the site from the right of way and neighbouring dwellings along this southern boundary. In general, the surrounding area comprises of open green spaces and residential properties. The site is also within Highbury Fields Conservation Area.

6 PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission to install floodlighting along the boundaries of the tennis court to allow the courts to be used later into the evening. A total of 8 flood lights would be erected. Each floodlight would have a maximum height of 6.7 metres and positioned strategically along the boundary court to maximise the light for playing. There would be 3 floodlights situated on both the east and west boundaries (with 12 metre distance separating each floodlight).

- 6.2 A further flood light would be centrally positioned between both courts along the south and northern boundaries. Each floodlight would have a base diameter of 168mm with a foundation depth of 1.2 metres. The box light would project 200mm out from the top of the pole at 92 degree angle. Both the box light and pole would be finish in green colour to blend in with the surrounding environment.

7 RELEVANT HISTORY

Planning Applications:

- 7.1 **P111903** The removal of 15 existing floodlights and the installation of 10 new floodlights, new fencing and a new artificial turf football pitch. **(Approved 29/11/11)**

Enforcement:

- 7.2 None

Pre-application:

- 7.3 None

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 6th October 2014. A site notice was also displayed. The public consultation of the application therefore expired on 30th October 2014 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, 1 letter of objection was received. The objection raised concerns regarding the impact the light will would have on the bat boxes installed in trees in the field and the general impact on wildlife. **(Paras.10.17-10.18)**

Internal consultees

- **Design and Conservation:** No objections
- **Tree Officer:** No objections
- **Nature Conservation Officer:** No objections. Given the lights will only be in operation during the bat hibernation periods and careful consideration has been given to the height of the floodlights including the use of low wattage bulbs and a design to minimise light spillage, there would no significant concerns to the bats.
- **Pollution Officer:** No objections 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.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Principle of the development;
- Impact of the development on the character and appearance of the adjoining Conservation Area and the open space;
- Impact of the development on the residential amenities of the neighbouring occupiers;
- Landscaping and trees;
- Other issues.

Principle of the development

- 10.2 The site is situated within an area designated as Open Space within the Development Management Policies. It is also highlighted as a playing field area within the Development Management Policies Plan, which would be predominately associated as a sports field. Policy CS17 (Sports and recreation provision) of the Core Strategy supports the need to improve the quality, accessibility and capacity of sports facilities so that maximum use of all existing facilities can be made. The installation of flood lights around the

perimeter of the tennis courts would allow the courts to be utilised for longer periods of the day thereby providing greater opportunities for local residents to participate in sport and recreation and maximise the use of existing facilities.

- 10.3 Given that the floodlighting would improve a sport & recreation facility, the principle of the development is considered acceptable. The open space would not be reduced, nor would it impact on the functionality of the site. It would therefore comply with Policy 7.18 (Protecting Local Open Space and addressing local deficiency) of the London Plan 2011, policy CS17 (Sports and recreation provision) of the Core Strategy and Policy 6.3 (Protecting Open Space) of the Development Management Policies 2013.

Impacts of the development on the character and appearance of the adjoining Conservation Area and the open space

- 10.4 Development Management policy DM2.1 states that ‘all forms of development are required to be of high quality and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.’
- 10.5 The proposal would involve the erection of 6.7 metre high flood lighting which is required in association with the tennis courts. Each flood light would be strategically positioned along the tennis court to maximise the light for the court it would serve. The height of the floodlight would not cause a significant visual impact as the nearest floodlight would be set in a minimum distance of 7/8 metres from the edge of the boundary footpath that runs parallel with the site. This separation distance gradually increases away from the boundary for the floodlights along the west and east flank. Given this set in location of the tennis courts and their function as a sporting and leisure facility, it is considered that floodlights would not have an adverse impact on the surrounding Conservation Area. Furthermore, given the position and the direction of light fittings, light spillage will not occur.
- 10.6 Further visual protection would be provided through the location of existing trees in the background to the south and east of the boundary. These trees provide a natural buffer which would partially screen the floodlights and poles from the outer public realm and highway. The poles would be situated a sufficient distance (70 metres) from the nearest highway (Highbury Grove) to allow them to blend into the backdrop of the existing trees. A condition is proposed requiring a green coated finish to further reduce the visual impact.
- 10.7 Overall, subject to conditions, the proposed development is acceptable with regard to design and appearance and is in accordance with policies 7.4 (Local character), 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS8 (Enhancing Islington’s character) and CS9 (Protecting and enhancing Islington’s built and historic environment) of Islington’s Core Strategy 2011, Islington Urban Design Guide 2006 and policies DM2.1 (Design) & DM2.3 (Heritage) of the Development Management Policies 2012.

Neighbouring Amenity

- 10.8 Policy DM2.1 of the Development Management Policies Plan states that 'developments are required to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.' The nearest residential properties are situated to the south Baalbec Road with a separation of over 20 metres from the main rear walls of these properties to the tennis courts.
- 10.9 No objections have been received from members of the public in relation to the effect of the works and specifically the operation of the facility on neighbouring amenity.
- 10.10 The overall positioning of the floodlights is a sufficient distance away from the adjoining neighbours properties to not cause a significant adverse impact upon their amenity. The nearest floodlight directly facing the rear elevations of Baalbec Road (northern flank) would be in excess of 50 metres from the rear wall of these properties with the existing trees providing some screening.
- 10.11 With respect to the floodlighting proposed the applicant states that 'column height, placement and configuration are calculated in order to obtain the optimum aiming angles on the luminaries. This is to maximise the light on the playing surfacing and minimise light spill off the pitch on to adjacent areas. An assessment has been submitted with the application considering the floodlight spillage arising. The Pollution Officer has been consulted and considers the information acceptable. The floodlighting as proposed complies with the guidelines and standards produced by the Institute of Lighting Engineers for areas designated as environmental zone E3 (Small town centres and urban areas). A condition is recommended requiring a post completion test to be carried out following the installation of the floodlighting.
- 10.12 In terms of noise, the artificial lighting as proposed will allow the use of the space for greater periods than current. It is also noted that these alterations will result in a greater intensity of use of the leisure facility. The noise level from organised sports games is unlikely to cause a significant level of noise to nearby properties given the separation distance and the nature of the use.
- 10.13 The proposed hours of operation would be until 9.00 p.m. Monday to Fridays and 8.00 p.m. during the weekend. These are considered acceptable hours of use given the positioning of the tennis courts.
- 10.14 Overall, the proposed development will not cause significant adverse harm the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM2.1 (Design) of the Development Management Policies Plan 2013.

Landscaping & Trees

- 10.15 The proposal would be situated adjacent to several mature trees along the boundary. The tree officer has been consulted and has no objections to the scheme. The floodlights are strategically positioned to prevent any adverse impact on the trees.
- 10.16 As such, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policy 7.21 (Trees and Woodlands) of the London Plan 2011 and policies DM2.1 (Design) and DM6.5 (Landscaping, trees and biodiversity) of the Development Management Policies 2013.

Other issues

- 10.17 Following the request of the Planning Officer, the applicant has provided follow up information on the anticipated impact on bats. A Bat Impact Assessment has been provided which concludes that the proposed lighting scheme complies with the guidance notes for the reduction of Obstrusive Light GN01:2011 published by the Institute of Lighting Professionals (ILP). It concluded that given the restricted operating hours of the tennis courts, the potential impact of the lighting scheme will therefore be restricted to early and late season of bat activity. The information provided within the report showed that there are no bat boxes within the zone of influence of the lighting scheme.
- 10.18 The floodlights at courts 7 & 8 are positioned away from the surrounding trees and at a reduced height of 6.7 metres. The company that has designed the scheme is registered with the institute of Lighting Engineers and has worked with the Bat Conservation Trust. The times of lighting would be restricted until 9pm Monday – Friday and until 8pm on a Saturday and Sunday, with floodlights only used during September to April. During summer months the lights will not be required as play ends at 9pm with daylight still available. The months of floodlight use would be in line with the bat hibernation period. The Nature Conservation Officer is content that the floodlights would not impact on bats hibernating within the area, given their height and low wattage.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, and the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

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

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: 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>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 2014-060-016, 2014-060-017, 2014-060-018, 2014-060-019, 2014-060-020, 2014-060-021, 2014-060-022, 2014-060-023, Statement of proposed use and community need Highbury Fields Tennis Project date 27.8.14, S.F.P.D. Outdoor Lighting Design for Highbury Fields (Floodlight two existing tennis court NRS 7-8), Argus Ecology Bat Impact Assessment ref 14-105 dated 3rd December 2014</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
	Finishes
3	<p>CONDITION: The floodlight poles hereby approved shall be coated dark green prior to installation, and maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the floodlights blends in with the character of the area, surrounding trees and green open space.</p>
	Floodlighting
4	<p>CONDITION : The hereby approved floodlighting shall not operate (be switched on providing artificial light) outside the hours of: Monday to Friday : 09.00 – 21.00 Saturday : 09.00 – 20:00 Sunday and Bank Holiday : 10.00 -20:00</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity</p>
5	Floodlight details (Compliance)
	<p>CONDITION: The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) “Guidance Notes for the Reduction of Obtrusive Light” (GN01:2011) for zone E3. Prior to its first being brought into use, a suitably qualified contractor, shall check that any lighting installation to which this condition applies is fully compliant with the ILE guidance.</p>

	REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises.
--	---

List of Informatives:

	Positive statement
1.	<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 a timely manner in accordance with the NPPF.</p>
	Other legislation
2.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environmental and Pollution Controls.</p>

APPENDIX 2: RELEVANT POLICIES

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1 Context and strategy

Policy 1.1 (Delivering the strategic vision and objectives for London)

Policy 7.21 (Trees and Woodlands)

Policy 7.4 (Local character)

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 CS 15 Open space and green infrastructure

Policy CS 17 Sports and recreation provision

C) Development Management Policies June 2013

Design and Heritage

Policy DM2.1 (Design)
Policy DM2.3 (Heritage)

Health and open space

Policy DM6.1 (Healthy development)
Policy DM6.3 (Protecting open space)
Policy DM6.5 (Landscaping, trees and biodiversity)

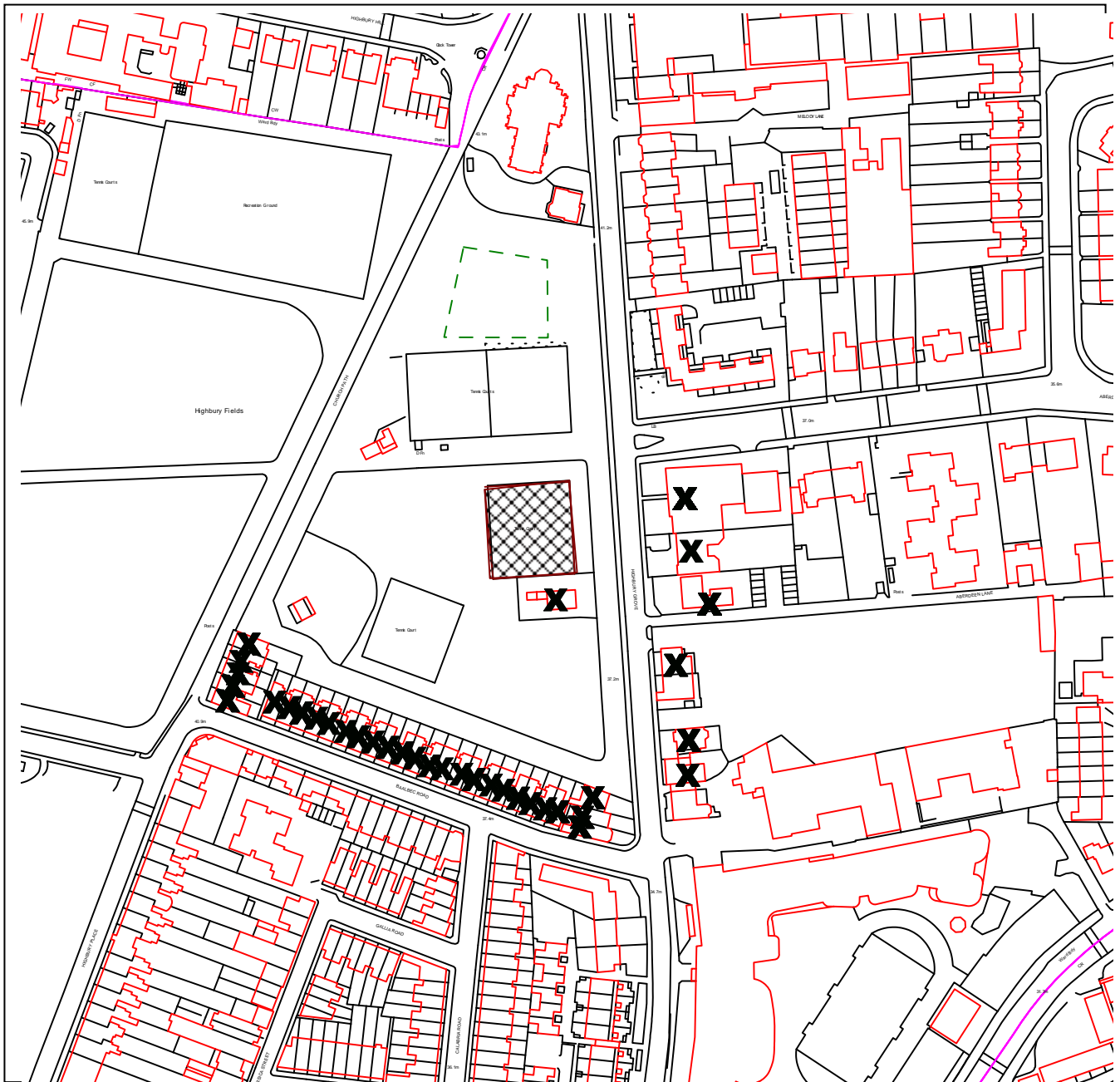
4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Inclusive landscape design



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3719/FUL

LOCATION: Highbury Fields Tennis Courts, Church Path
LONDON N5

SCALE: 1:2500

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Islington Council, LA086452

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Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		AGENDA ITEM NO:
Date:	18th DEC 2014	NON-EXEMPT

Application number	P2014/1294/FUL
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	N/A
Conservation area	N/A
Development Plan Context	None
Licensing Implications	None
Site Address	Highbury Vale Police Station, 211 Blackstock Road, Islington, London N5 2LL
Proposal	Change of use from Sui Generis (Police Station) to part D2 (Gym) use at upper ground floor level, four (4) flexible A1, A2, D1, & B1 use commercial units at lower ground and upper ground floor levels and eight (8) residential units at upper floors; external works including alterations to front facade, alterations to rear including upper ground floor extension, new stair core and lift shaft, new balconies and other alterations to roof and rear facade.

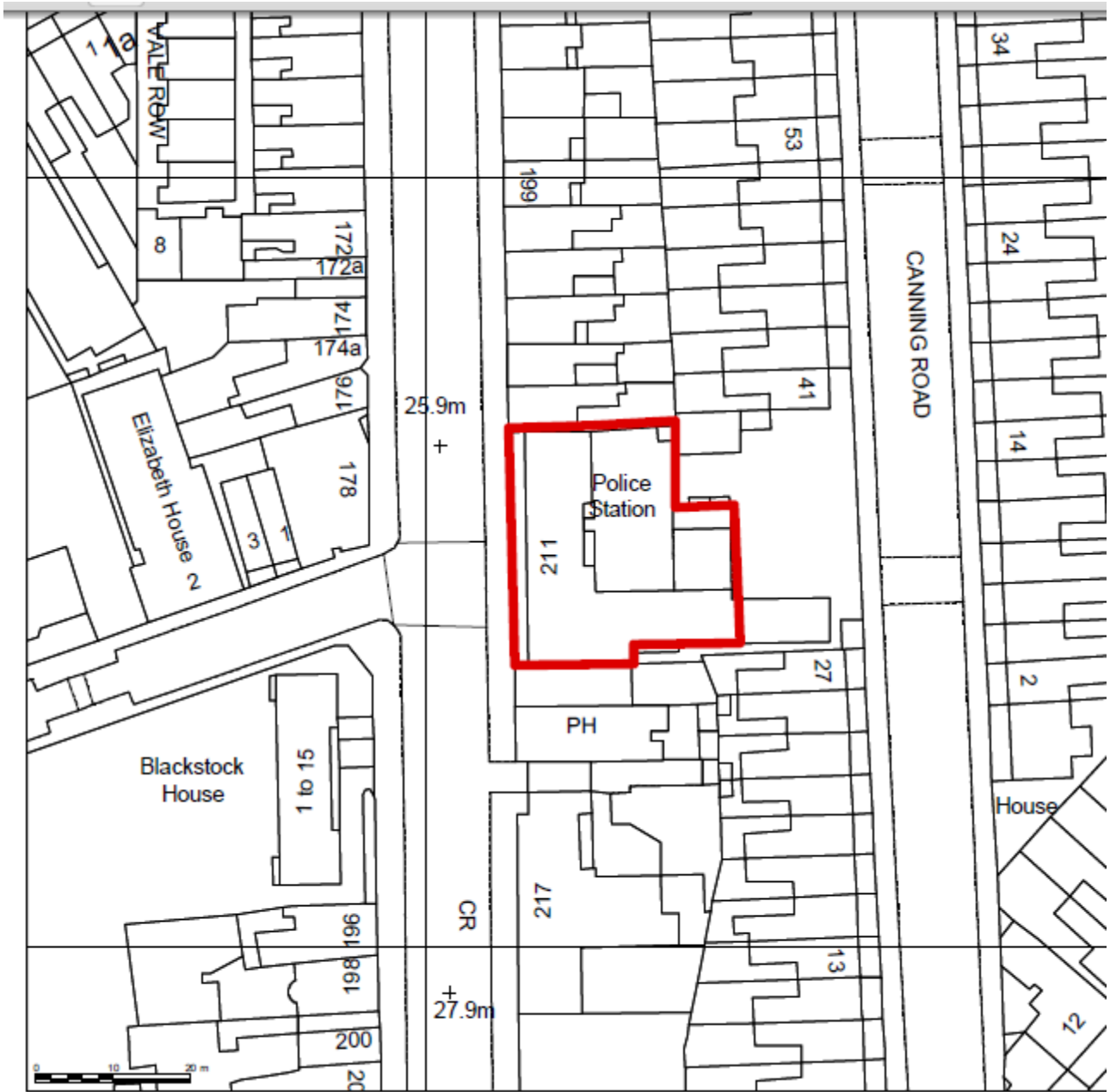
Case Officer	Ben Phillips
Applicant	Indra Limited
Agent	Montagu Evans LLP - Mr Graham Allison

1. RECOMMENDATION

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

1. subject to the conditions and S106 agreement (affordable housing and carbon offsetting) as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: The front of the building from Blackstock Road



Image 2 the rear of the site from Canning Road



Image 3. View of rear projection from main building



Image 4 View of rear elevation

4.0 SUMMARY

- 4.1 Planning permission is sought for a redevelopment of the former Highbury Vale Police Station (locally listed), a site of approximately 1392sq m, from its existing/former sui generis use, to a ground floor D2 gym use, four A1/A2/D1/D2/B1 flexible use units over the lower and upper ground floors and eight residential units over the upper floors. The building is currently vacant.
- 4.2 The application is brought to committee due to the proposal being over 5 units and there being more than 1 objection.
- 4.3 It should be noted that the plans have been slightly amended since the original submission in order to address concerns raised by the Inclusive Design Officer and to bring the standard of accommodation for all the units up to an acceptable level.
- 4.4 The principle of the redevelopment is considered to be consistent with FP5 of Islington's Local Plan site allocations document which states that the priority of the site is for refurbishment of existing building and sensitive development on the remainder of site to provide mixed-use development.
- 4.5 The development will not result in significant adverse impacts upon the amenities of neighbouring properties (or internally within the development).
- 4.8 It is therefore recommended that planning permission be granted subject to conditions and s106 agreement.

5.0 SITE AND SURROUNDING

- 5.1 Highbury Vale Police Station is located along Blackstock Road and comprises a site of approximately 1392sqm, located within the Finsbury Park Town Centre. The building was formally occupied by the Metropolitan Police and is locally listed.
- 5.2 The site is formally allocated (FP5) in the Council's Site Allocations Document.
- 5.3 The Blackstock Road is characterised by three storey Victorian terraces with commercial units at ground floor level.
- 5.4 The building itself (built 1903) comprises of a four storey red brick L shaped building with a mansard roof and projecting dormers. The ground floor is raised from the street level. There is car parking to the rear (accessed off Canning Road). This part of the site has been which has been separated by the Metropolitan Police from this application site to provide a separate residential development (P2013/0881/FUL) for 6 terraced dwellings, which is currently under construction.

