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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, **3 September 2015 at 7.30 pm.**

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

Enquiries to : Jackie Tunstall  
Tel : 020 7527 3068  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 26 August 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)**

Committee Membership

Councillor Klute (Chair)  
Councillor Nicholls (Vice-Chair)  
Councillor Convery  
Councillor Gantly  
Councillor Ismail

Wards


- St Peter's;  
- Junction;  
- Caledonian;  
- Highbury East;  
- Holloway;

Substitute Members

Councillor Chowdhury  
Councillor Diner  
Councillor Fletcher  
Councillor Kay  
Councillor Khan  
Councillor A Perry  
Councillor Picknell  
Councillor Poyser  
Councillor Spall  
Councillor Wayne

- Barnsbury;  
- Canonbury;  
- St George's;  
- Mildmay;  
- Bunhill;  
- St Peter's;  
- St Mary's;  
- Hillrise;  
- Hillrise;  
- Canonbury;

Quorum: 3 councillors



<b>A.</b>	<b>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 - 4

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	15 Crinan Street, London, N1 9SQ - PLEASE NOTE THIS ITEM HAS BEEN	7 - 26

WITHDRAWN FROM THE AGENDA AND WILL BE CONSIDERED AT A FUTURE MEETING

- |    |   |          |
|----|---|----------|
| 2. | 55 Whitehall Park, London, N19 3TW - PLEASE NOTE THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA AND WILL BE CONSIDERED AT A FUTURE MEETING                    | 27 - 52  |
| 3. | 98 Mercers Road, London, N19 4PU - PLEASE NOTE THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA AND WILL BE CONSIDERED AT A FUTURE MEETING                      | 53 - 68  |
| 4. | Electricity Sub Station and surrounding land South West Corner or 43-48 Claremont Close, London, N1   | 69 - 80  |
| 5. | Whittington Park Community Centre, 84 Yerbury Road, London, N19 4RS   | 81 - 96  |
| 6. | Zinc House, 19-25 Cowcross Street, London, EC1M 6DU - - PLEASE NOTE THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA AND WILL BE CONSIDERED AT A FUTURE MEETING | 97 - 112 |

**C. 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.

**D. 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.

**E. Confidential/exempt items**

**Page**

**F. 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, 8 October 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 - 29 June 2015

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 29 June 2015 at 7.30 pm.

**Present:**           **Councillors:**           Convery, Fletcher (Substitute) (In place of Klute),  
Picknell (Substitute) (In place of Nicholls) and Poyser  
(Substitute) (In place of Ismail)

### Councillor Kat Fletcher in the Chair

- 111        INTRODUCTIONS (Item A1)**  
Councillor Fletcher 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.
- 112        APOLOGIES FOR ABSENCE (Item A2)**  
Apologies for absence were received from Councillors Gantly, Klute, Ismail and Nicholls.
- 113        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Fletcher substituted for Councillor Klute, Councillor Picknell substituted for Councillor Nicholls and Councillor Poyser substituted for Councillor Ismail.
- 114        DECLARATIONS OF INTEREST (Item A4)**  
In relation to Agenda Items B4 and B5, Councillor Poyser declared that he was a member of the Highbury Fields Association and he used Highbury Pool.
- 115        ORDER OF BUSINESS (Item A6)**  
The order of business would be B2, B5, B6, B7, B1, B8, B10, B3 and B9.
- 116        MINUTES OF PREVIOUS MEETING (Item A5)**  
That the minutes of the meeting held on 21 May 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 117        168 UPPER STREET, N1 (Item B1)**  
Approval of details pursuant of condition 3 (Details and samples of facing materials) of planning consent ref P2014/0189/FUL dated 22/07/2014.  
  
(Planning application number: P2014/4534/AOD)
- RESOLVED:**  
That the approval of details be granted, subject to the informative in the case officer's report.
- 118        9 DALLINGTON STREET, EC1V 0BQ (Item B2)**  
Erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) together with associated works and external alterations

## Planning Sub Committee B - 29 June 2015

provision of amenity space, landscaping and installation of eight condenser units with screened enclosure at fifth floor level. Internal alterations at the ground floor level to create a new entrance courtyard and insertion of two new roof lights to the rear.

(Planning application number: P2015/0586/FUL)

In the discussion the following points were made:

- The planning officer reported that Condition 5 should be removed as it was not applicable.
- The chair stated that although the sub-committee had sympathy with the concerns of residents in Enclave Court, the inspector upheld the sub-committee's decision for refusal based on the impact on Dallington School rather than the impact on Enclave Court. Therefore the sub-committee's decision should focus on the impact on Dallington School.
- The scheme had been amended to improve the daylight to the school.
- The architect had taken into account all of the sub-committee's concerns and addressed these in their revised scheme.

### **RESOLVED:**

That planning permission be granted subject to the conditions in the case officer's report with condition 5 removed.

### **119 CAR PARK ADJACENT TO 24 MORTON ROAD, N1 3BA (Item B3)**

The creation of three new houses for social rent (1x1 bed, 1x2 bed, 1x3 bed) with associated landscaping on an existing disused car park site.

(Planning application number: P2015/1289/FUL)

In the discussion the following points were made:

- The scheme blocked off three alleys so should reduce anti-social behaviour.
- The officer stated that an additional condition on impact planning should be added to the conditions.

### **RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report with an additional condition on impact planning and subject to the prior completion of a Director level agreement between the Service Director of the Council's Housing and Adult Social Services department and relevant officers in the local planning authority in order to secure the planning obligations in Recommendation A of the case officer's report 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.

### **120 HIGHBURY FIELDS PLAYGROUND, HIGHBURY CRESCENT, N5 (Item B4)**

Replace existing playground structure (at the end of its serviceable life) with upgraded play equipment.

(Planning application number: P2015/0102/FUL)

### **RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report.

### **121 HIGHBURY POOL, HIGHBURY CRESCENT, N5 1RR (Item B5)**

Single storey extension with pitched roof. Flat roof draught lobby box to the front. Double height extension sitting above the existing gym, spa and plant areas on Eastern side elevation.

(Planning application number: P2015/0386/FUL)

In the discussion the following points were made:

- The comments of the design and conservation officer were discussed.
- Concern was raised about the elevation design and height.

Councillor Fletcher proposed a motion to defer the consideration of the planning application to enable further discussions to take place in relation to the elevation design and height of the proposal. This was seconded by Councillor Poyser and carried.

**RESOLVED:**

That consideration of the planning application be deferred for the reason outlined above.

**122** **LAND ADJACENT TO ST GEORGES AND ALL SAINTS CHURCH HALL, CRAYFORD ROAD, N7 0ND (Item B6)**

The erection of a four storey building to provide three residential units comprising two bedroom flats and one three bedroom maisonette, together with private open space to the rear. This scheme had been amended with new elevations and internal redesign.

In the discussion the following points were made:

- Affordable housing contributions would be made.
- An objector raised concern about children in the nursery next door to the proposed development not being able to sleep between 12.30pm and 2.30pm as they did currently due to construction noise.
- The width of the pavement would remain the same.
- Tree protection had been conditioned.

Councillor Poyser proposed a motion to amend Condition 4 – Construction Management Plan to require the applicant to minimise noise between 12.30pm and 2.30pm. This was seconded by Councillor Picknell and carried.

**RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report with condition 4 being amended as above and the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including the mortgages) in order to secure the obligations in Recommendation A of the case officer's report 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.

**123** **LAND AT REAR OF NOS. 13-17 THANE VILLAS, N7 7PH (Item B7)**

Construction of three self-contained single storey dwellings to the rear of 13-17 Thane Villas (2x three bed (4 person) and 1 x 3 bed (5 person) together with associated bin and cycle storage.

(Planning application number: P2014/0472/FUL)

In the discussion the following points were made:

## Planning Sub Committee B - 29 June 2015

- Officers did not consider that the proposed development would harm the setting of the locally listed buildings.
- The proposal was policy compliant with an interesting design.

### **RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report plus the completion of a section 106 agreement to secure the financial contributions outlined in Recommendation A of the case officer's report.

### **124 MACPHERSON HOUSE, 69-85 OLD STREET, EC1V 9HX (Item B8)**

Change of use of part of ground and basement floors from Use Class A2 to Use Class D1 including alterations to external ground floor facades on Old Street, Central Street elevations and rear elevations.

(Planning application number: P2015/1163/FUL)

### **RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report.

### **125 NEWINGTON GREEN PRIMARY SCHOOL, 105 MATTHIAS ROAD, N16 8NP (Item B9)**

Construction of a canopy to the western elevation of the school building of the nursery classrooms to provide direct access to the covered play space from the nursery classroom.

(Planning application number: P2015/0697/FUL)

### **RESOLVED:**

That planning permission be granted subject to the conditions and informative in the case officer's report.

### **126 ST MARKS PRIMARY SCHOOL, 175 SUSSEX WAY, N19 4JF (Item B10)**

Demolition of the existing Nursery School building and construction of a new single storey Early Years Unit with associated works including canopies and a new boundary fence at St Mark's Primary School.

(Planning application number: P2015/1251/FUL)

In the discussion the following point was made:

- The possibility of having a biodiversity roof had been considered but the weight of this would mean the scheme would have to be redesigned and costs would increase.

### **RESOLVED:**

That planning permission be granted subject to the conditions and informatives in the case officer's report.

