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## AGENDA FOR THE PLANNING SUB COMMITTEE B

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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, **19 March 2015 at 7.30 pm.**

**John Lynch**  
**Head of Democratic Services**

Enquiries to : Jackie Tunstall  
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Despatched : 11 March 2015


**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](mailto:enquiriesplanning@islington.gov.uk)**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Klute (Chair)	- St Peter's;	Councillor Chowdhury	- Barnsbury;
Councillor Nicholls (Vice-Chair)	- Junction;	Councillor Convery	- Caledonian;
Councillor Khan	- Bunhill;	Councillor Fletcher	- St George's;
Councillor Picknell	- St Mary's;	Councillor Gantly	- Highbury East;
Vacancy		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



<b>A. Formal Matters</b>	<b>Page</b>
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.

5. Order of Business	
6. Minutes of Previous Meeting	1 - 6
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. Nos. 4, 9, 10-37 Legion Close, London, N1 1PJ	7 - 28

2.	Duncombe Primary School, Sussex Way, London N19 4JA	29 - 48
3.	Ground floor, Haliday House, 2 Mildmay Street, London, N1 4NF	49 - 68
4.	Multi Use Games Area to the north of Chard House and Methley House, Andover Estate, London, N4	69 - 86
5.	465 Holloway Road, London N7 6LE	87 - 102
6.	Flat 3, 161 Upper Street, N1 1US	103 - 116
7.	Flat 3, 165 Upper Street, N1 1US	117 - 130
8.	Flat C, 167 Upper Street, N1 1US	131 - 144

**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**

**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 May 2015

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

[www.democracy.islington.gov.uk](http://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](mailto:enquiriesplanning@islington.gov.uk)**

London Borough of Islington

## Planning Sub Committee B - 5 February 2015

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 5 February 2015 at 7.30 pm.

**Present:**           **Councillors:**       Martin Klute (Chair), Tim Nicholls (Vice-Chair), Jenny Kay, Robert Khan and Angela Picknell

### Councillor Martin Klute in the Chair

**68**        **INTRODUCTIONS (Item A1)**

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.

**69**        **APOLOGIES FOR ABSENCE (Item A2)**

None.

**70**        **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

**71**        **DECLARATIONS OF INTEREST (Item A4)**

None.

**72**        **MINUTES OF PREVIOUS MEETING (Item A5)**

**RESOLVED**

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

**73**        **ORDER OF BUSINESS (Item A6)**

The order of business would be B2, B6-8, B1, B3, B5, B4 and B9.

**74**        **1-4 NETHERLEIGH CLOSE, N6 5LL (Item B1)**

Construction of a mansard roof extension with 2 no. rooflights to front elevation and replacement windows and doors to 1-4 Netherleigh Close. (P2014/4016/FUL, P2014/4018/FUL, P2014/4017/FUL and P2014/4019/FUL).

In the discussion the following points were considered:-

- The comment of the applicant that the mansard roof extension would take the place of an existing roof terrace which should reduce overlooking.
- That a zinc roofing material was considered acceptable by the conservation officer given the relatively modern style of the host buildings.
- That the Conservation Area Design guide stated that new roof extensions would only be allowed on those terraces where a significant number already existed.
- Concern regarding the close proximity of the development in relation to numbers 5 and 6 Netherleigh Close.

**RESOLVED**

That the item be deferred for a site visit and further information regarding the impact of the development on numbers 5 and 6 Netherleigh Close.

75

**2-8 BALFE STREET AND 35-45 CALEDONIAN ROAD, N1 9EG (Item B2)**

Part demolition of 2-8 Balfe Street and 35-45 Caledonian Road, the erection of a part four storey, part second floor, part third floor and roof extension to create a four storey building, alterations to Balfe Street, Caledonian Road and northern elevations, erection/replacement of six shopfronts on Caledonian Road, lowering of basement floor level and change of use of six retail units (A1 use) fronting Caledonian Road to offices.(B1 use).(P2014/3577/FUL)

In the discussion the following points were considered:-

- Within the BRE guidelines the loss of sunlight was considered more acceptable than the loss of daylight. The loss of daylight to neighbouring properties was within acceptable tolerances. Three windows failed the sunlight test. Two of these were to bedrooms which were considered less important in the BRE Guidelines and the remaining window was to a living room which was dual aspect and the loss of sunlight was considered to be acceptable.
- No marketing data had been provided. The Committee noted that the premises were long term vacant when purchased. The Committee considered that there a decision would be balanced between the departures in policy and the benefits of the proposal.
- The benefits of the proposal would need to be clearly set out in the Section 106 to ensure delivery.

Councillor Klute proposed amendments to the Section 106 wording which was seconded by Councillor Nicholls.

**RESOLVED**

That planning permission be granted subject to the conditions set out in Appendix 1 of the report and 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, with amendments to include the delivery of a small business hub at affordable rental levels, the inclusion of Islington schools in the school outreach programme and all programmes to continue on an on-going basis. The wording to be delegated to officers, in consultation with the Chair.

76

**23-26 HYDE'S PLACE, N1 2XE (Item B3)**

Erection of a glazed roof extension at second floor level to create additional storey (P2014/4365/FUL)

The Committee noted that an additional objection had been received raising concerns regarding overlooking and the use of the roof terrace.

In the discussion the following points were considered:-

- The applicant was prepared to accept a condition to prevent the use of the roof terrace to prevent overlooking.
- Edwards Cottages would be taller or at the same height as this proposal.
- The proposal was acceptable in terms of the council's planning policies.
- It was noted that there was a condition requiring the use of obscure glazing to the eastern elevation to prevent overlooking.

Councillor Klute proposed an additional condition which was seconded by Councillor Khan.

**RESOLVED**

That planning permission be granted subject to the conditions and informatives in the report and the addition of an additional conditions in relation to the use of the roof terrace. Wording to be delegated to officers and appended to the minutes.

**77** **ARCHWAY LEISURE CENTRE, MACDONALD ROAD, N19 5DD (Item B4)**

Single storey extension to leisure centre main entrance. Internal first floor infill. (P2014/3524/FUL)

**RESOLVED** that planning permission be granted subject to the conditions and informatives in the report.

**78** **ISLINGTON ARTS AND MEDIA SCHOOL, 1 TURLE ROAD, N4 3LS (Item B5)**

Siting of one storage container along the western boundary of the school grounds to provide additional storage for the school. (P2014/3611/FUL)

In the discussion the following points were considered:-

- That the turning circle within the school grounds could not be used with the implementation of this permission.

Councillor Klute proposed deferral of the application which was seconded by Councillor Khan.

**RESOLVED**

That this item be deferred for further investigation into the school service plan.

**79** **WORCESTER POINT, CENTRAL STREET, EC1V 8AZ (Item B6)**

Items B6- B8 were taken together as one item and the minutes apply to all three of the applications.

Installation of 1no. satellite and associated equipment including walkway and balustrade. (P2014/3169/FUL)

In the discussion the following points were considered:-

- The dishes would sit on a metal pole so would have very little impact on the green roof.
- All the satellite dishes had been placed to ensure that they had the least possible visual impact for residents.
- There would be no interference with other equipment from the satellite dishes.
- It was considered that there was no planning reason to refuse the application.

**RESOLVED**

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

**80** **WORCESTER POINT, CENTRAL STREET, EC1V 8AZ (Item B7)**

Application is for 3no. satellite receivers on the roof of Worcester Point plus associated equipment, including walkway and balustrade. (P2014/4053/FUL)

In the discussion the following points were considered:-

## Planning Sub Committee B - 5 February 2015

- The dishes would sit on a metal pole so would have very little impact on the green roof.
- All the satellite dishes had been placed to ensure that they had the least possible visual impact for residents.
- There would be no interference with other equipment from the satellite dishes.
- It was considered that there was no planning reason to refuse the application.

### **RESOLVED**

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

- 81** **WORCESTER POINT, CENTRAL STREET, EC1V 8AZ (Item B8)**  
Variation of a condition 2 (drawings) of planning permission P2013/3137/FUL to re-position x2 satellite dishes plus associated equipment including walkway and balustrade.

In the discussion the following points were considered:-

- The dishes would sit on a metal pole so would have very little impact on the green roof.
- All the satellite dishes had been placed to ensure that they had the least possible visual impact for residents.
- There would be no interference with other equipment from the satellite dishes.
- It was considered that there was no planning reason to refuse the application.

### **RESOLVED**

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

- 82** **ST MARY MAGDALENE CHURCH, HOLLOWAY ROAD, N7 8LT (Item B9)**  
Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3). (P2014/3112/FUL and P2014/3117/LBC)

### **RESOLVED**

That the decision made on the 18 December 2014 to refuse the application and the reasons for refusal be confirmed as the reasons the Sub-Committee would have given, had it been in a position to determine the application.

The meeting ended at 9.55pm

**CHAIR**



83

**WORDING DELEGATED TO OFFICERS**

2-8 Balfe Street and 35-45 Caledonian Road, N1 9EG

Additional information required from the applicant.

23-26 Hyde's Place, N1 2XE

ADDITIONAL CONDITION: The second floor flat area shown on Plan No. (PW)539/02/203 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.

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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

<b>PLANNING SUB- COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	19 <sup>th</sup> March 2015	<b>NON-EXEMPT</b>

Application number	P2014/3189/FUL
Application type	Full Planning Application (Councils Own Development)
Ward	Barnsbury
Listed Building	Not Listed
Conservation Area	Barnsbury Conservation Area
Licensing Implications Proposal	None
Site Address	Nos. 4, 9, 10-37 Legion Close, London, N1 1PJ
Proposal	Replacement of existing single glazed timber windows and doors with UPVC double glazed windows.

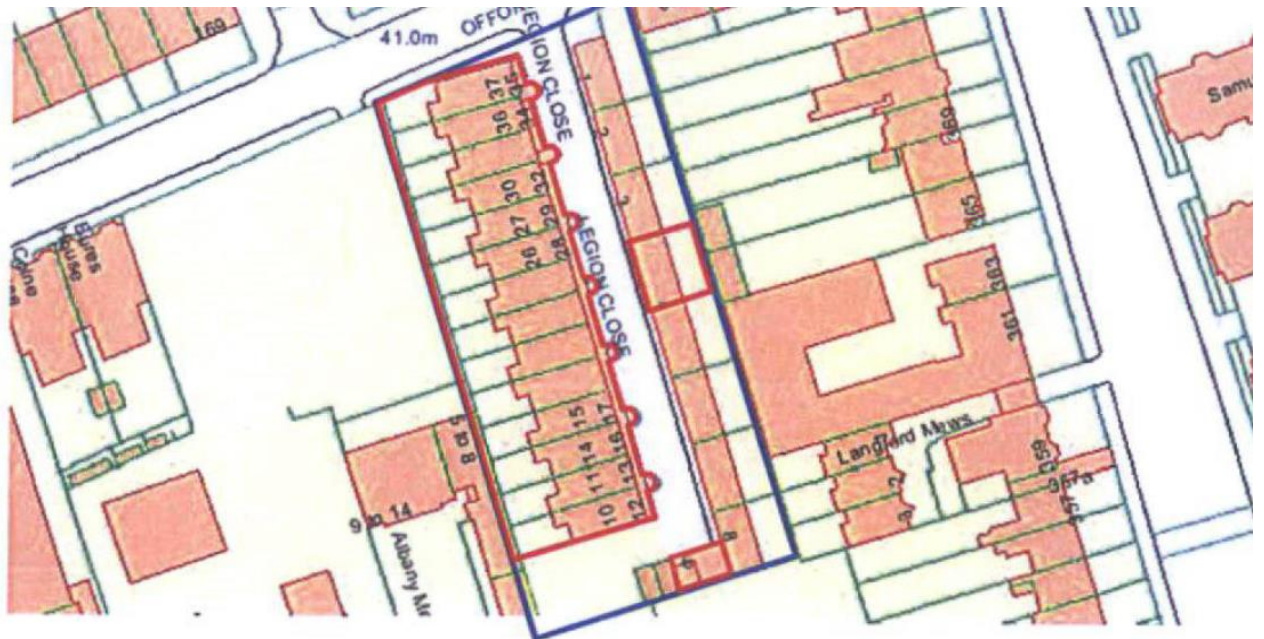
Case Officer	Eoin Concannon
Applicant	Islington Council
Agent	Steven Barron

### 1. RECOMMENDATION

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

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

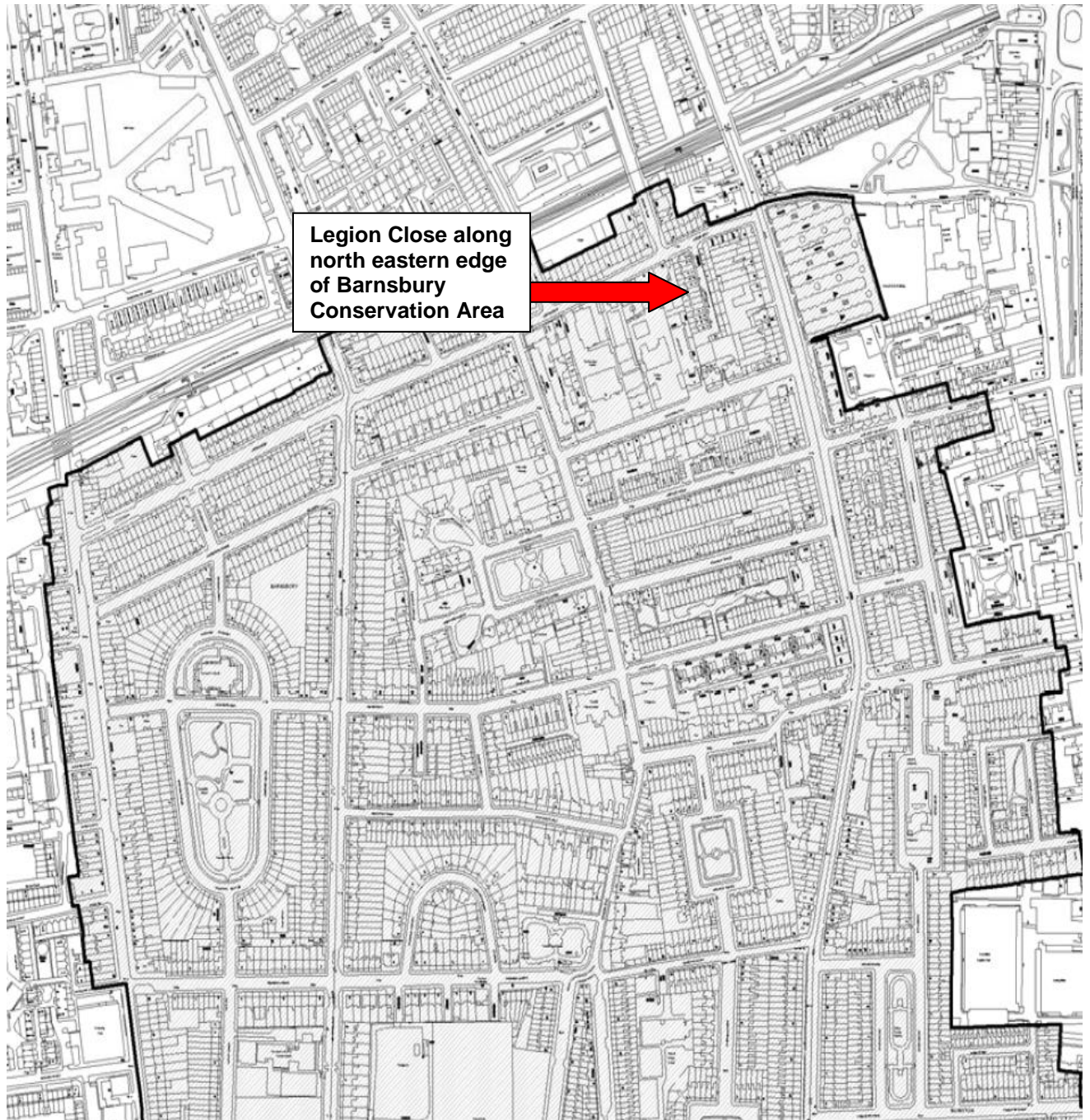
**2 SITE PLAN (SITE OUTLINED IN BLACK)**



**3 PHOTOS OF SITE/STREET**



**Image 1:** Aerial view of existing car park to the west of Community Lane



**Image 2:** Barnsbury Conservation Area (CA10)



**Image 3:** Entrance to Legion Close with Nos. 150-152 Offord Road on the left



**Image 4:** Nos. 150-158 Offord Road adjacent site with existing UPVC windows (also Barnsbury Conservation Area)



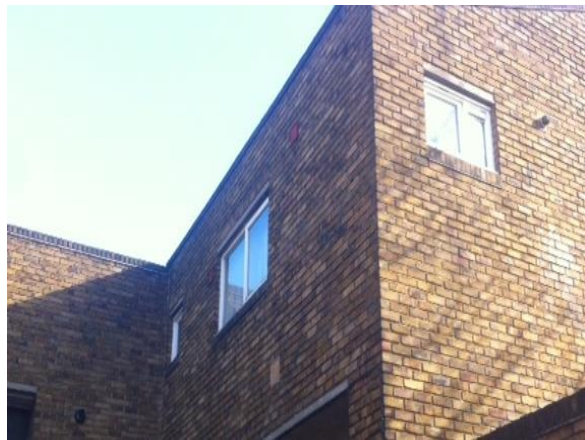
**Image 5:** Unique design of Legion Close



**Image 6:** Existing variation to window frames in Legion Close with Aluminium, Timber and UPVC



**Image 7:** Existing variation to window frames in Legion Close with Aluminium, Timber and UPVC



**Images 8, 9 and 10:** Variation in frames





## **4 SUMMARY**

- 4.1 The application seeks permission for the replacement of the existing timber framed windows with double glazed UPVC windows. The application relates to specific properties situated within Legion Close; namely Nos. 4, 9 and 10-37 Legion Close. The key considerations in determining the application relate to the impact on the existing building and Barnsbury Conservation Area, as well as sustainability.
- 4.2 Legion Close is a post war development situated along the north eastern boundary of Barnsbury Conservation Area. Whilst it is acknowledged the development is of unique architectural merit with defining features such as its distinctive drum staircases and entrances set back from main front walls, due to the variation in the existing frames (mixture of timber, aluminium and UPVC) in the wider cul de sac, it would not be justified refusing the application on the impact on the existing building in this instance.
- 4.3 The positioning of the buildings within a cul de sac reduces their overall visual prominence within the Barnsbury Conservation Area. Whilst it is acknowledged some of the rear elevation would be visible, this visibility would be from oblique views along the Offord Road and it is considered the frames would not be readily distinguishable. Furthermore, it must be added that similar window materials have been used on some post moderns developments directly adjacent the site at Nos. 150 to 158 Offord Road. As such, given its location, it is considered that the replacement double glazed UPVC windows and doors would have a neutral impact on the Barnsbury Conservation Area.
- 4.4 It is considered that the material and double glazing would improve the sustainability and heating arrangements of each individual unit over and above that of the existing single glazed arrangement. The design statement also indicates that the materials would be recycled material, therefore contributing towards reducing the carbon footprint. On balance, the proposal is considered acceptable and recommended for approval subject to conditions.

## **5 SITE AND SURROUNDING**

- 5.1 The application site is situated on the southern side of Offord Road and comprises a row of terrace maisonettes part Council owned known as Legion Close. The terrace is a two storey development which was built in the 1970's, is unique in architectural merit with the flank wall fronting onto Offord Road and the façade fronting onto the close.
- 5.2 A total of 37 properties are situated within this close each with access to parking and small garage on ground floor. The façade has strong architectural features with a double storey round turret stairwell projecting to the front of the

building line. In general the building use of London stock brick, dark tiling, and white painted timber cladding along with their discrete location allows it to blend in with its surrounding environment.

- 5.3 The surrounding area is predominantly residential in character with a mixture of architectural style and eras. Directly opposite the subject site lies three storey Victorian terraces which retain a significant amount of original design features (timber sash, London stock brick and cornicing. To the immediate north east of the site, there is a similar post-war construction Nos. 150-158 Offord Road which a mixture of London stock brick, UPVC/timber/aluminium windows and silver weathered timber cladding. Directly south west of the site lies a contemporary new development known as the "Wallpaper Apartments" which is a mixture of light render, dark stained timber tiles, baked terracotta tiles and dark grey powder coated aluminium framed windows.
- 5.4 The subject site is neither locally/listed building however it does lie towards the north east edge of Barnsbury Conservation Area. The Conservation Area is the largest in the borough and characterised by formal late-Georgian/early-Victorian residential developments.

## **6 Proposal (in Detail)**

- 6.1 The application seeks planning permission for installation of UPVC double glazed doors and windows to replace existing soft wood on the front and rear elevations of properties Nos.4, 9 & 10-37 Legion Close. The reasoning for the application is due to the poor state of existing timber frames which are in.
- 6.2 The application is a resubmission on a recently refused scheme P2013/3125/FUL which was refused on the use of materials, its overall thickness, design and appearance which would harm the character and appearance of the Conservation Area. Under the previous scheme, no justification for the use of UPVC accompanied the application.
- 6.3 The accompanying Design & Access Statement indicates that the Estate is a mixture of freeholders, council tenants and long term leaseholders with many of the properties already having altered the window materials from its original form. All tenanted properties in the block retain the original windows and it is proposed to alter these windows to UPVC
- 6.4 The revised application has been altered from the original submission to include Nos.4 and 9 Legion Close. Within the Design & Access Statement, the justification for use of UPVC windows highlights the variation of glazing configurations within the estate at present with Nos.10, 11 and 14 Legion Close already having UPVC materials. The current proposal has also reduced the overall thickness of the UPVC materials with a flat rather than chamfered profile to try and mimic the existing timber profile.
- 6.5 The statement also indicates that the materials would be sourced from Veka Recycling Ltd which recycles old frames and offcuts. It also indicates that the

existing leaseholders who have UPVC windows will be contacted and offered replacement windows in order to give the estate a uniform appearance. No confirmation has been provided whether this has occurred and if any leaseholders have taken up the option. This would be subject to obtaining planning permission.

## **7. RELEVANT HISTORY**

### **Planning Applications:**

- 7.1 **P2013/3125/FUL 10-37 Legion Close** Replacement of existing timber single glazed windows and doors with UPVC double glazing. **(Refused 16/12/13)**

**Reason:** The proposed replacement UPVC doors and windows, by reason of the materials, thickness of framing, design and appearance would cause undue harm to the character and appearance of the conservation area, contrary to the NPPF; policies CS8 and CS9 of Islington's Core Strategy (2011) and policies DM2.1 and DM2.3 of the Development Management Policies and guidance contained within the Islington's Urban Design Guide (2006) and the Barnsbury Conservation Area Design Guidelines.