6.0 PROPOSAL (in Detail)

- 6.1 This application proposes the reconfiguration and extension of the existing building to provide:
- A commercial unit of 411m² of assembly and leisure (D2) floorspace on the ground floor,
 - Four commercial units totalling 215m² for use within classes A1/A2/B1/D1/D2 set across the basement and ground floors,
 - Eight residential units set across the upper two floors with new balconies, stair and lift core and glazed access corridors to the rear.
- 6.2 The residential units comprise of 1 x 1 bed and 7 x 2 bed units and will be served by a communal cycle store with 16 cycle spaces (with a further 4 reserved for the flexible use units and 6 spaces for the D2 unit) located within the upper ground floor.
- 6.3 The existing main entrance of the building will be utilised for the 4 flexible use units and residential accommodation. A new glazed entrance is proposed on the left hand side of the building (when viewed from Blackstock Road) to serve the D2 unit.
- 6.4 The other alterations to the front elevation involve the lowering of the sill of the existing window next to this proposed entrance to provide a larger opening to the D2 space and the lowering of the existing entrance (which is currently stepped) to provide a level entrance.
- 6.5 To the rear is proposed a large single storey extension, which will cover the entire existing courtyard and steps down to the existing boundary wall heights, the lift shaft and stairs (clad in frosted glass and glazing respectively) and a further glazed extension to provide circulation space for the residential units. A small second floor extension is also proposed next to the lift shaft.
- 6.6 There are also a number solar panels proposed on the rear roof slope.
- 6.7 New windows are proposed on the second floor level of the southern facing side elevation.
- 6.8 The scheme has been altered to address concerns raised by the Inclusive Design Officer. These alterations are as follows:
- Storage and charging facilities for mobility scooters have been provided within the main cycle storage area
 - One leaf of the main entrance doors provides an opening width of 1000mm and a note has been added to clarify that the weight of these doors should not exceed 30N
 - The platform lift inside the main entrance has been moved slightly to provide maneuvering space clear of the outward opening lift doors
 - The platform lift has been enlarged to accommodate a bike and a clear space 1500mm wide has been provided beside one of the cycle racks
 - The disabled changing now shows the arrangement of an accessible WC, shower and changing area, which meet minimum spatial requirements

- Through floor lifts have been relocated in Units 04, 05 & 06

Winding treads have been removed from flights of stairs within Units 04, 05 & 06

7.0 RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P2013/4778/FUL Demolition of garage, external stores, kennels, and cell block to former Police Station and erection of terrace of six dwellings, as planning permission P2013/0881/FUL, with the addition of a basement level to nos 31, 33, 35 and 37. Approved 08/08/2014
- 7.2 P2013/0881/FUL Demolition of garage, external stores, kennels and cell block to former Police Station and erection of six terraced dwellings with basement (2 x 4 bed and 4 x 3 bed). Approved 18/11/2013
- 7.3 860177. Erection of a two storey extension at rear of Police Station (Applicants plan nos. LA-01 and three unnumbered elevations and site plan.) No objection 08/07/1986

ENFORCEMENT

- 7.4 E/2013/0208 Unauthorised demolition of locally listed building. Withdrawn/Complete 19/02/2014

PRE APPLICATION ADVICE

- 7.5 Q2013/4599/MIN Advice was sought on the principle of development, the commercial units and the design of the additions. The advice provided has resulted in a number of improvements to the proposed scheme.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 137 adjoining and nearby properties on Blackstock Road and Canning Road to the rear on the 4th of June 2014, the 15th of September and the 5th of November. The public consultation of the application therefore expired on the 19th of November 2014, 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 12 letters of objection have been received, which are summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)

- Loss of privacy and inconsistency in plans (see para 10.53-61)
- Impact of the proposed construction process (10.71)
- The balconies will cause overlooking (10.53-61)

- The proposed ballustrades to the balconies will not prevent overlooking (10.53-61)
- Concerns over possible noise disturbance from the gym and its viability (10.11)
- The existing green space should not be lost (10.70)
- Loss of light/overshadowing (10.53-61)
- Insufficient parking spaces (10.66)
- Changes to the building facade are inconsistent with the original character of the building. (10.23-10.28)
- Lack of natural light to the proposed flats and some windows look directly at masonry walls (10.38-10.52)

External Consultees

8.3 none

Internal Consultees

Design and Conservation Officer:

8.4 No objection. Issues raised with design of rear lift shaft and stairwell. Conditions suggested requiring further details of front elevation openings, materials, balcony railings etc.

Planning Policy

8.5 No objection subject to policy DM4.12 (loss of social infrastructure) and DM4.4 (Town Centre development) being addressed. Conditions recommended regarding the use of the commercial units.

Highways

8.6 No objection. Suggest condition requiring the applicant to submit further information on the proposed servicing arrangements for the development proposals.

Inclusive Design Officer

8.7 States that the development has a lot to offer and takes a positive approach to access and inclusion.

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.

9.3 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:

Site Allocations FP5

9.4 Supplementary Planning Guidance (SPG) / Document (SPD)

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 and Principle
- Design Considerations
- Standard of Accommodation for Future Occupiers
- Neighbouring Amenity
- Accessibility and Transport
- Affordable Housing

Land-use and Principle

10.2 The proposal for a mixed use development with retail/commercial at ground floor and 8 residential units on upper floors is consistent in principle with the site allocation for this site, reference FP5. Design issues and impact on the Town Centre are the two key considerations specifically highlighted in the allocation. With the latter, the allocation highlights that proposed commercial and employment uses which contribute to the vitality of Finsbury Park Town Centre are important

10.3 In this location, A1, A2 and B1 would be encouraged as per Development Management policies DM4.4 and DM5.1.

10.4 Development within Town Centres must meet the criteria in Development Management policy DM4.4 part C. These criteria include the requirement that any proposals should: contribute positively to vitality and viability; promote a vibrant and attractive place.

- 10.5 The vast majority of the Town Centre is made up of units under 200sqm; and four commercial units totalling 215m² for use within classes A1/A2/B1/D1/D2 set across the basement and ground floors are proposed, along with a unit of 411m² of assembly and leisure (D2) floorspace on the ground floor.
- 10.6 It is considered that this scale of units would sit comfortably in the local town Centre and would not detrimentally impact the continued vitality and viability of shop units in the centre, particularly small units.
- 10.7 These proposed smaller units are also supported in line with policy DM4.1 and are considered in keeping with the character and function of the town centre which is made up of predominantly smaller units.
- 10.8 The units are proposed as a mixed use, all of which are considered appropriate for a town centre location. However the Policy Officer suggest a range of conditions to prevent to a possible unacceptable concentration of similar uses, the requirement for at least one A1 unit to be provided, and the possible requirement for a place of worship (D1) to require planning permission due to possible amenity impacts.
- 10.9 Policy DM4.1 proposes small and independent shops and suggest, where appropriate, conditions to permissions for small shop units, requiring planning permission to be sought for the future amalgamation of units into larger premises.
- 10.10 Given that the original scheme included a large A1 unit which was amended prior to submission in response to community concern, and that the smaller units are consistent with the character and function of the Town Centre, it is considered that such a condition is appropriate.
- 10.11 Subject to these conditions (and a further condition requiring details of soundproofing measures to the D2 use), it is considered that the mixed flexible use is acceptable.
- 10.12 The residential units (x8) on the upper floors provide the mixed use of the site and comply with the requirements of the site allocation document.
- 10.13 Finally, the application site is located within the Finsbury Park Town Centre. The existing building (sui generis) is considered to be social infrastructure for the purposes of DM4.12, which states that when the specific use is no longer required on site, the applicant must 'provide evidence demonstrating:
- a) that the proposal would not lead to a shortfall in provision for the specific use within the local catchment;
 - b) that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses; and
 - c) any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility.'
- 10.14 The site was earmarked for disposal as part of the Metropolitan Police Asset Management Plan.
- 10.15 Given the scale and the amount of works required internally to the building, the premises is not considered suitable for social infrastructure. Whilst there is a lack of

marketing evidence to establish a lack of demand for this use, the site allocations document (FP7) clearly states that *'the Metropolitan Police Asset Management Plan for Islington highlights that the building design cannot be adapted to modern policing needs and that the location is not fully accessible. It is considered that the existing facilities can be re-provided in more specialist and appropriate facilities elsewhere'*

- 10.16 The scheme complies with the mixed use development envisaged by the site allocations document and therefore it is considered that the development complies with policy DM4.12.
- 10.17 Policy DM4.4 part C of the Development Management Policies Document states that development within designated Town Centres is required to:
- i) be appropriate to the scale, character and function of the centre;
 - ii) contribute positively to the vitality and viability of the centre;
 - iii) promote a vibrant and attractive place;
 - iv) respect and enhance the heritage, character and local distinctiveness of the centre;
 - v) provide a variety of different sized retail units;
 - vi) meet the council's policies on Inclusive Design; and
 - vii) not cause detrimental disturbance from noise, odour, fumes or other environmental harm.
- 10.18 It is considered that in principle the development complies with this policy. Design (impact on existing building and street scene) and inclusive design is addressed below.
- 10.19 Finally in terms of density, London Plan Policy 3.4 (Optimising Housing Potential) seeks to optimise housing density, having regard to local context, design principles and public transport accessibility.
- 10.20 Core Strategy policy CS12 requires residential developments to follow and not exceed the density levels set out in the London Plan density matrix.
- 10.21 The 0.076 hectare site benefits from a PTAL rating of 6a and is in an 'urban' location. In accordance with the London Plan density matrix (Table 3.2), a density range of between 200-700 habitable rooms per hectare or 445-420 units per hectare would be appropriate in this location.
- 10.22 Having regard to the tests of local context, design, public transport accessibility and the physical constraints of the locally listed building and the mixed use nature of the proposal, the proposed density of 105 units/hectares is considered to be appropriate and consistent with the London Plan density matrix.

Design Considerations

- 10.23 Policy DM2.1 states that development should respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape.

- 10.24 Policy DM2.3 states that the Council will ensure that the Borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.25 The former police station is a locally listed building. The building was constructed in the 1903. The red brick composition with Portland stone detailing in the old 'English' style is typical of municipal buildings of the time.
- 10.26 The building presents an attractive Edwardian frontage to Blackstock Road, with iron railings and a traditional police sign. There is a more modern extension to the rear, and numerous small additions and alterations have been made.
- 10.27 The frontage is in need of repair/enhancement, for example the entrance steps, some of the railings, some of the capping stones are in need of repair.

The works to the principal front elevation are limited to:

- i) The introduction of a large window (i.e lowering the cill of the existing window) to the upper ground floor unit (to serve the D1 unit);
- ii) The introduction of a new lightweight glazed entrance to serve the upper ground floor (D1) unit;
- iii) The adaption (lowering) of the existing main entrance to provide a level access; and
- iv) New signage (which will require separate advertisement consent).

In addition a part of the exiting railings will have to be removed on front of the new access to the building.

- 10.28 These alterations are considered to be appropriate and sensitive and will modernise the frontage and serve the new commercial units whilst retaining the original character of the building.
- 10.29 The Design and Conservation Officer has no objection to the proposals to the front elevation of the building, but does raise concern regarding the scale of development to the rear.
- 10.30 As stated above, the rear of the property, including the courtyard and the rear projection are more modern additions and have been altered over the years.

To the rear of the building the following elements are proposed:

- i) Upper ground floor extension, covered with a green roof, extending approximately 11m in depth from the main rear elevation and located to the rear of the main frontage;
- ii) 9 balconies/terraces and a circulation core;
- iii) Glazed lift shaft ;
- iv) 2 storey curved stair core clad in dark vertical metal, located on the northern side of the rear projection;
- v) Photo voltaic panels to the rear roof plane and northern roof plane of rear projection;
- vi) Insertion of 7 rooflights; and
- vii) Addition of new window to north side elevation and in the existing rear projection to the main building.

- 10.31 The (upper) ground floor extension to the building which extends to the rear and covers the entire existing courtyard, is limited in its impact on the character and appearance of the original building, given its single storey nature and its siting within the building courtyard.
- 10.32 The 2 storey lift shaft and glazed stairwell have, by virtue of the glazing used, a lightweight modern appearance which sits in contrast but is complimentary to the existing red brick building. The curved stair core, which will be clad in dark vertical metal, are not considered to detract from the host building. It is not considered that these elements would be visually intrusive, the scale is considered appropriate to the building as a whole and of course there is improved accessibility benefits associated with the works.
- 10.33 The 9 proposed residential balconies/terraces (with 1.2m high balustrades) and the alterations to the rear elevation are considered to be appropriate and will not detract from the character and appearance of the original building. Similarly, the roof lights, solar panels and additional window to the northern side elevation will not have a detrimental impact on the character and appearance of the original building.
- 10.34 The Design & Conservation Officer has suggested conditions requiring further detail of the openings to the front elevation, means of attachment of the glazed extension to the main building and its framing, details of the balconies and samples of facing materials. It is considered that these conditions are appropriate and necessary to ensure that the detailing and finishes of the development are of the quality required.
- 10.35 Subject to these further details, it is considered that the development will preserve the character of the existing locally listed property.
- 10.36 With regards to the wider street scene, Blackstock Road is varied in terms of its character and appearance. As stated above, this building is prominent and forms an important part of the character of the immediate locality. The vast majority of new works are to the rear and even these would be mostly obscured from Canning Road at the rear by the new development taking place at the rear of the site (a terrace of 5 dwellings) and the rear projection of the existing building.
- 10.37 As such, its impact upon the wider street scene is considered to be limited, and in compliance with policies in this respect.

Standard of Accommodation

- 10.38 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 10.39 With regard to private amenity space policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. The minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1 square metres is required on upper floors and an extra 5 square metres on ground floors up to a

minimum of 30 square metres for family housing (three bedroom residential units and above).

10.40 Details of the unit are set out in the table below against the minimum floor space standards.

Unit	No bedrooms/expected occupancy	Floor Space (m2)	Minimum required (m2)	Storage required (m2)	Amenity space required (m2)
1	2/4	98.5	70	2.5	7
2	2/3	64.5	61	2	6
3	2/3	67	61	2	6
4	2/4	87	70	2.5	7
5	2/4	85	70	2.5	7
6	2/3	87	61	2.5	6
7	1/2	52	50	1.5	5
8	2/3	69	61	2	6

10.41 All 8 units provide adequate floor space and storage space. With regards to amenity space, all units are provided with some external balcony space (between 5 and 7.5m²). In addition, Unit 1 is provided with a garden space on the ground floor (at total of 41sqm). The development therefore complies with the above policy in this respect.

10.42 Policy DM3.4 also states that residential development should provide:

- dual aspect units,
- sufficient day light and sunlight,
- logical and legible entrances
- shared circulation space

10.43 All units provide a dual aspect. All units should therefore receive direct sunlight for an acceptable period of the day. The entrances are considered to be logical and legible and the shared circulation space is considered appropriate.

10.44 Unit 1 has been the focus of some amendments, originally due to the overlooking caused from the unit opposite (within the development). The unit is provided with a balcony serving the main living space, and to limit the overlooking from the balconies opposite, a overhanging structure is proposed set above this balcony, limiting somewhat the outlook. However the enlargement of this main living room window so that it is full height and the addition of a new window on the northern side (albeit with privacy louvers window to direct views away from Canning Road) to provide a dual aspect (along with a roof light) is considered to provide an acceptable outlook and standard of accommodation in this respect.

10.45 In terms of internal overlooking within the development, as stated above, the balcony of unit No 1 has been provided with a timber overhanging structure of vertical slats to prevent direct overlooking from the balconies serving unit 4 and 5 opposite (at a distance of approx 8.1m).

- 10.46 The addition of this structure (full details of which to be provided via condition to ensure its suitability for this purpose and from a visual amenity perspective) will prevent direct overlooking down into the living space of this unit (as shown on drawing 1309-PL-312B).
- 10.47 Bedroom 2 of unit 1 will also have an oriel window with clear glass only facing the side (facing north and the balcony of this unit), therefore providing privacy for this bedroom.
- 10.48 The fenestration on the first floor directly opposite this unit serve the access corridor and therefore do not lead to direct overlooking of this unit. Similarly, the fenestration of unit 8 and unit 7 facing each other are obscure glazed to prevent direct mutual overlooking.
- 10.49 As such and in conclusion then, the development has been designed (as amended) to prevent unacceptable internal overlooking between units.
- 10.50 Bedroom 2 and 1 of Unit 2 are served by windows in the southern side elevation of the rear projection. The lower lights(half) of these windows, along with that serving bedroom 1 of Unit 1, are obscure glazed and fixed shut to prevent direct overlooking of No 213 Blackstock Road. Despite this the light entering these bedrooms from the upper half of these windows is considered to be acceptable.
- 10.51 The second bedroom of Unit 8 is only served by a roof light. Whilst the outlook from this small (single) bedroom is therefore limited, on balance it is not considered that this is sufficient grounds for refusal. There is no obvious position for another window.
- 10.52 It is therefore considered that all 8 units will provide an acceptable standard of accommodation in accordance with the above policies.

Neighbouring Amenity

- 10.53 The Council seeks to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, sense of enclosure or noise. In considering amenity, weight must not only be given to existing neighbours but also to those for which permission to build exist, even when not yet implemented.
- 10.54 Firstly, in terms of the physical impact of the development, the rear extension to the building is mainly restricted to the ground floor extension over the existing courtyard, and extends up to the rear boundary with the development at the rear of the site (P2013/4778/FUL – ‘6 new terraced dwellings’). As such, its overshadowing impact is limited and it is not considered to be overbearing.
- 10.55 This rear extension does have a green roof and will be partly used by Unit 1 as amenity space, however this amenity area is set within an enclosed area of the courtyard and behind the side boundary screening (1.8m close boarded fencing). It will not have a detrimental impact on the rear amenity areas of the ‘6 new terraced dwellings’.

- 10.56 The stair core and lift shaft is sited on the northern side of the existing rear projection away from any neighbouring property and will not therefore have any unacceptable impact on amenity.
- 10.57 Turning to overlooking, as stated above, the development proposes a number of balconies to provide amenity space for all the units. The rear facing balconies of units 5 and (in particular) 6 face the rear elevations of the '6 new terraced dwellings' along Canning Road. The balcony for unit 6 directly faces the rear elevation of the northernmost new dwelling of the approved terrace. The balcony sits a distance of 18.1m from the rear elevation of this property. The windows of the proposed development sit at an even greater distance.
- 10.58 Policy DM2.1 states that to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. As such, the distance between this balcony and windows to the rear elevation of the '6 new terraced dwellings' is considered acceptable.
- 10.59 The same distance separates this balcony with the rear elevation of the nearest existing neighbour along Canning Road, No 41. However this is at an angle (rather than direct as above) so again, it is considered that the separation distance is sufficient to prevent unacceptable overlooking in this regard.
- 10.60 As stated above, the new window inserted to the north side of the rear projection (serving unit 1) has privacy louvres on the northern eastern side. This will prevent direct overlooking of the rear amenity areas of the '6 new terraced dwellings' and No 41 Canning Road beyond.
- 10.61 The new windows on the southern elevation of the rear projection have obscured glazing to the bottom half of the fenestration to prevent direct overlooking of the rear of 213 Blackstock Road at this level. As such it is not considered that the proposed development will have an unacceptable overlooking impact on the adjoining neighbours

Accessibility and Transport

- 10.62 Alterations to the internal layout have been made in response to issues raised by the Inclusive Design Officer (see para 4.3). These alterations (such as the provision of storage and charging facilities for mobility scooters, the slight widening of the opening width of the entrance doors, the enlargement of the platform lift etc) are considered to ensure that the development as a whole provides a high quality scheme in relation to access and inclusion.
- 10.63 The development will be car free and 16 cycle spaces are proposed for the residential units, with a further 6 of the assembly and leisure unit (D1) and 4 for the two smaller commercial units.
- 10.64 Whilst it would be ideal to provide direct level street access to the residential cycle store, this has not been possible whilst working within the constraints of the locally listed building.

- 10.65 The application site is located on Blackstock Road in Finsbury Park Town Centre and is located 700 metres from Seven Sisters Road, which is part of Transport for London's Road Network. The application site has a PTAL rating of 6a, reflecting its excellent transport connectivity.
- 10.66 The Highways Officer has no objection to the car free scheme (which is in accordance with Development Management Policy DM8.5 -Vehicle parking), however does suggest that the applicant should submit a delivery and servicing plan to provide further details on how the gym, commercial and residential elements will be serviced.
- 10.67 A condition to secure these details is considered appropriate and necessary.

Affordable Housing

- 10.68 Based on the site providing 8 additional units the small-sites affordable housing contribution would apply consistent with policy CS12 and the Affordable Housing – Small Sites contributions SPD. £400,000 (8x£50,000) would therefore be applicable to this site.
- 10.69 This sum has been secured through a s106 agreement and as such it is considered that this policy has been addressed.