The meeting ended at 9.55 pm

**CHAIR**



#### COMMITTEE AGENDA

**1 15 Crinan Street London N1 9SQ**

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**2 55 Whitehall Park London N19 3TW**

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**3 98 Mercers Road, London N19 4PU**

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**4 Electricity Sub Station and surrounding land South West Corner of 43-48 Claremont Close, London N1**

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**5 Whittington Park Community Centre, 84 Yerbury Road, London N19 4RS**

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**6 Zinc House, 19-25 Cowcross Street, London, EC1M 6DU**

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**1 15 Crinan Street London N1 9SQ**

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**Ward:** Caledonian

**Proposed Development:** Construction of a roof extension to provide an additional floor of B1(a) office space and associated roof terrace, with a plant area and associated air conditioning equipment; and replacement of existing windows with double glazed timber sash windows and a new entrance at ground floor level

**Application Number:** P2015/2193/FUL

**Application Type:** Full Planning Application

**Case Officer:** Emily Benedek

**Name of Applicant:** PZR Ltd

**Recommendation:**

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**2 55 Whitehall Park London N19 3TW**

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**Ward:** Hillrise

**Proposed Development:** Erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens. The removal of existing tree(s) is also proposed together with replacement tree and shrub planting.

**Application Number:** P2015/2281/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Mr Richard South

**Recommendation:**

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### 3 98 Mercers Road, London N19 4PU

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**Ward:** St. Georges

**Proposed Development:** Basement enlargement with front and rear light wells.

**Application Number:** P2015/1904/FUL

**Application Type:** Full Planning (Householder)

**Case Officer:** Duncan Ayles

**Name of Applicant:** Mr Alexis Besse

**Recommendation:**

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### 4 Electricity Sub Station and surrounding land South West Corner of 43-48 Claremont Close, London N1

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**Ward:** Clerkenwell

**Proposed Development:** Demolition of the former electrical substation and change of the space into a new community gardening space with a small storage shed to store gardening tools, raised flower beds, batten screen and self-binding aggregate surfacing.

**Application Number:** P2015/2422/FUL

**Application Type:** Full Planning Application

**Case Officer:** Ben Phillips

**Name of Applicant:** Mr Matthew Conlon-Perry

**Recommendation:**

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### 5 Whittington Park Community Centre, 84 Yerbury Road, London N19 4RS

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**Ward:** Junction

**Proposed Development:** Creation of new separate entrances to the community centre and nursery. Ground and first floor side extensions and external alterations to the existing property.

**Application Number:** P2015/0360/FUL

**Application Type:** Full Planning Application

**Case Officer:** Emily Benedek

**Name of Applicant:** Whittington Park Community Association - Mrs Ann Mason

**Recommendation:**

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### 6 Zinc House, 19-25 Cowcross Street, London, EC1M 6DU

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**Ward:** Clerkenwell

**Proposed Development:** Installation of 12 Heat Pump Units at Roof Level, One Heat Pump Unit at Fifth Floor Balcony Level, Two Heat Pumps at Fourth Floor Balcony Level and Associated Visual/Acoustic Screening

**Application Number:** P2015/0634/FUL

**Application Type:** Full Planning Application

**Case Officer:** Duncan Ayles

**Name of Applicant:** City Apartments Ltd

**Recommendation:**

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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>		
Date:	3 <sup>rd</sup> September 2015	NON-EXEMPT

Application number	P2015/2193/FUL
Application type	Full Planning
Ward	Caledonian Ward
Listed building	Not listed
Conservation area	King's Cross Conservation Area
Development Plan Context	<ul style="list-style-type: none"> <li>- Central Activities Zone (CAZ)</li> <li>- King's Cross and Pentonville Core Strategy Key Area</li> <li>- Employment Growth Area – Development Management Policies DM5.1, DM5.2 &amp; DM5.4</li> <li>- Mayors Protected Vista – Kenwood viewing gazebo to St. Pauls Cathedral</li> <li>- Local Cycle Route</li> <li>- Within 100m of a SRN Road</li> <li>- Within 50m of Regent's Canal West Conservation Area</li> </ul>
Site Address	15 Crinian Street, London, N1 9SQ
Proposal	Construction of a roof extension to provide an additional floor of B1 (a) office space, roof terrace and associated glazed screen, with a plant area, air conditioning equipment, replacement of existing windows with double glazed timber sash windows and a new entrance at ground floor level.

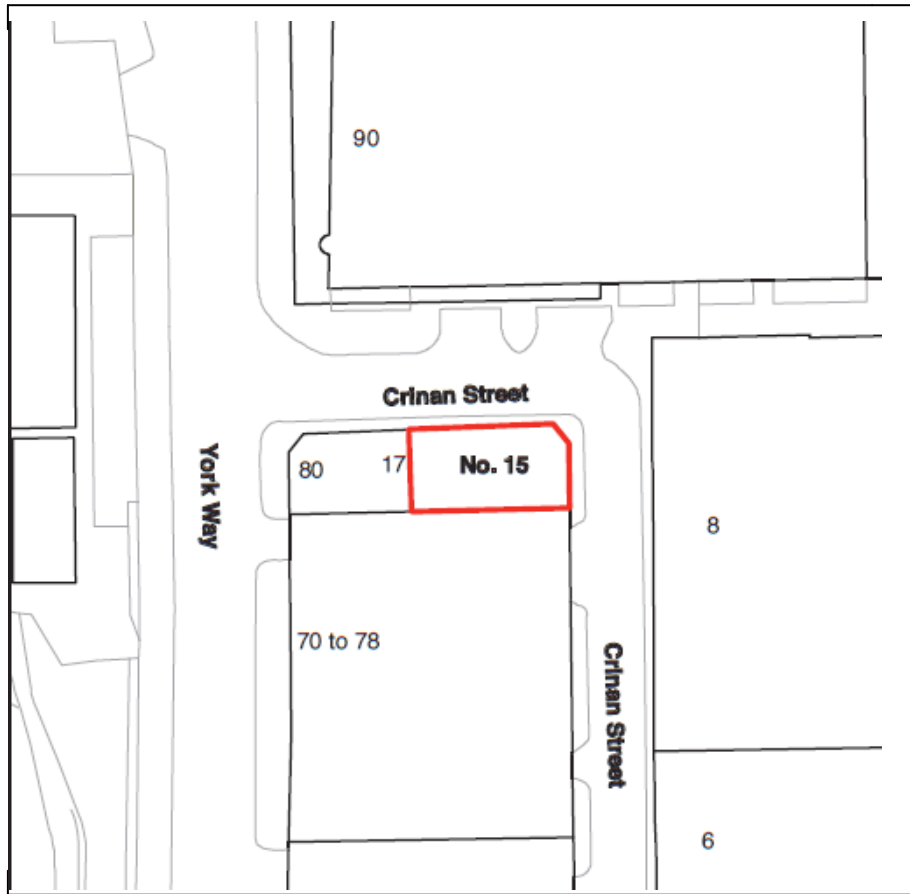
Case Officer	Emily Benedek
Applicant	PZR Ltd
Agent	Craig Slack – Turley Associates

### 1.0 RECOMMENDATION

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

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

**2.0 SITE PLAN (site outlined in black)**



3.0 PHOTOS OF SITE/STREET

Application site

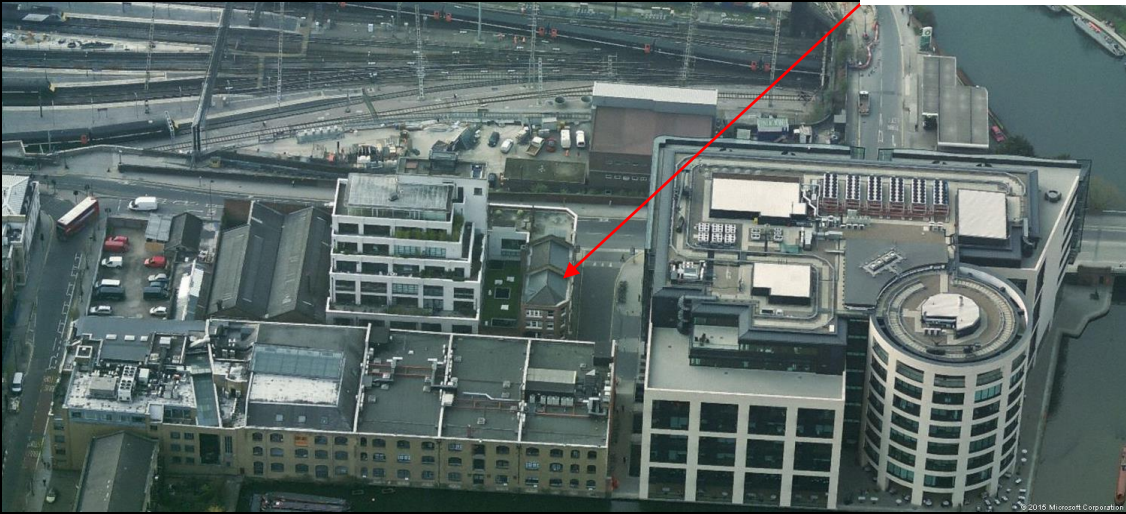


Image 1: Aerial view of street elevation



Image 2: View from Crinan Street



Image 3: View from Crinan Street



Image 4: Relationship between neighbouring building York Central and application site



Image 5: Relationship between application site and 90 York Way

## **4.0 SUMMARY**

- 4.1 Planning permission is sought for the construction of a roof extension to provide an additional floor of B1 (a) office space (increase of 123 sq metres) and associated roof terrace, with a plant area and associated air conditioning equipment. Replacement of the existing windows with double glazed timber sash windows and a new entrance at the ground floor level.
- 4.2 The proposal would provide additional office space within the Central Activities Zone which is welcomed in land use terms within this highly central location. The proposed development is not considered to detract from the character and appearance of the application property or the conservation area as a whole. The development is considered to be acceptable in overall scale, height and massing with sufficient distances from nearby residential properties to not have a materially adverse impact upon adjoining neighbours amenity levels in terms of loss of daylight/sunlight, loss of outlook. Privacy and overlooking concerns and any undue increase in sense of enclosure.
- 4.3 Planning permission (P2014/4545/FUL) was granted for an identical scheme at planning sub-committee on 6<sup>th</sup> March 2015. The only difference between the previously approved plans and the proposed scheme is the addition of a small roof terrace and associated glazed safety screen at roof level.
- 4.4 The application is therefore recommended for approval with conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located on the south-west side of Crinan Street and consists of an end-of-terrace property which is used for B1 (a) purposes on the ground floor and upper floors. The property is four storeys in height over basement, with a flat roof.
- 5.2 The properties surrounding the site on Crinan Street comprise a mix of styles ranging from late Victorian industrial buildings c.1900 to art deco and modern buildings with large elements of glazing. These vary in height ranging from four to eight storeys. The neighbouring properties comprise a mix of uses including commercial and residential facilities.
- 5.3 The site is located within the King's Cross Conservation Area, however the building is not listed.