- 7.2 **P112164 26, Legion Close,** Erection of a single storey rear extension and installation of replacement windows at first floor level to the front and rear elevations. **(Granted 11/11/2011)**

- 7.3 **P021007 14 Legion Close,** Replacement of single glazed timber windows, doors and shiplap with double glazed white UPVC windows, doors and fascia board **(Granted 17/06/2002)**

- 7.4 **P021006 18 Legion Close,** Replacement of single glazed timber windows, doors and shiplap with double glazed white UPVC windows, doors and fascia board. **(Granted 17/06/2002)**

- 7.5 **891819 Extension** to existing community centre. **(Granted 06/03/90)**

### **Enforcement:**

- 7.6 None

### **Pre-application:**

- 7.7 **Informal discussions** with Design & Conservation regarding resubmission of planning for replacement windows. Discussions concluded that

- More justification required for the use of UPVC;
- Emphasis on consistency appearance of the Estate as a whole;

- A slimmer profile would be required to reduce the chunkiness of the windows.

## 8 CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants adjoining and nearby properties on the 12<sup>th</sup> August 2015. A site notice was also displayed and press advert was also published in local paper. Five letters of objection and two letters of support have been received.

8.2 The concerns raised included:

- Application form indicates the use of aluminum rather UPVC - which is confusing (10.17)
- Misleading information on the correct make up of residents in the estate - correct break down 7 Freeholders, 12 Tenants, 3 Shared Owners, 15 Leaseholders; tenants with 10-37 Legion Close - only represent 36% of these flats (10.3, 10.6-10.7)
- Misleading information on existing variation in window materials - 6 flats UPVC (20%), 2 aluminum (7%) and 22 wood (73%) - a majority have original configuration (10.6)
- Concerns over the values of properties (10.18)
- The siting of the property on the edge or centre of the Conservation Area bears no relationship to its architectural value (10.9)
- The Close remains of undeniable architectural urban quality which has been highlighted in recent publications (10.2-10.8)
- The increase in the frames of the UPVC would impact the design quality of the building (10.2-10.8)
- Contrary to the materials recommended in the Barnsbury CA guidelines (10.12)
- Vika Infinity range of windows using recycled materials is inaccurate as Astraseal Company is indicated at the producer which is 100 percent UPVC. (10.14-10.16)
- Survey provided is flawed with windows misrepresenting incorrectly in terms of dimensions and configuration (10.2-10.8)
- No large scale drawings included illustrating the increased in frame thickness (10.7)
- Contrary to the guidance within Islington's publication "Reducing carbon emissions and adopting to climate change in historic buildings" - "the use UPVC windows is not considered to be acceptable in Conservation Area and Listed Buildings as detracts from character and appearance of historic buildings.(10.19)

8.3 The letters of support raised the following points

- Residents in the Estate have been seeking replacement windows for up to 13 years.
- Current state of windows and patio doors is very poor condition and in need of replacement
- Damp and mold issues as a result of the poor condition of windows which is affecting residents' health
- Objectors have raised issues of design grounds but also focused on housing value which is not a planning consideration
- Many of the leaseholders already have double glazing and the objections raised affect those who most need the double glazing vulnerable people - those who suffer poor health, fuel poverty.

### **Internal Consultees**

- 8.4 **Design & Conservation:** The Design & Conservation Officer recognises that there are particular circumstances to this proposal. The close is set in its own context (albeit slightly exposed at the Offord Road entrance) and the construction is modern, therefore the use of modern materials would not necessarily detract from its original design and character as it would on a Victorian terrace for instance. UPVC is not supported in principle. However, due to the specific circumstances of this case, D&C officer felt there may be scope for the use of uPVC material subject to slim profiles of appropriate design. Part of the justification should be to achieve a consistent treatment to all properties of the close which has suffered some unsympathetic alteration.

### **External Consultees**

- 8.5 **None**

## **9 RELEVANT POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the relevant development plan policies and 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 The National Planning Practice Guidance 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, Development Management Policies 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)**

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

## **10 ASSESSMENT**

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

- Impact on the character and appearance of existing building
- Impact on the character and appearance of the Conservation Area
- Sustainability.
- Other issues

### **Impact on the character and appearance of existing building**

- 10.2 The proposal relates to several properties situated within Legion Close which a unique part is Council/Private owned development built in the 1970's.
- 10.3 Originally built as Council Housing overtime the development has become a mixture of Council tenants, long term leaseholders and private freeholders. The information provided in the Design & Access Statement and subsequent information submitted from objectors indicates that the current breakdown of the Estate – 7 Freeholders, 15 Leaseholders, and 15 Tenants (3 of which on Share-ownership scheme). As such, it represents a fine example of a housing development with a retained balance between freeholder/leaseholders and tenant which the Council seeks to establish.
- 10.4 Legion Close has been highlighted by the representations received as a building of architectural value which has been highlighted in several architectural publications. Whilst there is no doubt that the building is of rich architectural merit, the original form has slowly altered overtime with several individual applications approved for conversion of existing garages and the replacement of windows with a range of materials.
- 10.5 It must however be noted that the strong architectural design is retained with the double storey round turret stairwell continuing to be the eye catching feature on the façade. The eye is drawn to these prominent features above

anything else within the terrace and this is furthered by the dominant and rich nature of the London Stock brickwork. In the context of the building materials and form, it is considered that the fenestration represent a secondary feature. As such, from the entrance to the Estate, it is difficult to distinguish between the window types.

- 10.6 From inspecting the site and information submitted by both Applicant and Objectors, it is clear that many of the properties within the Estate have already altered the window frames from the original timber form to either aluminium or UPVC frames. This is highlighted by the fact nine of the twenty eight properties on the main block of Legion Close (10-37) have either aluminium or UPVC framed windows. This represents a figure of 32% of the building which is considered a sizeable proportion. The objectors received make the converse arrangement to the fact that two thirds of the terrace remains unaltered from the original form.
- 10.7 Whilst, the Design Officer's comments are noted of the need for a more consistent approach to the Estate with a uniform material proposed to the whole Estate; due to the mixture of both freeholds, leasehold and tenants, this would not be possible without full agreement of all parties. Given the current variation between windows forms and the previous historical permission granted for the use of similar form of UPVC material at Nos. 14, 18 and 26 Legion Close, it would not be justified in refusing the application on the use of this material. As such it has been important to secure slim line UPVC frames that would cause minimum damage to the architectural detailing of the terrace. While the submitted drawings give a clear indication that the profile of the proposed window frames would be similar to that of the existing timber frames, it is suggested that given the lack of large scaled drawings a condition be attached securing further detailing of the materials to be submitted prior to implementation of the development.
- 10.8 Overall on balance, given the strong remaining features of the building (double storey round turret stairwell & the dominance of London Stock brick), and the proportion of windows that have already been altered, it is considered that the proposal would have a neutral impact on the architectural integrity of the existing building and is therefore acceptable in this instance subject to conditions securing the final detailing of the design.

### **Impact on the character and appearance of Barnsbury Conservation Area**

- 10.9 The subject site is situated towards the north eastern edge of Barnsbury Conservation Area. As noted by the representations received, this would not justify the use of UPVC materials due to its proximity to the edge. Notwithstanding this, the proposal must be assessed in the context of the immediate area which is a mixture of period style properties, post war developments and contemporary new build.
- 10.10 The period style properties directly north of the subject site continue to retain a large proportion of their original fabric with timber sash windows, original

iron wrought railing and London stock brick finish. These properties are situated directly across the highway from the subject site and are generally read in their own context. Along same side of the highway as Legion Close lies the Wallpaper Apartments, a contemporary new build which has a mixture of render, aluminium and metallic finish applied to its façade and retains a uniform design.

- 10.11 The application site has a similar design to the properties situated directly north east of the site Nos. 150-158 Offord Road. These properties have a similar height, brick and quirky design to the subject site with strong façade features. It must be noted that each of these properties have installed UPVC windows to the front elevation and given their prominent positioning along the main highway, the impact on the design is far more obvious than the subject site.
- 10.12 The subject site is situated in a cul de sac and as noted by the Design Officer is set in its own context (albeit slightly exposed on Offord Road entrance). The construction is modern, therefore the use of modern materials would not necessarily detract from its original design and character as it would on a Victorian terrace for instance which the Barnsbury Conservation Area guidance note advises the use of traditional materials. However due to the specific circumstances of this case; there is scope for the use of uPVC material subject to slim profiles of appropriate design. While it is acknowledged that there would not be a uniform design to the Close, given its semi-secluded location, it is not considered to cause sufficient harm to the character and appearance of the Conservation Area to warrant a refusal. This is also due to the existing variation of the material presently located in the Close as well as the existence of uPVC windows on Nos. 150-158 Offord Road.
- 10.13 As such it is considered to have a neutral impact on the visual amenity of the Barnsbury Conservation Area and would therefore on balance comply with CS policies 8 & 9, and DM policies DM2.1, DM2.3 & Islington's Urban Design Guidance 2006

### **Sustainability**

- 10.14 The proposed double glazing would improve the thermal efficiency of each individual unit thereby contributing to reducing energy costs. Whilst the UPVC is not ideal due to its non-biodegradable nature, the applicant has indicated that the materials themselves can be recyclable in the future.
- 10.15 The applicant has clarified that it would not be made from recyclable UPVC however it is envisioned that the rate of recycling UPVC windows would substantially increase due to the requirement to meet the Council's green standards. The applicant also indicates that the lifespan of the windows would be 30 years and can be maintained as has been done recently, by Mears Projects on behalf of the Council, on other estates in the borough.



10.16 As such, it is considered that the double glazing UPVC would contribute to sustainability of the terrace than the current arrangement and is therefore in compliance with sustainability policies.

### **Other issues**

10.17 Other issues raised during the consultation process included the confusion over the materials proposed. The consultation letters sent as well as site notice displayed and publication in the local press all made reference to the use of UPVC double glazing within the finish. Furthermore, page 10 of the Design & Access Statement clearly states that the new proposal would involve UPVC windows.

10.18 The representations received also make reference to the property values of individual properties due to the installation of UPVC windows. This is not a material planning consideration in the assessment of this application.

10.19 It is noted that the representations received make reference to Islington's publication "Reducing carbon emissions and adapting to climate change in historic buildings". Within this publication it makes reference to the use of UPVC windows in Conservation Areas due to the impact on the historic buildings. However as argued in Para 10.13, the subject site is a stand alone modern development which has adopted mixture of traditional and modern materials in its finish. It is therefore not considered to compromise the overall setting of the period style dwelling on the opposite side of the highway. As such, in this instance special circumstances exist and it is considered acceptable.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 The proposed development is acceptable and would not result in unacceptable harm to the existing terrace or the Barnsbury Conservation Area. It would improve the overall sustainability of the building and would therefore be in accordance to the Council's local policies.

### **Conclusion**

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



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

	<b>Commencement (Compliance)</b>
1	<p><b>3 YEAR CONSENT PERIOD:</b> The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p><b>REASON:</b> 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>
	<b>Approved Plans List: (Compliance)</b>
2	<p><b>DRAWING AND DOCUMENT NUMBERS:</b> The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Site Location Plan, LEG 01, LEG 02, LEG 03, LEG 04, LEG 05, LEG 06, LEG 11, LEG 12, LEG 13, LEG 14, LEG 15, LEG 16, Legion Close Design &amp; Access Statement]</p> <p><b>REASON:</b> 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>
	<b>Details of windows</b>
3	<p><b>MATERIALS (DETAILS):</b> Details (elevational and sectional drawings (1:5/1:10) and samples of the type of uPVC frames shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p><b>REASON:</b> In the interest of securing sustainable development and to ensure that the appearance of the development is maintained.</p>

#### List of Informatives:

	<b>Positive statement</b>
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>
3.	<p><b>Construction hours</b></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 Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> <li>○ 8am –6pm Monday to Friday,</li> <li>○ 8am – 1pm Saturdays;</li> <li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</li> </ul> </div>

## **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 7.4 (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)

Policy CS10 Sustainable design

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

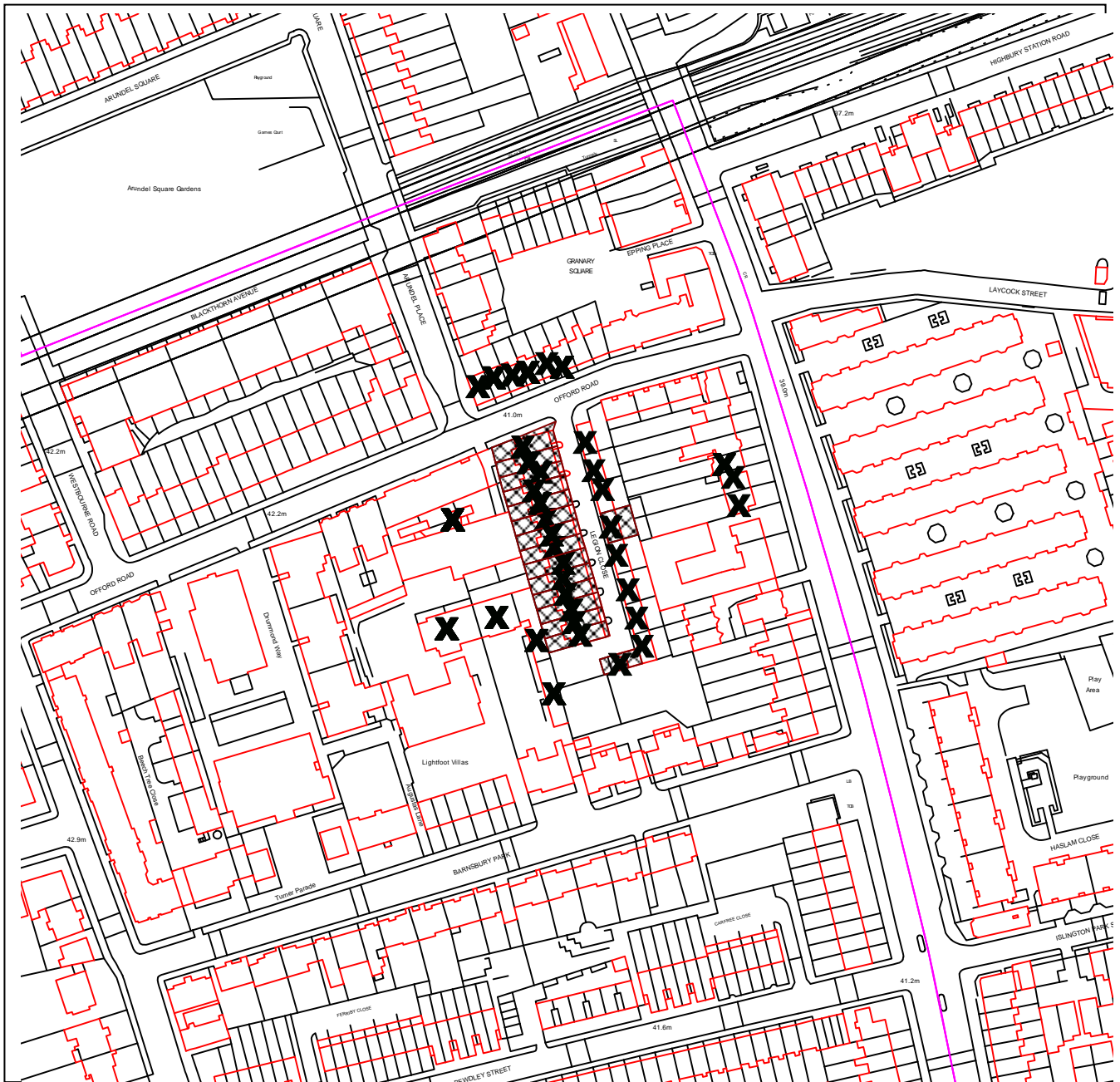
#### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
  - Barnsbury Conservation Area Design Guidance
- Note



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3189/FUL

LOCATION: NOS. 4, 9, 10-37 LEGION CLOSE, LONDON, N1 1PJ

SCALE: 1:2000

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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

<b>PLANNING SUB-COMMITTEE B</b>		<b>ITEM B</b>
Date:	19 <sup>th</sup> March 2015	Non exempt

Application number	P2013/4257
Application type	Councils Own Development
Ward	Tollington
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	Nags Head and Upper Holloway Road
Licensing Implications	None
Site Address	Duncombe Primary School, Sussex Way, London N19 4JA
Proposal	The construction of a new community hall (together with locker rooms, toilet facilities, classroom and offices) together with new landscaping and boundary walls and gates.

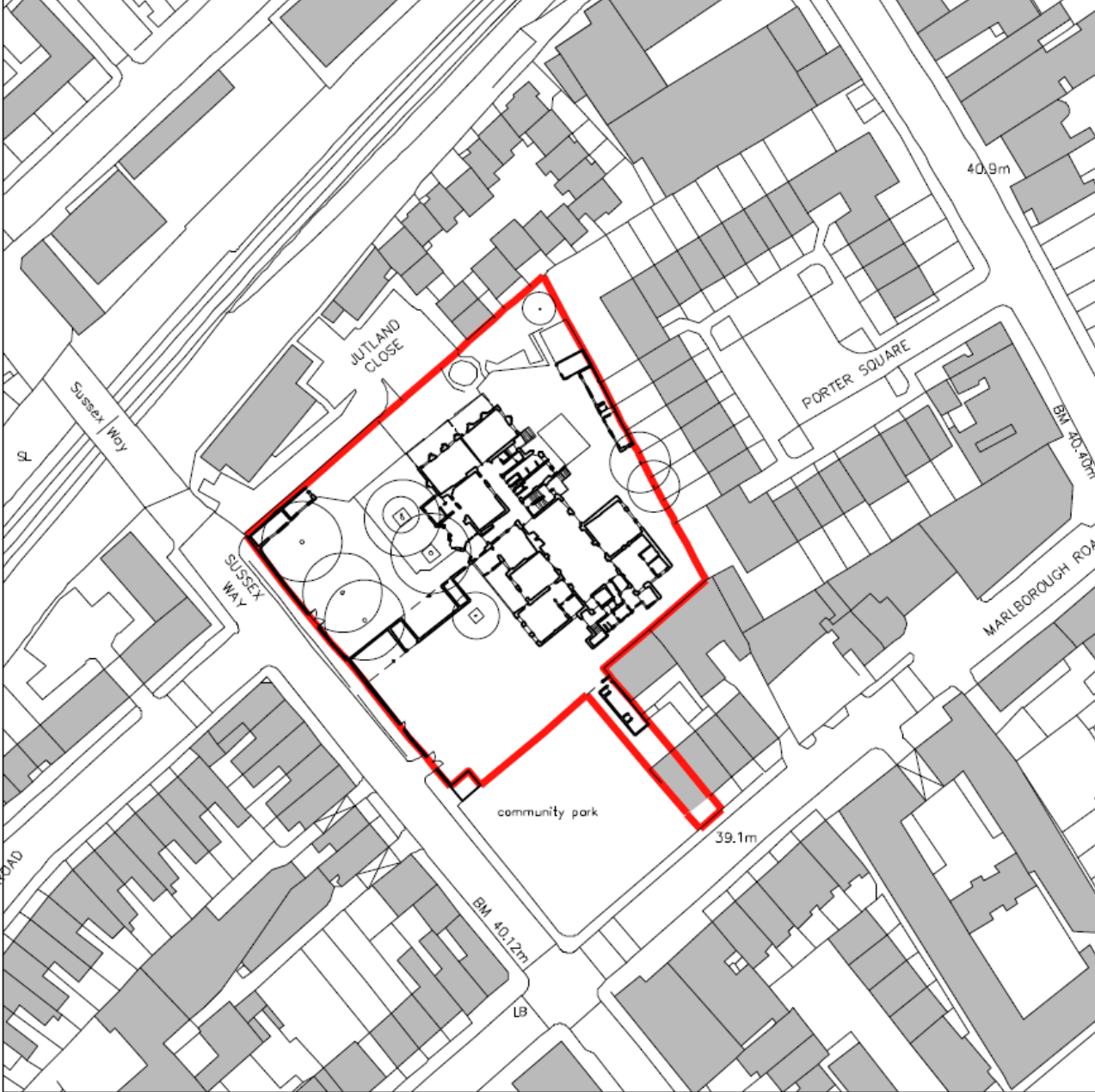
Case Officer	Ashley Niman
Applicant	London Borough of Islington
Agent	Clavadetscher Hoffmann Architects

### 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  
The site looking south east across Sussex Way



Photo 2  
The site looking north east across Sussex Way

## **4.0 SUMMARY**

- 4.1 Duncombe School is a mixed county primary school which has seen an increase in popularity more than doubling its size in recent years. The growing success of the school is not reflected in the quality and capacity of its building function.
- 4.2 The present halls are not of sufficient capacity to house the whole school at one time, and disabled access arrangements require improvements.
- 4.3 The principal space will provide a hall for the full school complement.
- 4.4 The space will enable the school to develop an extended school programme, enhance parental links and offer community facilities.
- 4.5 The development is designed to ensure protection of the London Plane trees in the front playground.
- 4.6 The proposal is recommended for approval subject to conditions.
- 4.7 The design is considered appropriate both in its relationship to the main school building, and to the street frontage.
- 4.8 The scheme is identical to the one previously approved at committee on 26/10/201. (ref P091557).

## **5.0 SITE AND SURROUNDING**

- 5.1 The school is characteristic of Board school design of the 1870s/1880s with its three storeys of school rooms, polychromatic brickwork, large segmental windows and dominant pitched roof and chimneys. Numerous single storey extensions and lean-to buildings exist on the site including the single storey link building between the main entrance and Sussex Way. The building is not listed nor is it located within a conservation area. The front playground, facing Sussex Way, is dominated by five mature London Plane trees which are a significant visual and ecological benefit for the school and townscape.
- 5.2 The school is located on the east side of Sussex Way adjacent to the community park at the corner of Sussex Way and Marlborough Road. The surrounding area is predominantly residential in land use and character with two and three story terrace properties predominating, although there is variety in the material and detail between properties.

## **6.0 PROPOSAL (in Detail)**

- 6.1 The proposal will provide for the construction of a new community hall (together with locker rooms, toilet facilities, classroom and offices) together with new landscaping and boundary walls and gates. The entrance pathway will be realigned to allow for clear sightlines and link in with the new two storey assembly hall and first floor classroom. The development will be conditioned to ensure full protection of the mature trees within the front school playground.
- 6.2 The existing single storey link building will be demolished to allow for the new hall and ancillary spaces. This structure dates from the mid 20thC, has little architectural value,

and a limited level of usability. It is also in a relatively poor condition and this combined with the limited flexibility, points to the need for a new building.