Other Issues

- 10.70 The site allocations document states for this site (FP5) : The site is adjacent to Local Flood Risk Zone (LFRZ) at risk of significant/extreme flooding. Proposals will therefore be required to further assess and mitigate risk. Further detailed guidance is set out in the Development Management Policies. Development Management Policy DM6.6 (Flood Prevention) requires Flood Risk Assessment for sites located within LFRZ (Part B). Part C requires all minor development to reduce or maintain existing run off levels. This proposal incorporates a rear extension that covers the entire rear courtyard. However this existing courtyard is hard surfaced and the building over it would have limited impact with the proposed green roof having some benefits to the matter.
- 10.71 Given the constrained nature of the site and the approval for development at the rear, a construction method statement is considered appropriate to ensure that the construction does not unduly disturb the neighbouring properties.

11 SUMMARY AND CONCLUSION

Summary

- 11.1 The principle of the land use is acceptable and is compliant with the site allocations document (FP5).The proposed commercial units (subject to conditions) are of an appropriate scale and use. The proposed residential units provide an acceptable standard of accommodation. The development will have an acceptable impact upon

the character and appearance of the existing locally listed building. The development will not unacceptably harm the amenities of neighbouring properties.

- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Framework and is recommended for approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the completion of a section 106 agreement to secure

- a) A financial contribution of £400,000 towards the provision of off site affordable housing.
- b) A financial contribution of £9000 towards CO2 off setting.

RECOMMENDATION B

That the grant of planning permission be subject to conditions:

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>Planning Statement (Montagu Evans April 2014), Heritage Statement (Montagu Evans March 2014), Noise Assessment (EEC 18th March 2014) Energy Strategy Report (Syntegra Consulting 25th March 2014), Transport Statement (Ttp Consulting March 2014), 1309-PL-201, 1309-PL-202A, 1309-PL-301, 1309-PL-302, 1309-PL-303, 1309-PL-304, 1309-PL-305, 1309-PL-111C, 1309-PL-112D, 1309-PL-113K, 1309-PL-114G, 1309-PL-115C, 1309-PL-211A, 1309-PL-212C, 1309-PL-311E, 1309-PL-312C, 1309-PL-313C, 1309-PL-314B, 1309-PL-315A, 1309-PL-316H, 1309-PL-001A, 1309-SK-114, 1309-SK-115</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> <ol style="list-style-type: none">a) solid brickwork (including brick panels and mortar courses)b) render (including colour, texture and method of application);c) window treatment (including sections and reveals);d) roofing materials;e) balustrading treatment (including sections);f) lift and stair shaft cladding andh) any other materials to be used.

	<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.</p>
4	Details of finishes
	<p>CONDITION: Prior to the commencement of development detailed drawings showing: all works of alterations to the front elevations where openings are being made or widened, the means of attachment and connection of the new glazed extension and existing building, the framing of the new glazed extension, the privacy louvers and loggia to Unit 1 and the balcony railings and fixings shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented as approved and retained 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.</p>
5	Use of commercial units
	<p>CONDITION: Notwithstanding the flexible use hereby approved, at least one of the 4 commercial units hereby approved shall be in use as A1 at all times. This unit shall be identified in writing to the LPA prior to the occupation of all 4 units, along with any alteration thereafter (a change of use of any of the other units to A1). In addition, no amalgamated unit shall be in use as A1.</p> <p>Reason: In order to prevent an intensification of use that would have an adverse impact upon the local character and amenity.</p>
6	Use of commercial units
	<p>CONDITION: Notwithstanding the flexible use hereby approved, no more than 1 of the 4 units shall be in use as A2 at all times.</p> <p>REASON: In order to prevent an intensification of use that would have an adverse impact upon the local character, vibrancy and vitality.</p>
7	Servicing details
	<p>CONDITION: Prior to the commencement of development, a delivery and servicing plan to provide further details on how the gym, commercial and residential elements will be serviced. The plan shall include hours, frequency, location/s and size of vehicles and other details outlined in Paragraph 8.39 of the Development Management Policies. The servicing shall be carried out in accordance with the approved plan.</p> <p>REASON: In the interest of Highway Safety.</p>
8	Obscure glazing
	<p>CONDITION: All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to</p>

	<p>the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
9	Accessible Homes
	<p>CONDITION: The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
10	Hours of opening
	<p>CONDITION: Should the ground floor flexible commercial units be taken up for A3 (café / restaurant) use the units shall not operate outside the hours of 7am – 6pm Mon – Sat and 9-1pm Sun and Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
11	Code for sustainable homes
	<p>CONDITION: The development shall achieve a BREEAM [Office/Retail/Schools/Bespoke/multi-residential rating (2008) / BREEAM New Construction rating (2011)] of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
12	Cycle parking
	<p>CONDITION The bicycle storage area(s) hereby approved, which shall be covered, secure and provide for no less than 26 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.</p>
13	Car Free Housing

	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> (2) In the case of disabled persons (3) In the case of units designated in this planning permission as 'non car free';or (4) In the case of the resident who is an existing holder of residents parking permit issued by the London Borough of Islington and has held the permit for a period of at least a year. <p>REASON: To ensure that the development remains car free.</p>
13	Lift Provision
	<p>CONDITION: All lifts serving the dwellings hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved and maintained as such thereafter.</p> <p>REASON: The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>
13	Sound Proofing
	<p>A scheme for sound insulation and noise control measures for the D2 use unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure an appropriate residential environment for neighbouring properties.</p>
14	Construction Method Statement
	<p>No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities

	<p>vi. measures to control the emission of dust and dirt during construction</p> <p>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</p> <p>viii mitigation measures of controlling noise from construction machinery during business hours</p> <p>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.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</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 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

3 London's people	7 London's living places and spaces
Policy 3.1 Ensuring equal life chances for all	Policy 7.1 Building London's neighbourhoods and communities
Policy 3.18 Education facilities	Policy 7.2 An inclusive environment
	Policy 7.3 Designing out crime
	Policy 7.4 Local character
	Policy 7.8 Heritage assets and archaeology
	Policy 7.18 Protecting local open space and addressing local deficiency

B) Islington Core Strategy 2011

Spatial Strategy	Infrastructure and Implementation
Policy CS8 (Enhancing Islington's Character)	Policy CS18 (Delivery and Infrastructure)
Strategic Policies	Policy CS19 (Health Impact Assessments)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	

C) Development Management Policies June 2013

Design and Heritage	Shops Culture and Services
DM2.1 Design	DM4.1 Small & Independent Shops
DM2.2 Inclusive Design	DM4.3 Location & Concentration of uses
DM2.3 Heritage	DM4.4 Promoting Islington's Town Centres
DM3.1 Housing Mix	DM4.12 Social & cultural infrastructure
DM3.4 Housing Standards	
Dm3.5 Private Amenity Space	

DM3.7 Noise & Vibration

Health & Open Space
DM6.1 Healthy Development

Transport
DM8.4 Walking & Cycling
DM8.6 Delivery & Servicing

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

Locally Listed Building

Site Allocations 2013: FP5

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design
Urban Design Guide
Accessibility SPD

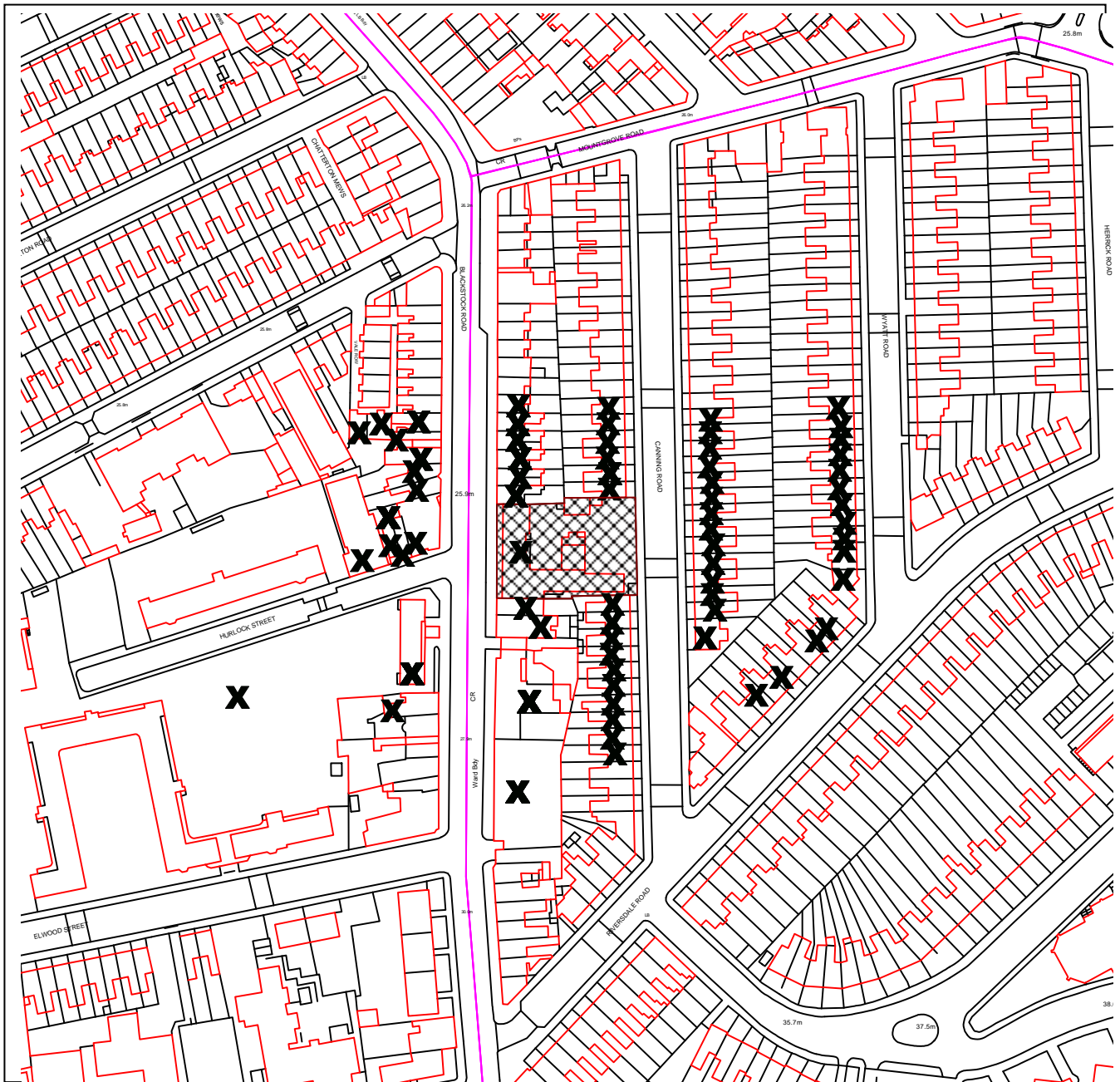
London Plan

Accessible London: Achieving and
Inclusive Environment
Planning for Equality and Diversity in
London

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1294/FUL

LOCATION: Highbury Vale Police Station 211
Blackstock Road, London, N5 2LL

SCALE: 1:2000

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Islington Council, LA086452

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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 B		
Date:	18 th December 2014	NON-EXEMPT

Application number	P2014/3112/FUL P2014/3117/LBC
Application type	Full Planning Application and Listed Building Consent Application
Ward	St Mary's
Listed building	Grade II* Listed Building
Conservation area	St Mary Magdalene
Development Plan Context	<ul style="list-style-type: none"> - St Mary Magdalene Conservation Area - Article 4.2 Area - Grade II* Listed Building - Local Site of Importance for Nature Conservation - Within 100m of TLRN Road
Licensing Implications	None
Site Address	St Mary Magdalene Church, Former Coroner's Court/Parks Depot, Holloway Road, London, N7 8LT
Proposal	Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3).

Case Officer	Emily Benedek
Applicant	St. Mary Magdalene's Academy & St. Mary Magdalene's Church
Agent	Mr Bob Woodman (DP9)

1 RECOMMENDATION

The Committee is asked to resolve to REFUSE planning permission and listed building consent:

1. For the reasons for refusal set out in Appendix 1;

2 SUMMARY

- 2.1 Applications for Full Planning Permission (P2013/1071/FUL) and Listed Building Consent (P2013/1072/LBC) were previously considered at the Planning Sub Committee B Meeting on 4th June 2013 for the conversion, extension and alteration of the existing listed buildings within St Mary Magdalene Gardens to provide a school for pupils with Autistic Spectrum Disorder (ASD) and two residential dwellinghouses. The previous permission was approved with a Unilateral Undertaking which amongst other clauses restricted the future inhabitants of the residential units to include members of the clergy who work for or are about to work at St Mary Magdalene Church, people who work on community projects related to St Mary Magdalene Church within wards to the northern part of the borough, or key workers.
- 2.2 Planning Permission and Listed Building Consent are now being sought for the same development without restrictions on occupiers of the residential units.
- 2.3 This application has been referred to the Planning Sub Committee for determination by Councillor Angela Picknell, Councillor Gary Poole and Councillor Nurullah Turan.
- 2.4 Without the restrictions on future occupiers it is considered that the proposal will result in the loss of residential accommodation for the voluntary or community sector secured by an agreement with applicant in planning permission P2013/1071/FUL.
- 2.5 It is considered that the proposed school building will result in harm to the setting of the Grade II* Listed Building. As a result of this harm and given that there is a significant loss of public benefit associated with the scheme and the loss of an area associated with the church gardens; the proposal is now also considered to harm the setting of the listed building and the significance of this part of the conservation area. As such the proposal would be contrary to the provisions of the section 12 of the NPPF.
- 2.6 The previous committee report has been added as an Appendix (Appendix 2). The aspects of the scheme that are different from the previous report are detailed below.

3 RELEVANT HISTORY

PLANNING APPLICATIONS

- 3.1 P2013/1072/LBC - Listed Building Consent application in connection with the conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). Approved (02/10/2013)
- 3.2 P2013/1071/FUL - Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). Approved (02/10/2013)
- 3.3 P2014/4290/AOD - Approval of details pursuant to conditions 3 (materials), 5 (glazed canopies), 13 (construction method statement), 21 (services in relation to trees), 26 (ecological watching brief) of Planning application P2013/1071 dated 02/10/2013. Under consideration.
- 3.4 P2014/4403/AOD - Approval of details pursuant to conditions 18 (landscaping), 23 (communal boilers), 25 (biodiversity) and 27 (bird and bat nests) of planning permission ref: P2013/1071/FUL. Under consideration.
- 3.5 P2014/4548/AOD - Approval of details in pursuant to condition 3 (upgrading of internal fabric) pursuant to Listed Building Consent P2013/1072/LBC dated 02/10/2013. Under consideration.

4 CONSULTATION

Public Consultation

- 4.1 Letters were sent to occupants of 66 adjoining and nearby properties at Holloway Road and Morgan Road on 26th August 2014. Three site notices were placed in St Mary Magdalene Gardens and the application advertised in the Islington Gazette on 28th August 2014. Due to an error in consultations an additional 339 residents in Holloway Road, Liverpool Street, Crossley Street, Madras Place and Furlong Road were consulted on 1st December 2014. The public consultation of the application therefore expires on 15th December 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision. Any additional representations received will be reported at the committee.
- 4.2 At the time of the writing of this report eleven (11) responses had been received from the public with regard to the application. (These issues had already been raised as part of the previous proposal, paragraph number that provide responses to these issues in the original report (appendix 2) is indicated within brackets.)
- Impact on street and increase in pedestrian footfall as a result of increased pick ups and drop offs (10.50)
 - Park area should not be changed (10.17-10.19)
 - Higher volume of traffic (10.50-10.52)
 - Currently no 24 hour access (10.53)
 - Existing buildings should be for public use (10.17-10.18)
 - Impact on open space (10.19)
 - Out of character (10.2-10.16)
 - No current access to site (10.49)
- 4.3 The new issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Residential property not ideal so close to commercial premises (4.4)
 - Current Section 106 conditions should be maintained as restricted occupancy provides a link between the buildings, the Church community and the public grounds in which they are both set (8.1)
 - No good reason to change wording of Section 106 (5.3)
 - Proposed restrictions not in breach of NPPF (6.1-6.4)
 - Restrictive conditions were agreed voluntarily with the applicant (5.1, 5.3)
 - Proposal cashing in on overinflated property market (4.4)
 - Noise and disturbance from construction works (4.4)
 - Enough residential property in area (4.4)
 - Too enclosed (4.4)
 - Small sites contributions should not be used as a get out clause (8.1-8.3)
 - Insufficient leafleting (4.1)
- 4.4 It should be noted that the principle of new residential development in this location including the siting and layout of the units had already been established as part of the previous approval. Changes to property prices and noise and disturbance from construction works are not material planning considerations in the assessment of an application.

INTERNAL CONSULTEES

Design and Conservation Officer –

4.5 Assessment of the architectural and historic significance of the heritage assets

The Old Coroner's Court is considered listed by virtue of being within the curtilage of St Mary Magdalene's Church (Grade II*). The church, which dates to 1814, is of substantial architectural and historic significance. The Old Coroner's Court, dating from 1874, is also of architectural and

historic significance and makes a substantial positive contribution to the setting of the main listed building by virtue of its architecture but also its historic function and relationship with the main church – as a storage place for bodies prior to internment. The Old Coroner’s Court has particular historic interest as it appears to be one of the earliest purpose built coroner’s courts in the country and has an historic association with one of Britain’s first forensic scientists, Sir Bernard Spilsbury, who reported on numerous infamous cases such as that of Dr Crippen. The Design and Access Statement recognises that the site ‘offers an example, rare in inner London nowadays, of a relatively unaltered Victorian scene’. The site makes a substantial positive contribution to the character and appearance of St Mary Magdalene’s Conservation Area which is of significance by virtue of its high quality Georgian and Victorian development.

4.6 **The site**

The historic buildings comprise of one linear block of four sections with hipped roofs and a larger architecturally distinctive (with decorative door surround and oculus window above) gabled ended building to the east. To the north of the gabled building is a modern open metal shelter. To the north of the linear block is a modern linear shed. Beyond these, to the north, is the main church building.

4.7 **The proposals**

It is proposed to extend the linear block to the west with a single storey building, to replace the linear modern shed with a larger single storey building and to replace the open metal shelter with a larger single storey building. A glazed canopy is proposed along length of the linear block and also linking the individual buildings together. The Design and Access Statement describes the aim as being to ‘reinforce the idea of a mews’ but with brick, glass and timber clad contemporary blocks. The entire site is proposed to be enclosed by contemporary style fencing.

4.8 **Assessment of the proposals**

The existing open metal shelter and linear modern shed are of no significance and could be seen to detract from the setting of the historic buildings. However, they are relatively small utilitarian structures to be expected with what is now a public park. They have a ‘temporary’ and ‘subservient’ appearance and the long term expectation should be for their removal. Such structures should not be considered to justify replacement with larger more robust permanent structures.

The proposed building to the north with only a few narrow windows to the north elevation has a particularly defensive appearance, and combined with the harsh / overly solid contemporary style fencing result in the site appearing to be ‘fortified’. The greatest negative impact, however, is the concealment of the historic buildings from the public gardens and the main church. The proposed building to the north of the gable ended building, and the glazed canopy connecting the two, also has a particularly negative impact and detracts from the fine architectural features of this building.

The design aiming to ‘reinforce the idea of a mews’ is considered to be flawed as the historic buildings are not of a mews typology. The correct approach would be to aim to respect the historic buildings and avoid confusing or concealing their character.

4.9 **Assessment of harm**

Based on the above assessment the proposals harm the heritage assets. There is harm to the significance of the Old Coroners Court itself as a building listed by virtue of being within the curtilage of the GII* listed church. There is also harm to the setting of the church. There is also harm to the character and appearance of the conservation area.

5 RECENT PLANNING HISTORY

5.1 Planning permission was granted (application reference P2013/1071/FUL) on 2nd October 2013 for the same development description. Attached to the application was a Unilateral Undertaking which was signed by the applicant committing them to pay small sites contributions for the new development. As part of the Agreement, Section 6 restricted the future occupiers of the residential units as follows:

“Neither of the Dwellings shall be Occupied at any time other than by a person who is unable without assistance to afford to buy a home suitable for his housing needs within a reasonable travelling distance of his workplace and who is:

- i) a member of the clergy who is employed at or about to be employed to work at St Mary Magdalene Church; or
- ii) subject to the Owner's and the PCC's compliance in full with paragraph 6.2 of this Schedule, a person who is the Owner and PCC reasonably consider (after first consulting with the Council) works for or is about to work for the Ecclesiastical Parish of St Mary Magdalene with St David on community projects related to St Mary Magdalene Church within the Wards of Holloway, St George's, Finsbury Park, Highbury West, Highbury East and St Mary's within the Borough of Islington; or
- iii) subject to the Owner's and the PCC's compliance in full with paragraph 6.2 of this Schedule, a Key Worker.