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

- 6.1 The proposal consists of the erection of a roof extension to provide an additional floor of B1 (a) office space (increase of 123 sq metres) and plant area with associated air conditioning equipment. Replacement of existing windows with double glazed timber sash windows and new entrance at ground floor.
- 6.2 The existing single glazed timber framed windows and doors on the ground floor north and east elevations will be replaced with double glazed timber framed windows and doors. The design and layout of the fenestration will remain unaltered from existing.
- 6.3 The proposed fourth floor roof extension will cover the majority of the existing roof and will measure a maximum of 17.85 metres in width, 7.75 metres in depth and 3.4 metres in height providing 123 m<sup>2</sup> of office space. The proposed extension will be set

back by 1 metre on the north and east elevations and will follow the profile of the existing roof. The proposed extension will be predominantly glazed on the north and east elevations and the external surfaces of the roof extension will be clad with Reglit glass.

- 6.4 A new screened plant enclosure is also proposed on the roof of the fourth floor extension which will incorporate 5no. Condenser units. It is proposed that this enclosure will measure a maximum of 3.2 metres in depth, 6.5 in metres in width and 1.65 metres in height.
- 6.5 The proposed roof terrace will be located on the Crinian Street elevations and will follow the roof profile and will measure a maximum of 0.95 metres in depth. The proposed balustrades will be made of glass and will measure 0.6 metres in height and will be located 13.7 metres above ground level.

## **7. RELEVANT HISTORY**

### **Planning Applications**

- 7.1 P2015/4545/FUL - Erection of a roof extension to provide an additional floor of B1 (a) office space and plant area with associated air conditioning equipment. Replacement of existing windows with double glazed timber sash windows and new entrance at ground floor. Approved (06/03/2015)

#### **Condition 6 of this approval stated that:**

CONDITION: The flat roof area on the hereby approved fourth floor roof level as shown on drawing number 437A-PA.06/Rev B 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.

- 7.2 P2013/3202/FUL: 64-66 York Way, 68 York Way, 3 Crinan Street, (Formally known as 62-68 York Way) London N1 9AG: Approval of planning permission with conditions and legal agreement dated 27<sup>th</sup> June 2015 for the :

*Demolition of existing building and redevelopment to provide a ground plus six storey building , (with two basement levels), comprising hotel use (Use Class C1) with up to 408 bedrooms and retail floorspace (Use Class A1-A3) at ground level together with associated facilities, plant, landscaping and servicing.*

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

- 7.3 Q2014/1927/MIN – The applicants were advised that the principle of a suitably designed roof extension would be acceptable subject to its final design and details provided to ensure that the development would not materially impact on the amenity levels of adjoining occupiers.

#### **Enforcement:**

- 7.4 No history.



## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 66 adjoining and nearby properties at Cronin Street and York Way on 15 June 2015. A site notice was placed at the site and the application advertised in the Islington Gazette on 18 June 2015. The public consultation of the application therefore expired on 9 July 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 12 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Overlooking of the Lost House (9 Crinian Street) and flats for north end of York Central (10.14-10.15)
  - Proposal contrary to condition 6 of planning permission P2014/4545/FUL which stated that the flat roof should not be used as a balcony (10.16)
  - Cigarette butts/litter could be dropped onto green roof of Lost House (10.17)
  - Noise and disturbance from use (10.21)
  - Loss of privacy (10.18-10.19)
  - Proposed roof terrace provides no amenity for Islington residents and will only be for the convenience of office workers (10.25)

### **Internal Consultees**

- 8.4 Design and Conservation Officer: Objects to the roof extension because it will result in visual clutter (balustrade, furniture).
- 8.5 Acoustic Officer: Recommends condition relating to fixed plant noise limits.
- 8.6 Refuse and Recycling – No objection
- 8.7 Inclusive Design – Proposed extension should be considered the same as a new building

### **External Consultees**

- 8.6 None

## **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 and 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 2015, 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 SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **10.0 ASSESSMENT**

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

- Land use
- Design and impact upon conservation area
- Neighbouring Amenity
- Noise and Vibration
- Accessibility
- Sustainability
- Refuse facilities

- 10.2 This scheme is the same as the development approved in March 2015 with the exception of the proposed roof terrace. Since this approval there has been no material change to the Council's planning policy and the scheme is assessed with this in mind. However, given that we are recommending granting a stand-alone permission including roof terraces, we have assessed the scheme in detail again to justify the conclusion and recommendation.

### **Land Use**

- 10.3 The site is within an Employment Growth Area as identified in Development Management Policy DM5.1. This is a location which has been identified for its local or strategic economic potential or value. Policy CS13 encourages new business floorspace within the CAZ, while CS6 supports employment development within King's Cross which contributes to the use of land in order to meet the wider employment growth of the borough. The proposal will provide 123m<sup>2</sup> of B1 floorspace and the creation of additional B1 floorspace is welcomed and is considered to be acceptable.
- 10.4 As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policies, the site context and any other material planning considerations. The increase in the existing land use on the site would be compatible with the existing character of the surrounding conservation area in this central location.

## Design and Impact Upon the Conservation Area

- 10.5 The application site consists of an end of terrace four storey property set within a row of terraced properties of mixed design. Whilst it is appreciated that some of the properties have been modernised in recent years, there is a clear vertical delineation formed by the alignment of windows in the front elevation, such that provides a uniform appearance to the street scene.
- 10.6 It is acknowledged that the property is currently in a poor state of repair, however, the proposed alterations are considered to improve the character and appearance of the property and its wider impact on the surrounding Conservation Area. The external materials of the roof extension will comprise of reglit glazing, which is considered appropriate for the Conservation Area. This glazing finish would offer a lightweight finish and show a clear delineation between the existing lower floors of the host building and the new floor in this case which is considered to be visually appropriate in townscape terms. Suggested condition 3 will require approval of the final finishing materials of the development by the council to ensure the highest quality materials are selected for the development.
- 10.7 The proposal would introduce a new fourth floor. The proposed fourth floor extension, will be almost entirely glazed on the north and east elevations (with small amounts of Reglit glazing) and will comprise entirely of reglit glazing on the south elevation. This will minimise its impact on the street scene. The proposed roof extension will be one storey higher than the neighbouring property at 17 Crinan Street, four storey's lower than the residential block of flats to the south at 70-78 York Way and three storeys lower than 90 York Way located to the north of the application site. Within this context it is considered that the proposed additional floor harmonises with its context and is considered to fit into the wider context and built form along this section of Crinan Street and York Way.
- 10.8 The Conservation Area Design Guide (CADG) for King's Cross Conservation Area states that: *with refurbishment proposals which involve alterations or extensions, the original design and period of the building must be respected, including scale, roof and parapet lines, architectural style and material.* Although the fenestration at the ground floor level will be replaced, their size, siting and design will remain as existing. Aside from the new fourth floor rear extension, no external changes are proposed to the appearance of the property and the proposal is therefore considered to be in keeping with the character and appearance of the King's Cross Conservation Area.
- 10.9 The Council's Urban Design Guide (UDG, paragraph 2.3.3) states that: *the scale of a frontage can be further reduced by articulating the top floor as a recessive element and employing materials such as glass and steel with a lightweight appearance.*
- 10.10 The proposed fourth floor extension will be recessed back by 0.95 metres from the front building line along the Crinan Street frontage and a new roof terrace is proposed on the Crinian Street elevations in this recessed area. The proposed terrace, which is the difference between the March 2015 application and this proposal, will be contained by a clear glass balustrade fixed to the internal face of the parapet wall and measuring 0.6 metres in height when viewed externally. The Council's Design and Conservation officer has raised objections to this aspect on the proposal and its impact on the conservation area. However, given the height of the balcony in relation to the existing building, the use of light-weight materials, dense nature of the street and the large number of high rise buildings surrounding the application site the proposal will only be afford limited views from Crinan Street and York Way.

- 10.11 Furthermore, a number of neighbouring prominent buildings, namely 70-78 York Way and 90 York Way benefit from purpose built balconies fronting Crinian Street and the introduction of another terrace is not considered to be out of keeping with the established character of the King's Cross Conservation Area. Under these circumstances and given the surrounding context it would be difficult to substantiate an objection to the roof terrace on design grounds.
- 10.12 As such, it is considered that the proposed extensions would be subordinate to and integrate with the application property. Whilst some views of the extensions could be afforded between the properties on Crinan Street, these would be limited. Therefore, the proposed roof extension is not considered to result in any material harm to the conservation area and be in accordance with adopted guidance and Core Strategy policies CS9 & 12 and DM policies 2.1 & 2.3.