## **7.0 RELEVANT HISTORY:**

### **Planning Applications**

- 7.1 P2013/2700. Planning application to extend the time on Planning Permission P091557 (New Community Project for Duncombe Primary School to provide a community hall, locker room, toilet facilities (ground floor); additional classroom and office (first floor); landscaping; new boundary walls and gates to Sussex Way.). Withdrawn as no longer applicable since the 'Extended time' procedure had ceased.
- 7.2 P091557. New Community Project for Duncombe Primary School to provide a community hall, locker room, toilet facilities (ground floor); additional classroom and office (first floor); landscaping; new boundary walls and gates to Sussex Way. Approved 26/10/2010.
- 7.3 P080897. Refurbishment of ground floor main entrance, including the installation of new glazed roof and associated alterations. Approved 14/08/2008.
- 7.4 P091033. Construction of single storey ground floor level extension. New extension to create additional nursery classroom to front of building. Associated alterations. Approved 21/08/2012.
- 7.5 P010241. Erection of a single storey conservatory with pitched glazed roof cover. Approved 26/04/2001.

### **Enforcement:**

- 7.6 None

### **Pre-application Advice:**

- 7.7 None

## **8.0 CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to 86 occupants of adjoining and nearby properties at Jutland Close, Porter Square, Marlborough Road, Sussex Way and Hatchard Road on 12<sup>th</sup> August 2014. A site notice was displayed on 31<sup>st</sup> July 2014. The public consultation of the application therefore expired on 11<sup>th</sup> September 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 a total of three objection letters had been received from the public with regard to the application. Councillors will be updated at the committee meeting if any additional responses are received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Concern about greater numbers of people using the facility (10.14).
- Noise from car engines (10.14).
- Generation of rubbish (10.14).
- The scale of the proposal (10.2 and 10.3).
- A lack of confidence in school management to cope with the changes (10.14).

### **External Consultees**

8.3 None.

### **Internal Consultees**

8.4 Access Officer: Overall in accordance with policy, some minor queries.

8.5 Design and Conservation Officer: No further comments following the original approval of October 2010.

8.6 Tree Preservation / Landscape Officer: no objection subject to conditions.

## **9.0 RELEVANT POLICIES**

9.1 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**

9.2 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, 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 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 Core Strategy**  
None

**London Plan**  
None

### **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

The main issues arising from this proposal relate to:

- Land Use
- Design merits of the proposed development
- Accessibility
- Landscaping and trees
- Impact on neighbour amenity
- Sustainability
- Highways and parking

### Land-use

- 10.1 The proposal seeks to build on the progress the school has made in other areas over the past few years, in particular, academic achievement and social development. The proposals are in line with London Plan and local planning policies to improve and enhance local schools, to maximise development, provide a more sustainable construction and provide facilities which will become an integral part of both the school and the wider community.
- 10.2 The proposed development does not constitute a change of use of the site. The increased community offer for use outside school hours is considered to be ancillary to the principle function as a school and educational facility. Accordingly no issues of land use arises.
- 10.3 The school presently has a hall on each floor but none is large enough to hold the whole school role at any one time. There is no proposal to increase pupil numbers, currently at 460, but the school clearly needs a modern space for assembly and sport events. The hall is in accordance with Sport England recommendations and the seating system will allow flexible usage of the hall for performance purposes as well as assembly and sport events. The colonnade can be used by pupils during break time or closed off when necessary. The roof of the lower element, close to the main school building façade, can be used as an external teaching area.

### Design

- 10.4 The design approach has been to develop a proposal that is innovative but sympathetic to the existing building. The new building originally aligned with the footprint of the existing single storey pitched roof structure, linking the redesigned entrance to the front gate and boundary wall. The revised scheme, in order to protect the root system of the Plane trees in the playground, has relocated the footprint 2.65 metres towards the south. It will be primarily two storeys high although the lowest point will be where it adjoins the main school building, ensuring it reads as an independent structure rather than a simple extension. The roof of the hall slopes up gently from the boundary to minimise the height and mass to the street and impact on facing properties.

- 10.5 The primary volume will be adjoined by a single storey colonnade which will be the new entrance link with direct access to the front reception. The recently glazed entrance extension would enable separate access for visitors and school students enhancing security arrangements. At present the low buildings fronting the school are poor quality and it is difficult to identify the entrance. The extension and new entrance will sharpen up the frontage which is currently drab and downbeat and offer a stronger visual identity for the school.
- 10.6 The volumes will be clad in thermally treated softwood, with a herringbone pattern to the main walls. On the street elevation, the ground floor will be painted render with lighter timber cladding to the first floor. The rendered section will reflect the continuation of the new perimeter fencing. Doors and windows will be frameless aluminium units. All details of materials will be conditioned and in particular samples of the render colour and the wood cladding will be required.
- 10.7 The proposal is considered to be in accordance with policy 7.2 of the London Plan 2011, policies DM2.1 and DM2.2 of the Development Management policies 2013, policy CS12H of the Islington Core Strategy 2011 and the Inclusive Design SPD 2014.

### **Accessibility**

- 10.7 The original scheme (Ref P091557) was reviewed by the Access Officer and agreed subject to condition. It has been reviewed again in light of more recent legislation, in particular the Inclusive Design in Islington SPD 2014. The Access Officer has identified a number of route access matters, in particular to the accessible WC and around the changing areas, and although these will be covered under Building Control, it is recommended that details are submitted under a condition.
- 10.8 The proposal is considered to be in accordance with policy 7.2 of the London Plan 2011, policy DM2.2 of the Development Management policies 2013, policy CS12H of the Islington Core Strategy 2011 and the Inclusive Design SPD 2014.

### **Landscaping and Trees**

- 10.9 The school playground is dominated by five London Plane trees with an average height of 19 metres and very much a symbol of the school as well as forming an important part of the local townscape of Sussex Way. They are of comparable age to the older school buildings and their retention formed an important part in consideration of the proposals.
- 10.10 Consequently the original proposal of 2010 (Ref P091557) was amended by relocating the footprint of the new building to ensure foundation excavations do not harm tree roots and by reducing the degree of overhang to the new building to reduce pruning. There has been no further change to the plans. The Tree Officer has reviewed the plans again in regard to the current submission and is satisfied that since there has been no change, there are no further arboricultural issues and the scheme is supported subject to conditions.
- 10.11 Subject to conditions it is considered that the proposal is compliant with policy 7.21 of the London Plan 2011, Plan 2002, policy DM6.5 of the Development Management policies 2013, and policy CS15A, B and F of the Islington Core Strategy 2011.



## **Neighbouring Amenity**

- 10.12 Council policy seeks to protect the amenity of neighbouring occupiers. This includes light, privacy sense of enclosure and noise. The only immediately affected properties are those facing the site on the west side of Sussex Way between 256 and 272. In terms of light the scheme has been assessed with regard to the BRE analysis. In regard to daylight there will be no breach of the initial 25' line when measured in section from the ground floor of the property perpendicular to the development and consequently there will be no unreasonable loss of daylight. Turning to sunlight, due to the location of adjacent buildings relative to the orientation of the sun, there will be no material loss of sunlight to any facing property.
- 10.13 In regard to privacy, the development site lies across a public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy. Moreover, the only glazed area facing the road will be a high level glazed strip which helps illuminate the hall, and wraps round the building along the southern elevation. The new building will be two storeys high and is only eight metres wide, so it is not considered that outlook to neighbours will not be materially harmed.
- 10.14 Residents have raised concerns over the management of the school and in particular the anticipated problems that may arise from greater evening use. These are identified in particular as noise, congregations of people after events and rubbish left behind after events. It is recommended that a condition is attached to any grant of permission that requires Management Plan to be developed and submitted for approval to ensure that future activity is managed and its impacts monitored.

## **Sustainability, Energy Efficiency and Renewable Energy**

- 10.15 It is proposed to install solar thermal units on the roof for use with the proposed under floor central heating and to preheat water for facilities in the new building. Windcatchers with solar driven fans will provide zero energy ventilation and secure night time cooling in the summer.
- 10.16 The proposal is considered to be compliant with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan 2011 and policy CS10B of the Islington Core Strategy 2011, and Development Management policies 2013 DM7.1, DM7.2 and DM7.4.

## **Highways and Transportation**

- 10.16 The school is located close to various forms of public transport with Archway Underground Station and Crouch Hill and Upper Holloway Station within walking distance. The school catchment area attracts those within a two mile radius of the site, including children from Haringey. The school currently has 460 pupils and there is no proposal to increase this intake. The new building is designed to meet an existing need, not increase demand. There is no on-site parking for staff or visitors and no proposal to change this. The extended school and community use of the proposed facilities is envisaged to be mainly local and pedestrian based. There is an existing cycle rack with 12 stands within a secure shelter. There are no current plans to change this. A Travel Plan is included with the submission.

10.17 The proposal is in accordance with policies 6.7 and 6.9 of the London Plan 2011, policies DM8.4 and DM8.5 of the Development Management policies 2013 and policy CS10H of the Islington Core Strategy 2011.

### **Open Space**

10.18 Policy DM6.3 of the Development Management policies seeks to protect existing play space across the borough by resisting their loss unless a replacement play space of equivalent size and functionality is proved to meet the needs of the local population. The loss of 85sqm of open hard surface space is justified by the replacement with a secure and covered structure which would enable children to play and have activities all year round rather than being dependent on more clement weather.

10.19 The London Plan supports new and expanded education facilities. Policy 3.18 states “Development proposals which enhance education and skills provision will be supported including new build, expansion of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary schools places will be particularly supported”. There is therefore in principle support for additional education facilities for primary schools, and given the high population of the school, the new facility is justified

## **11.0 SUMMARY AND CONCLUSION**

### **Summary**

11.1 The construction of the new hall will allow for a single space for the whole school to assemble in.

11.2 The new building will be sustainable in both its construction and its operation and function.

11.3 The new building will contribute positively to the appearance of the street.

11.4 Conditions will ensure that the new building will not harm the mature trees within the school playground.

### **12.0 Conclusion**

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:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>Design and Access Statement (CH Architects July 2009), 197_20_400C, 197_20_401C, 197_20_430C, 197_20_431C, 197_20_202E, 197_20_203D, 197_20_204C, 197_20_221D, 197_20_222B, 197_20_230D, 197_20_231D, 197_20_232D, 197_20_233E, Arboricultural Statement (ACS Consulting).</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Wood cladding</li> <li>b) Render</li> <li>c) Glazing/doors</li> <li>d) Ironwork including gates</li> </ul> <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>
<b>4</b>	<b>Landscaping</b>
	<p>CONDITION: Notwithstanding the indicative landscaping scheme shown on the approved plans. A landscaping scheme, including trees to be retained and proposed together with details of positions of planned and existing underground services; proposed groundwork's; enclosures; drainage; hard ground surfaces and details of all surface treatment and boundary walls, as appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby granted permission is commenced.</p> <p>No underground services shall be installed within the Root Protection Area (RPA) of the trees to be retained.</p> <p>All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or</p>

	<p>shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site.</p>
<b>5</b>	<b>Arboricultural Method Statement</b>
	<p>CONDITION: Prior to the commencement of any works on site an amended Arboricultural Method Statement in accordance with BS 5837, 2005 'Trees in Relation to Construction' shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement must include a revised plan showing the location of the tree root protection area (RPA) for the trees on the site and include the tree and ground protection to be erected and details of all works within the RPA including the careful hand demolition of the current building/ surface treatment and specify in detail any tree pruning work. The Method Statement must also include a schedule of monitoring by a suitably qualified arboricultural consultant or landscape architect detailing arboricultural supervision for the various operations that are likely to impact or influence the health, wellbeing or amenity value of the tree, the details of the site inspections are to be recorded and passed to the Tree Preservation Officer.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality. To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>6</b>	<b>Code 4</b>
	<p>CONDITION: The development shall achieve a Code for 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>
<b>7</b>	<b>Hours of use</b>
	<p>CONDITION: The use shall not operate except between the hours of 07.30 - 21.00 Monday to Friday, 08.00 - 21.00 Saturdays, and 09.00 - 18.00 Sundays.</p> <p>REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their premises.</p>
<b>8</b>	<b>Green/Brown Biodiversity Roofs (Compliance)</b>
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> <li>biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>laid out in accordance with plan 197_20 204C hereby approved; and</li> <li>planted/seeded with a mix of species within the first planting season following</li> </ol>

	<p>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> <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 roof(s) 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.</p>
<b>9</b>	<b>Management Plan</b>
	<p>CONDITION: Details of a Management Plan relating to but not limited to the proposed activities and events at the new hall and ancillary space shall be submitted to and approved in writing prior to the commencement of after school hours activities within the building hereby approved.</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 arrangements are appropriately organised and that the site is properly managed.</p>
<b>10</b>	<b>Construction Controls</b>
	<p>CONDITION: During the demolition and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:</p> <ol style="list-style-type: none"> <li>1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.</li> <li>2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.</li> <li>3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.</li> </ol> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p>
<b>11</b>	<b>Inclusive Design</b>
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this and notwithstanding the plans hereby approved, details of the layout of the wheelchair accessible changing areas and WC at ground floor, and their access from the main path, 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 provided in the following format: Plans to scale 1:50;</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 there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>12</b>	<b>Landscaping</b>
	<p>CONDITION: Notwithstanding the indicative landscaping scheme shown on the plans supplied, a landscaping scheme, including trees to be retained and proposed, together with details of hard and soft landscaping and details of all surface treatment and boundary walls, as appropriate, shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site.</p> <p>All landscaping in accordance with the approved scheme shall be completed during the first planting season after the date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site. To avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality. To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>13</b>	<b>BREEAM</b>
	<p>CONDITION: The development shall achieve a BREEAM Schools Construction (2011) rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>14</b>	<b>Renewable energy</b>
	<p>CONDITION: The renewable energy technologies (PV/solar thermal collectors/windcatchers), which shall provide for no less than 10% on-site total CO2 reduction shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by renewable energy are met.</p>
<b>15</b>	<b>Services</b>
	<p>CONDITION: Details of all existing and proposed underground services including their type, location and relationship to adjoining, trees and proposed tree-pits shall be submitted to and approved in writing by the local planning authority prior to any works commencing on-site.</p> <p>No new underground services shall be installed within the Root Protection Area (RPA) of the trees to be retained. Any works to existing underground services that require excavation within the RPA shall be detailed and submitted to the Local</p>

	<p>Planning Authority for approval by the Local Planning Authority.</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 avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality. To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>16</b>	<b>Engineers Report</b>
	<p>CONDITION: Prior to the commencement of any work on site, a full engineer's report of the proposed foundation type shall be submitted to, and approved in writing by, the Local Planning Authority. This report shall include construction details of the foundation, cross-sections for the areas located within the root protection area, a method statement which includes using sleeved mini piled foundations , cantilevered foundations into the RPA and ground beam/ reinforced raft with no surface excavations beyond the current foundations depth.</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 avoid inappropriate excavations and damage to the trees, ensuring that disturbance to the roots of the tree is minimised and to maintain a healthy rooting area to ensure the long term health of the tree thereby its contribution to the amenity of the locality. To protect the health and stability of trees to be retained on the site, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>17</b>	<b>Removal of the existing structure</b>
	<p>CONDITION: The existing single storey structure between the front of the school and the boundary to Sussex Way shall be fully demolished and removed and the site cleared prior to the commencement of works for the approved new facilities.</p> <p>REASON: To ensure that the level of open play space is optimised and that all redundant structures are cleared from the site.</p>

#### List of Informatives:

<b>1</b>	<b>Superstructure</b>
	<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>

<b>2</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's 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'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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</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

##### Enjoying London

3D.8 (Realising the Value of Open Space and Green Infrastructure)

3D.13 (Children and Young People's Play and Informal Recreation Strategies)

3D.14 (Biodiversity and Nature Conservation)

3D.15 (Trees and Woodland)

3D.18 (Education Facilities)

##### 5 London's response to climate change

Policy 5.3 Sustainable design and construction

4A.4 (Energy Assessment)

4A.7 (Renewable Energy)

4A.9 (Adaptation to Climate Change)

4A.11 (Living Roofs and Walls)

4A.14 (Sustainable Drainage)

4A.19 (Air Quality)

##### 7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

#### B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

CS16 (Play space)

CS18 (Delivery and Infrastructure)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

#### C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Health and open space

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM6.3 Protecting Open Space  
DM6.5 Landscaping, trees and biodiversity

DM7.4 Sustainable design standards

Transport  
DM8.4 Walking and cycling  
DM8.5 Vehicle parking

## **E) Site Allocations June 2013**

None

### **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**

None

#### **London Plan**

None

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

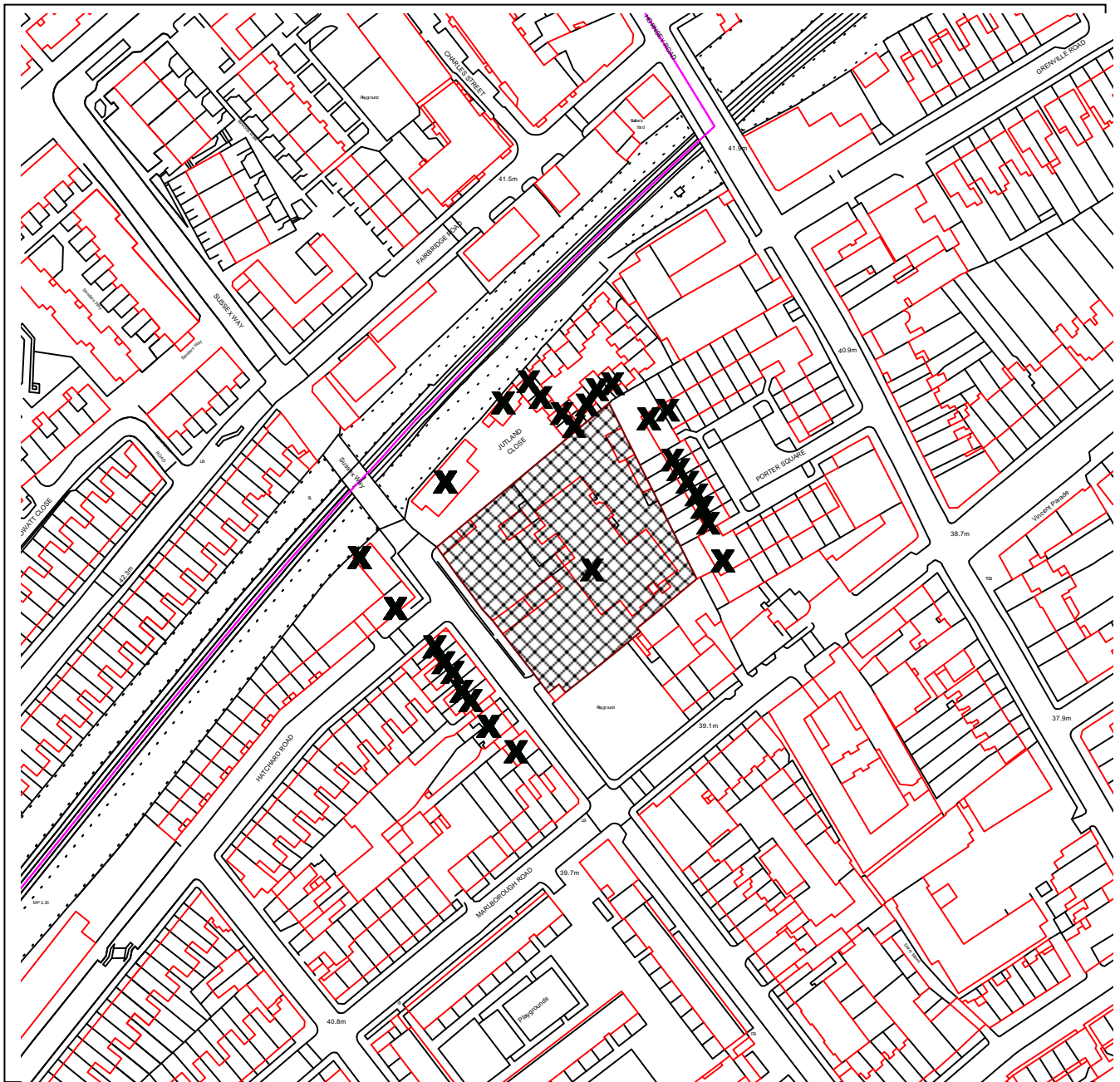
Environmental Design  
Inclusive Landscape Design  
Urban Design Guide  
Inclusive Design in Islington

#### **London Plan**

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



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/4257/FUL

LOCATION: DUNCOMBE PRIMARY SCHOOL, SUSSEX WAY,  
LONDON N19 4JA

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

<b>PLANNING SUB- COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	19 <sup>th</sup> March 2015	<b>NON-EXEMPT</b>	

Application number	P2014/3961/FUL
Application type	Full Planning (Council's Own)
Ward	Mildmay
Listed Building	No
Conservation Area	No
Licensing Implications Proposal	None
Site Address	Ground floor, Holiday House, 2 Mildmay Street, London, N1 4NF
Proposal	Conversion of disused spaces in the ground floor of Holiday House into 2no. flats (1x 1bed flat and 1x2bedroom flat) including external alterations to the west elevation and the creation of garden areas including the erection of garden walls.

Case Officer	Stefan Sanctuary
Applicant	Islington Council
Agent	Mr Paul Tobin

### 1. RECOMMENDATION

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

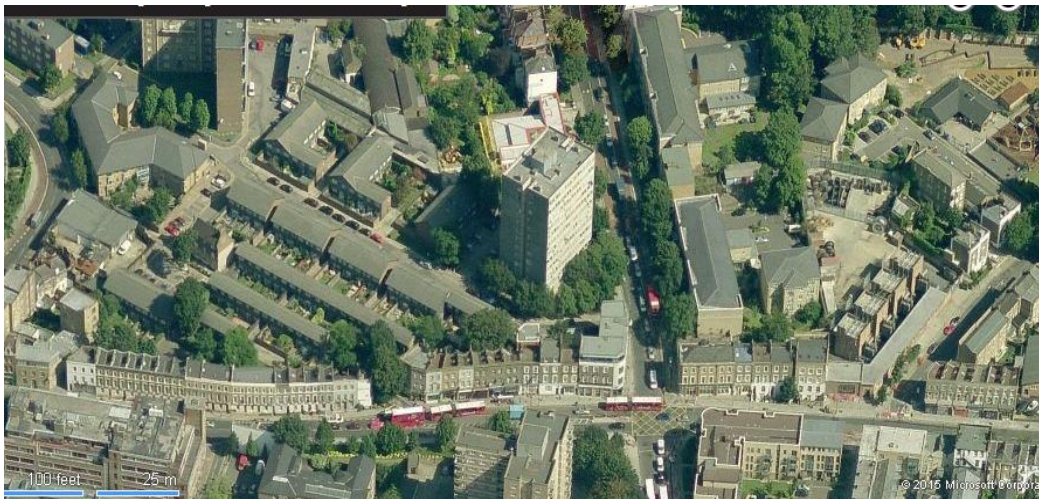
1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.