5.2 The applicant is seeking to remove this wording from the Unilateral Undertaking as part of this new application as they consider that the restriction on future occupiers to be not necessary or fair and there is no policy reason for the inclusion of this.

5.3 It is noted that the applicant was willing to sign the 2013 Unilateral Undertaking and agreed that the occupation restriction was reasonable and workable at the time of the previous application. It is therefore possible that if this application is refused, the applicant could still implement the 2013 application with the restricted residential tenancies and this is therefore a material consideration on which to determine the current application. Furthermore, no evidence has been submitted to the Council by the applicant to suggest that they cannot implement the 2013 scheme because it is unviable.

6 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

6.1 The National Planning Policy Framework (NPPF) was adopted by the Government in 2012 to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. All planning applications should accord with the NPPF.

6.2 Section 12 of the NPPF advises councils on conserving and enhancing the built environment. Paragraph 134 states that, ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

6.3 The application seeks to alter, erect and extend existing and new buildings within the curtilage of a Grade II* Listed Building. Following the removal of restrictions on future occupants of the residential units, the Council must therefore consider what public benefits there are to the scheme and if these benefits outweigh the harm caused to the setting of the listed building.

6.4 It is considered that the use of the residential dwellings for members of the clergy, those associated with St Mary Magdalene Church or the other groups mentioned in paragraph 5.1 was considered a public benefit of the previously approved scheme.

7 PLANNING PRACTICE GUIDANCE (PPG)

- 7.1 Since the previous application was determined the Planning Practice Guidance (PPG) was published in November 2014 as a streamlined resource to be considered against the NPPF and provides clarification to this document. Of relevance to this application is the section of the PPG relating to 'Conserving and enhancing the historic environment.' This is a material consideration for determining applications.
- 7.2 The PPG states that "a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage."
- 7.3 Given that the existing St Mary Magdalene Church is Grade II* Listed it is considered to be of historic significance. The Church building is set in verdant gardens which help form part of its heritage significance and therefore it is reasonable to consider the loss of church gardens as part of the impact on the listed building and the wider impacts on the significance of the St Mary Magdalene Conservation Area.
- 7.4 The PPG also expands on the meaning of the term public benefits stating that "public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be for a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."
- 7.5 The previously approved scheme (P2013/1071/FUL), through the wording of the Unilateral Undertaking, provided housing for the voluntary or community sector. This was considered to be a significant public benefit, as defined by the PPG as would provide economic and social progress. It is considered that the current application fails to provide public benefit as defined above, making it difficult to justify approval of the scheme.

8 LOSS OF RESIDENTIAL UNITS FOR PUBLIC BENEFIT AND IMPACT ON SETTING OF LISTED BUILDING

- 8.1 It is proposed that the two new residential units will be used for private purposes and not as housing for the community or voluntary sector. The applicants have agreed to pay small sites contributions towards the provision of affordable housing within the Borough. The previous approval stipulated in the Unilateral Undertaking that these units should be used for people who were associated with St Mary Magdalene Church providing a direct link between the scheme and the new units in terms of public benefit.
- 8.2 In terms of the design, it is not considered that the proposed residential units will result in any harm to the setting of the Grade II* Listed Building. The Council's concerns lie primarily with the new school building. The new school building involves the conversion of part of the Mortuary building, its extension and the erection of a single storey building across the front of the site with a glazed canopy adjoining all of the school buildings. The proposed building to the north with only a few narrow windows to the north elevation has a particularly defensive appearance, and combined with the harsh/overly solid contemporary style fencing will result in the site appearing to be 'fortified'. However, it is considered that the biggest negative impact of the proposal as a result of the development is the fact that the proposal will obscure the historic buildings from the public gardens and the main church. It is also regarded that the proposed building to the north of the gable ended building, with the glazed canopy connecting the two, also has a particularly negative impact and detracts from the fine architectural features of this building.

- 8.3 Given the above it is considered that the proposed school building results in harm to the setting of the Grade II* Listed Building. Without the public benefits to the scheme (demonstrated through the provision of housing for the community or voluntary sector) provided in planning permission P2013/1071/FUL, the balance is considered to have shifted and the proposal is considered to adversely affect the setting of the listed building and the significance of this part of the conservation area. It is therefore considered that the harm caused by the proposal is not outweighed by any public benefit. The application is therefore contrary to Section 12 of the NPPF and ID: 18a, Section 3 'Decision-taking: historic environment' of the PPG.
- 8.4 The applications for Full Planning Permission and Listed Building Consent are considered to be unacceptable and are therefore recommended for refusal.

9 CONCLUSION

- 9.1 It is recommended that Full Planning Permission and Listed Building Consent be refused for the reason sets out in Appendix 1 – Recommendations.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

P2014/3112/FUL:

That planning permission is refused for the following reason:

Reason for Refusal:

1	REASON
	<p>The proposed development will result in the loss of residential accommodation for the voluntary or community sector secured by an agreement with applicant in planning permission P2013/1071/FUL dated 02/10/2013. As a result of this loss there is a significant loss of public benefit associated with the scheme and given the loss of an area associated with the church gardens; the proposal is considered to adversely affect the setting of the listed building and the significance of this part of the conservation area. In addition, the change of use to residential accommodation no longer for the voluntary or community sector would also adversely affecting the balance of public benefit to the scheme. As such the proposal would be contrary to the provisions of the section 12 of the NPPF and ID: 18a, Section 3 'Decision-taking: historic environment' of the PPG.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Community Infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), if planning consent is granted for this application following an appeal, this development will be liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and Mayor of London Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the Planning Policy Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>

That's listed building consent is refused for the following reason:

Reason for Refusal:

1	REASON
	<p>The proposed school building will result in harm to the setting of the Grade II* Listed Building. As a result of this harm there is a significant loss of public benefit associated with the scheme and given the loss of an area associated with the church gardens; the proposal is considered to adversely affect the setting of the listed building and the significance of this part of the conservation area. As such the proposal would be contrary to the provisions of the section 12 of the NPPF and ID: 18a, Section 3 'Decision-taking: historic environment' of the PPG.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>

Appendix 2: 4th July 2013 Committee Report

Planning and Development Division
Environment and Regeneration
Department
PO Box 3333
222 Upper Street
London
N1 1YA

PLANNING SUB-B COMMITTEE
Date: 4th July 2013

AGENDA ITEM NO:
NON-EXEMPT



Application number	P2013/1071/FUL
Application type	Full Planning Application
Ward	St Mary's
Listed building	Grade II* Listed Building
Conservation Area	St Mary Magdalene
Licensing Implications	None
Site Address:	Store A - C, St Mary Magdalene Gardens, Holloway Road, London, N7 8LT
Proposal	Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3).

Case Officer	Nathaniel Baker
Applicant	St. Mary Magdalene's Academy & St. Mary Magdalene's Church
Agent	Mr Bob Woodman (DP9)

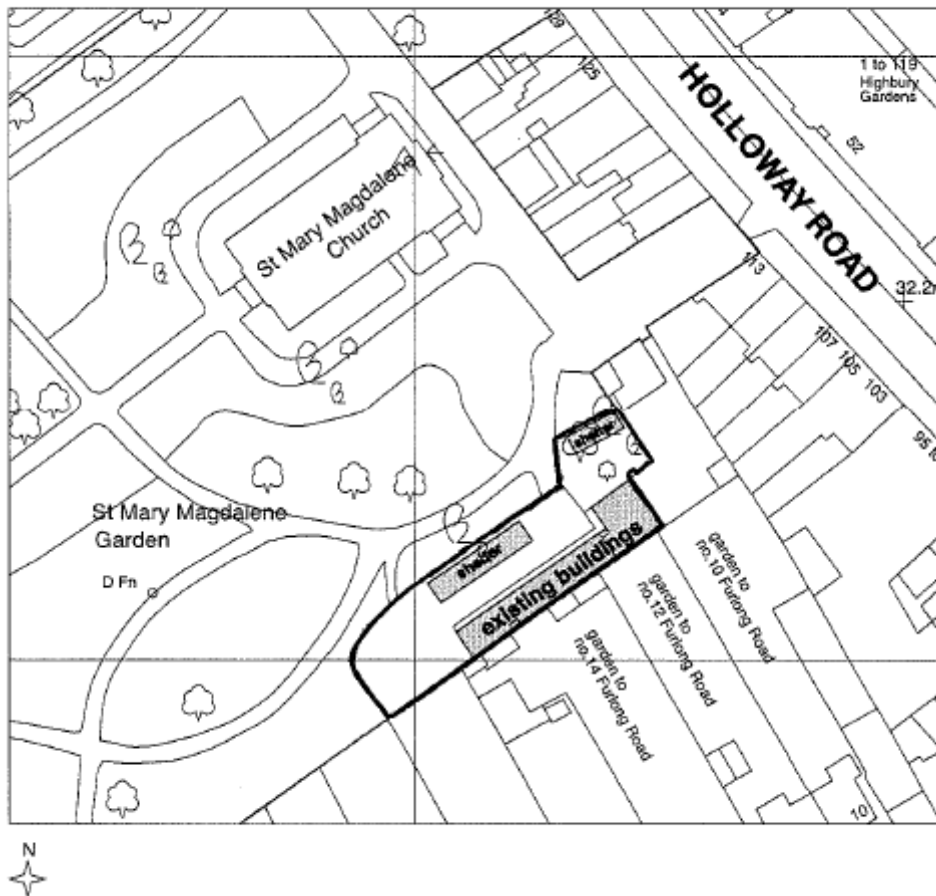
1. RECOMMENDATION

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;

3. Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOGRAPHS OF SITE

Coroner's Court:



Mortuary Building:



Site Access:



View from within park:



View from within park:



4. SUMMARY

- 4.1 Full permission is sought for the conversion, extension and alteration of the existing listed buildings within St Mary Magdalene Gardens to provide a school for pupils with Autistic Spectrum Disorder (ASD) and two residential dwellinghouses. The school use would be located on the west side of the site and would encompass the listed Mortuary buildings and two proposed extensions, providing facilities for up to 36 pupils. The school would form part of the St Mary Magdalene Academy located on Liverpool Road to the west of the site. The two residential units would be located at the eastern end of the site and would comprise of extensions to the Coroner's Court and the Mortuary Building.
- 4.2 The site is currently used by the Council's Parks Department for the storage of vehicles and goods, whilst also forming an informal workshop and storage space. The site also includes two large metal sheds, a high level surrounding fence and the listed buildings. Whilst falling within designated Public Open Space, the site has historically been in separate use to the park and is physically separated. Furthermore, the site is inaccessible to public users of the park and is wholly covered by built form and hardstanding. The change of use to a school, which is encouraged by both the London Plan and Local policy, and the residential use are acceptable.
- 4.3 The proposed extensions would introduce a contemporary design to the site that would not compete with the listed buildings, but would be subordinate to, and compliment the setting of, these important heritage assets through the use of appropriate design features. Together with the re-use of the listed buildings and the heritage benefits, the proposal would represent a high quality design that would not detract from the character and appearance of the conservation area, the setting of the listed buildings or negatively impact upon the amenity and functionality of the open space.

- 4.4 The proposal would achieve a BREEAM rating of 'Excellent' and includes a number of environmental design features such as green roofs and photovoltaic panels. Whilst three trees would be removed, the legal agreement incorporates a contribution for the replacement of these trees and the proposal incorporates tree protection measures for the remainder of the trees on site which are also secured by condition.
- 4.5 The proposed residential properties would be in accordance with internal space standards, whilst providing sufficient outlook and amenity space. With regard to neighbour amenity, the proposed uses are compatible with the surrounding uses and the additional built form would be small in scale and would not detrimentally impact upon the amenity of the neighbouring occupiers.
- 4.6 The proposal would be car free and would provide cycle parking for the residential units. Those using the proposed school building would be pupils at St Mary Magdalene Academy and would be dropped off at the main Academy site on Liverpool Road before walking to the site on a needs basis under supervision. Staff and student cycle parking is available at the Academy building. An access management plan forms part of the requirement of the legal agreement to regulate access to the park for the residential occupiers after it has closed.
- 4.7 Overall it is considered that the proposed use of the site to provide two residential units and a school would be acceptable.

5. SITE AND SURROUNDING

- 5.1 The site is located within the south eastern corner of St Mary Magdalene Gardens and backs onto the rear gardens serving the properties forming the northern side of Furlong Road. Immediately to the east of the site is a two storey dwellinghouse set within the park grounds and beyond this a four storey terraced row of properties fronting onto Holloway Road.
- 5.2 St Mary Magdalene's Church, a Grade II* Listed building is set on the east side of the park, to the north of the site and dominates views within the park. The site incorporates a two storey brick building with a pitched slate roof, originally in use as a coroner's court and an adjoined row of single storey buildings with hipped to flat crown roofs which were used as a mortuary. Whilst the site is separated from the park, these buildings are depicted and referenced on the 2nd Edition (1894) O.S. Map and formed ancillary buildings to the church and as such form a listed curtilage building. In addition to these buildings there are two open fronted metal shed buildings backing onto the northern edge of the site, large metal fencing surrounding the site and large extents of concrete and paved hardstanding. Whilst, the listed buildings at the site are in a state of disrepair, much of the original fabric still remains and these buildings are currently being used for storage and as workshops associated with the church and the Council's Park's Department. The western end of the site has been separated by a high metal fence creating a separate area currently being used by the Council's Parks Department for the storage of materials and vehicles and accessed via a vehicular access on the western corner of the site. The main access to the site is located at the eastern end, with a broad pedestrian/vehicular access way leading from a gated access off of Holloway Road to this.
- 5.3 The northern boundary of the site is formed by a high metal fence with a number of mature trees and shrubs beyond this. To the south the site boundary is formed by the

former Coroner's Court and Mortuary buildings and a high level brick wall at the western most projection of the site.

- 5.4 The site is located within the St Mary Magdalene Conservation Area and also forms part of the Highbury Corner and Holloway Road Key Area. The site also falls within the designated St Mary Magdalene Gardens which constitutes Open Space and is immediately adjacent to the boundary of the St Mary Magdalene Gardens Site of Importance for Nature Conservation (SINC) of Local importance. To the south of the site the properties forming the northern side of Furlong Road are Grade II listed.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal is for the redevelopment of the site to provide a new school annexe to St Mary Magdalene's Academy (SMMA) for up to 36 students with Autistic Spectrum Disorder (ASD) and the provision of two dwellinghouses.
- 6.2 The proposed school would consist of the conversion of part of the Mortuary building, its extension and the erection of a single storey building across the front of the site with a glazed canopy adjoining all of the school buildings. The school would be accessed via a proposed accessway / footpath leading from the pedestrian footway immediately to the north of the site and the existing access on the north west corner of the site would be retained.
- 6.3 The extension to the west of the Mortuary building would have brick elevations, involving the rebuilding of the boundary wall to the rear of the site and would measure 17 metres in width by 5.3 metres in depth and would have a green roof with a parapet surround at a height of 3.1 metres, when measured from the site ground level. The flat roof would also incorporate a dual ridge 'saw-tooth' roof incorporating glazing on the north facing slope and photovoltaic panels on the south facing slope which would measure 15.9 metres in width by 4 metres in depth with the two ridges projecting 0.65 metres above the level of the parapet.
- 6.4 The proposed buildings to the front of the site would be single storey and would have a green roof with a parapet surround at a height of 3.1 metres when measured from inside the site. The buildings would project 26.2 metres across the front of the site, broken by the school entrance with a glazed canopy over and would have a depth of 5.2 metres with a flat roof and a single ridge 'saw-tooth' roof on each side of the canopy. The eastern most extent of this building would form part of the proposed two bedroom dwelling.
- 6.5 A glazed canopy would run from the entrance to the school between the two buildings at the front of the site, south to meet the Mortuary building before projecting across almost the entire width of the resultant school building with a depth of 1.5 metres and set just below the eaves of the Mortuary building.
- 6.6 The proposed extension to the Coroner's Court would be constructed from facing brickwork and would have a green roof with a parapet surround. The proposed extension would measure a maximum of 7.3 metres in width and 8 metres in depth and would have a maximum height of 3.1 metres, with the glazed link at 2.9 metres in height.
- 6.7 The two proposed dwellings would be located at the eastern end of the site and accessed via a gate across the existing access to the site leading to a shared courtyard. The larger of the two properties would consist of the conversion of the Coroner's Court

building and the erection of a single storey extension connected via a glazed link, and would provide a three bedroom dwelling. The smaller of the two properties would consist of the conversion of part of the Mortuary buildings with a glazed link to a single storey extension incorporating two bedrooms before being separated to form part of the school.

- 6.8 A shared bin store and two sets of cycle stands would be located within the shared courtyard.
- 6.9 A boundary fence would extend around the north, east and west sides of the site and would have a maximum height of 2.5 metres.
- 6.10 The proposal details a number of works to the Coroner's Court and Mortuary buildings. These include the enlargement and replacement of two windows in both side elevations of the Coroner's Court, the replacement of windows throughout the listed buildings, the repair and replacement of brickwork, roof slates and guttering, the insertion of three rooflights in the flat roofs of the Mortuary buildings and a number of internal works to the properties not fully detailed in the submission.

Revision 1

- 6.11 Amended plans were received on 31st May 2013 which detailed:
- The provision of an additional cycle parking space,
 - Alteration of the footprint and layout of the coroners court resulting from the altered glazed link leading directly into the main entrance of the listed building, and
 - Internal alterations to adhere with flexible homes standards.

Revision 2

- 6.12 Swept Path Analysis plan received on 10th June 2013 detailing the access and manoeuvring of a fire appliance to the site.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2013/1072/LBC** - Listed Building Consent application in connection with the conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). Under consideration.

ENFORCEMENT:

- 7.2 A review of the Council's planning enforcement records for this site has revealed the following cases:

E/2013/0398: 'Unauthorised Fencing'. This case was closed on 24/06/2013, as no breach of planning control was found to have occurred, the fence is considered to be Permitted Development, it was temporary and is to be removed imminently.

E11/05984: Unauthorised building works (cycle stands). This case was closed on 14/12/2011, as no breach of planning control was found to have occurred.

E12/06053: Unauthorised Notice Board. This case was closed on 20/03/2012, as no breach of planning control was found to have occurred.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 386 adjoining and nearby properties at Holloway Road, Liverpool Road, Morgan Road, Furlong Road, Madras Place and Fieldway Crescent on 15th April 2013. A site notice was placed at the site and the application advertised on 18th April 2013 and following public interest a further three site notices were placed in and around the park on 30th April 2013. The public consultation of the application therefore expired on 21st May 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 responses from 25 addresses (two of which stating it represents the Friends of St Mary Magdalene Gardens) had been received from the public with regard to the application. Of these responses, 20 raised objection and 5 supported the proposal. In addition, two petitions in support of the application have been received, with a total of 186 signatures; these petitions relate to support for the proposal to building a new school for children on the autistic spectrum on this site.

The issues raised can be summarised as follows (with the paragraph numbers that provides response to each issue in brackets):

Objections (20 Objections):

- 8.3
- Some properties were not notified during the applicant's notification. (See Para 8.1)
 - Concern regarding placement of site notices. (See Para 8.1)
 - Solar panels have an overly industrial appearance/not appropriate in the conservation area, listed building or the park. (See Para 10.20 - 26)
 - The solar panels would glare/reflect light. (See Para 10.38 and 10.39)
 - Solar panels are tokenism, their angle and the tree cover would mean that they will not work efficiently. (See Para 10.60, 10.61, 10.62 and 10.63)
 - School would be highly visible in views from properties along Furlong Road (See Para 10.37- 10.40)
 - How will the wall at the west of the site be rebuilt, will neighbouring plants be damaged and what height will the wall be on the Furlong road side. (See Para 10.21 and 10.22)
 - Concern over total number of school users/staff and potential disruption. (See Para 10.9. 10.50 and 10.51)
 - The sensory garden would be a playground. (See Para 10.48)
 - The proposed buildings would not be in keeping with the listed building, conservation area or setting of the park. (See Para 10.24 and 10.26)
 - There should be no loss of park space. (See Para 10.20, 10.21 and 10.22)
 - Applicants suggest the site is not park of the park (see Para 10.17 – 10.19)
 - The proposal will result in the listed buildings being obscured from the park. (See Para 10.20 - 10.26)
 - There is no explanation for the two dwellings. (See Para 10.13, 10.14, 10.15 and 10.26)
 - Security concerns for the properties along Furlong Road both during construction and when in use. (See Para 8.15)
 - There is no requirement for the school. (See Para 10.8)

- There are more suitable sites available in the locality for the school. (See Para 10.10 and 10.12)
- There are facilities with pupils with ASD within the borough. (See Para 10.8)
- Concern regarding the access/entrance to the park after it has closed. (See Para 10.53)
- Concern regarding vehicles coming to the site, the movement of pupils between school buildings and the existing travel arrangements at the Academy. (See Para 10.49, 10.50, 10.51, 10.52, 10.53 and 10.54)
- No trees/shrubs should be removed. (See Para 10.45, 10.46, 10.47 and 10.48)
- Concern over the lighting within the park. (See Para 10.67)
- The proposal should not disturb wildlife in the gardens (See Para 10.28 and 10.29)
- The construction would cause disruption and potential damage to the park and the environment. (See Para 10.45)
- An Environmental Impact Assessment has not been carried out. (See Para 10.27)
- The site should be used as a museum. (See Para 10.68)
- Have emergency services commented. (See Para 8.16)
- Facility should be housed in St Davis Church permanently (See Para 10.69)
- Two residential properties are considered to be enabling development which will facilitate the further erosion of St Mary Magdalene Gardens / Churchyard (See Para 10.70 and 10.71)
- It is site cramming (See Para 10.35).