### **Neighbour Amenity**

- 10.13 The neighbouring properties at 70-78 York Way and 90 York Way contain residential units with habitable windows facing the application site. The proposal would introduce a fourth floor level that would be predominantly glazed facing 90 York Way and 8 Crinan Street. However, reglit glazing has been introduced on the south elevation and there will be no windows facing directly onto 70-78 York Way.
- 10.14 It is noted that the immediate buildings due north and south of the site are used for residential purposes at the upper floor levels. A daylight/sunlight report attached with this application found that with regards to a daylight analysis, all the windows surveyed in 8 Crinan Street, 90 York Way, and 70-78 York Way would pass the Vertical Sky Component (VSC) test and daylight distribution test. The proposal therefore satisfies the BRE daylight requirements.
- 10.15 Furthermore, with regards to sunlight to windows, all windows which face within 90 degrees of due south were tested for direct sunlight. The daylight/sunlight report concluded that all the windows tested in 8 Crinan Street, 70-78 York Way and 90 York Way passed both the annual sunlight hours test and the winter sunlight hours tests. The proposed roof extension therefore complies with the BRE sunlight to windows requirement. Officers concur with the findings of this report.
- 10.16 A new roof terrace for office users is proposed on the front elevation facing 90 York Way and the side elevation facing 8 Crinian Street. It is noted that condition 6 of the previous planning permission P2014/4545/FUL restricted against the proposed flat roof being used as amenity space. However on further evaluation it is considered that this condition can be argued to be unreasonable and unnecessary bearing in mind the scale, location, associated land use and the physical dynamics of the site in this case.
- 10.17 The proposed roof terrace will measure less than 1 metre in depth and would therefore not be wide enough to accommodate tables and chairs, or facilitate outdoor meetings and is therefore unlikely to be an area of large gatherings during office hours. Neighbours have noted that rubbish could be dropped from the balcony onto the green roof at Lost House however, the terrace does not extend along the flank elevation between the two properties and the proposal is therefore unlikely to have any undue impacts on this neighbouring property.
- 10.18 Concerns have been raised by neighbouring occupiers regarding loss of privacy from the new roof terrace. It is proposed that there will be a window to balcony distance of 15 metres between the application site and the neighbouring residential properties at

No 90 York Way. The proposal will also be located 9.7 metres away from No 8 Crinan Street and will be a storey higher than this neighbouring property. Given the distances between the site and the fact the development will face these distances across a public highway in both instances, it is not considered that the proposed development would result in unreasonable overlooking or loss of privacy to the occupiers of these neighbouring residential units. The proposed eastern elevation facing towards 70-78 York Way will have no windows and the roof terrace will not extend along this elevation, so this results in no opportunities to increase overlooking or loss of privacy concerns in relation to this property.

10.19 The proposed additional floor is separated from the side façade and windows of 70-78 York Way by varying distances from the shortest distance of 7.4 metres to 10 metres at the top floor level of this building. The main flat roof area of the proposed additional floor would be 0.811 metres higher than the top of the existing buildings pitched roof form with the air condenser units being well set in from the side elevations. Bearing in mind this modest increase in height, the distances between the application site and adjoining residential properties and the overall orientation of the site, it is considered that the proposed development will not have material adverse impact in terms of loss of outlook or any material increase in enclosure to adjoining residents windows and side terraces in this case.

10.20 It is acknowledged that the existing building is currently used for office accommodation and it would therefore be unreasonable to restrict the hours of use for future occupiers of the new commercial unit. It is proposed that the roof extension would provide new office accommodation which is not considered to be a high generating noise activity and therefore unlikely to result in unacceptable levels of noise and disturbance to neighbouring occupiers. With regards to light pollution it is noted that under Part L of Building Regulations the owners would be required to install sensory lights which would ensure the lights would only be on when the office accommodation is in use. This would ensure the proposal does not result in unnecessary light pollution to the occupiers of the neighbouring residential properties,

### **Noise and Vibration**

10.21 The Council's Noise Officer has considered the proposal with regards to the new plant area and associated equipment and has recommended appropriate conditions so that the proposal will not create a noise nuisance to the occupiers of the neighbouring properties. In addition, a condition has been placed on the proposed roof terrace to ensure it is not used outside the hours of 9:00am-6:00pm Monday to Friday in order to minimise potential noise and disturbance resulting from the use on neighbouring occupiers.

### **Accessibility**

10.22 Positive steps have been taken with this proposal and reference has been made to the Council's Inclusive Design SPD with measures including sufficient turning circles outside the lift and accessible WCs. It is proposed that the office accommodation would be fully open plan. The existing level threshold entrance level to the existing building will remain unaffected by the proposed development.

### **Sustainability**

10.23 The proposal seeks to construct the additional floor with high quality and sustainable materials and to meet all the credits required for water efficiency within BREEAM. The development has shown that rainwater harvesting and greywater recycling system

would be impractical due to lack of roof space and visual concerns. However the development aims to achieve a 44% improvement in water consumption against a set baseline. The proposed replacement windows are also welcome and will improve the insulation and energy efficiency of heating spaces and heat loss on the upper floors of the building. Bearing in mind the scale of the development, it is considered that the development has made acceptable and proportionate improvements to the sustainability of the building as a whole.

### **Refuse Facilities**

- 10.24 The proposed development does not include any proposed alterations to the existing refuse facilities for the existing office space. It is considered that the modest increase in the size of existing B1 office space can be accommodated within existing refuse arrangements for the building without further or updated details to be required by the council.

### **Other Matters**

- 10.25 Neighbours have voiced concerns that the proposed roof terrace provides no amenity for Islington residents and would only be used for private office workers. However, given that this development relates to private office space it is not unreasonable for the terrace to be used for private office workers and this will also limit the noise and disturbance to neighbouring occupiers.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed roof extension, roof terrace and alterations to the ground floor and upper floor elevations are considered to be acceptable with regards to the land use, design, neighbour amenity, noise levels and accessibility. The proposed development will create valuable additional B1 floorspace while creating a contextually designed additional floor to the existing building.
- 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 as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<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>Design and Access Statement, Daylight and Sunlight Assessment, Sustainable Design and Construction Statement, Noise Report, 437C-EX.01, 437C-EX.02, 437C-EX.03, 437C-EX.04, 437C-EX.05, 437C-EX.06, 437C-EX.07, 437C-EX.08, 437C-EX.09, 437C-EX.10, 437C-EX.11, 437C-EX.12, 437C-EX.13, 437C-PA.01, 437C-PA.02, 437C-PA.03, 437C-PA.04, 437C-PA.05, 437C-PA.06, 437C-PA.07, 437C-PA.08, 437C-PA.09.</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 (compliance)</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 work commencing on site. The details and samples shall include:</p> <p>a) Roof extensions main facing materials  b) replacement window treatments and materials (including sections and reveals);  c) any other materials to be used.</p> <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>4</b>	<b>Noise</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. 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 protect the amenities of neighbouring occupiers.</p>
<b>5</b>	<b>New replacement window details</b>
	<p>CONDITION: The replacement windows hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
<b>6</b>	<b>Roof terrace (hours of use)</b>
	<p>CONDITION: The roof terraces hereby approved shall not operate outside the hours of:</p> <p>9:00am to 6:00pm Monday to Friday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
<b>2</b>	<b>Noise</b>
	<p>The applicant is advised that a timer switch should be fitted to the plant to control the hours of operation for the different modes of operation.</p>
<b>3</b>	<b>Community infrastructure Levy (CIL)</b>
	<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 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</p>



London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at [cil@islington.gov.uk](mailto:cil@islington.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

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.

Further information and all CIL forms are available on the Planning Portal at [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) and the Islington Council website at [www.islington.gov.uk/cilinfo](http://www.islington.gov.uk/cilinfo). Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>.

## **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 associated NPPG 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 2015 - Spatial Development Strategy for Greater London**

##### 6 London's transport:

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking

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

- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and enhancing soundscapes

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

##### Spatial Strategy

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

##### Strategic Policies

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

**CS13** (Employment Spaces)

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

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM5.1** New Business Floorspace

**DM3.7** Noise and Vibration

**DM7.1** Sustainable Design and Construction

**DM7.2** Energy Efficiency and Carbon Reduction in Minor Schemes

**DM8.2** Managing Transport Impacts

**DM8.4** Walking and Cycling

**DM8.5** Vehicle Parking

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

The following SPGs and/or SPDs are relevant:

#### **Islington**

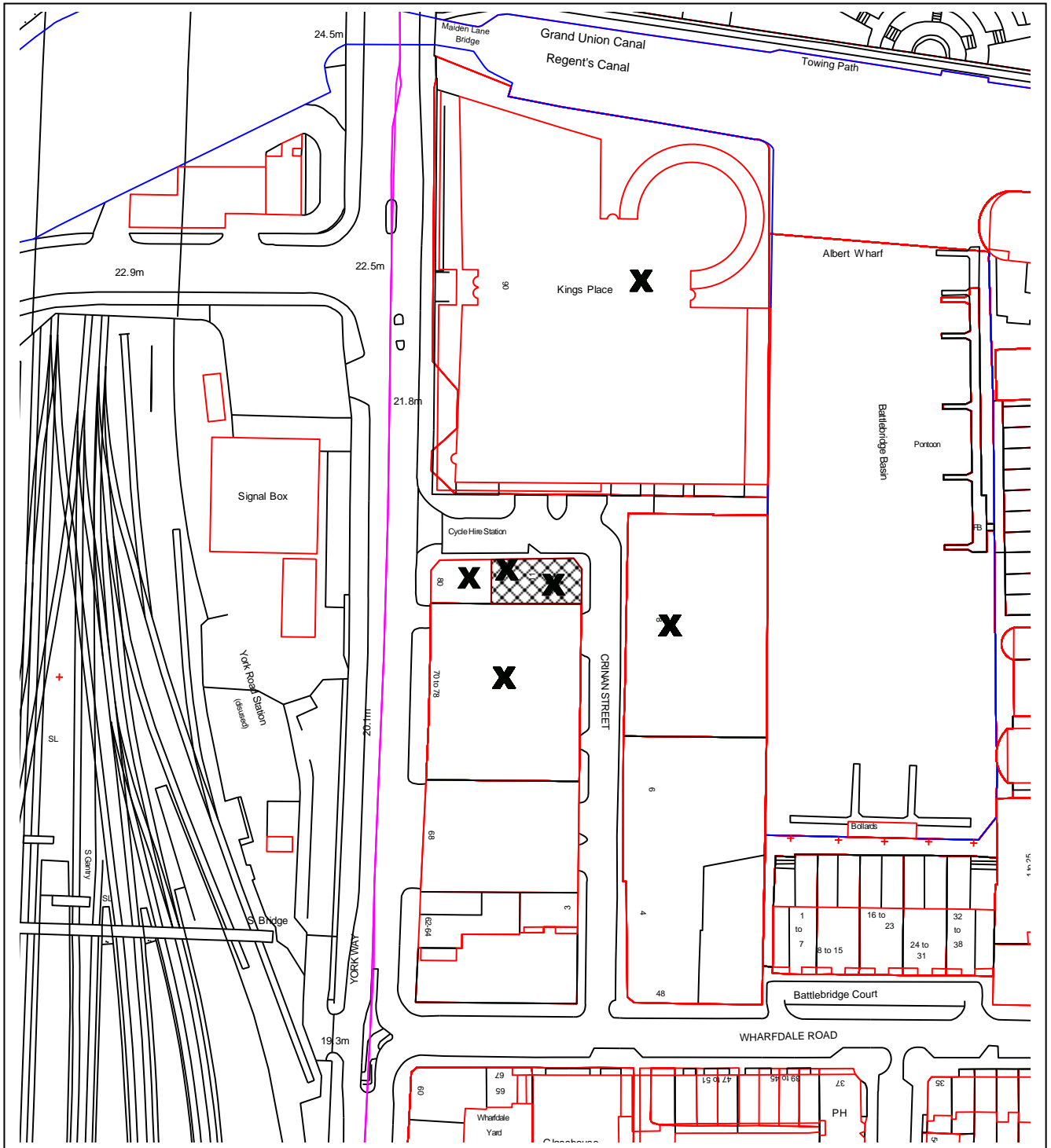
- Accessible Housing in Islington
- Urban Design Guide
- Conservation Area Design Guidelines
- Inclusive Design

#### **London Plan**

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

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# ISLINGTON SE GIS Print Template



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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>		
Date:	3 <sup>rd</sup> September 2015	<b>NON-EXEMPT</b>

Application number	P2015/2281/FUL
Application type	Full Planning
Ward	Hillrise
Listed building	No
Conservation area	Whitehall Park
Development Plan Context	None
Licensing Implications	None
Site Address	55 Whitehall Park London N19 3TW
Proposal	Erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels (with lower ground floor level) including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens. Removal of existing trees on the site together with the replacement tree and shrub planting.

Case Officer	Joe Aggar
Applicant	Mr Richard South
Agent	Mr Mark Barnard

### 1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in black)





**3. PHOTOS OF SITE/STREET**



Image 1: Aerial photograph showing the rear of 55 Whitehall Park which fronts onto Fitzwarren Gardens.

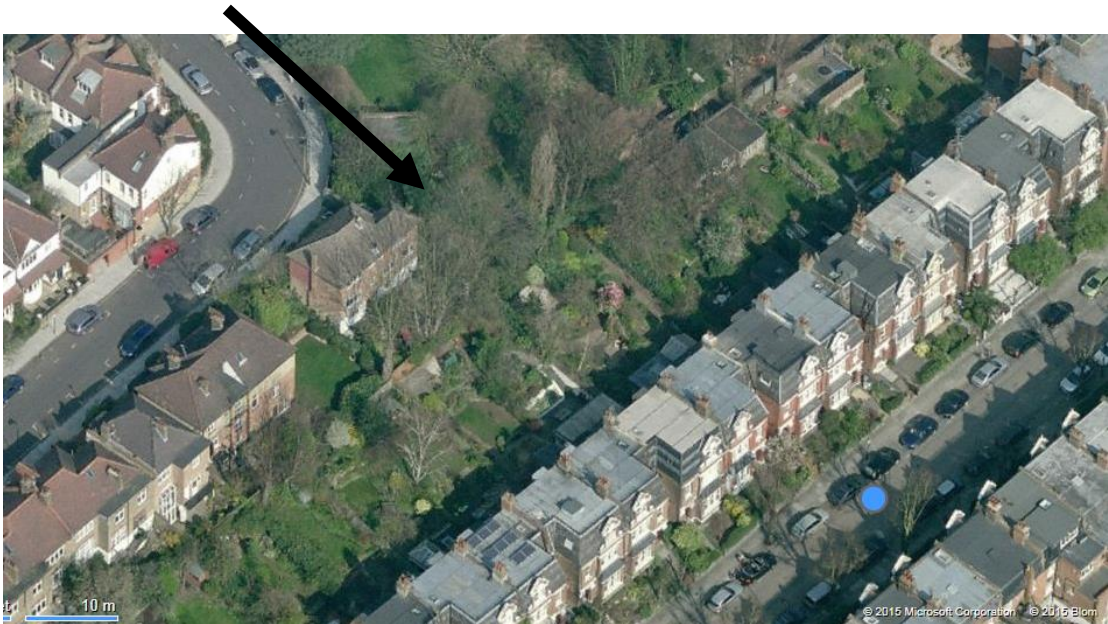


Image 2: Aerial photograph showing 55 Whitehall Park with the site facing onto Fitzwarren Gardens.



Image 3: view looking north from Fitzwarren Gardens



Image 4: view looking east to the rear of 55 Whitehall Park

#### **4. Summary**

- 4.1 The application seeks permission for the erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Permission is also sought for the removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens and the removal of existing trees on the site together with a replacement tree and shrub planting.
- 4.2 The principle of the development is considered acceptable with sufficient private garden space retained for both the existing and proposed developments. The dwelling sits comfortably within its plot and is considered to have an interesting yet relatively simple yet contextual design. It is not considered to form a discordant or

harmful feature within its spacious suburban setting. The area is residential in character and the site is located within a Conservation Area.

- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The Design & Conservation Officer is satisfied with the external appearance of the property which is considered to result in a compact development that sits comfortably without detracting significantly from the character and appearance of the conservation area.
- 4.4 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. 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 DM9 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The proposed unit is 3 bedrooms.
- 4.5 Private amenity space is provided in accordance with the Council's requirements. It is proposed that the new build dwellings would be constructed to meet the standards set by the Code for Sustainable Homes. It is also proposed that the development would incorporate green roofs.
- 4.6 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013.
- 4.7 The building works can be adequately controlled by environmental controls and the submission of a detailed Construction Management Plan.
- 4.8 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.9 In summary, the proposal is considered to be acceptable and is broadly in accordance with the Development Plan policies. It is recommended that planning permission be granted subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located on the west side of Whitehall Park. The rear garden stretches to front Fitzwarren Gardens. 55 Whitehall Park is a 3 storey, mid terraced, single family dwelling terrace property. It is the rear portion of the garden which is where the proposed dwelling would be situated. This occupies a corner plot which fronts on to Fitzwarren Garden is located between 32 Fitzwarren Gardens and the rear garage of 86 Hornsey Lane.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. 55 Whitehall Park is not statutorily listed, but is locally listed. The site is also located within the Whitehall Park conservation area.

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

- 6.1 The proposal consists of the erection of new-build, 3 bedroom single family dwelling house accommodated over 3 levels over lower ground, ground and first floor levels, including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park. Due to the falling land levels the Fitzwarren Gardens elevation would read as two storeys with living accommodation located at lower ground level which would not be readily visible from the public realm.
- 6.2 The proposal would also remove the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren garden and remove the existing trees that are located to the rear of 55 Whitehall Park. This is to be mitigated by replacement tree and shrub planting. The front garden would have the provision of refuse storage and bicycle parking as well as new landscaping and a sedum roof over the living accommodation below.
- 6.3 The proposed development would seek to remove 7 existing trees from the site and replace it with one tree to the front boundary and a landscaping scheme with new shrubbery and associated planting.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 The following is the application history is considered relevant:
- 7.2 55 Whitehall Park, planning application re: P2015/0893/FUL for the *'Erection of new-build, 3 bedroom single family dwellinghouse accommodated over 3 levels including provision of private amenity space and associated refuse and cycle storage facilities in the rear garden of 55 Whitehall Park, which fronts Fitzwarren Gardens. Removal of the existing boundary fence which fronts onto the existing pavement facing the roadway to Fitzwarren gardens. The removal of existing tree(s) is also proposed together with replacement tree and shrub planting.* was WITHDRAWN.

### **ENFORCEMENT:**

- 7.3 None

### **PRE-APPLICATION ADVICE:**

- 7.4 55 Whitehall Park, pre planning application re: Q2014/3358.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 74 adjoining and nearby properties at Fitzwarren Gardens, Whitehall Park and Hornsey Lane.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 16th July 2015 however it is the Council's practice to continue to consider representations

made up until the date of a decision. Any further representations received will be reported to Committee.

8.3 At the time of writing this report 13 objections have been received from the public with regard to the application. One letter of support was received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Monolith appearance of the house (10.15-10.19)
- Unattractive, square, flat roofed, modern building not in keeping (10.19)
- Overdevelopment (10.5-10.9)
- Not sympathetic to the conservation area (10.15-10.19)
- Building on garden land (10.3-10.9)
- Proposal would set a precedent (10.43)
- Increased traffic (10.36-10.37)
- Loss of the tree (10.38-10.42)
- Lower ground floor should be resisted (10.20)
- Loss of light to lower ground floor corridor at 32 Fitzwarren Gardens (10.26)
- General support for the proposal
- Potential flood risk (10.43)
- Basement excavation concerns (10.44-10.47 )

#### **Internal Consultees**

8.4 **Design and Conservation:** Approve subject to conditions.