## 2. SITE PLAN (SITE OUTLINED IN RED)



## 3. PHOTOS OF SITE/STREET

View 1: Birdseye view of Holiday House



**View 2:** Aerial view of Holiday House



**View 3:** Subject site Side and Front Elevations



**View 4:** Rear Elevation of site



#### **4. SUMMARY**

- 4.1 The application seeks permission to convert the disused spaces in the ground floor of Holiday House into two new dwellings, comprising one 1-bed flat and one 2-bed flat. The proposal also includes external alterations to the north-western elevation at ground floor level to facilitate the conversion. Finally, the application proposes to create two private gardens with associated garden walls on a section of the existing car parking area. The subject site is residential in nature and the proposal for two additional dwellings is considered to be acceptable in principle.
- 4.2 The main considerations are the impact of the development on the character and appearance of the area, the residential amenity of the neighbouring occupiers as well as the quality of accommodation and amenity of future residents. The impact of the loss of existing car parking space will also need to be considered.
- 4.3 Given the nature of the conversion, it is not considered that the development would harm the amenity the adjoining neighbours in terms of loss of light, overlooking or sense of enclosure. Moreover, the internal layout of the proposed flats meets modern standards and the private amenity space is provided in accordance with Council objectives and planning policies.
- 4.4 The redevelopment results in the loss of some of the existing car parking and the future occupiers of the proposed dwellings will have their right to obtain car parking permits removed (except for parking needed to meet the needs of disabled people). This is in accordance with Islington Core Strategy policy CS10 Section H, which identifies that all new development shall be car free. The site also has sufficient space for cycle storage though further details would be required by condition.



- 4.5 The new residential units will be solely used for social housing secured by Director's Agreement. In summary, the proposal is considered to be acceptable and to be broadly in accordance with the Development Plan policies.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is situated on the northern side of Mildmay Street and the western side of Mildmay Park. The site includes a 13-storey residential tower known as Haliday House. The building itself is a Council block from 1972 and is clad in structural concrete panels, which are faced with exposed aggregate concrete.
- 5.2 Haliday House is set within a modest landscaped garden and on its north-western side the site includes a car parking area. The ground floor of the building currently contains a one-bed flat, a caretaker's lodge, a boiler room and a refuse store, which opens out onto the car park to the rear.
- 5.3 The area is residential in character, though adjoining the site immediately to the north is the Mildmay Library. To the west and south-west of the site are the two-storey residential properties of Mildmay Street while to the south of the site are the residential Victorian terraces of Balls Pond Road. To the east of the site, on the other side of Mildmay Park, is a four-storey residential apartment building known as Hadleigh House.
- 5.4 The application property is not a listed building nor does it lie within a Conservation Area.

## **6. PROPOSAL (in Detail)**

- 6.1 The application seeks permission to convert the disused spaces in the ground floor of Haliday House into two new dwellings, comprising one 1-bed flat and one 2-bed flat. The proposal also includes external alterations to the north-western elevation at ground floor level to facilitate the conversion. Finally, the application proposes to create two private gardens with associated garden walls on a section of the existing car parking area.
- 6.2 Access to the proposed dwellings would be from an existing side entrance from Mildmay Street. The proposed dwellings would each have separate front doors either side of the existing lifts. The one-bed dwelling consists of a large open plan living / dining room, a separate kitchen, bedroom and bathroom as well as a private garden of some 39.5 sqm in size. The two-bed dwelling has a similar layout, though is more generously-proportioned with a larger private garden of some 66.3 sqm.
- 6.3 The new dwellings would have aspect to the north-west with new double glazed windows and patio doors providing access to the proposed gardens. A second aspect would be provided to each of the new dwellings with a

separate window in the south-western and north-eastern elevations respectively.

## **7. RELEVANT HISTORY**

### **7.1 Planning Applications:**

- On the 31<sup>st</sup> January 2008, permission was granted for the replacement of single glazed windows with double glazed UPVC windows on 1-73 Haliday House under planning application reference P072572.
- On the 3<sup>rd</sup> January 2013, permission was granted for landscape improvements to the open spaces that form part of John Kennedy Court, Mildmay Street and Haliday House housing estates under planning application reference P111661.
- On the 30<sup>th</sup> September 2014, permission was granted for the over-cladding of external walls with insulated cladding under planning application reference P2013/4635/FUL.

### **7.2 Enforcement:**

None

### **7.3 Pre- Application Advice:**

None

## **8. CONSULTATION**

### **Public Consultation**

8.1 A total of 98 letters were sent to occupants of adjoining and nearby properties on Mildmay Street, Balls Pond Road and Haliday House on the 28<sup>th</sup> October 2014. A site notice was also displayed. The public consultation of the application therefore expired on 20<sup>th</sup> 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, 3 letters of objection were received. The following objection issues were raised (and the paragraph numbers responding to the issues in brackets).

- (i) the proposal would result in the loss of disabled parking bays which is unacceptable; (paragraph 10.21)

- (ii) the development would result in a loss of overall parking space, thereby reducing the accessibility and mobility of existing residents; (paragraph 10.17)
- (iii) The proposed new dwellings would not be safe and secure accommodation due to their ground floor location and the security situation around Holiday House (paragraph 10.14).

### **Internal consultees**

**Access Officer:** The following comments were made:

- all level changes on common and private entrances should be removed and level access should be provided on all dwellings (level access is now provided);
- the door and corridor widths of the proposed dwellings are not in accordance with policy and would not be accessible to wheelchair users (door widths are now all 900mm and policy compliant);
- the space and organisation of the bathroom facilities does not enable their use by wheelchair users (the proposal has now been amended to enable better access arrangements).

**Transport Officer:** The following comments were made:

- the development would need to include convenient, adequately-lit and accessible cycle parking (secured by condition);
- the proposal does not propose any additional on-site car parking which is supported by policy.

## **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 along with the associated NPPG are material considerations and have 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:

- Land use;
- Design and appearance;
- Neighbouring amenity impacts;
- Quality of resulting accommodation and dwelling mix;
- Transport and highways;
- Accessibility;
- Landscaping
- Refuse facilities

### **Land use**

10.2 The site is within a residential area with a mixture of terrace dwellings and apartment buildings characterising the immediate vicinity. The 13-storey subject building, Haliday House, contains residential dwellings and ancillary uses associated with the residential use. The new dwellings would be created in currently underused spaces associated with Haliday House and thus the existing residential use would be maintained.

10.3 The principle of the proposal is considered acceptable subject to complying with the remaining planning issues addressed in the subsequent sections of this report. In this respect the proposal complies with Policies 3.3 (Increasing housing supply) and 3.4 (Optimising housing potential) of the London Plan 2011, Policy CS12 (Meeting the housing challenge) of the Islington's Core Strategy 2011, Policy DM3.1 (Mix of housing sizes) of the Development Management Policies.

### **Design and Appearance**

10.4 Islington's Planning Policies and Guidance encourage high quality design, which complements the character of an area. In particular, Policy DM2.1 of Islington's adopted Development Planning Policies requires all forms of development to be of high quality, incorporating inclusive design principles while making 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 site is situated within a predominately residential area outside any designated Conservation Areas. Mildmay Street and Mildmay Park is mainly characterised by low-rise residential development. In this context, the subject building, at 13 storeys in height, is an unusually tall yet unremarkable building. The proposal to provide private gardens on the existing car parking area and to create new windows and doors at ground floor level of the western elevation of this building to facilitate the conversion is not considered to be a significant physical change in this urban context. The proposed change of use of the ground floor would not prevent the recently granted permission for recladding of the tower to be amended nor would it prevent its implementation.
- 10.6 The new garden walls are proposed to match the existing brickwork on ground floor level while the approval of all new materials will be subject to condition to ensure the final appearance is of high quality and compatible with the existing and proposed recladding materials. Given this, the proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character), 7.6 (Architecture) of the London Plan 2011, CS8 (Enhancing Islington's character) of the Core Strategy 2011 as well as Development Management Policy DM2.1.

#### **Neighbouring Amenity**

- 10.7 The proposal does not involve any physical extensions to the building apart from the erection of garden walls. Given their height and distance from surrounding neighbouring properties, the garden walls would not result in any impacts on neighbouring residential amenity in terms of loss of sunlight, daylight or sense of enclosure.
- 10.8 Moreover the new windows and doors proposed on the western elevation are all located behind the proposed garden walls and would not result in any additional overlooking or loss of privacy. The provision of two new dwellings at ground floor is not considered to result in any other nuisances such as noise and there have been no objections from neighbouring residents in this regard.
- 10.9 Overall, the proposed development would not 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.

#### **Quality of resulting accommodation and dwelling mix**

- 10.10 The National Planning Policy Framework acknowledges the importance of planning positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2011) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality.
- 10.11 Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation.

Development Management Policy DM3.1 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes.

- 10.12 The proposed development consists of one 2-bed unit and one 1-bed unit. It is noted that the physical constraints of the site do not facilitate the creation of good sized larger family units. However the proposed units are well laid out and would form attractive and high quality internal living environments with generous private amenity space. Both units will have good access to light/daylight and will create spacious internal layouts.
- 10.13 Looking at the proposed dwellings in more detail, the proposed 1-bed unit would have a floor area of 51.5 sqm with rooms that exceed the internal space standards set within Islington's Development Management Policies. This unit also has a generous storage area and a private garden of some 40sqm. The proposed 2-bed unit on the other hand has a floor area of 68.4sqm, an internal layout that meets Islington's housing space standards, and a proposed garden area of some 66.3sqm.
- 10.14 The proposed one-bed flat would be located directly adjacent to the existing refuse storage, which has the potential of giving rise to bad smells and odours. While there is no history of existing residents complaining about the refuse storage area, this could result in a detrimental impact on the amenity of future residents. The proposal thus includes a 2.4 brick wall between the new dwelling and the refuse store and additional climbers planted above. This would simultaneously ensure a more safe and secure residential accommodation for future residents. Should permission be granted, precise details of the boundary treatment would be required by condition prior to implementation to ensure that potentially bad smells are suitably mitigated against.
- 10.15 The proposal would comply with policy DM3.5 of the Development Management Policies. Given the generous sizes of the units, including dual aspect design and overall layout, the proposal would provide a satisfactory living environment for future occupiers of the units and therefore comply with policy DM3.4 (Housing Standards) of the Development Management Policies Plan 2013.

### **Highways and Transportation**

- 10.16 The development would be car free, as required by Core Strategy Policy CS10 and as per proposed condition 8 to the recommendation B, which restricts future of occupiers of residential units from obtaining a residents permit. This will ensure adequate provision of spaces for existing users.
- 10.17 The development would also involve removing 5 existing car parking spaces, which are currently associated with Holiday House. Local residents have objected to the proposal on the basis that car parking spaces will be lost. However, it has been confirmed that a sufficient number of car parking spaces would be retained. Given the Council's transport policies, which are directed towards more sustainable modes of travel (cycle, walking, public transport),

the loss of these spaces is considered acceptable. Furthermore, the provision of two social housing residential units would fully outweigh the loss of car parking spaces and add to the Council's social housing stock.

- 10.18 As per policy DM8.4 of the Development Management Policies, the proposal would be required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. For residential units, it would require 1 cycle space per bedroom. The proposal would therefore need to provide 3 cycle spaces in total within a secure location. A condition can be attached requesting these details prior to the commencement of the development.

### **Accessibility**

- 10.19 Proposals for residential development need to respond to London Plan Policy 3.8 and 7.2 which require for all new housing to be built to 'The Lifetime Homes' standard and to achieve the highest standards of accessible and inclusive design. Islington's Core Strategy Policy CS12 requires for all housing to comply with 'flexible homes' standards as set out within the Accessible Housing SPD.
- 10.20 The applicants have worked together closely with LBI access officers to achieve an accessible and inclusive layout. The application proposes level access to both of the proposed new units. The widths of corridor and doors proposed also comply with our minimum standards and would ensure ease of movement within the dwellings. The internal arrangements meet flexible homes standards and the bathrooms would be wheelchair adaptable. The proposal is in accordance with policy and meets inclusive design standards.
- 10.21 Objections have been raised by residents regarding the loss of disabled parking bays. However, the proposal would not result in a loss of designated wheelchair parking bays and a significant number of parking would be retained. The two proposed units would be Lifetimes Homes and not wheelchair accessible units and thus there is no requirement for them to be provided wheelchair parking bays. The onus would be on Islington Housing as landlord to provide wheelchair accessible bays as and when the need arises.

### **Landscaping**

- 10.22 Given that the site is presently predominately hard landscaping, the inclusion of garden area and landscaping is a considerable benefit. The proposed one-bed flat would be located directly adjacent to the existing refuse storage area and could thus give rise to smells and odours and a consequent loss of amenity to future residents. The landscaping scheme for this dwelling has the potential to provide additional screening to ensure that residential amenity is maintained. A suitably-worded condition has been proposed (condition 4) to protect residential amenity.
- 10.23 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 matters**

- 10.24 The proposal is a minor application for two residential dwellings, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy).
- 10.25 The proposal is subject to a Directors' Agreement to ensure that the housing remains in social ownership and is not disposed of on the private market. The development is also subject of contribution of £2,000 towards the environmental off-set contribution which has also been secured by Directors' agreement.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposal is considered to be a well-considered and sustainable use of space and would provide good quality residential accommodation for future residents.
- 11.2 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 and Directors level agreement 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 Director level agreement between the Service Director of the Council's Housing and Adult Services department and relevant officers in the local planning authority 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:



1. Securing the Provision of two residential units for social housing
2. Contribution of £2,000 per proposed dwelling towards carbon off-setting

## RECOMMENDATION B

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

### List of Conditions:

	<b>Commencement (Compliance)</b>
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>
	<b>Approved Plans List: (Compliance)</b>
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: HHN-00; HHN-03; HHN-05; HHN-06 Rev A; HHN-07; HHN-08; Design Statement dated August 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>
	<b>Materials and Samples</b>
3	<p>CONDITION: Details and samples of all facing materials and detailed drawings of all elevations shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. These shall include:</p> <ol style="list-style-type: none"> <li>a) Samples of all facing brickwork types, including mortar and pointing.</li> <li>b) Window and door treatment (including sections and reveals);</li> <li>c) details (including sections and reveals) and sample of window frames showing colour and texture</li> <li>d) any other materials to be used</li> </ol> <p>The development shall be carried out strictly in accordance with the details and samples 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: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
	<b>Boundary Treatment</b>
4	<p>CONDITION: Detailed drawings of the rear and side boundary walls at scale 1:20 or similar shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.</p>

	<p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interests of providing a good level of amenity to future residents and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
5	<p><b>Cycle Parking Provision (Compliance)</b></p> <p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing onsite. The storage shall be covered, secure and provide for no less than 2 cycle spaces per bedroom. The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, 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>
6	<p><b>Accessible Homes Standards (Compliance)</b></p> <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>
7.	<p><b>Landscaping</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>b) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>c) proposed trees: their location, species and size;</li> <li>d) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>f) hard landscaping;; and</li> <li>g) any other landscaping feature(s) forming part of the scheme.</li> </ul> <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</p>

	<p>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.</p>
8.	<p><b>Car free development</b></p> <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> <p>i) In the case of disabled persons;  ii) In the case of units designated in this planning permission as "non car free"; or  iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free.</p>
9.	<p><b>Noise Control Measures</b></p> <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <ul style="list-style-type: none"> <li>- Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{max\text{ (fast)}}</math></li> <li>- Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math></li> <li>- Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></li> </ul> <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, 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 secure an appropriate internal residential environment for future residents.</p>
10.	<p><b>Construction Controls</b></p> <p>CONDITION: During the demolition and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:</p> <p>1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of</p>

	<p>noise from the site.</p> <p>2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.</p> <p>3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.</p> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p>
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**List of Informatives:**

	<p><b>Positive statement</b></p>
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>
	<p><b>Community Infrastructure Levy (CIL)</b></p>
2.	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable. 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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/">www.planningportal.gov.uk/planning/applications/howtoapply/</a></p>
	<p><b>Directors Agreement</b></p>
3.	<p>Please note that this application is subject to a Service Level Agreement between directors to ensure that the residential units remain as social housing.</p>
	<p><b>Other legislation</b></p>
4.	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations &amp; the Party Wall etc. Act 1996 ("the Act").</p>

	<b>Superstructure</b>
5.	<p><b>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</b></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>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

Policy 3.3 Increasing housing supply  
 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

##### **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 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture

##### **8 Implementation, monitoring and**

housing  
Policy 3.11 Affordable housing targets  
Policy 3.15 Coordination of housing  
development and investment

**review**  
Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

## **B) Islington Core Strategy 2011**

### **Spatial Strategy**

Policy CS8 (Enhancing Islington's  
Character)

### **Strategic Policies**

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

## **C) Development Management Policies June 2013**

### **Design and Heritage**

DM2.1 Design

DM2.2 Inclusive Design

### **Housing**

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

### **Health and open space**

DM6.5 Landscaping, trees and  
biodiversity

### **Energy and Environmental Standards**

DM7.1 Sustainable design and  
construction statements

DM7.2 Energy efficiency and carbon  
reduction in minor schemes

DM7.4 Sustainable design standards

### **Transport**

DM8.5 Vehicle parking

### **Infrastructure**

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

Environmental Design

Small Sites Contribution

Accessible Housing in Islington

Inclusive Landscape Design

Planning Obligations and S106

Urban Design Guide

### **London Plan**

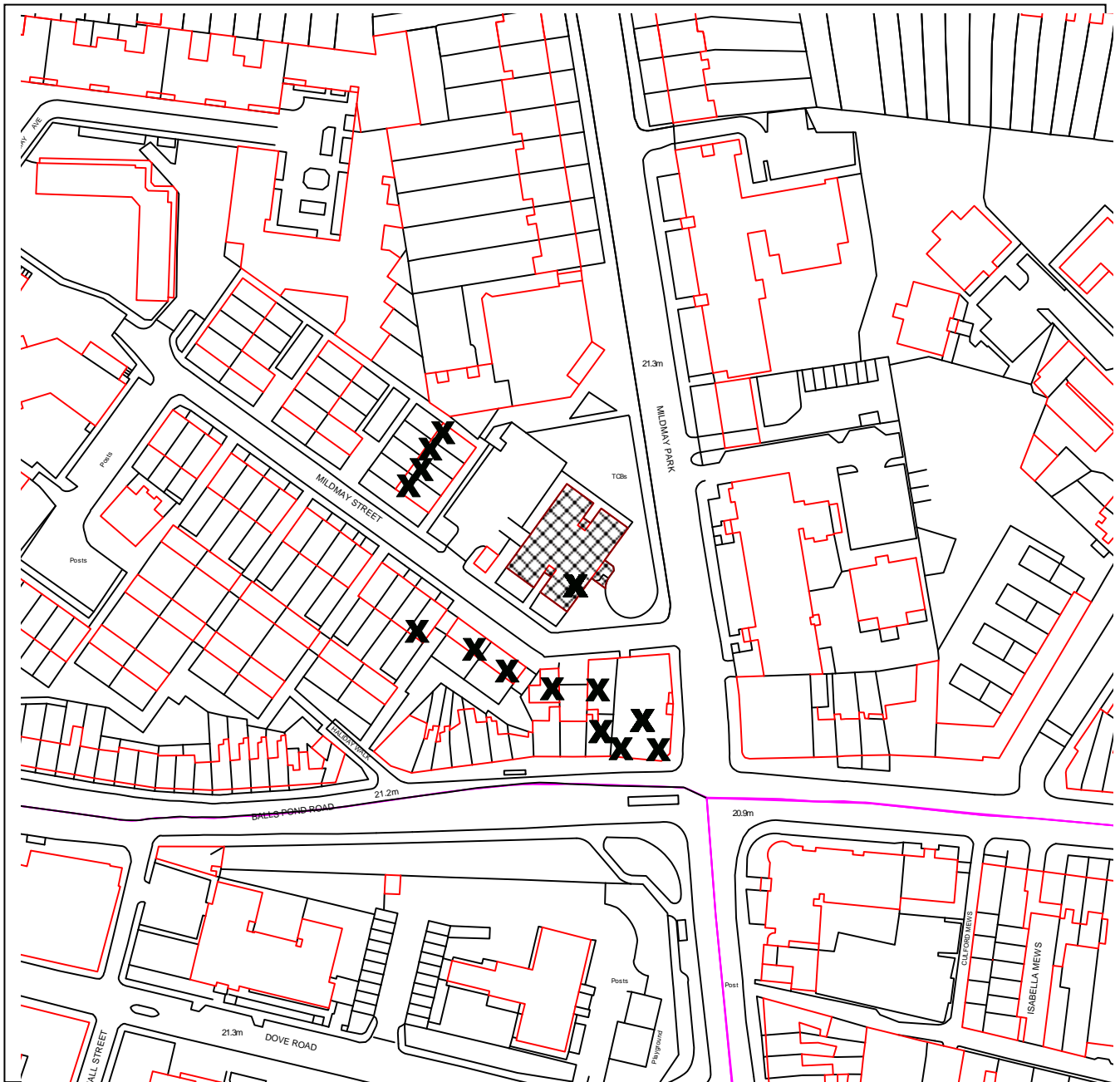
Accessible London: Achieving and  
Inclusive Environment

Housing

Sustainable Design & Construction



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/3961/FUL

LOCATION: GROUND FLOOR, HALIDAY HOUSE, 2 MILDMAY STREET, LONDON, N1 4NF

SCALE: 1:1500

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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

<b>PLANNING SUB-COMMITTEE B</b>		
<b>Date:</b>	<b>19<sup>th</sup> March 2015</b>	<b>NON EXEMPT</b>

Application number	P2014/4873/FUL
Application type	Full Planning Application
Ward	Finsbury Park
Listed building	N/A
Conservation Area	N/A
Development Plan Context	Finsbury Park Core Strategy Key Area Mayor's Protected Vista – Alexander Palace Viewing Terrace to St Paul's Cathedral.
Licensing Implications	N/A
Site Address	Multi Use Games Area to the north of Chard House and Methley House, Andover Estate, London, N4
Proposal	Temporary change of use of Multi Use Games Area to Community Plant Nursery for 2 years with the erection of poly tunnels, seating areas and raised planting beds

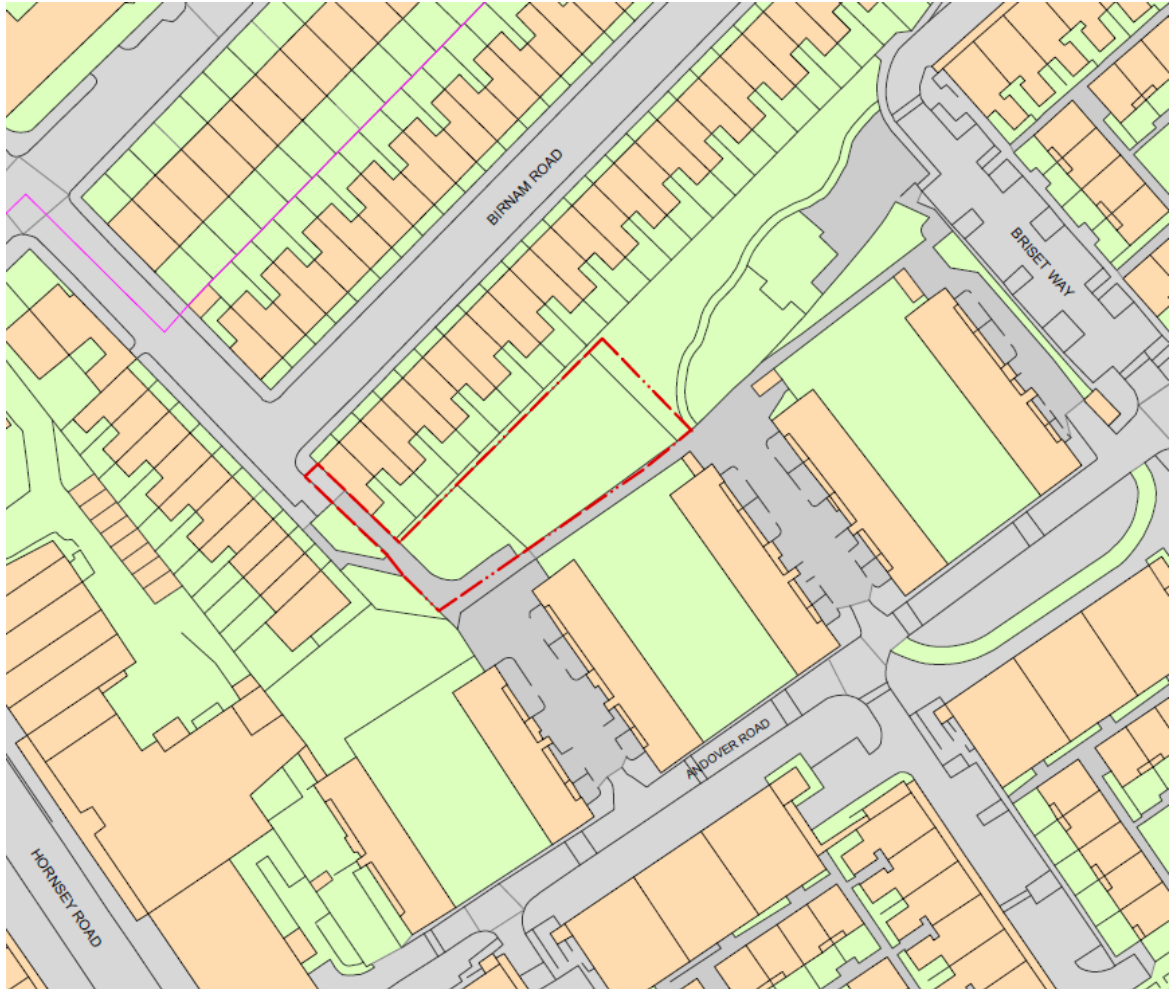
Case Officer	Nathaniel Baker
Applicant	Finsbury Park Community Hub
Agent	Annie Lennox Landscape Architecture

### 1 RECOMMENDATION

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

- subject to the conditions set out in Appendix 1.