Support (5 support):

- 8.4
- Support for the use of the building for pupils with ASD.
 - No objection provided the external areas and façade of the Coroner's Court are retained and the new structures blend with the original buildings. (See Para 10.21)
 - The proposal will not negatively impact upon the gardens and will enhance the boundary of the gardens. (See Para 10.21)
 - The proposal is sympathetic and would convert a run-down listed building into an attractive addition.
 - The educational needs of 36 autistic pupils outweigh the loss of 3 trees.
 - The school would provide a much needed resource in the Borough. (See Para 10.8)
 - The trees to be removed are viewed as weeds and three trees were removed from the park last year as general maintenance.
 - The oldest trees are in the middle of the park.
 - The school use presents a good opportunity for children to engage with helping to maintain the gardens which is a mandate of Greenspace.
 - There should be a budget in place to ensure that any planting removed will be put back again. (See Para 10.46)
 - Vehicle traffic in the park will be reduced from the parks use.

Internal Consultees

8.5 Access and Inclusive Design:

Access to the site is complicated. There is pedestrian access through the park from both Liverpool Road and Holloway Road.

The latter is a red route and so provides no parking or drop off facility. There are, however, on street parking options on Liverpool Road.

It seems that children attending the SEN facility and who must be dropped by car will be dropped at the main school building and that they will then be accompanied by staff to the annexe. This is a better solution than their being dropped at the annexe because:

- If children have a learning or behavioural disability, such that they must be accompanied to school, then it will be necessary (a) to be able to drive them to the school gates and (b) to leave the car for a period during which the child is accompanied into the building.

- If the child has a mobility impairment (a) a facility for taxis or dial-a-ride to pull up activate their ramps or lift will be required within 100m of the school gates and (b) for those with ambulant disabilities a drop off point no more than 50m from the school gates should be provided.

However, the journey between the two school sites is difficult, involving crossing a busy road and is around 100 metres in distance. This will be challenging for those children with cognitive impairments and problematic for any child with an ambulant disability and/or those who use a mobility aid. Consideration might be given to the use of an electric shuttle vehicle.

For the residents of, and visitors to, the residential properties, our SPD requires that travel distances between drop-off and/or a bus stop and the dwelling entrances are no more than 75 metres. Vehicular access via Holloway Road would be useful and could perhaps be managed by means of a drop-down bollard, remotely controlled by the resident.

Housing:

The facility to provide vehicular drop off at the gate of the residential development has been described but no swept path is provided to show how the vehicle would manoeuvre to leave the site in a forward gear.

The two storey house has all essential facilities at ground floor level and so does not require provision for a through floor lift or stair lift. However, the ground floor bathroom should conform to flexible home standards.

The bathroom in the single storey unit is also deficient. There should be one bedroom with 0.75 metres clear space on both sides of the bed and at the foot, in the same bedroom there should also be a 1.5 metre wheelchair turning circle.

The plans should also detail discreet hoist routes between the accessible bedroom and bathroom, preferably via a knock-out panel in an intervening wall.

School

Concern is raised regarding the amount of floor to ceiling glazing that can be disorientating for people with visual impairments and hazardous for those with cognitive impairments. At the very least surface manifestation that is visible in all light and weather conditions should be provided at 1400-1600mm affl and 850-1000mm affl.

Concern is also raised regarding the circulation routes, which are external and whilst protected by an overhanging canopy are otherwise exposed to the elements. This is

likely to adversely affect some disabled people whose impairment causes them to experience low temperatures disproportionately. Also, the outward opening WC door is unhelpful, presenting a hazard along a key circulation route.

It is advised that the school building consider the inclusion of a Changing Places WC within the annexe. They are particularly useful for multiply disabled young adults who require assistance using the WC and/or a changing facility.

Further comments following receipt of revised plans:

8.6 Children Services:

Autistic Spectrum Disorder (ASD) represents a very wide continuum of need from very high-functioning children to those with very severe learning and behaviour difficulties. Whilst we have a local special school that caters well for those children with more severe needs, we currently have no dedicated local specialist provision for children / young people with higher functioning ASD. It is our experience that these young people often attend a mainstream primary school, but at secondary age a significant proportion either chose to attend specialist out borough provision, or at Year 9 seek alternative provision to mainstream school as curriculum and personal organisation demands become more challenging. In terms of objectives, our SEN strategy (and statutory responsibility) requires that we ensure a continuum of provision to meet the continuum of need within our resident child population, and that we comply as far as possible with parents wishes express wished (through the needs assessment that underpins the strategy) to keep provision as local as possible so that young people can continue to benefit from other local services as well as reducing the need to travel longer distances.

We believe there is local and regional demand for high quality specialist provision to meet this area of need.

8.7 Conservation and Design:

The development will enable a group of currently disused curtilage listed buildings to be sensitively reused and will result in both public and heritage benefits, in accordance with national and local planning policy.

The buildings are located within the grounds of the Grade II* St. Mary Magdalene Church and were built c.1874 as the Coroners Court and mortuary buildings, ancillary to the church. They were purpose built by T Linfield at a total cost of £640 and comprised a Coroners Court, a mortuary of infectious diseases, a general mortuary, 2 waiting rooms and a post-mortem room. All of the buildings remain much of their external character. Internally, some panelling and tiling survives in the Coroners Court and one of the mortuary buildings, otherwise they are utilitarian in form.

The buildings are built of yellow stock brick with natural slate covered roofs and are typical of the utilitarian light industrial pattern book architecture of the Victorian period, similar to hospital and railway buildings. All of the historic buildings are significant; the shed/garage structures proposed for demolition are not significant. The special interest of the buildings is derived from their surviving historic fabric, architectural design which is utilitarian and typical of the period, for their group value and historic association with the church. The buildings have been unoccupied for many years but appear largely structurally sound.

The proposals are for the conversion of the existing buildings to part school/ part residential use, for the erection of new buildings of modern design as replacements to the existing shed/garage structures and the addition of a new block linked to the Coroners Court.

The original proposals submitted have been revised to improve the design and siting of the glazed link between the former Coroners Court and the new detached residential block. The new residential block is single storey and is sited to ensure views of the Coroners Court remain visible from the churchyard. The glazed link between the listed building and the new block shall be conditioned to ensure this is fully glazed to limit the visual impact on the appearance and setting of the listed buildings. The surround to the original Coroners Court entrance will be restored. The former Coroners Court building retains original wainscot panelling and cornices internally, which will be protected by condition. A mezzanine already exists internally and it is proposed to improve the existing situation by replacing it with fully glazed panelling and a lightweight staircase. The original chimneybreast will remain visual apparent.

The use of the mortuary buildings allows the internal layouts to remain virtually unaltered in terms of subdivision. The proposals also seek to retain the roof timbers exposed but further details are required in terms of retaining these and satisfying Building Regulations.

The installation of a glazed canopy within the courtyard to provide weather protection for the children is acceptable in principle but will be subject to detailed design and detailing.

The new school buildings proposed along the north western edge of the site are single storey, of modern design and will improve the setting of the curtilage listed buildings. Whilst this will provide a more solid edge to the development site, the perforated brickwork and the main entrance to the school will break the solidity of the wall and the proposed modern style of fencing surrounding the site will improve the setting of the church and the curtilage listed buildings.

Whilst the development proposals will result in a greater degree of development within the setting of the Grade II* listed church, the sensitive reuse of the buildings, which have been unoccupied for some time, is a heritage and public benefit which accords with the NPPF in achieving sustainable development.

8.8 Environmental Health

Details have not been provided but internal acoustic standards within the proposed school and classrooms should be covered by the DoE document "Acoustic Performance Standards for the Priority Schools Building Programme", the recent replacement for BB93 to comply with Building Regulations. With the specific use and pupil requirements it is particularly important that the design takes the acoustics of the learning environment fully into account.

The other issue relates to the new dwellings alongside the school. Details have not been provided as to how the noise from the school use will be mitigated for future occupiers of the dwellings. The applicant will need to demonstrate this with the proposed glazing and sound insulation, the party wall between the two and use of outside spaces. A condition is proposed for details of a scheme of sound insulation between the two uses to be submitted to and approved in writing by the Local Planning Authority for

The plans do not detail any external building services plant. A condition controlling operating hours of the school too should be added.

8.9 Climate Change – Energy Efficiency:

The commitment to achieve BREEAM 'Excellent' rating for the non-residential component of the development is supported. The residential component of the scheme achieves BREEAM Domestic Refurbishment 'Excellent' rating which is also supported. A condition should be added to ensure this.

Mechanical ventilation system is proposed for the school component. The air tightness in the new build component needs to be targeted at 3.0m³/hr/m² in order to offset the electrical demand of the mechanical ventilation (currently stated to be targeted at 6.0). *Amended details received on 29th May 2013 to address this.*

How does the building perform in warmer temperatures? It is unclear whether or not any mechanical cooling is proposed. *Amended details received on 29th May 2013 to address this.*

The site is located within an area identified as a future DEN network. The SD&C Statement states that the applicant is willing to connect to such a network in the future. A condition should be added to connect to DEN in future.

The BREEAM certificate suggests a water consumption range of 107-117L/person/day. Policy CS10 requires a maximum water efficiency of 95L/person/day. *Amended details received on 29th May 2013 to address this.*

The inclusion of a green roof on the north eastern roof structure is supported. The green roof will presumably extend underneath the PV panels located on this surface (providing efficiency gains). The green roof should also be conditioned to be a biodiversity varied substrate with details to be submitted to Council.

The green roof and landscaped area are supported in terms of biodiversity. The green roof is to be a biodiversity based varied substrate NOT a sedum roof. This enables biodiversity benefits to be had, as well as better retention of water etc. I do not agree with the applicants statement that the green roof under the PV panels would be an issue. It has been demonstrated that PV panels perform as well as, or better with green roof underneath, as green roofs create a microclimate that enhances the operating efficiency of PV panels. The inclusion of bird and bat boxes should be strongly considered. These can be dealt with by way of condition.

The proposed use a permeable paving is supported, however it is unclear in which locations the permeable paving is to be. A condition should be added ensuring location of permeable paving.

8.10 Greenspace (Public Open Space) and Tree and Landscape Officer (combined comments):

Following the submission of the Arboricultural report (St Mary Magdalene churchyard/old coroners court, Holloway (2), March 2013), I have no tree or landscape reasons for the refusal of the application.

The applicant has followed pre-application advice, the majority of the concerns raised have been addressed and the remainder may be conditioned.

Greenspace has expressed concerns over the access to the site through the open space which they wish to be addressed.

The post development pressure for pruning over the residential unit will have an impact on the management of the tree and a cost implication for the council. This could take the form of a contribution in the legal agreement for future pruning of the tree.

Details on the mitigating replanting for the trees indicated for removal have not been submitted. The tree service would expect to receive the CAVAT value for the council managed trees that are proposed for removal. This contribution would then be used for replanting trees within St Mary Magdalene churchyard or if suitable sites do not exist within the churchyard then the adjoining streets. If this cannot be agreed through a legal agreement then the following should be adhered to:

All tree works to council managed trees are to be carried out by council contractors following agreement with the Tree Service Manager (James Chambers).

The issue of excavations for underground services/utilities has yet to be addressed. Inappropriate excavation within the root protection area (RPA) of retained trees poses a serious risk to the health of the trees. We expect the service runs, drainage etc. to avoid the RPAs of the trees. Where this is proven to be unavoidable then we would expect solutions to be provided that minimise any disturbance. I understand that investigations into the current services and greater detail on the proposed requirements are to be submitted.

There have been a large number of tree issues to overcome on this site and to ensure that the solutions are taken on board I would suggest a condition that the development is carried out in accordance with the recommendations in the submitted arboricultural report and include the requirement for arboricultural supervision during the construction.

8.11 Highways and Traffic Engineering:

Site context

The site has a frontage to Holloway Road, which is part of the Transport for London Road Network, therefore Transport for London should be consulted on the application.

The site is well served by public transport and has a PTAL rating of 6a (the second highest rating).

Drop-off / pick-up

The Transport Statement notes that some students may be dropped off at school by private car. Further detail is required on the expected (or future predicted) number of students that will be dropped-off and picked-up by vehicles (including any larger wheelchair accessible vehicles), and the location that this will likely occur. Further assessment may be needed on the feasibility of putting more formal drop-off / pick-up facilities on street in the vicinity of the site. Transport for London and the Council's

Access and School Safety teams may have additional requirements in relation to this matter.

Car parking

The proposal is car free, which is supported and is consistent with Policy CS10, Part H of the Core Strategy.

Cycle parking

The application proposes one two-bedroom dwelling and one three-bedroom dwelling – therefore five cycle parking spaces are required in line with Appendix 6 of the emerging Development Management Policies. The plans show four spaces (two for each flat) provided within the garden/courtyard areas. An additional space is required for the three-bedroom dwelling. Further detail is also required to show that the cycle parking is covered.

Cycle parking is required to be provided for the school, at a rate of one space per seven staff, plus one space per ten students, in accordance with Appendix 6 of the emerging Development Management Policies. This should be secure, covered and adequately covered, as well as generously spaced for different types of cycles.

Servicing, deliveries and refuse collection

Only limited details have been provided with regards to servicing/deliveries. Further information is required, including the expected number and location of vehicles. The applicant has specified that servicing will likely take place on Holloway Road – Transport for London should comment on the servicing arrangement here.

Highways

Standard highways comments should be adhered to.

8.12 Planning Policy:

UDP Policies should be afforded weight depending on their consistency with the NPPF. All emerging policies 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 (expected in June 2013) the following relevant policies DM12, DM36 and DM38 should be considered to have relatively limited weight. Adopted SPDs are a material consideration.

The key issue from a Local Plan policy perspective for this proposal is that it falls within the proposed St Mary Magdalene Gardens designated open space and is directly adjacent to the Site of Importance for Nature Conservation (SINC) of Local Importance by the same name.

Open space

Core Strategy Policy CS15 is clear that all existing local open spaces should be protected. Policy DM36 takes a similarly strong stance i.e. that development is not permitted on any public open space. UDP policy R9 highlights that only in very

exceptional circumstances will permission be given for change of use from open space to another land use and that if such permission is given an equivalent amount of open space should be provided.

The strong emphasis of these policies to protect open space stems from the fact that Islington has a low proportion of open space (the second lowest in the country), increasing pressures on the spaces that do exist and identified areas of existing and future open space deficiency. None of the existing open spaces in the borough can be considered to be surplus to requirements. Circumstances under which the loss of open space can be justified will therefore be exceptional and will need to be considered on a case-by-case basis.

The proposal site is largely separated from the main open space by fencing/vegetation, with two access points via the main open space. It is currently predominantly occupied by one/two storey buildings (used for storage/workshop space for the parks department) and hardstanding.

In its current form the proposal site is not publicly accessible and offers little contribution to the quality of the open space and its function. As the proposals are largely within this segregated site, despite the increase in built footprint, they are unlikely to lead to an overall loss in the functional use of the publicly accessible open space. Within this context policy DM36 part B can be considered relevant: that development proposals within the immediate vicinity of the public open space must not impact negatively on the amenity, ecological value and functionality of the open space.

The proposals likely to have the following impacts:

- A visual impact: the proposal site is currently largely separated by vegetation and is discrete. The new proposals would be much more prominent in their visual impact with clear buildings frontages onto the open space.
- There will be an increased footfall associated with the school (it is estimated there will be 36 pupils and 13 members of staff). Whilst the increased footfall will add vitality, it will also place increase pressure on the open space.
- Access to the site would be changed. There are currently two entrances to the site from the open space, while the proposal introduces a third. As well as pedestrian residential access and school entrance to the north of the site from the main park, there is also a proposed vehicular school access. From the proposed floor plans it is apparent that each access point involves some alteration to the paths/landscaping approaching the site i.e. within the main open space. The transport statement suggests most trips will be made by pedestrians and delivery and service vehicles will only be required on an occasional basis resulting in a net reduction in vehicular movements. It is not clear however how vehicular access and servicing/delivery to the school will work with regard to the safety of park users – will it be restricted to certain times? What size of vehicles are they likely to be? How easily can they manoeuvre and turn? Can they enter and exit the site in forward gear in line with policy DM50? UDP policy R11 highlights that open spaces should be convenient/safe to use therefore appropriate access to the site is important.

The impact of the proposals on the open space does not appear to have been taken into account – there are no planned improvements to maximise the quality and functionality of the space which is important given the limited opportunities for new open space that

exist within the borough. The proposals are also likely to have an ecological impact as mentioned below.

Biodiversity

The proposal site is directly adjacent to the boundary of the St Mary Magdalene Gardens SINC of Local Importance.

Policy CS15 highlights that SINC's should be protected in line with their hierarchical importance. Policy DM36 provides further detail, emphasising that SINC's of local importance will be strongly protected. The Environmental Design SPD suggests that ecological surveys are appropriate on sites adjacent to open space/SINC's. DM38 also seeks for developments to protect and enhance biodiversity value, including connectivity between habitats. The supporting text to DM38 highlights that developments that impact on identified biodiversity habits will be required to mitigate these as far as possible and provide appropriate mitigation and compensation, where appropriate.

Whilst the proposal site is adjacent to the SINC, it does appear to involve some alterations to the SINC to provide pedestrian and vehicular access. Currently, apart from the entrance gates, the site is largely screened from view by shrubbery, vegetation and trees. The proposals seemingly involve a change to the SINC boundary with the removal of much of the existing vegetation. The planning statement suggests that additional planning, green roofs and a reduction in hardsurfacing accords with the borough's green infrastructure policies. Whilst this may be an improvement on the proposal site, there will clearly be an impact on the adjoining SINC – this is not something that appears to have been addressed in the documentation or mitigated within the proposal. It would be useful to get comments from the borough's biodiversity officer.

DM38 is clear that loss/damage to trees will only be permitted where there are overriding planning benefits and suitably re-provided. Saved UDP policy ENV6 takes a similar approach in requiring the retention of trees, where appropriate, or if not their replacement in a suitable location. The planning statement suggests that there will be tree protection, however the Design and Access statement suggests there will be a loss of three trees – there is no mention of if these are to be replaced.

Other issues:

Conservation and Design: As the proposals involve listed buildings within a conservation area. It will be important that a sensitive design approach is taken in line with Core Strategy, UDP and Development Management Policies. Detailed comments on this issue will be provided by Design and Conservation colleagues.

Residential accommodation: this should meet the standards set out in the emerging Development Management Policies document. There does not appear to be a breakdown of the floorspace for each unit.

Conclusion:

The proposal site does not positively contribute to the wider open space in its current form. Although the proposals would be largely contained from the main open space there are likely to be some impacts on the St Mary Magdalene Gardens open

space/SINC in terms of visual impact of the buildings, new/amended access points, and the loss of existing trees and vegetation adjoining site. There is a lack of detail as to how the impacts on the open space/SINC might be mitigated; what, if any, improvements might be made to the open space/SINC as a result of the proposals as well as how the new access arrangements would work, particularly the new vehicular access to the school.

External Consultees

8.13 Transport for London (TfL)

The site fronts onto the A1 Holloway Road, part of the Transport for London Road Network.

A trip generation exercise has not been undertaken. However, considering the scale of development TfL can confirm that this development will not have a detrimental impact on the local public transport network. Notwithstanding this, considering the proximity of the site to the TLRN, further detail on the number of vehicular trips would have been expected.

No car parking is proposed which is supported considering the site's excellent access to local public transport. As a consequence however this could lead to children being dropped off/picked up on the TLRN which is an occurrence TfL would strongly oppose. It is however to TfL's understanding that the intention is for children to be dropped off at the existing St Mary Magdalene Academy School and walk across to the site under staff supervision. There are no formal crossing facilities at this location to facilitate this movement however considering the small number of pupils expected to occupy the site, TfL is content with this arrangement. It is however expected that the school adopts a stringent monitoring and enforcement program to ensure that children are not picked up/dropped off on the TLRN during restricted hours.