8.5 **Sustainability Officer:** Approve subject to conditions

8.6 **Planning Policy:** Raised concerns over loss of garden

8.7 **Tree Preservation Officer:** Approve subject to condition.

#### **External Consultees**

8.9 None

### **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 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.4 The site has no designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

### **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, appearance and impacts on the Conservation Area
- Impact on the amenity of neighbouring residents.
- Quality of Accommodation
- Small Site Contribution and Carbon Offsetting
- Trees
- Community Infrastructure Levy
- Other Matters

### **Land Use**

- 10.2 The application is a residential development within a predominately residential area. It would involve the erection of a family dwelling over 3 storeys to the rear of 55 Whitehall Park together with associated bin and cycle storage and garden area. It would front and therefore be accessed via Fitzwarren Gardens.
- 10.3 The NPPF states local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy DM6.3 states development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.
- 10.4 Concerns were raised by the Planning Policy team that the scheme would lead to a loss of garden space. The other key considerations for this policy are whether there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and flood alleviation. The proposal satisfactorily addresses these issues as discussed later in the report.
- 10.5 The site is not allocated as open space or an area a site of importance for nature conservation. Policy 6.3 states that the development should retain the open aspect of the site. The scheme is set back from the pathway to respect the existing building line with the inclusion of a landscaped area, comprising a replacement tree and a rear

garden of approximately 45sqm. The scheme would be read as two storeys from the front elevation and an appropriate amount of green space would be retained to the front and rear of the site.

- 10.6 The policy observations also make reference to the loss of garden. In total approximately 191 square metres of garden and amenity space would be retained serving the existing dwellings and proposed rear development. The proposed development would measure approximately 69 squares metres in area at lower ground floor. In terms of proportions, this would represent approximately 36% reduction in garden space.
- 10.7 Planning permission will not normally be granted to change, expand or intensify uses which would harm the character of the conservation area. The predominant use of land in the area is residential. The proposed erection of a single family dwelling would be a compatible with the prevailing pattern of development within the surrounding area and would not raise any land use planning based on the relative loss of garden space. The existing garden to 55 Whitehall Park is extremely large and it is considered that the creation of a dwelling fronting onto Fitzwarren Gardens represents a more efficient use of this large rear garden while maintaining the green open feel of the area and creating a well-designed new single family dwelling. The following paragraphs examine the remaining elements of the proposal.
- 10.8 Historically the properties along this part of Whitehall Park had large deep gardens that were proportionate to the scale of the buildings. Overtime, these large gardens have been developed upon with similar backland developments, notably 32 Fitzwarren Gardens which has established built form and residential properties to be located within these large rear gardens and the creation off dwellings fronting onto Fitzwarren Gardens itself.
- 10.9 The nearby backland developments have been typically 2 stories in height. The proposed new dwelling would offer a comfortable, domestic scale to the building that sits in proportion of its plot not harming the spatial qualities of the area. .The proposed development would not add significant bulk to the streetscene of Fitzwarren gardens given its smaller footprint to those adjacent being appropriately modest in mass and bulk. The proposal reads as a modern yet relatively simple and understated building which seeks to complement and not overly contrast with the built form in the vicinity of the site. It is considered that the design merits of the scheme are acceptable and the development would enhance the character and appearance the surrounding conservation area.
- 10.10 It is therefore considered that there would be sufficient garden open space retained following the proposed development. Furthermore, it is illustrated in the following sections of the report that the proposal would not result in significant impacts on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

### **Design and Appearance**

- 10.11 The subject site lies within the Whitehall Park Conservation Area (CA) and front onto Fitzwarren Gardens. Fitzwarren Gardens and some Hornsey Lane houses consist of good examples of high quality 1920's semi-detached family dwellings some with strong influence of Lutyens and Voysey. The conservation area lies immediately below the Highgate-Hornsey Ridge (along which runs Hornsey Lane) and slopes considerably, falling from north to south. The oldest parts have many large mature trees and good younger trees on both public and private land which enhance the quality of the

environment. Against that contextual background, it is necessary to set out the policy approach to development and works. The location is an undeveloped restricted site between a single storey garage and a two storey hipped roof residential property. The conservation area, and in particular this part, has a strong spacious quality. There are a number of detached and semi detached buildings.

- 10.12 Policy CS9 of Islington's Core Strategy (CS), 2011 and Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies (LP), 2013, accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness. Taken together, they seek to ensure that heritage assets are conserved and enhanced through development which, amongst other things, respects and responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development. In particular the Islington Urban Design Guide, 2006, states, new buildings should reinforce this character by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area.
- 10.13 Islington's Conservation Area Design Guidelines, 2002, which sets out specific guidance on new or extended buildings within the Whitehall Park CA, in particular, new buildings, should conform to the height, scale and proportions of the existing buildings in the immediate area. Also, the scale and bulk of any new building and extensions should conform to the prevailing heights in the vicinity, and to use vernacular materials, such as brick, stone, render and slate roofs.
- 10.14 In terms of conservation areas, policy DM2.3 requires new development within them to be of high-quality contextual design that conserves or enhances significance. Harm to the significance of a conservation area will not be permitted without clear and convincing justification and substantial harm to the significance of a conservation area is strongly resisted. There is policy support for innovative and contemporary designs. However, all that must be balanced against the need to pay proper respect to context.
- 10.15 The NPPF states 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'
- 10.16 Therefore contemporary designs may be encouraged and should avoid pastiche copying of existing buildings. The approach taken in this case takes the opportunities to deliver a family home without harming character and quality of the area. The scheme is acceptable in terms of the scale and mass of the proposed building above ground level and in terms of the relationship with adjoining buildings and the immediate area. The upper elevation of the building relates well to the existing established building line. The simplified design will not compete with the grander villas and is intended to be subordinate in form and appearance.
- 10.17 It would pay respect to the form, scale, or architectural language of nearby properties or the CA as a whole. Although distinct from the fine examples of the 1920's housing described in the CADG, the proposal would not harm the architectural qualities in the



area. A modest contemporary building of this nature although not a copy of the existing in design terms, picks up on important elements of the local context in terms of the delivery of an appropriate form and building to plot size ratio.

- 10.18 The dwelling is of a traditional basic form with an alternate domestic design and appearance to those present of Fitzwarren Gardens. In terms of its architectural quality, the brick finish is contextual, the windows are set with brick reveals and overall the scale, form, massing and height when read from Fitzwarren Gardens is not considered to cause harm to the character and appearance of the conservation area.
- 10.19 The main contrasting element of the building is the flat roofed design. Whilst this obviously departs from the pitched roofs of the surrounding streetscene, it reduces its bulk and makes it subservient to the historic buildings in the immediate area and the overall form of the building is therefore considered suitable.
- 10.20 The living space located below ground level would not be visible. Therefore this element is not considered to harm the perceived visual qualities of the conservation area.
- 10.21 For the reasons above, it is considered that the proposed design would not have a harmful impact upon the character and appearance of the CA (designated heritage asset). This would comply with policy 7.8 of the London Plan, policies CS8 and CS9 of the Core Strategy, policies DM2.1 and DM2.3 of the Council's Development Management Policies 2013 and guidance in the CADG and IUDG.

### **Neighbouring Amenity**

- 10.22 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise. The use of the site as an energy centre raises noise, air quality and loss of daylight/sunlight as matters to be considered.
- 10.23 The site is bounded by a garage to east and no. 32 Fitzwarren Gardens to the west. An objection has been received that the flank wall of the proposed building would block light to a side window to 32 Fitzwarren Gardens. This has been identified by the objector as a corridor. Whilst this may be the case, planning policy seeks to protect the amenity of habitable rooms in terms of light, outlook and sense of enclosure. As such this would not weigh in the consideration of the application.
- 10.24 The proposed new dwelling would not project beyond the rear building line to Fitzwarren Gardens, as such there would be no loss of outlook, light or sense of enclosure. Moreover the introduction of a residential use, serving one family is not considered to generate in significant noise as to warrant refusal.
- 10.25 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 meters between windows of habitable rooms to the rear elevations of Whitehall Park. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy. As such the proposal would not result in undue overlooking to the rear of the properties on Whitehall Park or any properties on Fitzwarren Gardens.
- 10.26 It is considered there are no habitable windows to the east elevation of 32 Fitzwarren Gardens that would be impacted by the proposal. There are no other adjacent habitable dwellings that would result in a loss of daylight or sunlight. The proposed

new dwelling would come in line with the rear of no.32 and therefore present no undue loss of outlook or light.

- 10.27 To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms to the rear elevations of Whitehall Park. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.

### **Quality of Accommodation**

- 10.28 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.
- 10.29 Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies Document state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight.
- 10.30 Policy DM2.1 of the DMP concerns quality of design, including the requirement for development to provide good levels of direct sunlight and daylight.
- 10.31 The proposed development would consist of 3b5p single family dwelling. The unit would be 144sqm which is considered to exceed the minimum requirement as set out in Table 3.2 of the DMP and provide a good level of accommodation. This would then result in the unit being dual aspect. The internal layouts of the proposed residential unit are considered to be generally acceptable and a satisfactory provision of unit's size has been provided considering the constrained nature of the site.
- 10.32 DM Policy DM3.5 requires all new residential development to provide good quality private outdoor space, in this instance 30sqm for family housing. The rear garden exceeds this requirement providing sufficient amenity space.