**2 SITE PLAN (SITE OUTLINED).**



**3 PHOTOS OF SITE/STREET**



Image 1 - View from south west of site



Image 2 -View from north east of site



Image 3 – Pedestrian entrance from Birnam Road

## **4 SUMMARY**

- 4.1 The application proposes the temporary change of use of a disused MUGA/pitch to a community Plant Nursery for a period of 2 years. This includes the introduction of two poly tunnels, raised planting beds, seating areas and hard and soft landscaping works.
- 4.2 The proposal, although not including the re-provision of a sports pitch, would bring an active use to a currently inadequate and unused play space/sports pitch. Additionally the proposed temporary use would improve the appearance of the site, the regular use of the site and physical improvements would represent a deterrent to anti-social behavior and the proposal would achieve policy aims to provide food growing space for local residents. The temporary use would also maintain the openness of the semi-private amenity space element of the site.
- 4.3 In design terms the proposal would introduce activity to the currently underused site, with small temporary structures that together with the landscaping works would provide a purpose to the site that would improve the general appearance of this part of the Estate. The Plant Nursery use would result in limited disturbance to neighbouring occupiers, while the proposed temporary structures are small in scale.
- 4.4 As such, the proposal is considered to be acceptable and is recommended for approval for a temporary 2 year period subject to conditions.

## **5 SITE AND SURROUNDING**

- 5.1 The site comprises of a former MUGA, known as the Sue Davis Memorial Pitch, an area of grass to the west of the pitch and a footpath leading to Birnam Road. The MUGA is located on a raised area, with a supporting wall running along the southern side of the pitch, steps up to the pitch on the west and a high metal fence on the north and south sides of the pitch. To the west the grassed area slopes down to a footpath leading to Birnam Road.

- 5.2 The MUGA previously incorporated high fencing to the east and west sides, goal posts and was surfaced with all weather playing surface. These elements have been removed by Islington Council due to anti-social behaviour concerns, resulting in an open area of broken hardstanding which no longer serves as a MUGA.
- 5.3 The MUGA abuts the rear gardens of the residential properties to the north of the site along Birnam Road, while to the south the land steps down to a footpath with five storey residential blocks with east/west orientations beyond this. To the east of the MUGA is a landscaped area inclusive of a playground.
- 5.4 The site is not located within a conservation area and the surrounding properties are not listed.

## **6 PROPOSAL (IN DETAIL)**

- 6.1 The proposal is for a temporary change of use of Multi Use Games Area (MUGA) and grassed area to a Community Plant Nursery for 2 years with the erection of polytunnels, seating areas and raised planting beds.
- 6.2 The two proposed polytunnels would have a footprint measuring 9.8 metres by 6 metres with the maximum height of 3 metres. The poly tunnels would have a galvanised metal frame with polythene stretched over this to form a semi-circular barrel shape. The two polytunnels would be located along the northern side of the site. The polytunnels would incorporate raised beds/planters with a total of four water butts next to the poly tunnels.
- 6.3 The raised beds/planters would be formed of timber sleepers with a height of between 0.38 and 0.63 metres, with up to 22 proposed. These would be free standing or fixed where stability is required via a 0.08 deep fixing.
- 6.4 A number of seating edges would be provided in the form of timber sleepers. Landscaping works include the provision of a footpath at the western end of the site and a number of 'soft' paths (hoggins, stepping stones or reinforced grass).
- 6.5 The plans detail the erection of a 5 metre high fence to the east and western ends of the former MUGA and the erection of a 1.9 metre high metal fence around the grassed area to the west of the site. These are proposed to be installed by Islington Council to secure the disused play space and therefore do not form part of this application.

## **7 RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 **870616** - Erection of floodlighting columns to light existing football kickabout pitch - **Granted Conditional Permission** (23/11/1987).
- 7.2 **860491** - Extension of an existing two metre high wooden fence at the rear of 36-60 Birnam Road to a total height of 4 metres by the addition of weldmesh fencing – **Granted Conditional Permission** (01/07/1986).

## **8 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 218 adjoining and nearby properties at Andover Road, Birnam Road on the 7<sup>th</sup> January 2015. A site notice was displayed and a press advert published on 15<sup>th</sup> January 2015. The public consultation on the application therefore expired on 5<sup>th</sup> February 2015. However it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report a total of 2 responses had been received from the public with regard to the application. These consisted of 1 letter making comments and one letter of support for the proposal. The comments can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- What measures will be put in place to ensure that the proposed plant nursery will be used for its intended purpose (Para 10.30);
- Concern raised regarding the benches forming a focal point for anti-social behaviour (Para 10.23); and
- The Plant Nursery could be beneficial to the community if implemented correctly (Para 10.4); and
- It is a great concept and is a positive for the area.

### **Applicant's consultation**

8.3 The applicant's submission includes a Statement of Community Involvement and a Community Consultation document. This details that local residents were consulted between July and August 2014 with direct engagement and a public event. The consultation formed part of a wider consultation process which includes a proposed sports pitch at Corker Walk (Planning Application ref: P2014/5085/FUL).

### **External Consultees**

8.4 **Sport England** – Do not wish to comment on this particular application.

### **Internal Consultees**

8.5 **Access and Inclusive Design Officer** – No objection.

8.6 **Tree and Landscape Officer** – No objection.

8.7 **Transport Planning Officer** – No objection.

8.8 **Public Protection (Noise)** – No response received.

8.9 **Bio-diversity and Nature Conservation** – No response received.

8.10 **Parks and Open Spaces** – No response received.

## **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 The National Planning Policy Guidance 2014 provides planning practise guidance for the implementation of the policies set out in the NPPF. The NPPG 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, 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 site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Area Action Plan 2013.
- Finsbury Park Core Strategy Key Area
  - Mayor's Protected Vista – Alexander Palace Viewing Terrace to St Paul's Cathedral

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

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

## **10 ASSESSMENT**

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

- Land Use;
- Design and Landscaping;
- Accessibility;
- Neighbour Amenities;
- Highways and Transportation Implications;

### **Land Use**

- 10.2 Development Management Policy DM6.3 states that the Council will resist the loss of play space unless a replacement play space of equivalent size and functionality is provided. Where this is not possible development will only be permitted in exceptional circumstances where there are over-riding planning merits, and the capacity of other local play spaces shall be increased through a financial contribution.

- 10.3 With regard to semi-private amenity space, the Council encourages greater public use such space, including for local food growing, providing the space remains substantially undeveloped and open and that accessibility to the general public is improved.
- 10.4 Policy DM6.4 sets out that development that would result in the loss of existing public sport and recreational facilities will be refused unless the same type of facility is reprovided, the facilities meet an identified need, replacement facilities are appropriately and accessibly located, the quality of reprovion is enhanced and the quantity is maintained.
- 10.5 The proposal would result in the loss of the sports pitch at the site and introduce a temporary Plant Nursery with associated structures. The submission details that the Plant Nursery would provide space for residents to grow food, workshops for residents, special activates for schools and youth organisations and provide horticultural training as part of a programme to create routes into work. It is the aim of the applicant for the Plant Nursery to become self-funding with the generation of income through produce sales.
- 10.6 The site currently consists of a previous sports pitch (MUGA) and a grassed area of semi-private amenity space to the west of this. The MUGA was decommissioned by Islington Council in 2013 with the fencing to the east and west, and the playing surface removed due to Health and Safety and anti-social behaviour concerns, leaving broken hardstanding and open ends to the pitch.
- 10.7 The applicant sets out that as part of wider plans for the Andover Estate it is envisaged that an improved play space would be provided on the green space to the west of Corker Walk, at the southern end of the Estate. Proposals for the reprovion of play space at Corker Walk do not have planning permission and without this it would be unreasonable to require this level of reprovion on a temporary use. As such, the envisaged reprovion of this sports pitch within the wider Estate does not form a material planning consideration that at this time be considered in favour of the proposal. This would be required in order to justify its permanent change of use.
- 10.8 Although the proposal does not include the reprovion of a sports pitch of an equivalent size and functionality, it would bring an active use to a currently inadequate, unused and decommissioned pitch. Additionally, the proposal would improve the appearance of the site, introduce a regular use and the physical improvements would represent a deterrent to anti-social behavior, with the proposal achieving a policy aim to provide food growing space for local residents.
- 10.9 Taking the planning merits of the proposal, the existing condition of the sports pitch, the wider plans for the Andover Estate to re-provide play space and the temporary nature of the structures, a temporary permission would provide a number of planning benefits for a limited period while longer term solutions to the loss of the sports pitch, as part of wider estate improvements, are considered.
- 10.10 Notwithstanding this, the continued operation of the site through temporary permissions in perpetuity would not represent a satisfactory solution to the loss of sports pitch. Accordingly the minimum time period of 2 years, as detailed by the applicant, is considered to be appropriate. Any future application for a change of use of the sports pitch would be expected to include details of permanent solutions for the reprovion of the play space/sports pitch.



- 10.11 With regard to the semi-private amenity space to the west of the site, the proposed works to the site are minimal with low level seating and landscaping work. The landscaping of this area, the provision of seating and the community use of the site would encourage a greater public use and maintain the openness of this space.

### **Design and Landscaping**

- 10.12 The proposal would introduce two poly tunnels, up to 22 raised beds/planters, associated water butts, six seating areas, 'soft' paths and an extent of hardstanding.
- 10.13 The two proposed poly tunnels would be of a modest scale with the barrel form reducing the scale further. Due to this, their temporary form and lightweight design, they would not be prominent within the locality.
- 10.14 The proposed raised beds/planters, whilst numerous, would be spaced out across the hardstanding and would be minimal scale. Additionally the proposed seating edges would either form part of raised beds/planters or form part of a minimal seating area to the west of the site. For these reasons, and the temporary appearance of the structures, the proposed raised beds/planters and seating would not be obtrusive within the locality.
- 10.15 The landscaping works are confined to the grassed area to the west of the site and consist of 'soft' paths leading to planting beds and a central hardstanding footpath. The provision of the footpath would provide an entrance to the nursery area and an informal seating area.
- 10.16 The proposal would introduce activity to the currently underused and neglected site, with small temporary structures that together with the landscaping works would provide a purpose to the site that would improve the general appearance of this part of the Estate.
- 10.17 Although the plans detail an area for a future shed, plans of this have not been submitted and this would therefore require planning permission.

### **Accessibility**

- 10.18 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard.
- 10.19 The existing ramp and handrails at the eastern end of the site would be retained, the proposal would introduce a step free access from the western end of the site and the proposed planters would be raised with sufficient space between planters for manoeuvring. The proposal would provide a suitable level of accessibility.

### **Neighbouring Amenity**

- 10.20 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 states that satisfactory consideration must be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

- 10.21 It is considered that the replacement of a playspace with a Plant Nursery would reduce the potential intensity of the use of the site and therefore reduce disturbance to neighbouring occupiers.
- 10.22 The proposed structures at the site would be minimal in scale with largest structures, the poly tunnels, having a modest height of 3 metres and a lightweight design. This would ensure that the proposed structures would not be overbearing to neighbouring occupiers.
- 10.23 It is noted that concern has been raised regarding anti-social behaviour, particularly in the case of providing seating. The proposed improvements to the design of this area and the introduction of activity would represent a deterrent to anti-social behavior

### **Highways and Transportation**

- 10.24 The site has a PTAL rating of 3, which is 'Moderate' and is accessible by footpath with a ramped access at the eastern end and a proposed footpath at the western end.
- 10.25 The plans detail delivery and servicing to be from Birnam Road, with trolleys, wheelbarrows and occasional small maintenance vehicles accessing the site via the footpath to the west. Due to the small scale of the proposed use and its temporary nature, this is considered to be acceptable.
- 10.26 With regard to cycle parking, the proposed Plant Nursery would serve the existing residents of estate and therefore the existing cycle parking at the estate should be sufficient.

### **National Planning Policy Framework**

- 10.27 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of economic, social and environmental growth. The NPPF requires local planning authorities to boost significantly the supply of housing and require good design from new development to achieve good planning.

### **Other Matters**

- 10.28 The plans detail the removal of a tree stump. This has been assessed by the Tree and Landscape Officer and considered to be acceptable.
- 10.29 With regard to drainage, the proposal includes the laying of hardstanding and a condition is recommended requiring this to be laid in permeable materials.
- 10.30 A representations has been received which questions what measures will be put in place to ensure that the proposed use will be operated for its intended purposes. The proposed condition (Condition 1 and 2) ensure that only the use as approved and detailed within the submission documents is carried out at the site. Should there be a breach of the permission then appropriate Enforcement Action would be taken where relevant.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application proposes the temporary change of use of a disused MUGA/pitch to a community Plant Nursery for a period of 2 years. This includes the introduction of two poly tunnels, raised planting beds, seating areas and hard and soft landscaping works.
- 11.2 The proposal, although not including the re-provision of a sports pitch, would bring an active use to a currently inadequate and unused play space/sports pitch. Additionally the proposed temporary use would improve the appearance of the site, the regular use of the site and physical improvements would represent a deterrent to anti-social behavior and the proposal would achieve policy aims to provide food growing space for local residents. The temporary use would also maintain the openness of the semi-private amenity space element of the site.
- 11.3 In design terms the proposal would introduce activity to the currently underused site, with small temporary structures that together with the landscaping works would provide a purpose to the site that would improve the general appearance of this part of the Estate. The Plant Nursery use would result in limited disturbance to neighbouring occupiers, while the proposed temporary structures are small in scale.
- 11.4 As such, the proposal is considered to be acceptable and is recommended for approval for a temporary 2 year period subject to conditions.

### **Conclusion**

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

<b>1</b>	<b>Commencement (Compliance)</b> CONDITION: The Plant Nursery use of the site hereby approved shall be implemented within 3 years of the date of this permission and is granted only for a limited period, being 24 months from the first operation of the use, on or before that date the temporary use shall cease. On the cessation of the temporary use hereby granted all structures hereby approved shall be removed from the site and the land shall revert to the use/purpose for which it was used prior to the grant of this planning permission.  Reason: The proposed change of use and its justification is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the exceptional circumstances of this case.
<b>2</b>	<b>Approved plans list (Compliance)</b> CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:  ALLA 018-L01, ALLA 018-L02, ALLA 018-L03 Rev A, ALLA 018-D001, ALLA 018-D002, Planning Statement (revision A December 2014) and Community Consultation (August 2014).  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.
<b>3</b>	<b>Hardstanding (Compliance)</b> CONDITION: Notwithstanding the details on the plans hereby approved, the proposed hardstanding shall be permeable.  REASON: In order to ensure the sustainable management of water and flood prevention.
<b>4</b>	<b>Floodlights (Compliance)</b> CONDITIONS: The existing floodlights at the site shall not be used at any time for the purposes of the Plant Nursery use hereby approved.  REASON: To protect the amenity of neighbouring occupiers adjacent to the site

## List of Informatives:

<b>1</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<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 <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the Planning Policy Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a>.</p>
<b>2</b>	<b>Working in a Positive and Proactive Way</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are 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 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>

## APPENDIX 2: RELEVANT POLICIES

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

### National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all

##### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

##### **6 London's transport**

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

##### **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 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

##### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

#### **B) Islington Core Strategy 2011**

##### **Spatial Strategy**

Policy CS2 (Finsbury Park)

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

**Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

**Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

**C) Development Management Policies June 2013****Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**Transport**

**DM8.2** Managing transport impacts

**DM8.4** Walking and cycling

**Housing**

**DM3.7** Noise and vibration (residential uses)

**Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

**Health and Open Space**

**DM6.1** Healthy development

**DM6.3** Protecting open space

**DM6.4** Sport and recreation

**DM6.5** Landscaping, trees and biodiversity

**DM6.6** Flood prevention

**Energy and environmental standards**

**DM7.1** Sustainable design and construction statements

**DM7.4** Sustainable design standards

**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:

- Finsbury Park Core Strategy Key Area
- Mayor's Protected Vista – Alexander Palace Viewing Terrace to St Paul's Cathedral

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design
- Inclusive Landscape Design
- Urban Design Guide

**London Plan**

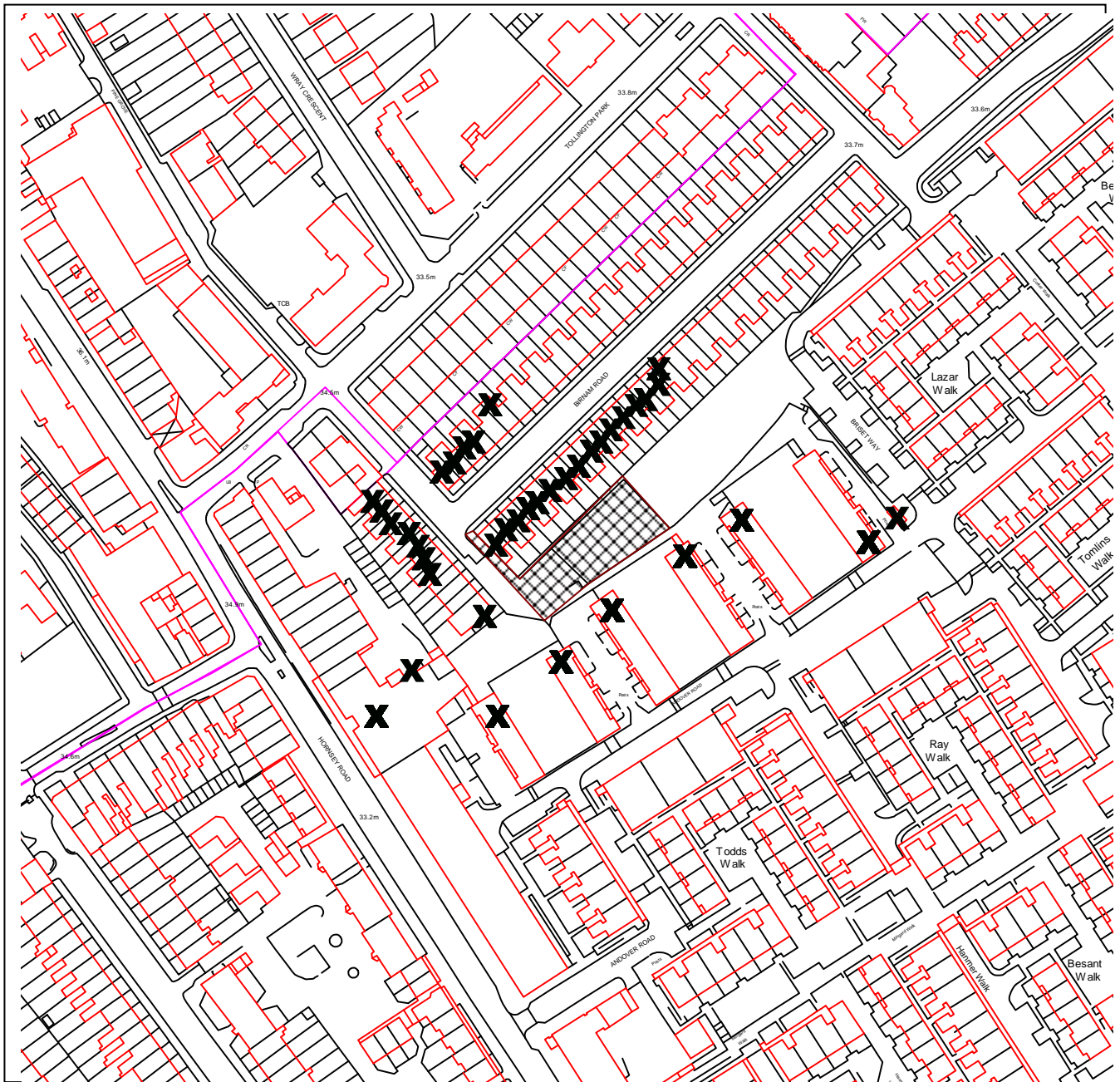
- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/4873/FUL

LOCATION: MULTI USE GAMES AREA TO THE NORTH OF CHARD HOUSE AND METHLEY HOUSE, ANDOVER ESTATE, LONDON, N4

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

<b>PLANNING SUB- COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	19 <sup>th</sup> March 2015	<b>NON-EXEMPT</b>

Application number	P2014/0275/S73
Application type	Section 73 Application
Ward	St. Georges Ward
Listed Building	Not Listed
Conservation Area	Mercers Road/Tavistock Terrace Conservation Area
Licensing Implications Proposal	None
Site Address	465 Holloway Road, London N7 6LE
Proposal	Variation of condition 2 (build in accordance with approved drawings) of planning approval reference P121944. The variation relates to the plant equipment including 3 x fan condenser units and its enclosure (iron railings painted black, acoustic canopy and timber framed pitched roof with single ply membrane covering painted black, additional louvre situated directly behind railings painted black.