Cycle parking will need to be provided in accordance with the London Plan minimum standards which require 1 space per 10 staff or students and 1 space for the 2 bed apartment and 2 spaces for the 3 bed apartment.

No travel plan has been provided as part of the submission material. The applicant should therefore clarify whether the existing St Mary Magdalene Academy School has an existing travel plan in operation. If so, TfL is content for this to be adopted. If not, then a travel plan should be secured within the Section 106 agreement.

Delivery and servicing vehicles will drop off at the site boundary within the Church Grounds. It is noted that a reduction in trips from existing is expected however due to the proximity of the TLRN it is expected that the Council secure both a Delivery and Servicing Plan (DSP) and a Construction and Logistics Plan (CLP) by condition. Further information of what should be included in these documents can be found from TfL's website.

8.14 English Heritage:

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

8.15 Crime Prevention Officer

Raises no issues with this proposed development.

8.16 London Fire and Emergency Planning Authority:

The Brigade is not satisfied with the proposal as it is not clear as to how access to the premises will meet the requirements of Section B5 of Approved Document B.

Following the receipt of a Swept Path Analysis plan on 10th June 2013 the London Fire and Emergency Planning Authority have confirmed that they are satisfied that there is adequate access to the site.

8.17 Diocese of London

A letter has been received from the Diocese of London providing details of their consultation and confirming that there are no burials in the land affected by the proposed scheme.

9. RELEVANT POLICIES

9.1 **Details of all relevant policies and guidance notes are attached in Appendix 3. 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

9.4 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:

- St Mary Magdalene Conservation Area
- Article 4(2) St Mary Magdalene

- Grade II* Listed (curtilage) Building
- Open Space
- Adjacent to SINC

Supplementary Planning Guidance (SPG) / Document (SPD)

9.6 The SPGs and/or SPDs which are considered relevant are listed in Appendix 3.

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle;
- Land Use;
- Design and appearance of building and impact on surrounding conservation area and neighbouring listed building;
- Biodiversity;
- Amenity of Residential Occupiers;
- Neighbour amenity;
- Trees and Landscaping;
- Highways, Transportation and Access;
- Accessibility;
- Energy and Sustainable Design and Construction;
- Affordable Housing.

Principle

10.2 With regard to the school use London Plan policy 3.18 supports development proposals which enhance education and skills provision, including new build, expansion of existing facilities or change of use to educational purposes.

10.3 London Plan 3.16 supports the provision of high quality social infrastructure in light of local and strategic needs assessment.

10.4 The provision of new educational facilities is supported by Development Management policy DM29 which requires new social infrastructure and cultural facilities to

- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;
- ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;
- iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and
- iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

10.5 Policy Ed3 of the Unitary Development Plan states that proposals for new education establishments or extensions to existing educational establishments will be considered in the light of such factors as:

- i) whether the proposals form part of the wider strategy to improve educational opportunities in the borough;
 - ii) The availability of alternative accommodation;
 - iii) places/demand across the borough has a whole and within accessible distance;
 - iv) internal and external space standards, including access for people with disabilities;
 - v) the amenity of nearby property in terms of such factors as noise, traffic, evening use etc.
- 10.6 The supporting text to this policy sets out that it is important to establish that new buildings/sites are both suitable and acceptable for the proposed use.
- 10.7 The proposed school building would be run and managed in conjunction with the nearby St Mary Magdalene Academy, with staff and pupils sharing facilities at both. The submitted Planning Statement states that at present there are no dedicated education facilities within the borough for pupils with Autistic Spectrum Disorder (ASD) and that these pupils have to attend schools within other boroughs.
- 10.8 Children Services have confirmed that although Islington has a Special School catering for children with more severe needs, the Borough does not currently have a dedicated local specialist provision for children/young people with higher functioning ASD. At secondary school level a significant proportion of pupils with ASD chose to take up specialist out of borough provision. The Council's objectives, SEN (Special Educational Needs) strategy and statutory responsibility requires that there is a continuing provision of such services and that this is provided at a local level to benefit from other local services and reduce the need for longer travel distances. Children Services have confirmed that there is a local and regional demand for high quality specialist provision to meet the area of need.
- 10.9 The school would provide a dedicated teaching and learning space for a maximum of 36 pupils with ASD, which would enhance education opportunities within the borough, address the borough demand for such a facility, whilst complementing the existing use of St Mary Magdalene Academy. Pupils at the facility would be registered with the Academy and form part of its student base.
- 10.10 With regard to the location of the facility, the site has a PTAL of 6a, with Highbury and Islington railway station in close proximity, a number of major bus routes running along both Holloway Road and Liverpool Road and a strategic cycle route running along Holloway Road. In addition to this, pupils are expected to use the existing arrangements for drop-off at the St Mary Magdalene Academy site. As such, the site is considered to be located in a convenient area within the borough and is accessible by a range of sustainable transport modes.
- 10.11 The proposed use of the school is highly specialised and together with its limited scale it is unlikely and unreasonable to require its use as a shared facility for recreational and community uses.
- 10.12 The applicant has detailed that other properties were considered as part of the application. However, due to the proximity of the site to the Academy, the Academy's association with St Mary Magdalene Church, the re-use of listed buildings and the availability of the site through the church, the site represents appropriate accommodation which is compatible with the use of the park, the church and the Academy and is viable.

- 10.13 The NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. The residential element of the proposal would reach a BREEAM Domestic Refurbishment 'Excellent' rating, would be car free, is located in close proximity to local services and transport links, and incorporates a number of environmental features whilst retaining both existing built form and mature vegetation. As such, the proposal would incorporate many features that could be considered to represent sustainable development, leading to a presumption in favour of the principle of the proposal. Furthermore, one of the Core Planning Principles of the NPPF is to encourage the effective use of land by re-using land that has previously been developed (brownfield land), provided that it is not of high environmental value. Whilst the site is located within designated Open Space, the site itself would constitute brownfield land and would bring the listed buildings back into an effective use that would be in accordance with Borough targets.
- 10.14 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by both UDP policy H3 and Core Strategy policy CS12 both seek to provide more high quality, inclusive and affordable homes within the borough where there is an appropriate mix of unit sizes.
- 10.15 The proposal would provide a two bedroom and a three bedroom dwelling, which would constitute an appropriate mix of unit sizes in accordance with CS12 and Development Management policy DM9. Furthermore, an appropriate contribution towards the provision of off-site affordable housing will be secured by a legal agreement in accordance with the Affordable Housing Small Sites SPD.
- 10.16 As such, the principle of the development of the site to provide a school building and two dwellings is acceptable in principle subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration.

Land Use

- 10.17 The site falls within the designated 'Public Open Space' of St Mary Magdalene Park, which the Conservation Area Design Guidelines states as an important open space, essential to the character of the area. Core Strategy policy CS15 seeks to protect all existing local open spaces, Development Management Policy DM36 states that development is not permitted on any public open space and UDP policy R9 states that only in exceptional circumstances will permission be given for a change of use from public open space to any other land use.
- 10.18 Whilst falling within 'Public Open Space', the site has historically been in separate use to the park and is physically separated by boundary fencing. Originally the buildings formed a Coroner's Court and a Mortuary, and in the late 20th century to the present the site has been used as storage and workshop space associated with the church and the Council's Park's Department. Furthermore, the site is inaccessible to public users of the park and is wholly covered by built form and hardstanding. The reasons set out above constitute exceptional circumstances whereby the proposed change of use of the site would not represent a loss of accessible Public Open Space.
- 10.19 With regard to the openness of the park, the proposed extensions would all be at single storey height, the boundary fencing would be at a similar height to the existing fencing and introduce a uniform design, the site would continue to be screened by the row of mature trees on the northern boundary, the three trees to be removed would be

replaced within or near to the park, the listed buildings would be brought into full use and views of these would still be afforded from the park, it would introduce soft landscaping, protect the majority of the existing trees and would incorporate a number of environmental design features. For these reasons and those set out in the design section above, the proposal would not detract from the openness of the park or negatively impact upon the amenity, ecological value and functionality of the space, in accordance with Development Management Policy DM36.

Design, Conservation and Listed Building Considerations

- 10.20 The proposed extension running along the northern edge of the site would replace an existing metal shed building in a similar location and would align with the western edge of the listed Mortuary building. Whilst this building would then form the northern site boundary and would introduce a brick wall at a height of 3.1 metres, this elevation would be visually broken up by the recessed school entrance with a glazed canopy over, entrance gates and brick window detailing, whilst the trees to the north of the boundary would provide a high level of screening to this building. This extension would link to the Mortuary building via a glazed canopy which then runs along the full length of the internal courtyard elevation of the school.
- 10.21 The extension to the Mortuary building would project from the west elevation of the listed building up to the site boundary and consists of the demolition and rebuilding to a higher level of a high rear wall on the south boundary, the use of floor to ceiling height glazing in the north elevation and a 'saw-tooth' ridge projection over the green roof providing photovoltaic panels and rooflights. The parapet roof surround would project out from the eaves height of the listed buildings and when taken with its predominantly glazed nature and the replacement of an existing high wall, the proposed extension would appear as a subordinate contemporary addition to the listed building. The glazed canopies should be constructed using seamless glazing, and will be secured by condition, ensuring the subordinate design of the extension. A further glazed link between the residential element of the extension and listed building is detailed to have an obscurely glazed east elevation. Whilst this would be beneficial to the privacy of the occupiers, it would add to the visual bulk of the link and detract from the setting of the listed building. As such, a condition will be added to ensure this retains its open glazed design.
- 10.22 The works to the Mortuary building consists of the repair of facing brick work, the roofs and other small scale refurbishment works, the removal of light fixings and signage and the replacement of windows and doors where required to ensure the buildings are brought back into full use. Rooflights would be introduced to the sunken flat crown over the three lower level roofs, providing natural lighting to these spaces and opening the historic vaulted ceilings. The proposed works to the listed Mortuary building would enhance the appearance of these buildings, reinstating original features and bringing them back into a permanent use.
- 10.23 With regard to the Coroner's Court building, again this would be refurbished and brought back into a permanent use, restoring four original sash window openings in the side elevations. The proposed extension to this building would be similar to the two larger extensions, incorporating brick elevations and a green roof behind a parapet. The proposed extension to the Coroner's Court would be set forward and partially to the side of the listed building with a glazed link leading into the original doorway. This allows for views of the listed building to be maintained through the existing site access and for the front elevation of the listed building to be read as originally intended.

- 10.24 The proposed extensions and use of the site would ensure that the listed buildings are brought back into permanent use and are refurbished to an appropriate level, both retaining and restoring important original features. The proposed extensions would introduce a contemporary design to the site that would not compete with the listed buildings, but would be subordinate to and compliment the setting of these important heritage assets through the use of appropriate design features.
- 10.25 The proposed fencing would largely replace the existing high level utilitarian designed metal fencing. Although it would not be as open as existing, the proposed fencing would incorporate a semi-transparent design, ensuring a good level of security whilst also reducing its massing. The proposed fencing and planting within the site would clearly delineate the two uses of the site, introduce a level of uniformity to the site that is currently lacking and due to its semi-transparent design allow glimpses into the site.
- 10.26 Concern has been raised with regard to the openness of the park, the impact on the conservation area and that views of the listed buildings would be restricted. Although introducing extensive additional built form across the site, the proposed additions to the site would all be set at a low level, would incorporate design features to break up the building frontage onto the park and represents a high quality design. In addition to this, the proposal would provide a number of heritage benefits, which are set out above, and would be partially screened by the extensive vegetation and mature trees around the site. As such, whilst the proposal would undoubtedly reduce some views of the listed buildings, for the reasons set out above, the proposal would not enhance the character and appearance of the conservation area and would not negatively impact upon the amenity or functionality of St Mary Magdalene Park.

Biodiversity

- 10.27 Concern has been raised that the application does not include the submission of an Environmental Impact Assessment (EIA) or a screening opinion. The proposed development would not fall within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2008 and as such there is no requirement for the applicant to provide an EIA as part of the application. Notwithstanding this, an assessment of the proposal has been made with regard to the Council's environmental policies.
- 10.28 The site sits directly adjacent to the boundary of the St Mary Magdalene Gardens SINC which is of Local Importance and would involve the removal of two shed buildings and three trees. Due to the loss of these buildings and trees and the proximity of the site to a SINC, it is considered necessary to include a condition requiring an ecological watching brief during construction and the provision of bird/bat boxes on the site.
- 10.29 Whilst concern has been raised regarding the loss of vegetation, the three trees to be removed would be replaced within or close to the park, whilst the existing shrubs to the front of the site do not fall within the site and should therefore be retained. The site itself would incorporate a biodiversity based roof over the proposed extensions and a greater extent of soft landscaping. Together with the condition suggested above, the proposal would enhance the biodiversity of the site in accordance with Development Management policy DM38.

Amenity of Residential Occupiers

10.30 Table 3.2 of policy DM12 of the development management document stipulates the minimum gross internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floorspace standards.

Unit	No. Bedrooms	Expected Occupancy	Floorspace	Minimum Required floorspace	Required Storage
Coroner's Court	3	5	133.6*	96	3
Mortuary Building	2	4	91.9	70	2.5

*This figure includes the second floor level where there is a head height clearance of 1.9 metres, as detailed on the plans.

10.31 Each unit would provide sufficient gross internal floorspace in accordance with the requirements of policy DM12. Furthermore, adequate storage space is detailed on the floor plans.

10.32 The proposed dwelling in the mortuary building would provide dual aspect, with two large rooflights serving the living room and kitchen/dining room, and would have a satisfactory outlook from all habitable rooms. This property would have a distinctive layout with the two bedrooms and a bathroom in the extended element and the living space in the listed buildings. Whilst these would be connected via a glazed link, which does not represent the most suitable form of link due to its transparency, by reason of the closed nature of the site and that it would provide a lightweight link to the listed building, it is considered to be acceptable in this case.

10.33 With regard to the dwelling in the Coroner's Court building, this too would incorporate a glazed link from the open plan living space to a bedroom and bathroom extension. By reason that it would be set back from the boundary treatment, views into this would not be afforded from outside the site. Whilst the second floor of the property would provide a bedroom with limited head height clearance and with a floor level window opening, this room is likely to form a spare room or an office/storage space. Whilst rooflights would provide a greater outlook, these would not be desirable in the roof of the listed building. Furthermore, the restriction of the use of this room would not be enforceable and as such, it is considered unreasonable to raise objection to the use of the existing roof space as a room.

10.34 Development Management policy DM13 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 15 square metres for ground floors units with 1-2 occupants, with an extra 1 square metre per additional occupant. Family units, three bedroom residential units and above, would require a minimum of 30 square metres. Both properties would incorporate private gardens that would far exceed these requirements.

10.35 Table 3.2 of the London Plan sets a strategic framework for appropriate densities at different locations and aims to reflect and enhance existing local character by relating the accessibility of an area to appropriate development. Based on this table, an appropriate density for this site, in an urban area with Public Transport Accessibility of 6a, would fall between 200 and 700 habitable rooms per hectare (hr/ha). Whilst the proposed dwellings would have a density of approximately 185 hr/ha, which would not be in accordance with policy 3.4 of the London Plan, due to the location of the site within

the setting of the park and the re-use of listed buildings, a lower density is considered to be suited to the site.

- 10.36 Details of noise mitigation between the school use and the two bedroom residential unit have not been submitted. However, the Environmental Health Officer has commented that details of sound insulation between the two uses should be required by condition. Such a condition is considered to be reasonable and would form part of any subsequent permission. The proposed use of the school would be Monday to Friday between the hours of 0700 hrs and 1900 hrs, with no use in the evenings or at weekends, which is compatible with the predominant evening and weekend use of the residential properties.

Neighbour Amenity

- 10.37 The proposal would replace the existing brick boundary wall between the site and No. 18 Furlong Gardens and introduce a single storey flat roof extension leading from the mortuary building up to the western edge of the site. The existing wall is detailed to have a height of between 2.4 metres and 2.6 metres on the plans, and the proposed extension would have a parapet wall between 2.9 metres and 3.1 metres in height. In addition to the increase in height of the boundary wall, the extension would incorporate a dual ridged 'saw-tooth' roof with south facing photovoltaic panels projecting 0.65 metres above the parapet.
- 10.38 Whilst concern has been raised regarding the height of the extension on this boundary and the positioning of the photovoltaic panels with regard to the properties along Furlong Road, the proposed extension would be set at the very end of the rear gardens serving these properties, which measures at least 25 metres away from the nearest rear elevation of a dwelling.
- 10.39 By reason of this significant distance from the neighbouring dwellings, its modest height, its location to the north of the neighbouring properties, that it would be set down from the height of the existing buildings on the site and would replace an existing high wall, the proposed western extension would not be overbearing or visually intrusive. Furthermore, the proposed photovoltaic panels would be set 0.65 metres back from the edge of the parapet roof surround and would pitch away from the neighbouring properties, which would result in them only being apparent in longer views from the neighbouring properties. Concern has also been raised with regard to potential light reflection from these panels into neighbouring gardens and windows. Due to the shallow pitch of these panels, their height above the ground and the extent of mature vegetation within the rear gardens of Furlong Road, it is unlikely that there would be any significant reflection from the panels into the neighbouring properties, and where this did occur it would be for a limited period.
- 10.40 The existing Coroner's Court and Mortuary buildings would be repaired, maintained at the same height and would not introduce any new openings in the rear elevation.
- 10.41 With regard to the property immediately to the east of the site, this has a rear garden that wraps around the east and part of the south of the site. The proposed extension to the Coroner's Court would be set on the eastern boundary with this neighbouring property and would have a parapet roof surround at a height of 3 metres and a timber fence at a height of 2.5 metres, replacing an existing high metal fence and a shed building. Due to its modest height, that it would replace an existing shed of a similar height in closer proximity to the neighbouring property, that it would be set back from this rear elevation and that the boundary tapers as it gets further from the neighbouring

property, the proposed extension to the Coroner's Court would not detrimentally impact upon the amenity of the neighbouring occupiers.

- 10.42 The proposal also includes the enlargement of two window openings and the replacement of two windows in the east elevation of the Coroner's Court, which face onto the rear garden serving the neighbouring property. However, the two windows to be enlarged are set 2 metres above finished floor level of the open plan living area and would therefore not result in any overlooking. The two southern most windows in the east elevation would be replaced and would serve a bedroom. Although this bedroom would be afforded views into the neighbouring rear garden, these window openings currently serve a mezzanine level and therefore there would be no additional overlooking to the neighbouring property.
- 10.43 Concern has been raised regarding noise and disturbance from the proposed school building. The proposed use of the school would be Monday to Friday between the hours of 0700 hrs and 1900 hrs, with no use in the evenings or at weekends. This is compatible with the predominant evening and weekend use of the neighbouring residential properties and due to the scale of the school and its intended use, the number of pupils at the site would be limited. In addition to this, the existing use of the park must be taken into consideration, where there is no planning control on the noise and disturbance that could be incurred through the normal use of the park.
- 10.44 As such, the proposed extension and uses of the site are not considered to detrimentally impact upon the amenity of the neighbouring occupiers.

Trees and Landscaping

- 10.45 Immediately to the north of the site are a number of mature trees which fall under the protection afforded by the Conservation Area and are in the management of the Council. The trees are not located within the site boundary but act as a visual screen and clearly delineate the bounds of the site, whilst contributing significantly to the character of the area. The proposal would be set back from the northern boundary and the submitted Arboricultural Assessment and Tree Protection Method Statement sets out an assessment of the trees around the site, protection methods during construction and details of hardstanding and construction methods to minimise any potential impact upon these trees. The details set out in this document have been assessed by the Council's Tree and Landscape Officer and are acceptable subject to a condition ensuring the works are carried out in accordance with the document and that details of excavations for underground services/ utilities be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 10.46 This document also details the removal of three trees on the northern site boundary to allow for a dedicated access to the proposed school, with hardstanding leading from the existing path to the front entrance. Whilst the submitted Arboricultural Assessment details one of these trees to be in 'good' condition, the other two are detailed to be in 'fair' and 'poor' condition. Whilst the loss of trees within the park is resisted by the Conservation Area Design Guidelines, due to the proliferation of trees and their close proximity along this northern boundary, the resultant tree line would remain and would appear almost as well established, whilst continuing to screen the site and contribute to the amenity of the area. Furthermore, the applicant has agreed that as part of the legal agreement a contribution would be provided for the CAVAT value of the trees to be removed, this will then provide for the replanting of trees within St Mary Magdalene churchyard or where appropriate on the adjoining streets.