### **Accessibility**

- 10.33 There is the provision of the 'low gradient ramp' to the front door with level access allowing the property to be visitable and accessible. The development has secured a number of key components of Islington's Flexible home standards. Further details regarding accessibility credential can be secured by condition.

### **Small Sites Contributions and Energy efficiency & Carbon Offsetting**

- 10.34 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we

would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision. This payment has been secured.

- 10.35 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house).
- 10.36 The applicant has submitted a draft agreement to pay sum in respect of affordable housing and carbon offsetting. If members are minded to approve this application no decision would be issued until the UU is fully completed to secure both these necessary contributions.
- 10.37 Further conditions are suggested within Appendix 1 under conditions 8 & 9 to secure adequate SUDS features for the development and to secure that the new dwelling be constructed to achieve a 25% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2010.
- 10.38 The development will seek to achieve several key sustainability features including:
- Air source heat pump with future connections for PV panels.
  - Reuse of any demolished materials
  - Use of external vertical louvres to avoid excessive summer heat gain.
  - Water conservation on site and reuse.
  - Green roof with suitable planting/seeding.
  - Triple Glazed windows

### **Highways**

- 10.39 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. No parking is proposed and this will be ensured by suggested condition no 10.
- 10.40 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Subject to there being sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. There is provision for bike parking within the front garden which is considered suitable.

### **Landscaping**

- 10.41 It is apparent that there are a number of trees on site which contribute materially to the amenities of the locality, playing an important part in providing a sense of scale, maturity, screening and textural diversity to the area.
- 10.42 The Tree Preservation Officer has reviewed the arboricultural detail submitted and has no objection to the proposed tree removals and mitigating re-planting.
- 10.43 The trees proposed for removal are of moderate to low value, T1-T3 having screening value and being viable from the highway but the proposed replacement planting is a viable alternative which will provide greater amenity to the conservation area in the future.
- 10.44 The applicant have committed to replace the attractive existing front tree with a Liquidambar styraciflua would be supplied as a semi mature container grown specimen: 20 -25cm girth, 5-6 metres in height with a root ball of 700 – 800mm at the time of planting. The available rooting volume for the tree would be 22.572m<sup>3</sup>. This is just the planting pit, the roots would also be able to spread & extend out beyond this at the lower level under the slab and also under the pavement. Given the available rooting volume it is expected that the tree could reach 10 -15 metres at maturity.
- 10.45 The developments front treatment has been designed to accommodate this tree and the council tree officer is satisfied with these details. The tree on the adjoining properties are considered to be far enough away from the proposed building to remain relatively unharmed and they will not require further protection. In order to ensure the tree planting and landscaping is to the required level, a condition is recommended. (Conditions 4 & 14)

### **Other Matters**

- 10.46 An objection has been raised in relation to the part subterranean development due to the varying land levels of the site. The 3 storey design is considered an appropriate response to the falling land levels whilst maintain appropriate scale and form to the streetscene. As discussed the building footprint would cover approximately 36% of the whole garden. This is not considered to be a significant loss of open space and therefore would not significantly impact on bio diversity, or green infrastructure.

### **Basement excavations, flood risk and structural concerns.**

- 10.47 The site is not located within a local flood risk zone. The Sustainability Officer has not objected to the proposal. The proposal for a semi basement is therefore not seen to cause issues of flooding in the immediate area.
- 10.48 Each application is considered on its own merits. Therefore in the eventuality of granting permission for a residential dwelling at this site is not considered to set a precedent for similar developments in the area. It is noted that the development will involve inevitable construction disruption as it is carried out. Suggested conditions 7 seeks to ensure that a detailed Construction Management Plan is submitted prior to the commencement of works on site which should ensure that construction noises traffic and activities can be controlled to a satisfactory level to safeguard adjoining resident's amenity levels. Condition 12 also seeks to ensure that the development is carried out to adhere to the Council's Code of Construction Practice.

- 10.49 The Draft Basement SPD requires all basement applications to be supported by supporting structural information. The SPD is in draft form and currently out to public consultation and is therefore given very little weight at the time of writing this report. The proposed basement is also in compliance with the majority of the relevant design indicators set out within the Basement Development SPD. The basement is of a single storey, and does not project significantly underneath into the front or rear gardens. Consequently the proposed basement is considered to be a modest scale of development that would not give rise to any unacceptable impacts on neighbouring properties.
- 10.50 It is considered that there is adequate protection included in all the suggested conditions within appendix 1 of this report to safeguard adjoining resident's amenity levels. Furthermore, the Party Wall Act also exists to protect adjoining properties in terms of structural concerns.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

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

### **Conclusion**

- 11.2 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

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

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £50,000 contribution towards affordable housing
- £1,500 towards carbon off-set.

### RECOMMENDATION B

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 approved shall be carried out in accordance with the following approved plans:</p> <p>A(00)A1-800 REV A; Design and Access Statement dated March 2015 amended May 2015; A(00)A1-025 REV E; A(00)A1-600 REV C; A(00)A1-501 REV NEW; A(00)A1-511 REV NEW; A(00)A1-521 REV NEW; A(00)A1-531 REV NEW; -01; Arbtech TCP 01; PP1; A(00)A1-001 REV E; A(00)A1-002 REV E; A(00)A1-003 REV E; A(00)A1-004 REV E; A(00)A1-500 REV D; A(00)A1-510 REV D; A(00)A1-530 REV D; A(00)A1-520 REV D; A(00)A1-811 REV D; A(00)A1-810 REV D; Tree Survey dated 21 July 2014; Unnumbered Aerial Front Garden View; Unnumbered Indicative Front Entrance and Indicative New Rear Garden.</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>

<p><b>3</b></p>	<p><b>Materials</b></p> <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) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>and</li> <li>e) any other materials to be used.</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>
<p><b>4</b></p>	<p><b>Tree and landscaping plan</b></p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees: their location, species, size and available rooting volume;</li> <li>c) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>d) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</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: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; 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 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>

<b>5</b>	<b>Bin and cycle details</b>
	<p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the bin and bicycle store to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.</p> <p>REASON: to ensure proper provision of cycle parking and refuse storage.</p>
<b>6</b>	<b>Removal of permitted development rights</b>
	<p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: To ensure any future development is considered appropriate in terms of character and appearance and impact on neighbouring amenity.</p>
<b>7</b>	<b>Construction Method Statement</b>
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of security hoarding;</li> <li>e. wheel washing facilities;</li> <li>f. measures to control the emission of dust and dirt during construction; and</li> <li>g. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ul> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>8</b>	<b>Sustainability credentials</b>
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 25% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2010, and a water efficiency target of 95 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained</p>



<b>9</b>	<b>SUDS Details</b>
	<p>CONDITION: No works shall take place to the superstructure of the residential development hereby permitted until details of surface water drainage of the site have been submitted to and approved in writing by the local planning authority. These details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and include details of future maintenance arrangements for the scheme. The drainage details as approved shall be installed and made operational before the first occupation of the development and retained as such thereafter, in accordance with the approved maintenance scheme.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>10</b>	<b>Car free housing</b>
	<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> <ol style="list-style-type: none"> <li>(1) In the case of disabled persons;</li> <li>(2) In the case of units designated in this planning permission as "non car free"; or</li> <li>(3) 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.</li> </ol> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
<b>11</b>	<b>Accessibility needs</b>
	<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 ('Inclusive Design in Islington' SPD 2014) and incorporating all Lifetime Homes Standards.</p> <p>REASON: To ensure flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
<b>12</b>	<b>Construction Controls</b>
	<p>CONDITION: During the clearance 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>13</b>	<p><b>Green/bio-diverse roof details</b></p> <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan A(00) A1-002 hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ol> <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>14</b>	<p><b>Front tree replacement</b></p> <p>CONDITION : Notwithstanding the hereby approved plans a replacement semi mature tree shall be planted and maintained to the front garden of the hereby approved property to the following specifications:</p> <ol style="list-style-type: none"> <li>1) the planting of a semi mature Liquidambar styraciflua container grown specimen: 20 -25cm girth, 5-6 metres in height with a root ball of 700 – 800mm at the time of planting.</li> </ol> <p>The hereby replacement tree shall be fully planted and maintained to the satisfaction of the Local Planning Authority prior to the first occupation of the hereby approved single family dwelling.</p> <p>REASON: In order to safeguard the visual amenity of the surrounding conservation area.</p>

**List of Informatives:**

<b>1</b>	<p><b>S106</b></p> <p>Section 106 Agreement:</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy</p>

	advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.
<b>3</b>	<b>Surface Water Drainage</b>
	It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>4</b>	<b>CIL</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <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.</p> <p><b>Pre-Commencement Conditions:</b>  These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London**