Case Officer	Eoin Concannon
Applicant	Sainsbury's Supermarket Ltd
Agent	Nicholas Milner

### 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 of application site access from Mercers Road



**Image 2:** Existing plant equipment including timber fenced enclosure



**Image 3:** Nearest residential positioned at first floor level above acoustic canopy



**Image 4:** View of plant enclosure from Mercers Road – timber enclosure to be replaced with black railings and louvre

#### **4 SUMMARY**

- 4.1 The application seeks to vary condition 2 (build in accordance with approved drawings) of planning approval reference P121944. The original permission granted consent for the installation of external plant at ground floor level to rear of the retail unit comprising two refrigeration condenser units and one air conditioning unit surrounding by timber screen fence and acoustic canopy granted on the 21<sup>st</sup> March 2013. The variation involves the retention of the plant equipment on site which includes 3 x fan condenser units. It would also involve the installation of new enclosure around the plant equipment comprising of railings and amendments to the acoustic canopy.
- 4.2 The main considerations of this application include the impact upon the appearance of the existing building and the surrounding area, as well as the amenity of neighbouring residential properties. The boundary treatment surrounding the plant equipment would represent an improvement from a visual perspective than the original plant equipment granted. The positioning of the site, set back from Mercers Road would mean a limited overall impact on Mercers Road/Tavistock Terrace Conservation Area.
- 4.3 Both the Pollution Control Team and Environmental Health Officer have been consulted on this application and have raised no objections. The Noise Survey submitted with the application has been examined and the Acoustic Officer is content would not lead to a detrimental impact on neighbouring residential

amenity subject to conditions. Similarly, the Environmental Health Officer has raised no concerns in regard the scheme.

- 4.4 As such it is considered that the application to vary the drawings is acceptable and is recommended for approval with conditions.

## **5 SITE AND SURROUNDING**

- 5.1 The application site is situated on the northern side of Mercers Road at its junction with Holloway Road. The property comprises mixed use development consisting of A1 retail (Sainsbury's) on ground floor with residential units above.
- 5.2 Directly abutting the site to the North West lies Waverley Court, a residential block of flats 5 storeys in height with parking situated under the building and to the side of the building.
- 5.3 The subject site is situated next to this building and comprises an enclosed fenced area which contains plant equipment in relation to the retail unit. Access to the site is secured to the side by automated metallic gates.
- 5.4 The surrounding area is a mixture of commercial units along Holloway Road and residential along side streets and upper floors. The area is not within a Conservation Area nor is the property a listed building. To the rear, along Mercers Road exists residential terraced dwellings.

## **6 Proposal (in Detail)**

- 6.1 The application seeks retrospective permission for retention of the existing extraction equipment in association the commercial unit together with alterations to the acoustic canopy. Permission is also sought for the redesign of the screening. Planning permission had previously been granted in 2012 (Ref. P121944) for the external plant at ground floor to rear of unit comprising two refrigeration condenser units and air conditioning unit surrounded by timber screen fence and covered by acoustic canopy.
- 6.2 The current application differs from the previously approved scheme with the air conditioning unit been omitted and already replaced with a third fan condenser unit. The acoustic canopy has been modified with a timber framed roof with single ply membrane finished in a black coat of paint situated above the acoustic canopy with a height of 3.5 metres above ground level. This canopy roof is set down 1.1 metre from the first floor windows and a pitched roof has been introduced to the design.
- 6.3 It is also proposed that the existing timber panelled fence would be replaced with iron railings with a maximum height of 2.44metres. The scheme also includes acoustic wall lining on the side walls with louvre situated directly to the rear of the railings.

- 6.4 The amendment plans also shows the repositioning of ventilation grills on the rear face of the elevation. The ventilation grill is now positioning within the existing window opening.

## 7. RELEVANT HISTORY

### Planning Applications:

- 7.1 **P121944** Installation of external plant at ground floor to rear of unit comprising two refrigeration condenser units and air conditioning unit surrounded by timber screen fence and covered by acoustic canopy. **Granted on 15/02/13**
- 7.2 **P121943** External alterations to ground floor retail unit and forecourt, including installation of new entrance door, new means of escape door and new glazing and fascia to Holloway Road elevation; new glazing and fascia to Mercers Road elevation; installation of ventilation grill to rear elevation; and resurfacing of and installation of bollards and planters to forecourt. Plus crossover on Mercers Road and other associated external alterations' **Granted on 22/05/13.**
- 7.3 **P120785** *Change of use of part ground floor and part basement of 465 Holloway Road from office (Class B1) and restaurant (Class A3) to retail (Class A1) with creation of cross over and associated works'* was **GRANTED on 17/10/2012.**
- 7.4 **P052573** *The redevelopment of a former petrol filling station site to provide three x 2 bedroom flats and eight x 1 bedroom flats at part ground floor and basement and from first to fourth floors, a commercial use (B1) at part ground floor and basement, and a cafe (A3) use at part ground floor and basement, together with four no. car spaces'* was **GRANTED on 23/01/2006.**

### Enforcement:

- 7.5 **E/2013/0388** Breach of Condition 3 of P121944 **Case remains open awaiting planning decision**

### Pre-application:

- 7.6 **None**

## 8 CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on the 18.02.14. A site notice was also displayed. Following modifications to the boundary treatment and canopy enclosure, further letter were sent to the



adjoining properties 23/06/14. Two representations were received. The representations received highlighted

- Security issues with the structure been easy to climb (10.3)
- Proximity of the condenser units to the residential units on the first floor of Waverley Court (10.8)
- Potential for fire with the timber framed pitched roof structure (10.12)
- The structure would fail to blend into the existing building and character of the area (10.2-10.5)
- The works resemble a prison (10.2-10.5)
- Concerns over chemicals as well as smoke/vapour below the residential windows (10.13)
- The noise concerns associated with the existing extract equipment (10.6-10.11)
- Smells from the equipment at early morning and throughout the day (10.10)

### **Internal Consultees**

- 8.2 **Design & Conservation:** Acceptable - represents an improvement from the original planning permission granted. Railings to be conditioned to be coated in dark colour.
- 8.3 **Acoustic Officer:** No objection **subject to conditions**
- 8.4 **Environmental Health Commercial:** No objection on smells from existing equipment. There are no environmental health concerns with the application from chemical discharge.

### **External Consultees**

- 8.5 **None**

## **9 RELEVANT POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the relevant development plan policies and 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 The National Planning Practice Guidance 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, Development Management Policies 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)**

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

## **10 ASSESSMENT**

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

- Design: Impact on the character and appearance of existing building and the Conservation Area
- Impact on the neighbouring residential amenity
- Other issues

### **Design: Impact on the character and appearance of existing building and the Conservation Area**

- 10.2 The proposal is a variation to previously approved scheme for plant equipment. The location of the equipment is within the same area as previously approved under application P121944. As such the principle of this equipment and its positioning are acceptable. The key determination is whether the revised equipment would have a detrimental impact on the existing buildings and the character of the area.
- 10.3 With regard the impact on the character of the area, the positioning of the fan condenser units would lie adjacent to the block of residential flats at 8 Waverly Court. The enclosure and railings would represent an improvement from the initial treatment that was granted in 2012. The existing timber fence that surrounds the equipment would be removed and replaced with black coated railings measuring approximately 2.4 metres in height. A louvre would be situated directly behind these railing and painted black and would act as a further screening measure. These amendments would improve the overall aesthetics of the proposal from what was initially granted. The railings would have a more secure design than the existing arrangement and generally would be more suited given the site position within the Conservation Area. The height of the proposed railings would also screen the condenser units from the public realm. In terms of the buildings in the immediate area, the railings black coated finish would be sympathetic to the red brick work of Waverley Court in the back ground.

- 10.4 The rear access to 465 Holloway Road is via a private access off Mercers Road is private access only. Although the acoustic canopy structure above the condenser has been increased in height and would remain visible from Mercers Road, it would be set in 20 metres from this highway. Given this distance and the fact the structure would be finished in a black coat of paint behind black automated gates, it would largely blend into the surrounding buildings.
- 10.5 As such, the revised plans are considered acceptable and represent an overall improvement in the design than the previously granted scheme. The siting of the plant enclosure and plant are considered to be in accordance with CS policies 8 and DM policies DM2.1, DM2.3, & Islington's Urban Design Guidance 2006.

#### **Impact on neighbours amenity**

- 10.6 The current application is as a result of an enforcement investigation into the noise and smells from the equipment which was impacting on the neighbours amenity particularly the property situated immediately above the extraction equipment and the units subject of this assessment would not be a source of odour.
- 10.7 The modified equipment has removed a previously noisy Air Condition Unit and replaced with a single Rivacold A3G800-AO84-01 three fan condenser. The noise survey that has been submitted was conducted on the 9<sup>th</sup> September 2013 between 2100-2200 hours. This noise survey measured the replacement Rivacold A3G800-AO84-01 three fan condenser as indicated in paragraph 4.1 of the Plant Noise Assessment report.
- 10.8 The findings indicate that the combined sound power level is 41DbA when operating on daytime duty and 28DbA for night time. Protection measures in place include an acoustic canopy which also provides screening measures from the residential properties at first floor level. The Council's Acoustic Officer has been consulted on the noise survey and is content that the proposed new extraction equipment and report addresses the noise concerns from the original planning approval and would not have an adverse impact on the nearest neighbouring properties at first floor level situated within Waverley Court. Conditions are recommended that would restrict noise levels shall have a rating level of at least 5Db(A) below the background noise level LAF90 Tbg. A timer condition has also been recommended to further reduce the impact on the neighbours amenity.
- 10.9 Overall, given that the Acoustic Officer is satisfied that the proposal would now address the noise issues and the proposal commercial location, it is considered that the proposal would not lead to additional impact on the neighbours amenity. Acoustic conditions are recommended in order to protect the adjoining residents from noise concerns.
- 10.10 A further concern raised by the representation received related to smells from the equipment. Environmental Health have been consulted and raised no

objections to the three fan condenser unit. The Officer has indicated that any issues of smell should be reported to the Environmental Team for investigation.

- 10.11 Further to the plant equipment, no objection has been received from the Environmental Health Commercial Officer in regard the repositioning of the ventilation grills on the rear face of the elevation which extract from bakery. This repositioning of ventilation grills from its previously approved location higher up the flank wall reduces the potential smells to the first floor flats. The ventilation grills are now positioned further away from the windows serving each flat than its previously approved location. Therefore, the impact on these neighbouring properties in terms of smells would be reduced.
- 10.12 As such, the proposal development would not harm the residential amenities enjoyed by the occupiers of adjoining properties and is in accordance with policy DM2.1 (Design) of the Development Management Policies 2013.

### **Other issues**

- 10.13 The representation received raised other concerns regarding security. The revised design has taken the security into consideration with the top of the railings now including rota spikes to prevent climbing. The acoustic canopy has also been redesigned to incorporate a pitched roof which will reduce its accessibility. It is considered that the timber framed pitched roof is sufficient distance away from the three fan condenser unit to have a fire risk.
- 10.14 Concerns have also been raised regarding chemicals and smells from the baking. The Environmental Health Officer has been consulted and raised no objection to the fan condenser units or the relocation of the grills on the rear elevation.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development is acceptable and would not result in unacceptable harm to the existing building and the surround Conservation Area. The condenser units do not lead to adverse impact on neighbours' amenity. Furthermore, Environment Health have raised no objections. It is therefore considered that the proposed changes are in accordance to the Council's local policies.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>Commencement (Compliance)</b>	
1	<p>S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of [21/03/16].</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on [21/03/13] [LBI ref: [P121944]. Furthermore, 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>
<b>Approved Plans List: (Compliance)</b>	
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Site Location Plan, 200, 202, 211,215 Rev A, 220 Rev L, Plant Noise Assessment Cole Jarman Report 13/1190/R1]</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>
<b>Acoustic Condition</b>	
3	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
<b>Acoustic Condition</b>	
4	<p>CONDITION: The acoustic canopy shall be installed prior to the first operation of the proposed plant and shall be maintained as such thereafter.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
5	<p><b>Timer</b></p> <p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the daytime mode operation of the Rivacold A3G800-A084-01 condenser unit to between the hours of 07:00 to 23:00 only. The unit shall operate in night time mode outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect residential amenity</p>
6	<p><b>Anti-vibration mounts</b></p>

	<p>CONDITION: Details of anti-vibration mounts for the plant will be submitted to the LPA and approved in writing prior to the installation of the plant. The approved anti-vibration measures will be installed before the first operation of the plant and shall be maintained thereafter.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
7	<p><b>Servicing and maintenance plan</b></p> <p>CONDITION: Details of the servicing and maintenance plan, including responsive as well as planned maintenance, in accordance with the manufacturer's requirements, shall be submitted to and approved in writing by the local planning authority prior to the installation of the plant.</p> <p>The development shall be operated strictly in accordance with the details so approved.</p> <p>REASON: To safeguard the amenity of neighbouring premises.</p>
8	<p><b>Railings and acoustic canopy painted black</b></p> <p>CONDITION: The railings and acoustic canopy hereby approved shall be installed and painted in a black shaded colour within 3 months of the decision notice and maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the extraction duct is acceptable in relation to the existing building and the character of the surrounding area</p>

**List of Informatives:**

	<b>Positive statement</b>
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>
	<b>Construction hours</b>
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 Environment Health Regulations. Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> <li>○ 8am –6pm Monday to Friday,</li> <li>○ 8am – 1pm Saturdays;</li> <li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special</li> </ul> </div>
	<b>Conditions compliance</b>
3.	<p>You are reminded of the need to comply with all conditions attached, some of which may need to be discharged under previous applications (Condition 6 and 7 discharged P2013/4500/AOD) or no longer applicable (Condition 4).</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 7.4 (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)

Policy CS10 Sustainable design

#### **C) Development Management Policies June 2013**

##### **Design and Heritage**

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

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

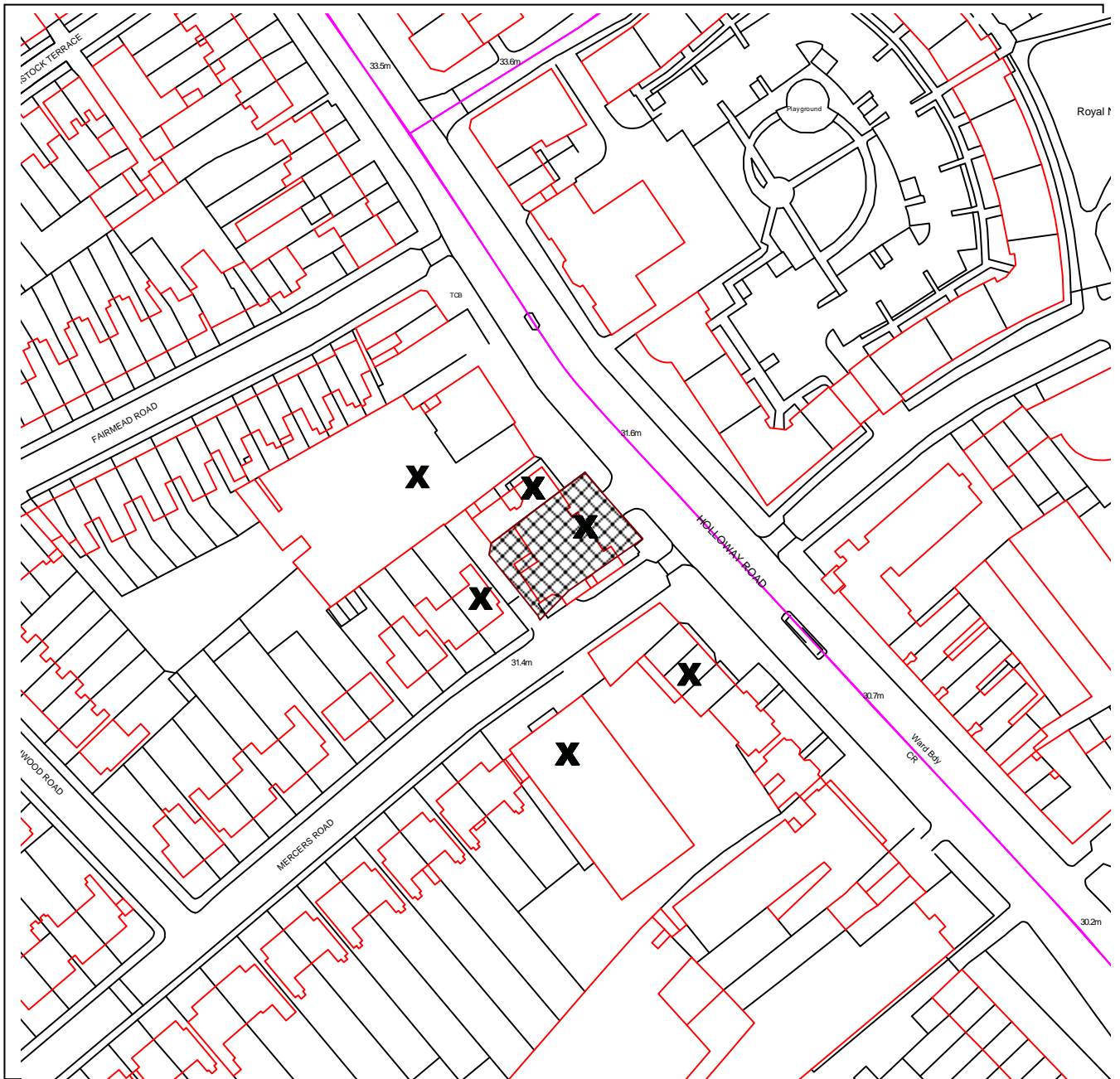
The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Mercers Road/Tavistock Terrace Conservation Area Design Guidance Note





# ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0275/S73

LOCATION: 465 HOLLOWAY ROAD, LONDON N7 6LE

SCALE: 1:1500

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## PLANNING COMMITTEE REPORT

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

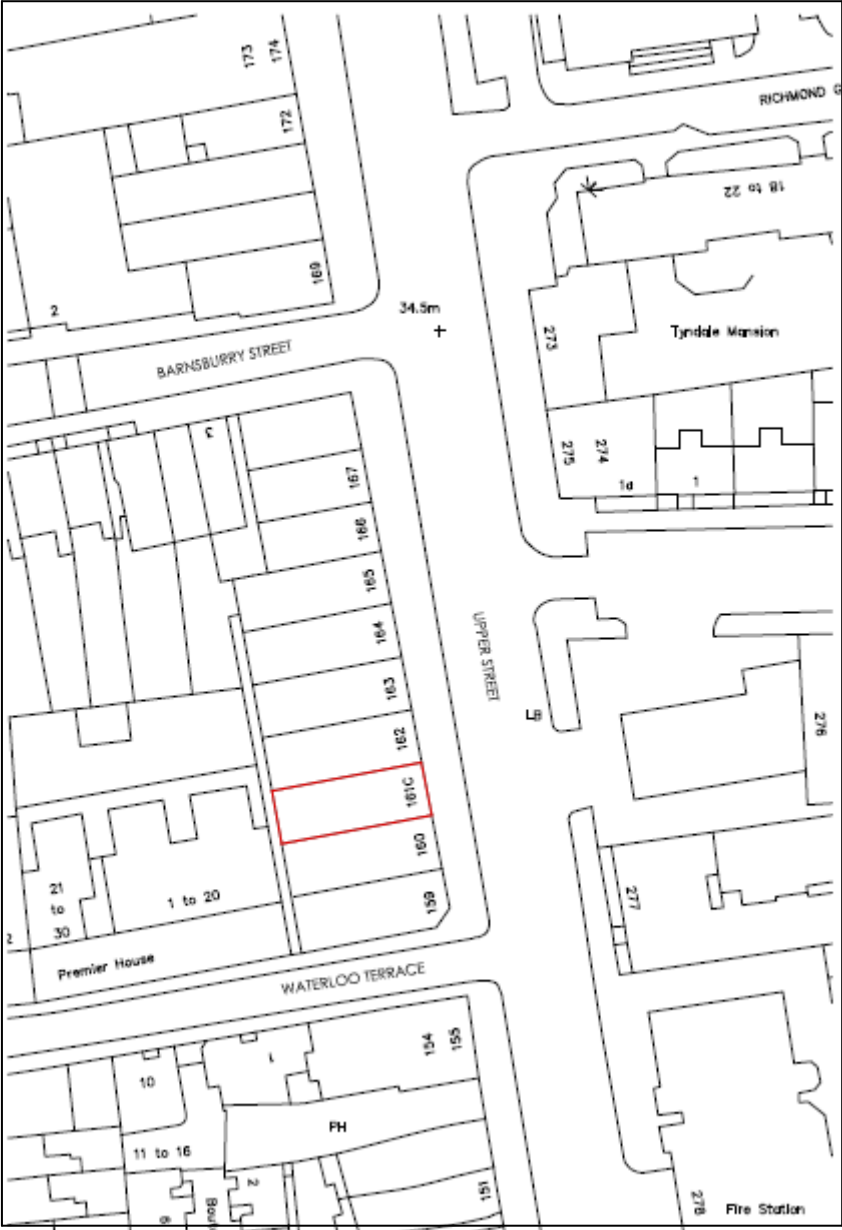
<b>PLANNING SUB-COMMITTEE B</b>		
Date:	19 <sup>th</sup> March 2015	NON-EXEMPT
Application number	P2014/4499/FUL	
Application type	Full Planning Application	
Ward	St Marys Ward	
Listed building	Not listed	
Conservation area	Upper Street North	
Development Plan Context	<ul style="list-style-type: none"> <li>- Islington Village and Manor House Archaeological Priority Area</li> <li>- Article 4.1 Area</li> <li>- Angel and Upper Street Core Strategy Key Area</li> <li>- Within 100m of TLRN Road</li> <li>- Within 50m of Barnsbury Conservation Area</li> </ul>	
Site Address	Flat 3, 161 Upper Street, N1 1US	
Proposal	Construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over buildings third floor level with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.	
Case Officer	Emily Benedek	
Applicant	Mr Vincent Goldstein	
Agent	Mr Chris Bowen – 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: Existing front elevation



Image 2: Existing rear elevation

### 4. SUMMARY

- 4.1 Planning permission is sought for the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over building third floor level as amended with 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

4.2 The proposed roof terrace would not detract from the character and appearance of the application property or the Upper Street North Conservation Area and would not detrimentally impact upon neighbour amenity.