- 10.47 With regard to the future pruning of the retained trees, whilst these would over sail the site boundary, the responsibility for the management of the trees falls within the control of the Council and access arrangements for such works would need to be arranged as and when necessary. The site is not currently in Council ownership and therefore it is considered unreasonable for the applicant to be required to contribute towards the upkeep of these trees.
- 10.48 The proposed redevelopment of the site would provide a greater amount of soft landscaped area than currently exists and provides a 'sensory garden' within the school grounds. Full details of the hard and soft landscaping will be added via a condition.

Highways, Transportation and Access

- 10.49 The site has a PTAL of 6a, which is 'Excellent' with Highbury and Islington railway station in close proximity, major bus routes running along both Liverpool Road and Holloway Road, and a Strategic Cycle Route running along Holloway Road. The proposal would be car free with no vehicular access or parking provision within the site and would only be accessible via the existing pedestrian routes through the park.
- 10.50 The proposed school building would form part of St Mary Magdalene Academy with the proposed maximum of 36 pupils with ASD attending and forming part of the existing student base at the Academy. The Academy is subject to a Travel Plan forming part of the legal agreement attached to the original planning permission for the school (application ref: P05/1450) and cycle parking for pupils and staff is provided at the existing Academy site. Pupils would therefore be dropped off at the Academy in accordance with the existing Travel Plan and when using the proposed building would use the pedestrian route through the park.
- 10.51 As the proposal would not result in any additional pupils at the Academy, the existing Travel Plan at St Mary Magdalene Academy is considered to be sufficient. Furthermore, the proposed school building would accommodate a relatively low number of pupils and staff. Concern has been raised regarding the mobility of students and the pedestrian access to the park which is addressed in paragraph 10.56 below. Due to the level of usage at the site, the existing arrangements and facilities at the main Academy building, the site being accessible only via pedestrian routes and there being traffic enforcement measures in place along Holloway Road, the proposed school building would not result in any significant increase in traffic generation.
- 10.52 The proposed dwellings would provide five cycle parking spaces within the enclosed courtyard area in accordance with Development Management policy DM48.
- 10.53 With regard to the residential units, the park is locked to the public overnight and Greenspace have expressed concern regarding access to the site through the open space. The dwelling adjoining the east side of the site is currently accessed through a locked gate from Holloway Road with the occupiers using a key to gain access after the park is closed. Whilst an Access Management Statement has not been submitted with the application, details of an appropriate means of access will be secured through a legal agreement. This would provide residential occupiers pedestrian access into the site after it has closed and would operate on a similar principle to the existing dwelling on the site.
- 10.54 Limited details of servicing/deliveries have been submitted, detailing only that they will drop off at the site boundary on an occasional basis. A conditions will be added to any

permission requiring full details of servicing/deliveries be submitted to and approved in writing by the Local Planning Authority and a further condition detailing the appropriate hours for such servicing will be added.

- 10.55 The plans detail a shared refuse/recycling store serving both dwellings and that refuse would be collected weekly via Holloway Road in the same way as the existing dwelling in the park. The Design and Access Statement sets out that recycling from the school building would be carried over to the Academy building and that refuse would be placed out daily on Holloway Road as it is for the church and the other commercial uses in the area.
- 10.56 The London Fire and Emergency Planning Authority are not satisfied that the proposal would provide appropriate access to meet their requirements. The applicant has submitted a Swept Path Analysis plan detailing the access route and a clear swept path for a fire engine to access the site, turn around and egress the site in a forward gear. These details have been considered by the London Fire and Emergency Planning Authority and are considered to be sufficient.

Accessibility

- 10.57 Concern has been raised by the Inclusive Design Officer with regard to the distance of the school building from the Academy and vehicular access for both the residential units and the school use. Whilst it is suggested that an electric shuttle vehicle could be used for pupils with ambulant disability, this is something that could be addressed by the school on a needs basis. With regard to vehicular access to the site, the proposal is car free and as such no cars should enter or egress the site. However, some access may be required from Holloway Road for disabled vehicles, but this will be managed through an agreed Access Management Plan which will form part of the legal agreement. Following the Access Officer's comments the plans have been revised to incorporate the required turning spaces and W.C facilities.
- 10.58 Both proposed dwellings incorporate all essential facilities at ground floor level in accordance with the Flexible Home Standards. The plans have been amended to detail a discreet hoist route between the accessible bedroom and bathroom in the Coroner's Court building and also to detail appropriate manoeuvring space within both dwellings.
- 10.59 With regard to the school use, concern has been raised regarding the extent of glazing in the classrooms and the covered external circulation spaces. The applicant has detailed that some window manifestations would be used to define glazed areas and due to its intended use, pupils at the school building would be highly supervised and the open design allows for the design and setting of the listed building to be retained.

Energy and Sustainable Design and Construction

- 10.60 The proposed school building would achieve a BREEAM 'Excellent' rating and the proposed dwellings would achieve a BREEAM Domestic Refurbishment 'Excellent' rating. The site would include the provision of photovoltaic panels, green roofs, mechanical ventilation, permeable surfaces and water saving measures. Furthermore, the applicant has agreed to the contribution for carbon offsetting, which will form part of the legal agreement.

- 10.61 The site is located within a Decentralised Energy Network (DEN) and as such a condition will be added to any subsequent permission to ensure measures are in place to allow for future connection to any neighbouring heating and cooling network or DEN.
- 10.62 The applicant has detailed the use of a sedum roof, which is not in accordance with the Islington Green Roof and Wall Good Practise Guide. The green roof should be a biodiversity based varied substrate roof, which would allow biodiversity benefits and better retention of water. Notwithstanding the submitted details, a condition will be added to any subsequent permission ensuring an appropriate green roof is used.
- 10.63 The proposed development would incorporate a number of environmental design features, as set out above, whilst only being accessible via sustainable means of transport, retaining a high level of vegetation and introducing a greater extent of soft landscaping. The sustainable design features at the site, together with the environmental standards achieved in the refurbished buildings and provision for biodiversity would ensure that the site realises a suitable environmental standard in accordance with the aims of the Core Strategy and Development Management plans.
- 10.64 Subject to the conditions detailed above and those set out in the Climate Change – Energy Efficiency Officer’s comments, the proposal is considered to be acceptable.

Affordable Housing

- 10.65 The Council’s Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.66 The proposal would introduce two additional units and the applicant has confirmed that the full contribution will be made. This will be secured through a legal agreement.

Other issues raised

- 10.67 The issue of lighting within the park has been raised by a member of the public. With regard to this the proposed residential units would be located in close proximity to the existing residential property in the park, which is served by a street light. Together with the lighting within the proposed units, this is considered to be suitable for the proposed residential use. Furthermore, there are no proposed changes to the lighting within the park which is suitable for pedestrian access to the school use of the site.
- 10.68 A further issue raised in responses received as part of the application regard the potential use of the Coroner’s Court as a museum for the park. In order for the Coroner’s Court building to be used as a museum a planning application would need to be submitted and assessed by the Local Planning Authority.
- 10.69 A further issued was raised with regards to housing the ASD unit within St David’s Church, Westbourne Road on a permanent basis. However, this would not require planning permission as it would fall within the same use class, and therefore is not under consideration as part of this application.
- 10.70 The issue of the proposed residential units being enabling development and a precursor for further development within the churchyard has been raised. The proposed

residential units are considered to be enabling development, however whilst the site is located within designated Open Space, the site itself would constitute brownfield land given that the site includes two large metal sheds, a high level surrounding fence and the listed buildings and is currently used by the Council's Parks Department for the storage of vehicles and goods, whilst also forming an informal workshop and storage space. In addition the site has historically been in separate use to the park and is physically separated. Furthermore, the site is inaccessible to public users of the park and is wholly covered by built form and hardstanding. As such, the change of use to a school, which is encouraged by both the London Plan and Local policy, and the residential use are acceptable whether or not the development is considered to be enabling.

- 10.71 The principle of the proposal has been considered as a whole, including the ASD unit. Should any further planning applications be submitted for development within the St Mary Magdalene Gardens and the Churchyard then they would be assessed on their own merits.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.72 The recommendation includes a list of heads of terms to be included in a S106 Agreement. These matters include contributions towards affordable housing small sites, tree planting and carbon offsetting, the repair and reinstatement of the footways and highways adjoining the development; compliance with the Code of Employment and Training and compliance with the requirement for an access management plan to be put in place. The development is also liable for the Mayor's CIL charge, which will be confirmed in the Liability Notice.

National Planning Policy Framework

- 10.73 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 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Unitary Development Plan and associated Supplementary Planning Documents, and should be approved accordingly.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director Planning and Development/Head of Service – Development Management or in their absence the Deputy Head of Service or relevant Team Manager:

1. A contribution of £100 000 towards affordable housing within the Borough.
2. A contribution of £3000 towards carbon offsetting.
3. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
4. Compliance with the Code of Employment and Training.
5. The payment of the CAVAT value for the three trees removed. The cost is to be confirmed by the Tree and Landscape and Parks Department and paid for by the applicant.
6. Not to occupy the residential units within the development until an access management scheme for the residential properties has been submitted to and approved by the Council. The scheme shall include provisions requiring signage that publicises its requirements and an enforcement strategy for dealing with any breaches of the scheme.

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 officer.

That, should the **Section 106** Deed of Planning Obligation not be completed within 6 weeks from the date of the decision of the application, the Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation the proposed development is not acceptable in planning terms. ALTERNATIVELY should this application be refused and appealed to the Secretary of State, Service Director Planning and Development / Head of Service – Development Management or in their absence the Area Team Leader be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

That if members are minded to approve this proposal (subject to conditions and Deed of Planning Obligation) 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) and other material considerations.

- This decision was made by the Members of the Planning Sub-B Committee on 4th July 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 principle of the change of use to provide a D1 school use and two dwellings would be in accordance with policies 3.4, 3.16 and 3.18 of the London Plan, CS12 of the Core Strategy, Unitary Development Plan policy Ed3 and Development Management policies DM9 and DM29;
- The introduction of a residential use to the site is acceptable. The development would provide a combination of family and nonfamily sized accommodation. The residential accommodation would be accessible and would fully meet the internal space standards and private amenity space required by the London Plan and emerging Development Management Policies. The internal daylighting and outlook from the new dwellings would be acceptable;
- The change of use and refurbishment and extension of the listed buildings was welcomed by the Conservation and Design Officer. In addition the proposal is considered to preserve the character and appearance of the listed building and conservation area, whilst not detracting from the openness of St Mary Magdalene Gardens. The proposal is considered consistent with policies D3 (Site Planning), D4 (Designing in Context), D11 (Alterations and Extensions) and D24 (Materials) of the Islington Unitary Development Plan 2002, policies CS5, CS8 and CS9 of the Islington Core Strategy 2011, emerging policy DM1 (Design), and DM3 (Heritage) of the Development Management Policies Document Submission Version 2012 and the guidance contained in the Islington Urban Design Guide 2006.
- The new residential properties would be constructed to Code for Sustainable Homes Level 4 and the properties in the school building would achieve a BREEAM rating of 'Excellent'. The proposal is considered to comply with the objectives of policies 5.1, 5.2, 5.3 and 5.9 of the London Plan (2011); policy CS10 of the Islington Core Strategy and draft policies DM40, DM41 and DM44 of the Development Management Policies;
- The majority of the existing trees close to the site would be retained with only three trees proposed to be removed. The loss of these trees would be offset through a contribution to tree planting secured through a legal agreement and the provision of other landscaping in accordance with policy Env6 of the Islington UDP (2002); policy CS15 of the Islington Core Strategy; and policy 7.21 of the London Plan (2011);
- The impact of the development on neighbours has been considered in accordance with policies H3, D3 and D4 of the Islington UDP and draft policies DM1, DM11, DM13 and DM15 of Islington's (emerging) Development Management Policies. It was not considered that the development would give rise to an unacceptable loss of privacy or overshadowing to existing residents and would not be overbearing or visually intrusive to the neighbouring occupiers. On balance, it was considered that the development proposal was acceptable;
- Cycle parking, refuse and recycling storage is provided as an integral part of the proposal.

RECOMMENDATION C

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

List of Conditions:

1	<p>Commencement</p> <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>Approved Plans List</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>E001, E002, E100, E101, E102, E110, E111, E112, E113, E114, E115, E120, E121, P002, P110, P100 Rev A, P101 Rev A, P102 Rev A, P111 Rev A, P112 Rev A, P113 Rev A, P114 Rev A, P115 Rev A, P120 Rev A, P121 Rev A, P122 Rev A, P123 Rev A, Swept Path Analysis (001), Design and Access Statement, Planning Statement, Transport Statement, Arboricultural Assessment and Tree Protection Method Statement, Structural Stage D Report issue 1, Sustainability Statement, BRUKL Output Document and BREEAM Domestic Refurbishment 2012 Pre-Assessment Estimator.</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>Materials (details)</p> <p>CONDITION: Notwithstanding the approved plans, 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"> - Bricks - timber fencing - gates - glazing for glazed links - glazing for glazed courtyard canopy - The new internal doors at ground floor level within the former Coroner's Court. - All new external doors. No permission is granted for the removal of any historic doors. <p>The development shall be carried out strictly in accordance with the details so approved and retained for the life of the development.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. In order to safeguard the special architectural</p>

	or historic interest of the heritage asset in accordance with policy 12 of the National Planning Policy Framework 2012, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.
4	Glazed links
	<p>CONDITION: Notwithstanding the approved plans, all of the glazed links shall be constructed of frameless glazing and further detailed drawings of the fully glazed links shall be submitted to and approved in writing by the Council prior to any works commencing.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. 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, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
5	Glazed Canopies
	<p>CONDITION: Notwithstanding the approved plans, detailed drawings of the proposed glazed canopies, including the frames and posts, shall be submitted to and approved in writing by the Council prior to any works commencing.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. 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, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
6	Granite Sets
	<p>CONDITION: Notwithstanding the approved plans, no granite sets within the courtyard shall be removed or relocated until full details of the landscape design have been submitted and approved under condition 16.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. 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, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
7	Window Details
	<p>CONDITION: Notwithstanding the approved plans, all new sash windows shall accurately replicate, in terms of material, profile and detailing, the original windows surviving to the group of buildings. They shall be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a putty finish (not timber bead). The glazing shall be and no greater than 12mm (4mm glass : 4mm gas : 4mm glass) in total thickness. No Trickle vents or metallic / perforated spacer bars are permitted.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. 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, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>

8	Brick Slips
	<p>CONDITION: Notwithstanding the approved plans, no consent is granted for the use of brick slips to construct the new residential block attached to the former Coroners Court. A sample panel of proposed brickwork showing the colour, texture, facebond and pointing shall be provided on site and approved in writing by the Local Planning Authority prior to the relevant part of the works are commenced.</p> <p>The approved sample panel shall be retained on site until the works have been completed.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the building. 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, policy D24 of the Islington Unitary Development Plan 2002 and policy CS9A and B of the Islington Core Strategy 2011.</p>
9	Use of School
	<p>CONDITION: The D1 use school building hereby approved shall only be used as a Special Educational Needs (SEN) unit in conjunction with the use of St Mary Magdalene Academy and shall not be used in any other use within the Use Class D1 (non-residential institutions) of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that any other operation of the site in this location may have impacts, which should be the subject of public consultation and a full planning application. The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 and would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.</p>
10	Timing of Development
	<p>CONDITION: The construction works to enable the D1 use hereby approved shall be completed and the school brought into use within one year of the first occupation of the residential units hereby approved.</p> <p>REASON: To ensure that the Local Planning Authority may be satisfied with the external appearance of the site and to safeguard the character and appearance of the conservation area and the setting of the listed buildings 7.4, 7.5, 7.6 and 7.8 of the London plan (2011), policy D3, D4, D5, D, D7, D8, D17, D22 and D24 of the Islington Unitary Development Plan 2002, policy DM1 and DM3 of the Development Management Policies (Submission 2012) and policy CS8 and CS9 of the Islington Core Strategy 2011.</p>
11	Hours of Operation
	<p>CONDITION: The D1 School operation shall only operate between the hours of 0700 hrs and 1900 hrs Monday to Friday and not at all on Saturday, Sunday and Bank Holidays.</p> <p>REASON: In the interest of protecting neighbouring residential amenity in accordance with policies CS2 and CS14 of Islington Core Strategy, policy DM15 of the Development Management document and policies Env 16 & 17 of the Islington</p>

	Unitary Development Plan 2002.
12	Restriction of Permitted Development
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no works under Schedule 2, Part 1 of the above Order shall be carried out to the dwellinghouses hereby approved without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouses in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme. The removal of Permitted Development rights would ensure compliance with policy D3 of the Islington Unitary Development Plan 2002.</p>
13	Construction Method Statement
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>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.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation in accordance with policies: 6.7; 6.13; 6.14; 7.14 and 5.18 of the London Plan 2011 and policies: D3; Env17; T15; T21 and T55 of the Islington UDP 2002.</p>
14	Sound Insulation
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed educational use and residential use of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the school building does not impact on</p>

	residential amenity in accordance with policy 7.15 of the London Plan 2011, policies: D3; Env17 and H3 of the Islington Unitary Development Plan 2002 and policy CS12F of the Islington Core Strategy 2011 and policy DM15 of the emerging Development Management Policies (Submission) 2012.
15	Delivery and Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) 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 in terms of their impact on highway safety and the free-flow of traffic in accordance with policies: 6.7 and 6.13 of the London Plan 2011 and policies: D3; T15; and T55 of the Islington Unitary Development Plan 2002.</p>
16	Hours of Servicing
	<p>CONDITION: All service vehicle deliveries/collections/visits to and from the school building hereby approved must not take place outside hours of:</p> <p>0700hrs to 1900hrs Monday to Friday.</p> <p>REASON: To ensure that resulting servicing arrangements 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; T15; and T55 of the Islington Unitary Development Plan 2002</p>
17	Refuse/Recycling Store and Cycle Parking
	<p>CONDITION: Notwithstanding the approved drawings, detailed drawings of the bin and bicycle store serving the residential properties shall be submitted to the Local Planning Authority for written approval within six months of the commencement of the superstructure works.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that the storage facilities do not have a harmful impact on the appearance of the Conservation Area and the setting of the neighbouring statutory listed building and do not project into the view of the statutory listed building as viewed from St Mary Magdalene Gardens, in accordance with policies: 5.3; 7.4 and 7.6 of the London Plan 2011, policy: D4 of the Islington Unitary Development Plan 2002 and policies: CS9A, B and G and CS12F of the Islington Core Strategy 2011.</p>
18	Landscaping
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <p>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</p>

	<p>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</p> <p>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</p> <p>d) proposed trees: their location, species and size;</p> <p>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 7.2 and 7.21 of the London Plan 2011, policies: D3; D6 and D8 of the Islington Unitary Development Plan 2002 and policy CS15B and C of the Islington Core Strategy 2011.</p>
19	Arboricultural Report
	<p>CONDITION: The tree retention and protection method, as detailed in the 'Arboricultural Assessment and Tree Protection Method Statement' hereby approved shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy 7.21 of the London Plan 2011, policy Env6 of the Islington Unitary Development Plan 2002 and policy CS15A, B and F of the Islington Core Strategy 2011 and the Islington Tree Policy (updated 2011).</p>
20	Tree Works
	<p>CONDITION: All tree work shall be carried out in accordance with British Standard BS3998 – Recommendations for Tree Work. In addition:</p>

	<p>a) No fires shall be lit within [10] metres of the nearest point of the canopy of any retained tree. No equipment, machinery or structure shall be attached to or supported by a retained tree.</p> <p>b) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.</p> <p>c) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities in accordance with policy 7.21 of the London Plan 2011, policy Env6 of the Islington Unitary Development Plan 2002 and policy CS15A, B and F of the Islington Core Strategy 2011 and the Islington Tree Policy (updated 2011).</p>
21	Underground Servicing and Drainage
	<p>CONDITION: Details of all underground services and drainage at the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. This shall include details of methods to avoid Root Protection Areas of the trees on and around the site.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy 7.21 of the London Plan 2011, policy Env6 of the Islington Unitary Development Plan 2002 and policy CS15A, B and F of the Islington Core Strategy 2011 and the Islington Tree Policy (updated 2011).</p>
22	Sustainability
	<p>CONDITION: The development shall achieve a BREEAM Schools (2008) rating of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10 of the Islington Core Strategy 2011.</p>
23	Decentralised Energy Network
	<p>CONDITION: Details of how the communal boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network or decentralised energy network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system in accordance with policies 5.5 and 5.6 of the London Plan 2011, policy CS10 of Islington's Core Strategy and Policy DM 42 of the emerging Development Management Policies (Submission version June 2012).</p>

24	<p>Sustainable Urban Drainage</p>
	<p>CONDITION: Details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of sustainable drainage system in accordance with the principles as set out in Appendix F of PPS25 and London Plan policies: 5.13 and 5.15. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <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: To ensure that sustainable management of water in accordance with PPG25, policies: 5.13 and 5.15 of the London Plan 2011, policy Env39 of the Islington Unitary Development Plan 2002 and policies: CS10C and E and CS15G of the Islington Core Strategy 2011.</p>
25	<p>Biodiversity Roof</p> <p>CONDITION: Notwithstanding the submitted plans, details of the biodiversity (green/brown) roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roofs shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan P101 Rev A and P102 Rev A hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 7.19; 5.3; 5.9 and 5.11 of the London Plan 2011, policy Env24 of the Islington Unitary Development Plan 2002 and policy CS10E and G and CS15F and G of the Islington Core Strategy 2011.</p>
26	<p>Ecological Watching Brief</p>
	<p>CONDITION: An ecological watching brief shall be carried out for the duration of the construction phase of the development to ensure that no accidental harm or disturbance occurs to any bats which may be roosting or using the site.</p>

	<p>REASON: A watching brief is necessary to ensure no harm occurs to bats. The adherence to a watching brief would ensure compliance with policies: 5.3 and 7.19 of the London Plan 2011, policy CS10D of the Islington Core Strategy 2011, and policy Env24 of the Islington UDP 2002.</p>
27	<p>Bird and Bat Nests</p> <p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 5.3 and 7.19 of the London Plan 2011, policy: Env24 of the Islington Unitary Development Plan 2002 and policy CS15D and F of the Islington Core Strategy 2011.</p>

LIST OF INFORMATIVES

1	<p>Positive Statement</p> <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 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 a timely manner in accordance with the requirements of the NPPF.</p>
2	<p>Section 106 Agreement</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
3	<p>Definition of 'superstructure' and 'practical completion'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
4	<p>Community Infrastructure Levy (CIL)</p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to</p>

	<p>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>
5	Sustainable Sourcing of Materials
	<p>Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
6	Car free Development
	<p>All new developments are car free in accordance with policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
7	Highways
	<ul style="list-style-type: none"> - Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <p>All agreements relating to the above need to be in place prior to workscommencing.</p> <ul style="list-style-type: none"> - Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. - Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. -Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk. <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk</p> <p>Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p>

- Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

- Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

- Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

- Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

- Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

- Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

- All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting.

NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer.

Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

- Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

- Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

- Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

- Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover entrances.

- Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.
- Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".
- Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".

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

1 Context and strategy	Policy 5.11 Green roofs and development site environs
Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.12 Flood risk management
	Policy 5.13 Sustainable drainage
2 London's places	Policy 5.14 Water quality and wastewater infrastructure
Policy 2.1 London in its global, European and United Kingdom context	Policy 5.15 Water use and supplies
Policy 2.2 London and the wider metropolitan area	Policy 5.16 Waste self-sufficiency
Policy 2.9 Inner London	Policy 5.18 Construction, excavation and demolition waste
Policy 2.18 Green infrastructure: the network of open and green spaces	Policy 5.21 Contaminated land
	6 London's transport
3 London's people	Policy 6.1 Strategic approach
Policy 3.1 Ensuring equal life chances for all	Policy 6.3 Assessing effects of development on transport capacity
Policy 3.2 Improving health and addressing health inequalities	Policy 6.4 Enhancing London's transport connectivity
Policy 3.3 Increasing housing supply	Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 3.4 Optimising housing potential	
Policy 3.5 Quality and design of housing	

- developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 3.15 Coordination of housing development and investment
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.17 Health and social care facilities
- Policy 3.18 Education facilities

- 4 London's economy
- Policy 4.1 Developing London's economy
- Policy 4.3 Mixed use development and offices
- Policy 4.11 Encouraging a connected economy
- Policy 4.12 Improving opportunities for all

- 5 London's response to climate change
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.4 Retrofitting
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening

- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking

- 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
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.18 Protecting local open space and addressing local deficiency
- Policy 7.19 Biodiversity and access to nature
- Policy 7.20 Geological conservation
- Policy 7.21 Trees and woodlands

- 8 Implementation, monitoring and review
- Policy 8.1 Implementation
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy
- Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS4 (Highbury Corner and

Policy CS13 (Employment Spaces)

Policy CS15 (Open Space and Green

Holloway Road)
Policy CS8 (Enhancing Islington's
Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing
Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing
Challenge)

Infrastructure)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS20 (Partnership Working)

C) Islington Unitary Development Plan (2002)

Environment Policies:

Env4 (Improvement Works)
Env5 & 6 (Protecting Trees)
Env9 & 10 (Street Furniture, Paving and
the Streetscene)
Env12 (Community Safety)
Env16 & 17(Protection of Amenity)
Env24 (New Wildlife Habitats)
Env37 (Waste and Recycling)

Conservation and Design Policies:

D3 (Site Planning)
D4 (Designing in Context)
D5 (Townscape)
D6 & 7 (Landscape and Public Facilities)
D8 (Boundary Walls, Paving and Street
Furniture)
D17 (Local Views)
D20 (Land Use)
D22 (New Development)
D24 (Materials)

Housing Policies:

H3 (New Housing and Changes of Use
to Residential)
H7 (Standards and Guidelines)
H10 (New Development)

Recreation and Leisure:

R9 (Change of Use)

Education:

Ed3 (Sites and Buildings)
Ed5 (Improvements to Schools)
Ed10 & 11 (Distribution of Education
Services)

Sustainable Transport Policies:

T18 (Parking and Traffic Restraint)
T32 (On-Street Servicing)
T34 (Cycle Parking)
T45 (Land Use Planning)
T46 (Design Issues)
T47 (Streetscape)
T49 (Meeting the Needs of People with
Mobility Problems)
T52 (Facilities for Cyclists)
T55 (New Development)

Implementation Policies:

Imp5 (Mixed Use)
Imp6 (Efficient Use)
Imp13 (Community Benefits)

3. Emerging 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.

The draft adoption version of the Finsbury Local Plan is scheduled for adoption by the council on 27/06/2013. Although not yet part of the borough's statutory development plan, the Inspector's report into the examination of the plan, issued on 30/04/2013, confirms that it is a 'sound' plan, subject to a limited number of modifications (which are reflected in the 'draft adoption' version). All policies in the 'draft adoption' version of the plan therefore carry significant weight in the decision-making process.

Islington's Development Management Policies (Submission) June 2012

Design and Heritage

DM1 Design

DM2 Inclusive Design

DM3 Heritage

Health and open space

DM38 Landscaping, trees and biodiversity

DM39 Flood prevention

Energy and Environmental Standards

DM40 Sustainable design and construction statements

DM41 Energy efficiency and Carbon Reduction in Minor Schemes

DM44 Heating and Cooling

Housing:

DM9 Mix of Housing Sizes

DM12 Housing Space Standards

DM13 Private Outdoor Space

DM15 Noise

Shops, Culture and Services:

DM29 Social and Strategic Infrastructure and Cultural Facilities

DM42 Decentralised energy networks

DM43 Sustainable design standards

DM44 Heating and cooling

Transport

DM45 Movement hierarchy

DM46 Managing transport impacts

DM47 Public transport

DM48 Walking and cycling

DM49 Vehicle parking

DM50 Delivery and servicing for new developments

Infrastructure

DM51 Infrastructure

DM52 Planning obligations

4. **Designations**

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

- St Mary Magdalene Conservation Area
- Article 4(2) St Mary Magdalene
- Grade II* Listed (curtilage) Building
- Adjacent to Open Space
- Adjacent to SINC

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

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

Islington UDP

- Accessible Housing in Islington
- Car Free Housing
- Conservation Area Design Guidelines
- Environmental Design
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD

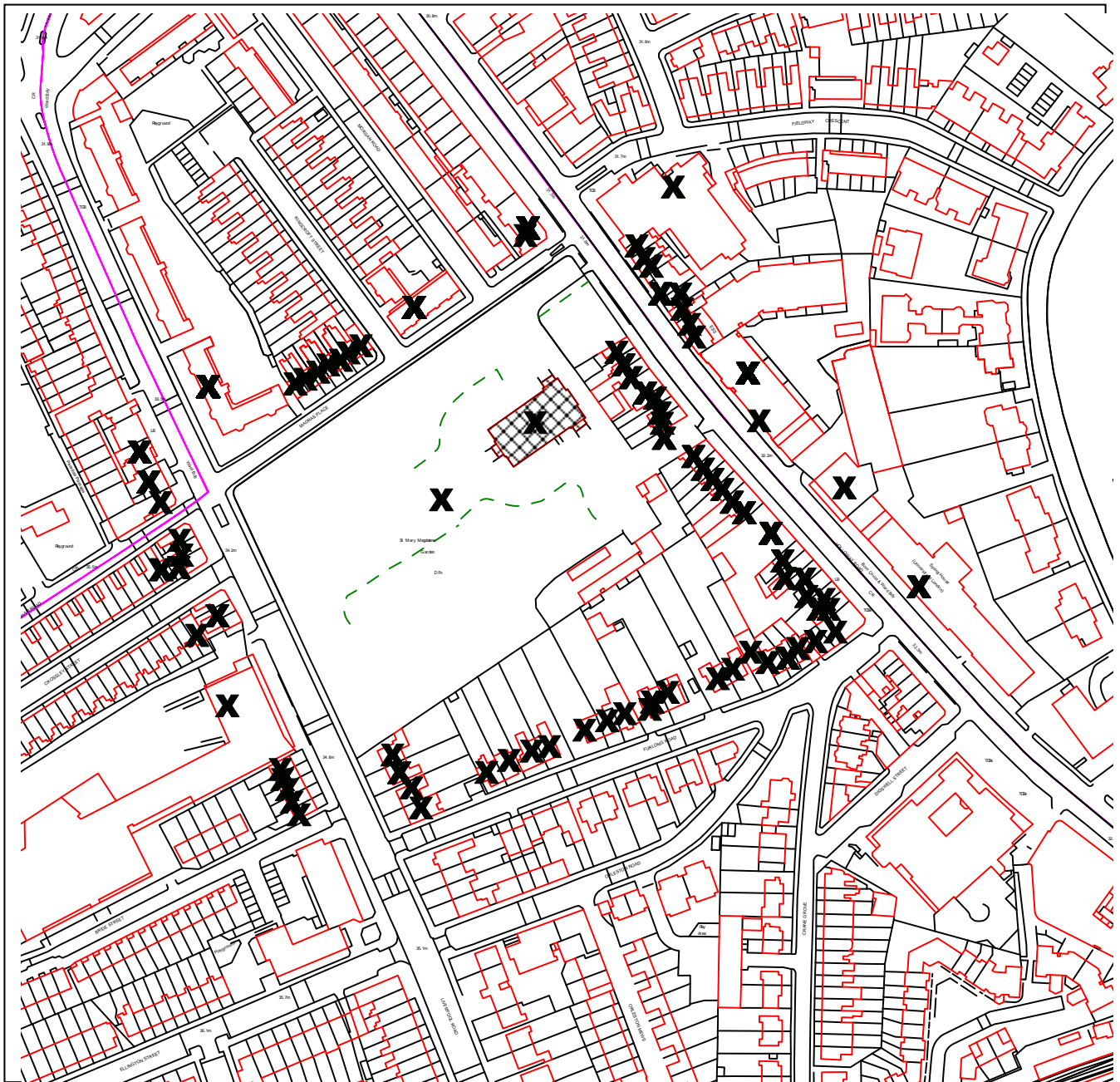
London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3112/FUL

LOCATION: ST MARY MAGDALENE CHURCH, FORMER
CORONER'S COURT/PARKS DEPOT, HOLLOWAY ROAD,
ISLINGTON, LONDON, N7 8LT

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Islington Council, LA086452



ISLINGTON

SCALE: 1:2500

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:	18 th December 2014	

Application number	P2014/3121/FUL
Application type	Full Planning
Ward	Junction
Listed building	No
Conservation area	No
Development Plan Context	Nags Head & Upper Holloway Road Core Strategy Key Area
Licensing Implications	None
Site Address	Whittington Park Football Pitch, Holloway Road, London, N19
Proposal	Increase the height of the fencing along the north west boundary of the football pitch from 5m to 7m

Case Officer	Krystyna Williams
Applicant	Mr Jon Winder, Islington Council
Agent	N/A

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 black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial photograph showing the north western section of fencing to the rear of properties along Wedmore Gardens

4. Summary

- 4.1 Planning permission is sought for the increase in height of the existing fencing along the northwest boundary of the football pitch from 5m to 7m. The additional height will comprise a 2 metre high sports netting above the existing fencing.
- 4.2 The application is brought to committee because it is a Council-own development.

- 4.3 The Whittington Park football pitch is an artificial turf football pitch surrounded by existing 5 metre high fencing. The application is submitted to increase the height of the football pitch enclosure along the north western boundary to the rear of properties 1 - 49 Wedmore Gardens. The increase in height is required to prevent footballs going into these residential properties gardens.
- 4.4 The additional height will not result in any adverse and harmful design issues, nor is it considered to materially affect the amenity of adjacent residents.
- 4.5 It is therefore recommended that planning permission be granted subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site comprises an artificial turf football pitch surrounded by existing 5 metre high fencing. The application site is located on the south westerly side of Holloway Road. The football pitch is located to the north western section of the site, in close proximity to the rear of residential properties located along Wedmore Gardens.
- 5.2 The site is not located within a Conservation Area. The surrounding area is mixed in character and use.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the increase the height of the fencing along the northwest boundary of the football pitch from 5m to 7m. The additional height will comprise a 2 metre high sports netting above the existing fencing.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P052225** - Refurbishment of existing games court, comprising new playing surface, fencing and drainage. New floodlighting provided by eight new/replacement lighting columns (15m high), four to north-western side of pitch and four to south-eastern side. Approved 15/12/2005.
- 7.2 **P090250** - Construction of a new football changing rooms/ amenities building including office, training room, stores and meeting rooms. Associated works and landscaping to Whittington Park. Approved 06/05/2009.

ENFORCEMENT:

- 7.9 None

PRE-APPLICATION ADVICE:

- 7.10 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 245 adjoining and nearby properties. Consultation expired on the 19th September 2014 however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 Two objections were received from the public with regard to the application. Two issues were raised (with the paragraph that responds to the issues raised in brackets):
- Concern that the fence will be placed above the existing wall at No. 5 Wedmore Gardens (Paragraph 10.7);
 - The existing trees provide adequate screening and the additional height to the fencing is not necessary (Paragraph 10.7).

Internal Consultees

- 8.4 **Design and Conservation:** No comments provided.
- 8.5 **Biodiversity:** No comment.
- 8.6 **Parks & Open Space / Tree Preservation:** No comment.

External Consultees

- 8.7 **Sport England:** No objection.

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, The 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, and Site Allocations 2013:

- **Nags Head & Upper Holloway Road
Core Strategy Key Area**

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 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:

- Design and appearance and impacts on surrounding area;
- Impact on amenity of neighbours.

Design and Appearance

10.2 The application site relates to the existing artificial football pitch located to the rear of residential properties located along Wedmore Gardens. Planning permission is sought to increase the overall height of the existing fencing along the northwest boundary of the football pitch from 5m to 7m. This will be achieved by the addition of a 2 metre high section of netting above the existing fencing.

10.3 The boundary between the properties at Wedmore Gardens and the football pitch comprises a number of large trees which provide a level of screening. The existing football fencing is therefore not visible from many of the residential properties.

10.4 The proposed 2 metre high netting is marked on proposed drawings to be either 'green or black'. The exact colour can be conditioned. The proposed netting is considered to represent no harm in design and appearance terms and would not detrimentally impact the application site or the surrounding area.

Neighbouring Amenity

10.5 The Council seeks to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.

10.6 The existing fencing along the north-western boundary to the rear of properties along Wedmore Gardens is screened in part by the existing trees. The proposed increase as a result of 2 metres of netting will also be screened to

many residents by the trees. The netting will be of an appropriate colour to blend with its surroundings.

- 10.7 There have been two objections to the development. Concern was raised that the additional height will be placed above an existing wall at No. 5 Wedmore Gardens. This is not the case; the additional height is above the existing north western section of fencing surrounding the football pitch. A further letter of objection states that the existing trees provide adequate screening and the additional height to the fencing is not necessary. The application has been submitted to overcome the quantity of footballs going into the rear gardens along Wedmore Gardens and the additional netting is not considered to harm the amenity of adjoining residents.
- 10.8 Overall, the proposal is therefore considered not to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington Development Management Policies June 2013.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.2 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	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>Location Plan, Site Plan and fencing Elevations; Planning Statement; Boundary fencing and existing trees.</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>MATERIALS (DETAILS): Details and/or samples of the netting material (including colour) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.</p> <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.</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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive</p>

	<p>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>
--	---

APPENDIX 2: RELEVANT POLICIES

This appendix lists 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, Development Management Policies 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

A) 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)

B) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

Energy and Environmental Standards

DM7.4 Sustainable design standards

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:

Core Strategy Key Area

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

The following SPGs and/or SPDs are relevant:

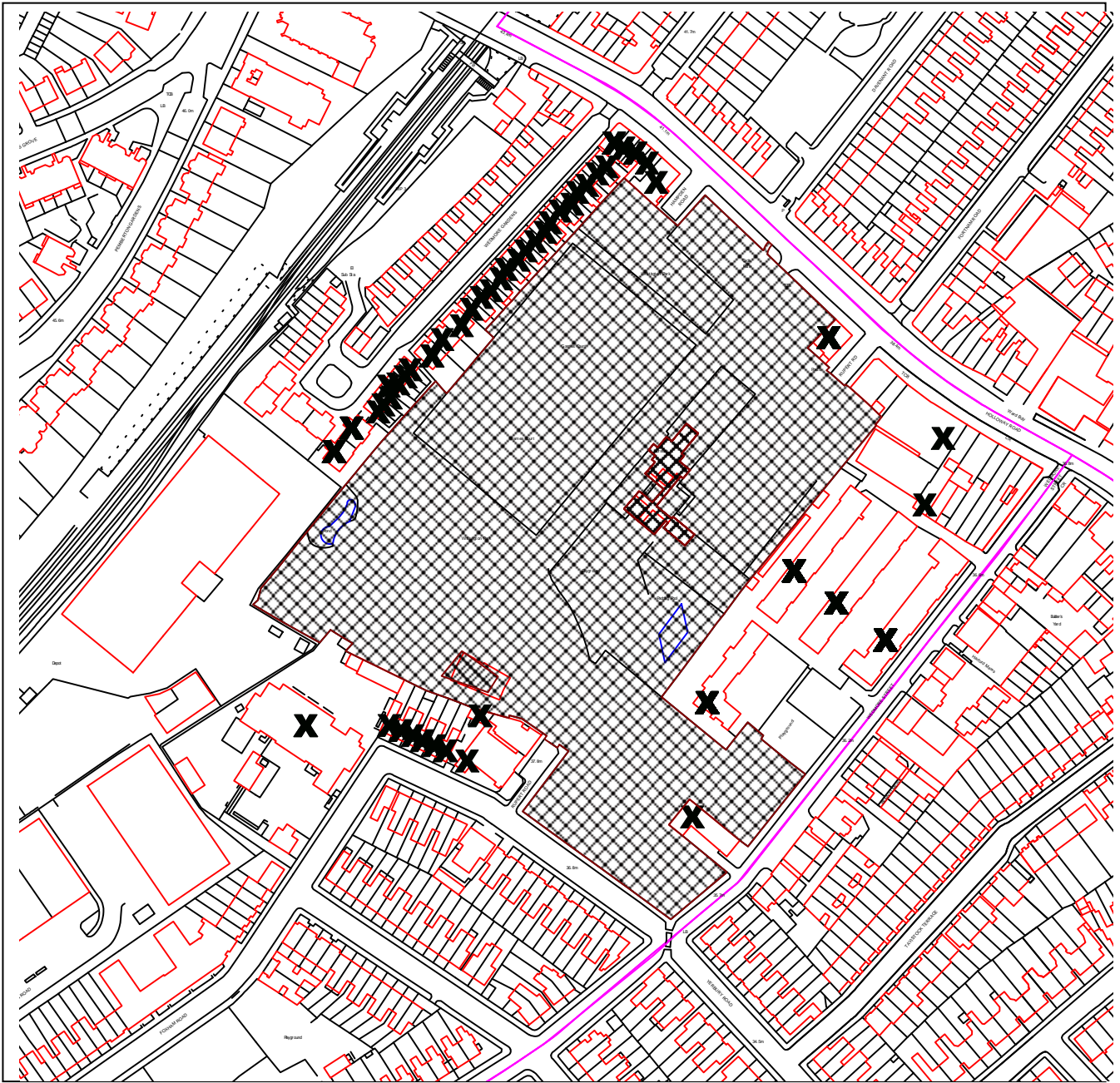
Islington Local Development Plan

- **Urban Design Guide (2006)**

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3121/FUL

LOCATION: WHITTINGTON PARK FOOTBALL PITCH, HOLLOWAY ROAD, LONDON, N19

SCALE: 1:2606

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