4.3 The application is therefore recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

5.1 The site is located on the west side of Upper Street and consist of a mid-terraced property which is used for commercial purposes on the ground floor and residential purposes on the upper three floors currently arranged as three self-contained flats. This application relates to the fourth (upper) floor flat. The property is four storeys in height with pitched roofs behind the front parapet wall.

5.2 The rows of terraces surrounding the sites on Upper Street comprise of traditional four storey late Victorian terraces. The immediate area is of mixed character and the ground floor units are used for retail purposes.

5.3 The site is located within the Upper Street North Conservation Area. The boundary of Barnsbury Conservation Area is located 50 metres away from the application site. The buildings are not listed. It is noted that first floor rear roof terraces in existence along this section of Upper Street.

## **6. PROPOSAL (in Detail)**

6.1 The proposal consists of the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over the buildings third floor level, with a 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

6.2 The existing pitched roof which is set behind a front parapet wall will be replaced with a flat roof to create the new terraced area and will include the erection of a 1.7 metre high obscurely glazed privacy screen on both flank elevations. This privacy screen will be set back by 2.5 metres from the front parapet wall and 1 metre from the rear façade in line with the proposed roof terrace. The existing steel balustrade on the front parapet wall measuring 1.1 metres in height will be replaced by a glazed balustrade of the same height but set back by 2.5 metres and the existing 2.2 metre high steel balustrade on the rear elevation will be replaced with a 1.1 metre high glazed balustrade set back by 1 metre. The proposed roof terrace will be used in association with the existing third floor flat.

6.3 The proposal also involves the insertion of a new staircase to the rear of the terrace with specialist opening rooflight to facilitate access to the terrace.

6.4 Amendments were received to the application on 9<sup>th</sup> January 2015 which reduced the size of the terrace; the height and depth of the proposed privacy

screens were also amended and the materials proposed for the screen were altered from timber to glass.

## **7. RELEVANT HISTORY**

### **PLANNING APPLICATIONS**

161 Upper Street

- 7.1 P2014/4497/FUL - Addition of a roof terrace to the rear of the first floor flat including alterations to the rear elevation. Approved (13/01/2015)
- 7.2 P2013/3912/PRA - Prior approval change of use from B1(a) to C3 residential comprising of three self contained residential units. Prior approval required and approved (06/12/2013)
- 7.3 P112580 - Change of use of ground and basement floors to create one A2 unit (financial & professional services) at no.159, and three A1 units (shops) and external alterations at ground floor level to street frontages and to rear. Approved (11/01/2012)

165 Upper Street

- 7.4 P2014/4530/FUL - Construction of a roof terrace and associated new staircase (with specialist opening rooflight/stair enclosure) with glass balustrade and opaque glass privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

167 Upper Street

- 7.5 P2014/4565/FUL - Construction of a roof terrace and associated new staircase (with special opening rooflight) with glass balustrade and opaque glass privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

### **PRE APPLICATION ADVICE**

- 7.6 None

### **ENFORCEMENT:**

- 7.7 No history

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 54 adjoining and nearby properties on Upper Street and Waterloo Terrace on 21<sup>st</sup> November 2014. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 27<sup>th</sup> November 2014. The public consultation of the application therefore expired on 18<sup>th</sup> December 2014. Neighbours were re-consulted on amended plans on 16<sup>th</sup> January 2015 and this re-consultation expired on 6<sup>th</sup> February 2015. 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 objections had been received from the public with regards to the application.

### **External Consultees**

- 8.3 None

### **Internal Consultees**

- 8.4 Design & Conservation – Objection to the proposal for the following reasons:
- 1) The addition of a roof terrace is unacceptable in principle
  - 2) The glass balustrade will be visible from street level
  - 3) The proposal will have a harmful effect on the character and appearance of the conservation area
  - 4) Proposed roof lights are an undesirable addition in a conservation area

These points are addressed in the assessment of the application.

## **9. RELEVANT POLICIES**

- 9.1 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**

- 9.2 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 and PPG are material considerations and have 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, 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)**

9.4 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

### **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Character and appearance of the Conservation Area
- Neighbouring Amenity

#### **Land Use**

10.2 The site is situated within a mixed use area and involves alterations to the roof of an existing mixed use property to create a roof terrace. Planning permission has been granted for the erection of a terrace at the first floor level. Development Management policy DM2.3 requires that 'alterations to existing buildings in conservation areas conserve or enhance their significance.' As the proposal will enhance the significance of the property it is considered to comply with this policy and therefore the principle of development is considered to be acceptable in land use terms.

#### **Character and appearance of the Conservation Area**

10.3 The Conservation Area Design Guidelines for Angel and Upper Street North states that "the roofline is a major component of the area's character. The varied and interesting roofline is an attractive characteristic of the area." The preceding paragraph asserts that "roof extensions visible from any street level or public area will not be permitted." However, it is noted that the guidance does not state that the principle of roof terraces is unacceptable.

10.4 The proposed roof terrace will be set back by 2.5 metres from the front building line, and will measure 5.5 metres in width and 6.3 metres in depth. The proposed privacy screens will have chamfered edges to the front and rear ensuring that the screen will be no higher than the existing parapet wall to the rear and only 0.5 metres higher than the existing balustrade at the front and the height of the screens has been reduced by 0.1 metres from the originally submitted plans. These measures will ensure that the proposed roof terrace is not visible from the street and given the application site's location within the row of terraced properties will not be visible from the public realm either. Given that the roof terrace would not be visible from the public realm, it is therefore not considered to have a detrimental impact on the character and appearance of the Upper Street North Conservation Area or immediate locality.

10.5 The plans have also been amended from the originally submitted proposal with regards to the materials used for the proposed privacy screens. It was originally proposed that these screens would be timber however this has been

amended to opaque glass. The use of lightweight materials ensures the proposal integrates well with the neighbouring properties and is more appropriate for the conservation area. Given all of the above the proposed roof terrace is considered to be in keeping with the character and appearance of the host property as well as the immediate locality.

- 10.6 The proposed 1.1 metre high glass balustrade is considered to be acceptable in design and visual terms. Although the Council's Design and Conservation officers have objected to the installation of glass balustrades given the use of lightweight materials which will scarcely be visible from the street level it is not considered to have such a detrimental impact on the character and appearance of the conservation area to warrant refusal of the application.

### **Neighbour Amenity**

- 10.7 Due to the location of the roof terrace at the fourth floor level it is not considered that the proposed roof terrace will result in any additional overlooking to the occupiers of the residential properties to the rear, there is currently a separation distance of 1 metre between the application site and Premier House. The application site, as existing, currently overlooks the rear of Premier House in Waterloo Terrace and the outlook from the proposed roof terrace will be the same as the existing third floor windows on the rear elevation. The proposed roof terrace is recessed by 1 metre from the rear building line and the proposed privacy screens will ensure that future users of the roof terrace will be unable to look directly into the windows of the neighbouring residential properties in Waterloo Terrace. There will be similarly obscured views from the proposed roof terrace looking towards Barnsbury Street. Given that the existing upper floor rear windows overlook these neighbouring rear gardens and planning permission has been granted for a first floor rear terrace at the application site, it is not considered that the proposal will result in the loss of privacy to the occupiers to the rear.
- 10.8 It is not considered that the proposal will have a detrimental impact on neighbouring amenity with regards to noise and disturbance. The application site relates to an upper floor flat used for residential purposes and the roof terrace will provide private outdoor amenity space in association with the flat. Whilst the Council cannot control future occupiers of this residential unit, given that other roof terraces have been granted planning permission in the locality, it would be unreasonable to refuse planning permission for this reason.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof terrace and associated staircase glass balustrade and opaque glass privacy screen are considered to be acceptable with regards to the land use, design, impact on the conservation area and neighbour amenity.

- 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 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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PP.03 rev.B, PP.04 rev.B, Design and Access Statement.</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>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. 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:

<b>1</b>	<b>Positive Statement</b>
	<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>Whilst no pre-application discussions were entered into, the policy advice and</p>

	<p>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>
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## **APPENDIX 2: RELEVANT POLICIES**

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

### **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 and PPG are material considerations and have 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:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments

##### 7 London's living places and spaces:

- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture

#### **B) Islington Core Strategy 2011**

Spatial Strategy

**CS8** (Enhancing Islington's Character)

Strategic Policies

**CS9** (Protecting and Enhancing Islington's Built and Historic Environment)

**C) Development Management Policies June 2013**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

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

The following SPGs and/or SPDs are relevant:

**Islington**

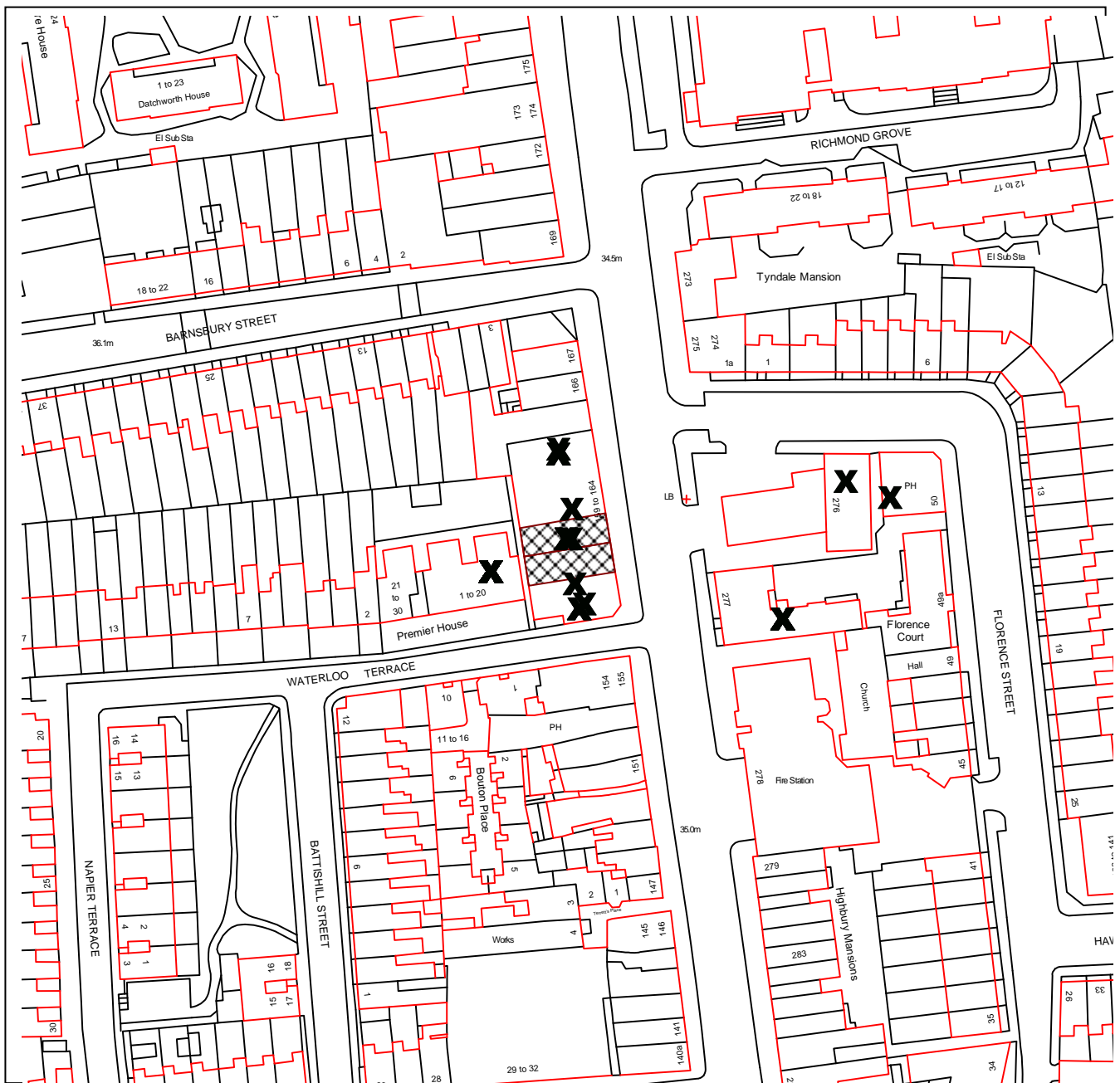
- Islington's Urban Design Guide 2006
- Inclusive Design
- Conservation Area Design Guidelines

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/4499/FUL

LOCATION: FLAT 3 161 UPPER STREET LONDON N1 1US

SCALE: 1:1250

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	19 <sup>th</sup> March 2015	NON-EXEMPT

Application number	P2014/4530/FUL
Application type	Full Planning Application
Ward	St Marys Ward
Listed building	Not listed
Conservation area	Upper Street North
Development Plan Context	<ul style="list-style-type: none"> <li>- Islington Village and Manor House Archaeological Priority Area</li> <li>- Article 4.1 Area</li> <li>- Angel and Upper Street Core Strategy Key Area</li> <li>- Within 100m of TLRN Road</li> <li>- Within 50m of Barnsbury Conservation Area</li> </ul>
Site Address	Flat 3, 165 Upper Street, N1 1US
Proposal	Construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over buildings third floor level with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

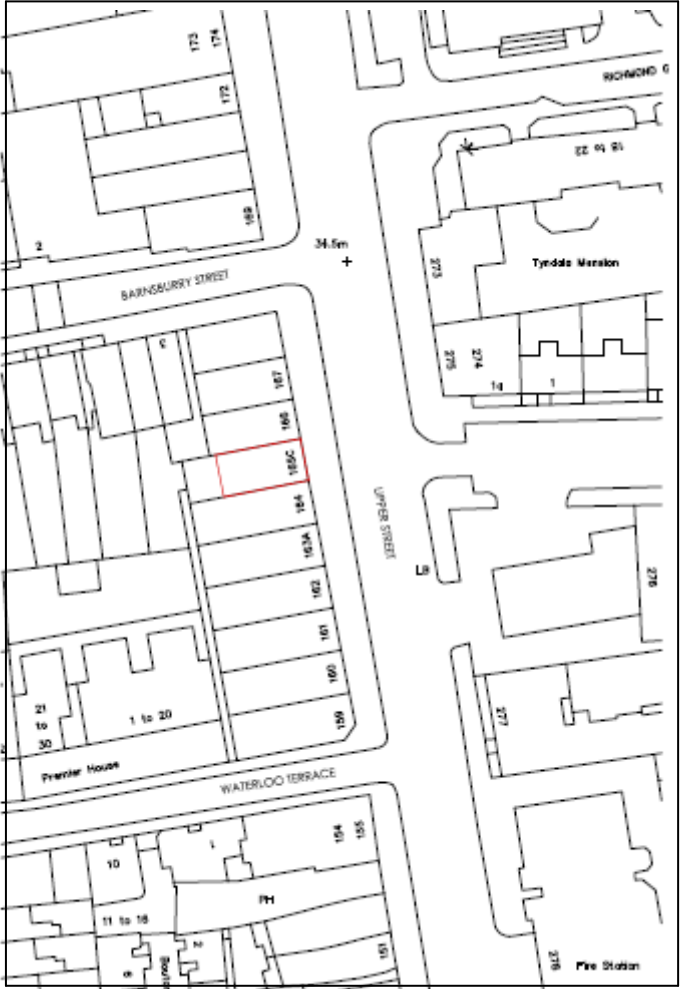
Case Officer	Pedro Rizo
Applicant	Mr Russell Kilikita
Agent	Mr Chris Bowen – Tasou Associates

**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: Existing front elevation



Image 2: Existing rear elevation

### 4. SUMMARY

- 4.1 Planning permission is sought for the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over building third floor level as amended with 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

4.2 The proposed roof terrace would not detract from the character and appearance of the application property or the Upper Street North Conservation Area and would not detrimentally impact upon neighbour amenity.

4.3 The application is therefore recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

5.1 The site is located on the west side of Upper Street and consist of a mid-terraced property which is used for commercial purposes on the ground floor and residential purposes on the upper three floors currently arranged as three self-contained flats. This application relates to the fourth (upper) floor flat. The property is four storeys in height with pitched roofs.

5.2 The rows of terraces surrounding the sites on Upper Street comprise of traditional four storey late Victorian terraces. The immediate area is of mixed character and the ground floor units are used for retail purposes.

5.3 The site is located within the Upper Street North Conservation Area. The boundary of Barnsbury Conservation Area is located 50 metres away from the application site. The buildings are not listed. It is noted that first floor rear roof terraces in existence along this section of Upper Street.

## **6. PROPOSAL (in Detail)**

6.1 The proposal consists of the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over the buildings third floor level, with a 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

6.2 The existing pitched roof which will is set behind a front parapet wall and will be replaced with a flat roof to create the new terraced area and will include the erection of a 1.7 metre high obscurely glazed privacy screen on both flank elevations. This privacy screen will be set back by 2.5 metres from the front parapet wall and 1 metre from the rear façade in line with the proposed roof terrace. The existing steel balustrade on the front parapet wall measuring 1.1 metres in height will be replaced by a glazed balustrade of the same height but set back 2.5 metres from the parapet and the existing 2.2 metre high steel balustrade on the rear elevation will be replaced with a 1.1 metre high glazed balustrade but set back 1 metre from the parapet. The proposed roof terrace will be used in association with the existing third floor flat.

6.3 The proposal also involves the insertion of a new staircase to the rear of the terrace with opening roof light to facilitate access to the terrace.

6.4 Amendments were received to the application on 9<sup>th</sup> January 2015 which reduced the size of the terrace; the height and depth of the proposed privacy screens were also amended and the materials proposed for the screen were altered from timber to glass.

## **7. RELEVANT HISTORY**

### **PLANNING APPLICATIONS**

165 Upper Street

- 7.1 P2014/454/FUL - The creation of a roof terrace and associated construction of balustrades and external alterations at first floor level. Approved (12/01/2015)
- 7.2 P2013/0143/FUL - Change of use from a retail shop A1 Use Class to dual A2/A3 Use Classes at basement and ground floor levels. Approved (19/03/2014)
- 7.3 P2013/1993/PRA - Application for prior approval of the Local Planning Authority for the change of use of the first, second and third floors from B1(a) Office accommodation to three self contained residential flats (C3 use class). Prior approval required and approved (06/08/2013)
- 7.4 P121849 - Change of use of ground and basement floors to create 4 retail units (A1 use) and one restaurant/bar (A3/A4 dual use) together with external alterations at ground floor level to street frontages and rear. Approved (12/10/2012)

161 Upper Street

- 7.5 P2014/4499/FUL - Construction of a roof terrace and associated new staircase (with specialist opening rooflight/stair enclosure) with glass balustrade and timber privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

167 Upper Street

- 7.6 P2014/4565/FUL - Construction of a roof terrace and associated new staircase (with special opening rooflight) with glass balustrade and timber privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

### **PRE APPLICATION ADVICE**

- 7.7 None

### **ENFORCEMENT:**

- 7.8 No history

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 37 adjoining and nearby properties at Upper Street and Barnsbury Street on 14<sup>th</sup> November 2014. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 20<sup>th</sup> November 2014. The public consultation of the application therefore expired on 11<sup>th</sup> December 2014. Neighbours were re-consulted on amended plans on 9<sup>th</sup> January 2015 and this re-consultation expired on 30<sup>th</sup> January 2015. 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 eight objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Proposal will set precedent if granted in a conservation area (10.4)
  - Extra noise in a residential area (10.9)
  - Out of character (10.3-10.5)
  - No indication who will have access to the roof terrace (6.2)
  - Proposal is for developers to maximise profit (10.10)
  - Overlooking of rear garden and neighbouring properties (10.8)
  - Scale of terrace is larger than anything allowed in the area (10.4)
  - Barnsbury Street and Waterloo Terrace are classified as residential streets and have been protected with traffic calming measures. Neighbours should be protected from excessive development in the same way which will detrimentally impact on noise and privacy (10.8-10.9)
  - Drawings inaccurate there are no trees to the north of the property (10.10)
  - Visual impact (10.4-10.5)

### **External Consultees**

- 8.4 None

### **Internal Consultees**

- 8.5 Design & Conservation – Object to the proposal for the following reasons:
- 1) The addition of a roof terrace is unacceptable in principle
  - 2) The glass balustrade will be visible from street level
  - 3) The proposal will have a harmful effect on the character and appearance of the conservation area
  - 4) Proposed roof lights are an undesirable addition in a conservation area

These points are addressed in the assessment of the application.

## **9. RELEVANT POLICIES**

- 9.1 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**

- 9.2 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 and PPG are material considerations and have 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, 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)**

- 9.4 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

## **10. ASSESSMENT**

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

- Land Use
- Character and appearance of the Conservation Area
- Neighbouring Amenity

### **Land Use**

- 10.2 The site is situated within a mixed use area and involves alterations to the roof of an existing mixed use property to create a roof terrace. Planning permission has been granted for the erection of a terrace at the first floor level. Development Management policy DM2.3 requires that 'alterations to existing buildings in conservation areas conserve or enhance their significance.' As the proposal will enhance the significance of the property it is considered to comply with this policy and therefore the principle of development is considered to be acceptable in land use terms.

### **Character and appearance of the Conservation Area**

- 10.3 The Conservation Area Design Guidelines for Angel and Upper Street North states that "the roofline is a major component of the area's character. The varied and interesting roofline is an attractive characteristic of the area." The preceding paragraph asserts that "roof extensions visible from any street level or public area will not be permitted." However, it is noted that the guidance does not state that the principle of roof terraces is unacceptable.

- 10.4 The proposed roof terrace will be set back by 2.5 metres from the front building line, and will measure 5.5 metres in width and 6.3 metres in depth. The proposed privacy screens will have chamfered edges to the front and rear ensuring that the screen will be no higher than the existing parapet wall to the rear and only 0.5 metres higher than the existing balustrade at the front and the height of the screens has been reduced by 0.1 metres from the originally submitted plans. These measures will ensure that the proposed roof terrace is not visible from the street and given the application site's location within the row of terraced properties will not be visible from the public realm either. Given that the roof terrace would not be publicly visible, it is therefore not considered to have a detrimental impact on the character and appearance of the Upper Street North Conservation Area or immediate locality.
- 10.5 The plans have also been amended from the originally submitted proposal with regards to the materials used for the proposed privacy screens. It was originally proposed that these screens would be timber however this has been amended to opaque glass. The use of lightweight materials ensures the proposal integrates well with the neighbouring properties and is more appropriate for the conservation area. Given all of the above the proposed roof terrace is considered to be in keeping with the character and appearance of the host property as well as the immediate locality.
- 10.6 The proposed alteration involving the changing of the 1.1 metre high balustrade from steel to glass is considered to be acceptable in design and visual terms. Although the Council's Design and Conservation officers have objected to the installation of glass balustrades given the use of lightweight materials which will scarcely be visible from the street level it is not considered to have such a detrimental impact on the character and appearance of the conservation area to warrant refusal of the application.
- 10.7 Allowing the roof terrace would not set a precedent as all proposals are judged on their own merits. Any proposal would need to be acceptable in its own rights.

### **Neighbour Amenity**

- 10.8 Due to the location of the roof terrace at the fourth floor level it is not considered that the proposed roof terrace will result in any additional overlooking to the occupiers of the residential properties to the rear there is currently only a 1 metre separation distance between the application site and 3 Barnsbury Street. The application site, as existing, currently overlooks the rear gardens of numbers 5, 7 and 9 Barnsbury Street and the outlook from the proposed roof terrace will be the same as the rear windows of the flat at the third floor level. The proposed roof terrace is recessed by 1 metre from the rear building line and the proposed privacy screens at 1.7 metres in height will ensure that future users of the roof terrace will be unable to look directly into the windows of the neighbouring residential properties in Barnsbury Street. There will be similarly obscured views from the proposed roof terrace looking towards Premier House on Waterloo Terrace. Given that the existing upper



floor rear windows overlook these neighbouring rear gardens and planning permission has been granted for a first floor rear terrace at the application site, it is not considered that the proposal will result in the loss of privacy to the occupiers to the rear.

- 10.9 Concerns have been raised by neighbouring occupiers regarding noise and disturbance resulting from the proposed use. The application site relates to an upper floor flat used for residential purposes and the roof terrace will provide private outdoor amenity space in association with the flat. Whilst the Council cannot control future occupiers of this residential unit, given that other roof terraces have been granted planning permission in the locality, it would be unreasonable to refuse planning permission for this reason.

### **Other Matters Raised**

- 10.10 The Council accepts plans on the basis that they provide an accurate representation of the site. Trees, whether existing or not are not affected by development at roof level. Objections relating to developer's profits are not materials planning considerations against which the planning application can be assessed.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof terrace and associated staircase glass balustrade and opaque glass privacy screen are considered to be acceptable with regards to the land use, design, impact on the conservation area and neighbour amenity.
- 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, the National Planning Policy Framework and the PPG 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

**APPENDIX 1 – RECOMMENDATIONS**

**RECOMMENDATION A**

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

**List of Conditions:**

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PP.03 rev.B, PP.04 rev.B, Design and Access Statement.</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>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. 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:**

<b>1</b>	<b>Positive Statement</b>
	<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>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</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.
---

## **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 and PPG are material consideration and have 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:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments

##### 7 London's living places and spaces:

- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### Spatial Strategy

**CS8** (Enhancing Islington's Character)

##### Strategic Policies

**CS9** (Protecting and Enhancing Islington's Built and Historic Environment)

**C) Development Management Policies June 2013**

- DM2.1** Design
- DM2.2** Inclusive Design
- DM2.3** Heritage

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

The following SPGs and/or SPDs are relevant:

**Islington**

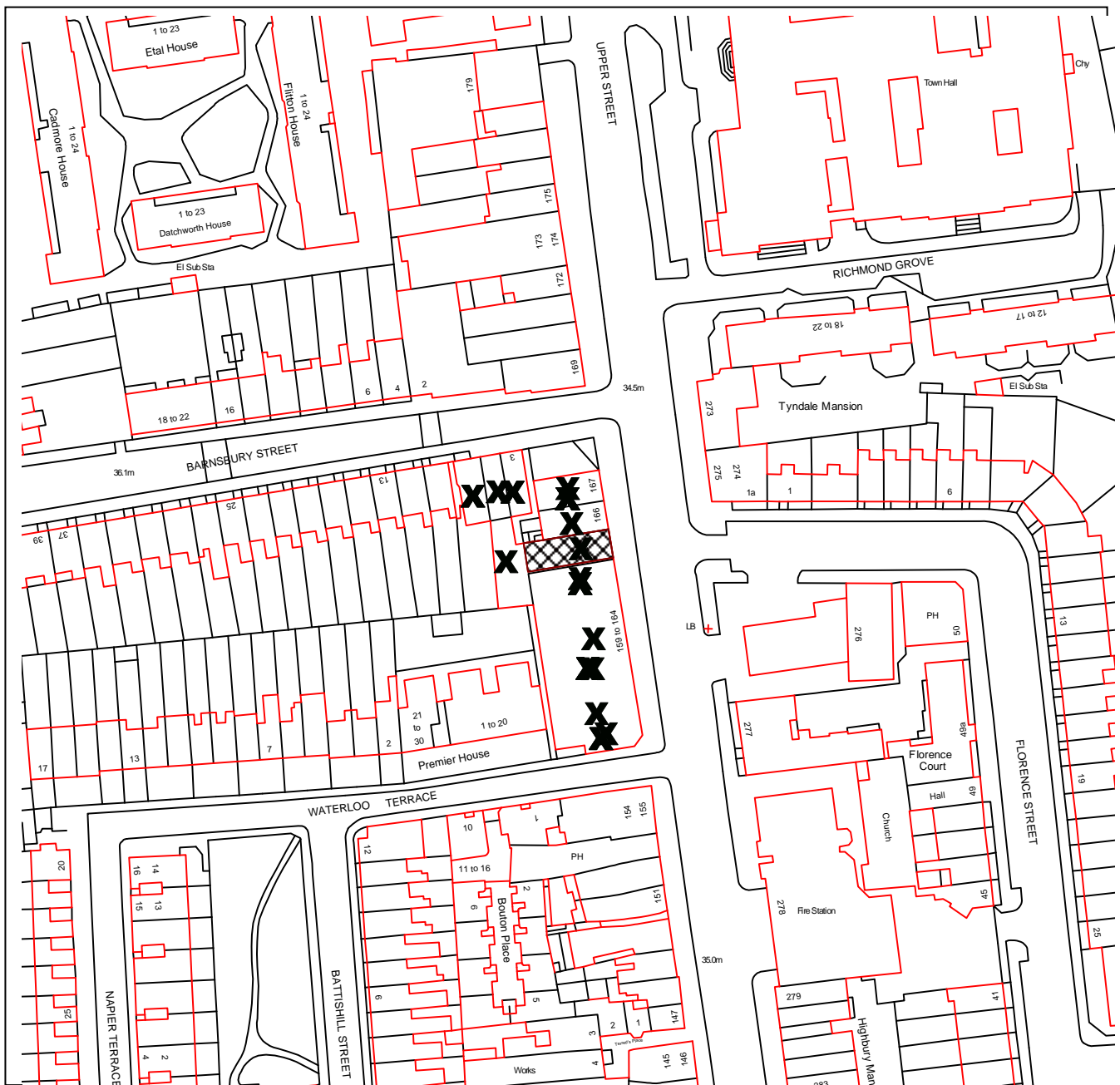
- Islington’s Urban Design Guide 2006
- Inclusive Design
- Conservation Area Design Guidelines (2002)

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction



# ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/4530/FUL

LOCATION: FLAT 3, 165 UPPER STREET, LONDON, N1 1US

SCALE: 1:1250

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## PLANNING COMMITTEE REPORT

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

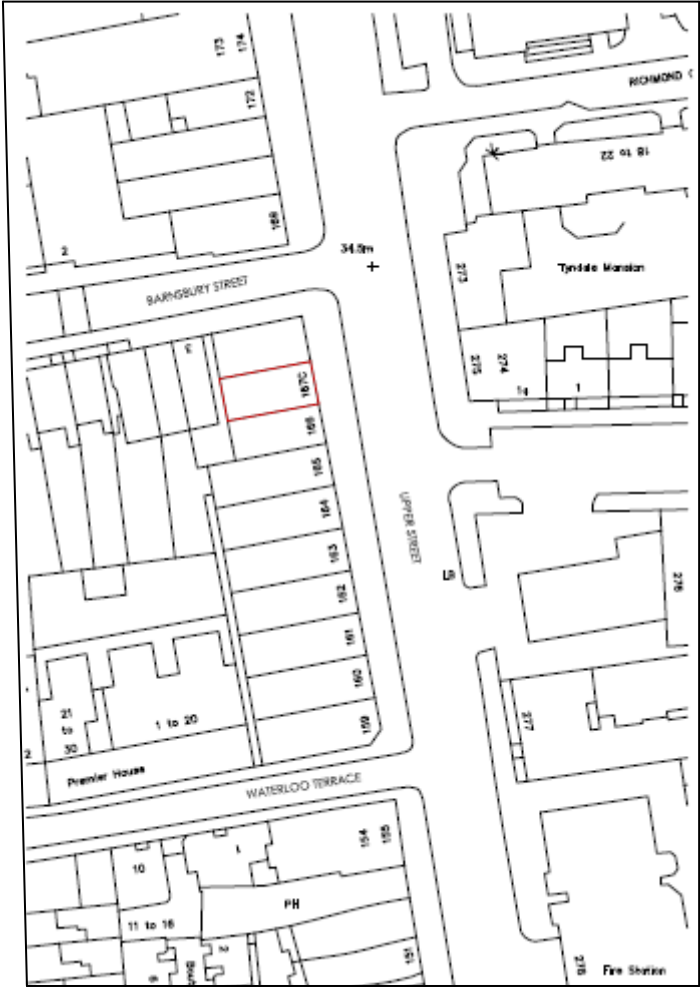
<b>PLANNING SUB-COMMITTEE B</b>		
Date:	19 <sup>th</sup> March 2015	NON-EXEMPT
Application number	P2014/4565/FUL	
Application type	Full Planning Application	
Ward	St Marys Ward	
Listed building	Not listed	
Conservation area	Upper Street North	
Development Plan Context	<ul style="list-style-type: none"> <li>- Islington Village and Manor House Archaeological Priority Area</li> <li>- Article 4.1 Area</li> <li>- Angel and Upper Street Core Strategy Key Area</li> <li>- Within 100m of TLRN Road</li> <li>- Within 50m of Barnsbury Conservation Area</li> </ul>	
Site Address	Flat C, 167 Upper Street, N1 1US	
Proposal	Construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over buildings third floor level with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.	
Case Officer	Eoin Concannan	
Applicant	Mr Vincent Goldstein	
Agent	Mr Chris Bowen – 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: Existing front elevation



Image 2: Existing rear elevation

### 4. SUMMARY

- 4.1 Planning permission is sought for the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over building third floor level (as amended) with 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

4.2 The proposed roof terrace would not detract from the character and appearance of the application property or the Upper Street North Conservation Area and would not detrimentally impact upon neighbour amenity.

4.3 The application is therefore recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

5.1 The site is located on the west side of Upper Street and consist of a mid-terraced property which is used for commercial purposes on the ground floor and residential purposes on the upper three floors currently arranged as three self-contained flats. This application relates to the fourth (upper) floor flat. The property is four storeys in height with pitched roofs.

5.2 The rows of terraces surrounding the sites on Upper Street comprise of traditional four storey late Victorian terraces. The immediate area is of mixed character and the ground floor units are used for retail purposes.

5.3 The site is located within the Upper Street North Conservation Area. The boundary of Barnsbury Conservation Area is located 50 metres away from the application site. The buildings are not listed. It is noted that first floor rear roof terraces in existence along this section of Upper Street.

## **6. PROPOSAL (in Detail)**

6.1 The proposal consists of the construction of a roof terrace and associated staircase with glass balustrade and opaque glass privacy screen over the buildings third floor level, with a 2.5 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade.

6.2 The existing pitched roof behind a parapet wall will be replaced with a flat roof to create the new terraced area and will include the erection of a 1.7 metre high obscurely glazed privacy screen on both flank elevations. This privacy screen will be set back by 2.5 metres from the front parapet wall and 1 metre from the rear façade in line with the proposed roof terrace. The existing steel balustrade on the front parapet wall measuring 1.1 metres in height will be replaced by a glazed balustrade of the same height but set back 2.5 metres from the parapet and the existing 2.2 metre high steel balustrade on the rear elevation will be replaced with a 1.1 metre high glazed balustrade but set back 1 metre from the parapet. The proposed roof terrace will be used in association with the existing third floor flat.

6.3 The proposal also involves the insertion of a staircase to the rear of the terrace with opening rooflight to facilitate access to the terrace.

6.4 Amendments were received to the application on 9<sup>th</sup> January 2015 which reduced the size of the terrace, the height and depth of the proposed privacy screens were also amended and the materials proposed for the screen were altered from timber to glass.

## **7. RELEVANT HISTORY**

### **PLANNING APPLICATIONS**

167 Upper Street

- 7.1 P2014/4544/FUL - Addition of a roof terrace and associated construction of balustrades and external alterations at first floor level. Approved (13/01/2015)
- 7.2 P2013/1976/PRA - Application for prior approval of the Local Planning Authority for the change of use of the first and second floors and curtilage from B1(a) office accommodation to 3 x residential flats (C3 use class). Prior approval required and approved (06/08/2013)
- 7.3 P2013/1039/FUL - Change of use of ground floor and basement from A1 use to A3 restaurant use with rear flue. Approved (30/05/2013)

165 Upper Street:

- 7.4 P2014/4530/FUL - Construction of a roof terrace and associated new staircase (with specialist opening rooflight/stair enclosure) with glass balustrade and opaque glass privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

161 Upper Street:

- 7.5 P2014/4499/FUL - Construction of a roof terrace and associated new staircase (with special opening rooflight) with glass balustrade and opaque glass privacy screen over buildings third floor level as amended with 2.50 metres setback from front parapet wall and 1.00 metre setback from building's main rear facade. Awaiting decision.

### **PRE APPLICATION ADVICE**

- 7.6 None

### **ENFORCEMENT:**

- 7.7 No history

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 22 adjoining and nearby properties on Upper Street and Barnsbury Street on 18<sup>th</sup> November 2014. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 27<sup>th</sup> November 2014. The public consultation of the application therefore expired on 18<sup>th</sup> December 2014. Neighbours were re-consulted on

amended plans on 16<sup>th</sup> January 2015 and this re-consultation expired on 6<sup>th</sup> February 2015. 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 objections had been received from the public with regards to the application.

### **External Consultees**

- 8.3 None

### **Internal Consultees**

- 8.4 Design & Conservation – Object to the proposal for the following reasons:
- 1) The addition of a roof terrace is unacceptable in principle
  - 2) The glass balustrade will be visible from street level
  - 3) The proposal will have a harmful effect on the character and appearance of the conservation area
  - 4) Proposed roof lights are an undesirable addition in a conservation area

These points are addressed in the assessment of the application.

## **9. RELEVANT POLICIES**

- 9.1 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**

- 9.2 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 and associated PPG are material considerations and have 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, 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)**

- 9.4 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Character and appearance of the Conservation Area
- Neighbouring Amenity

### **Land Use**

10.2 The site is situated within a mixed use area and involves alterations to the roof of an existing mixed use property to create a roof terrace. Planning permission has been granted for the erection of a terrace at the first floor level. Development Management policy DM2.3 requires that 'alterations to existing buildings in conservation areas conserve or enhance their significance.' As the proposal will enhance the significance of the property it is considered to comply with this policy and therefore the principle of development is considered to be acceptable in land use terms.

### **Character and appearance of the Conservation Area**

10.3 The Conservation Area Design Guidelines for Angel and Upper Street North states that "the roofline is a major component of the area's character. The varied and interesting roofline is an attractive characteristic of the area." The preceding paragraph asserts that "roof extensions visible from any street level or public area will not be permitted." However, it is noted that the guidance does not state that the principle of roof terraces is unacceptable.

10.4 The proposed roof terrace will be set back by 2.5 metres from the front building line, and will measure 5.5 metres in width and 6.3 metres in depth. The proposed privacy screens will have chamfered edges to the front and rear ensuring that the screen will be no higher than the existing parapet wall to the rear and only 0.5 metres higher than the existing balustrade at the front; the height of the screens has been reduced by 0.1 metres from the originally submitted plans. These measures will ensure that the proposed roof terrace is not visible from the street and given the application site's location within the row of terraced properties will not be visible from the public realm either. Given that the roof terrace would not be visible from the public realm, it is therefore not considered to have a detrimental impact on the character and appearance of the Upper Street North Conservation Area or immediate locality.

10.5 The plans have also been amended from the originally submitted proposal with regards to the materials used for the proposed privacy screens. It was originally proposed that these screens would be timber however this has been amended to opaque glass. The use of lightweight materials ensures the proposal integrates well with the neighbouring properties and is more appropriate for the conservation area. Given all of the above the proposed roof terrace is considered to be in keeping with the character and appearance of the host property as well as the immediate locality.

- 10.6 The proposed 1.1 metre high glass balustrade is considered to be acceptable in design and visual terms. Although the Council's Design and Conservation officers have objected to the installation of glass balustrades given the use of lightweight materials which will scarcely be visible from the street level it is not considered to have such a detrimental impact on the character and appearance of the conservation area to warrant refusal of the application.

### **Neighbour Amenity**

- 10.7 Due to the location of the roof terrace it is not considered that the proposed roof terrace will result in any additional overlooking to the occupiers of the residential properties to the rear; there is currently only a 1 metre separation distance between the application site and 3 Barnsbury Street. The application site, as existing, currently overlooks the rear gardens of 3-7 Barnsbury Street and the outlook from the proposed roof terrace will be the same as the existing fourth floor windows. The proposed roof terrace is recessed by 1 metre from the rear building line and the proposed privacy screens at 1.7 metres in height will ensure that future occupiers of the roof terrace will be unable to look directly into the windows of the neighbouring residential properties in Barnsbury Street. There will be similarly obscured views from the proposed roof terrace looking towards Waterloo Terrace. Given that the existing upper floor rear windows overlook these neighbouring rear gardens and planning permission has been granted for a first floor rear terrace at the application site, it is not considered that the proposal will result in the loss of privacy to the occupiers to the rear.
- 10.8 It is not considered that the proposal will have a detrimental impact on neighbouring amenity with regards to noise and disturbance. The application site relates to an upper floor flat used for residential purposes and the roof terrace will provide private outdoor amenity space in association with the flat. Whilst the Council cannot control future occupiers of this residential unit, given that other roof terraces have been granted planning permission in the locality, it would be unreasonable to refuse planning permission for this reason.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof terrace and associated staircase glass balustrade and opaque glass privacy screen are considered to be acceptable with regards to the land use, design, impact on the conservation area and neighbour amenity.
- 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, the National Planning Policy Framework and the PPG 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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PP.03 rev.B, PP.04 rev.B, Design and Access Statement.</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>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. 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:

<b>1</b>	<b>Positive Statement</b>
	<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>Whilst no pre-application discussions were entered into, the policy advice and</p>



	<p>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 and PPG are material considerations and have 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:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments

##### 7 London's living places and spaces:

- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture

#### **B) Islington Core Strategy 2011**

Spatial Strategy

**CS8** (Enhancing Islington's Character)

Strategic Policies

**CS9** (Protecting and Enhancing Islington's Built and Historic Environment)

**C) Development Management Policies June 2013**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

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

The following SPGs and/or SPDs are relevant:

**Islington**

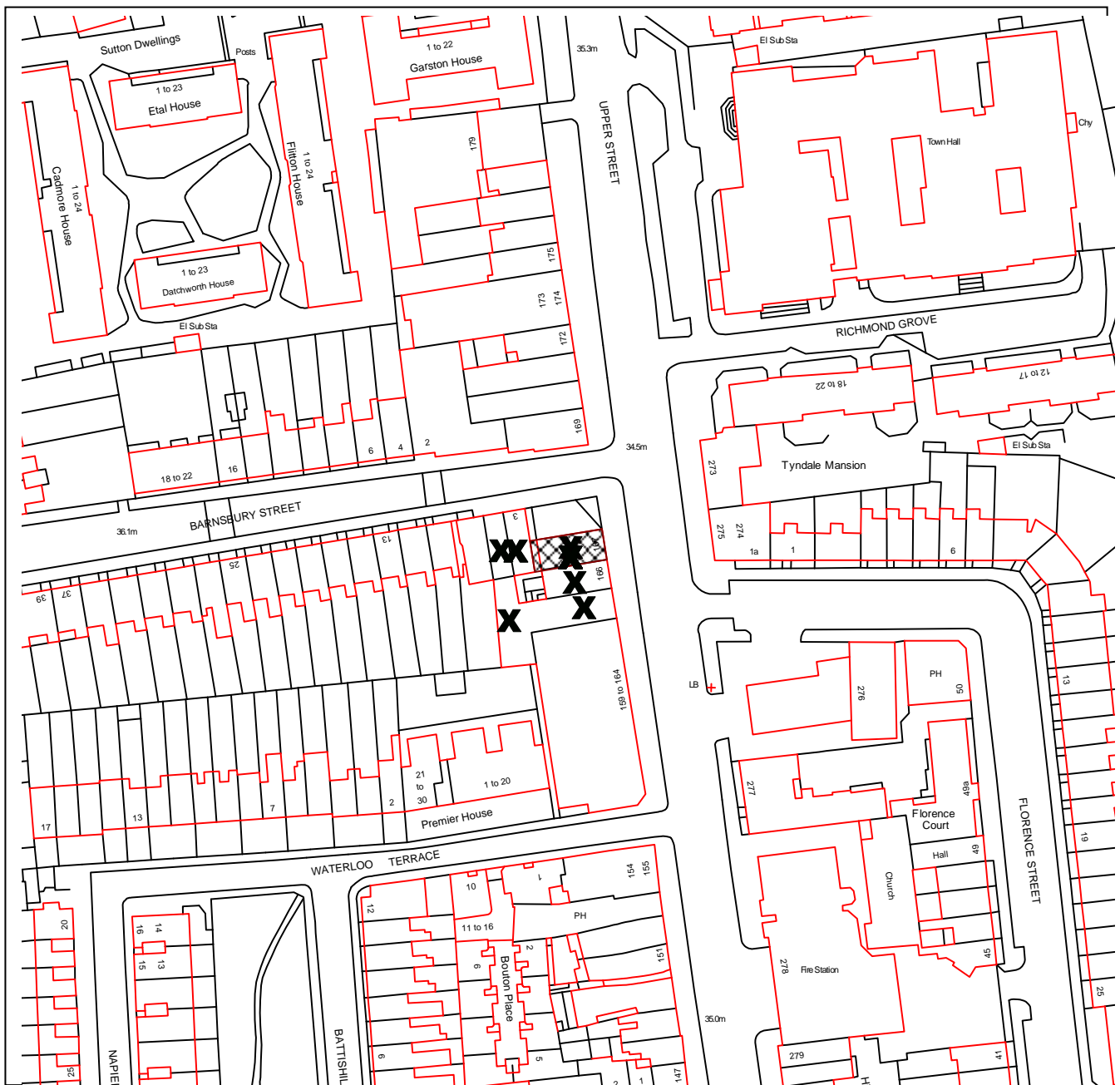
- Islington's Urban Design Guide 2006
- Inclusive Design
- Conservation Area Design Guidelines (2002)

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/4565/FUL

LOCATION: 167 C UPPER STREET LONDON N1 1US

SCALE: 1:1250

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