**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**  
**Policy 7.8 Heritage assets and archaeology**

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

##### **Spatial Strategy**

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

##### **Strategic Policies**

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

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

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

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

##### **Energy and Environmental Standards**

**DM7.4 Sustainable design standards**

## 5. Designations

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

- **Whitehall Park Conservation Area**
- **Locally Listed Building**

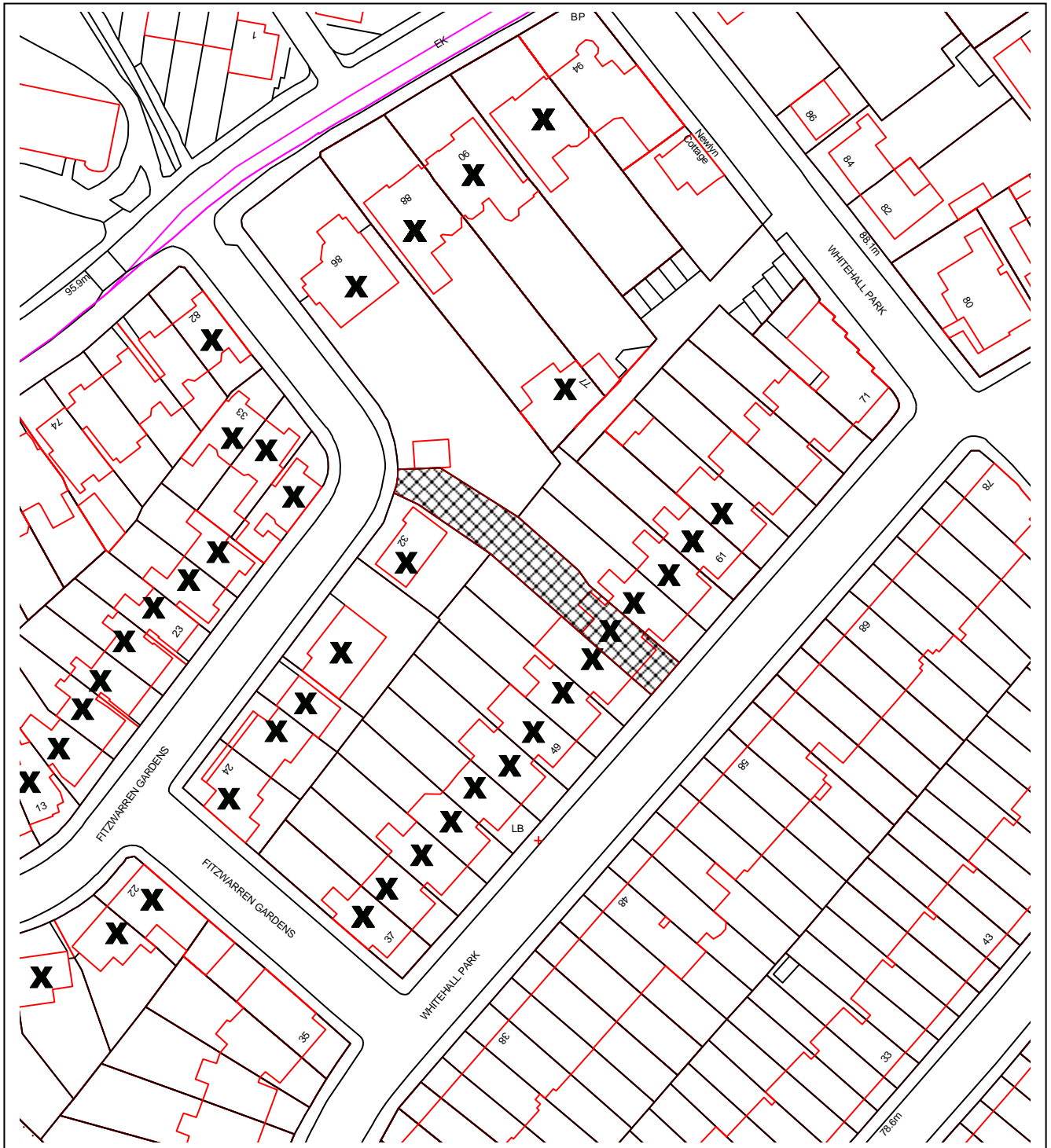
## 6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | <b>Islington Local Development Plan</b>             | <b>London Plan</b>                             |
|---|--|
| - <b>Conservation Area Design Guidelines (2002)</b> | - <b>Sustainable Design &amp; Construction</b> |
| - <b>Urban Design Guide (2006)</b>                  |  |

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# ISLINGTON SE GIS Print Template



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P2015/2281/FUL

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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>	3 <sup>rd</sup> September 2015	<b>NON-EXEMPT</b>

Application number	P2015/1904/FUL
Application type	Full Application
Ward	St Georges
Listed Building	No
Conservation Area	Not in Conservation Area
Licensing Implications Proposal	None
Site Address	98 Mercers Road, N19 5SS
Proposal	Enlargement of existing basement level under the main dwellings footprint with front and rear lightwells.

Case Officer	Duncan Ayles
Applicant	Mr Alexis Besse
Agent	Mr Stephen Tween

### 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: Photograph of the Front of the Application Site



Image 2: Photograph of the Rear of the Application Site



Image 3: Photograph Showing Other Examples of Lightwell Development at 88 and 90 Mercers Road



Image 4: Photograph Showing Other Example of Lightwell Development Close to the Application Site

#### **4 SUMMARY**

- 4.1 The application seeks approval for the enlargement of an existing basement level underneath the main dwelling at 98 Mercers Road, to increase the floor to ceiling height from 1.5 metres to 2.6 metres (additional 1.1 metres of additional excavation). The application also seeks approval for the formation of two lightwells; one at the front of the property and one at the rear.
- 4.2 The design of the lightwells is considered to be acceptable and in compliance within with the Islington Urban Design Guidance, and similar to a number of other examples within close proximity to the application site. The basements works are also considered to be acceptable in respect of flooding, trees and the impact on the amenity of neighbouring properties during construction. The scale and extent of the basement excavation works are not considered to be excessive, and are mainly

contained under the existing property. Subject to conditions the development is considered to be acceptable. The applicants have submitted a construction method statement which indicates that the development can be enacted once careful controls are put in place to control structural, flood risks and stability issues to safeguard the amenity and structural integrity of adjoining occupiers.

- 4.3 A petition has been received from neighbouring properties against the proposal, which has objected on the grounds of subsidence, flooding and disruption. The basement is considered to be acceptable in terms of its impact on flooding, and is not considered to cause unreasonable disruption to neighbour amenity and highway safety during the construction phase, subject to a construction management plan being agreed prior to the commencement of development. The applicant has provided a construction method statement, which addresses the impact in respect of flooding and the structure of neighbouring properties.

## **5 SITE AND SURROUNDING**

- 5.1 The application site is located at 98 Mercers Road; this is a three storey Victorian property over a basement. The property dates from the Victorian period, and contains polychromatic brickwork with stucco detailing. A significant number of properties have been altered through the subdivision of properties into separate properties.
- 5.2 The application site is located within a residential street that contains highly uniform Victorian properties. The properties were constructed with shallow basements, originally used as coal stores. Basements have been altered and extended in a number of properties within the area, including through the formation of front lightwells. Similar lightwells are present at no. 50, 86, 88, 90 106 and 118 Mercers Road.
- 5.3 The front gardens of the properties within the area are of a uniform size and depth. However, the properties show a marked variety of variation in character and appearance. Some of the properties contain mature trees and hedges, but other such as at 86 and 88 are laid to hard standing and contain little, if any, vegetation.

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

- 6.1 The application is for the excavation of a deeper basement below the existing property, and for the formation of two light wells at the front and rear of the property. The property contains an existing basement, but the basement has a low floor to ceiling height with a depth of approximately 1.5 metres. The application proposes to increase the floor to ceiling height to 2.6 metres.
- 6.2 The application also seeks approval to form a light well at the front and rear of the property. The light well at the front will project 800 mm from the front of the property, and will have a width of 2.8 metres. The front lightwell will follow the contours of the front elevation, and will include a grill with access hatch. The proposal will include glazed French doors at the front. At the rear, the proposed light well will have a greater depth, as it will project 1 metre to the rear of the property. A pair of French doors is also proposed at the rear, with metal railings rather than a horizontal grill.

### **Planning Applications:**

- 7.1 **P2015/2162/FUL:** An application for the erection of a single storey infill extension was approved subject to conditions. Approved under officers' delegated powers on the 22/07/2015

- 7.2 **P2015/1897/COLP:** A certificate of lawfulness in connection with the erection of a rear dormer and the installation of three roof lights to the front roof slope was approved. Approved under officers delegated powers on the 06/07/2015

**Pre-application:**

- 7.3 None

**8 CONSULTATION**

**Public Consultation**

- 8.1 Letters were sent to occupants of 86 nearby and neighbouring properties at Mercers Road and at Tufnell Park Road. A site notice was also displayed. The public consultation expired on the 6<sup>th</sup> of July.

- 8.2 A petition was received in objection of the application, signed by ten local residents. This raised the following issues:

- Subsidence and Structural Damage (10.16)
- Flooding (10.13-10.14)
- Noise and Vibrations during construction (10.17-10.18)
- Impact of Construction Vehicles on amenity and highway safety. (10.17-10.18)

**9 REVELANT 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 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 2015, 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 relevant SPGs and/or SPDs are listed in Appendix 2.

## 10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and impact on the character and appearance of the area
- Impact on the amenity of neighbouring properties
- Basement impacts including in respect of flooding, tree impacts and construction traffic

### **Principle of Development**

10.2 The Council has not adopted any development plan policies that relate specifically to subterranean development. However, policies relating to the design of new development, flooding, landscaping and biodiversity are relevant to subterranean development. Furthermore, the Islington Urban Design Guide (2006) supplementary planning guidance contains a section, 2.4.6 that relates to basement extensions.

10.3 The Council is currently consulting on a Basement Development Supplementary Planning Document (SPD). This document seeks to address the planning impacts of basement development underneath existing properties. The policy contains a number of Design Indicators which will be used to assess subterranean development. However, as the consultation for this document is ongoing, and the document is in draft form only, the amount of weight that can be given to the policies is very limited in the determination of this case.

10.4 The proposed basement excavation to deepen the existing basement of the dwelling by 1.1 metres is not considered to be excessive in scale or scope. The works would create useable residential floorspace for the existing family unit with no discernible adverse impacts on the character and neither appearance of the area nor the amenity of adjoining occupiers.

### **Impact of the Development on the Character and Appearance of the Existing Building and the Area**

10.5 The Islington Urban Design Guide provides guidance on the design of front lightwells, specifically at para. 2.4.6. The guidance confirms that basement excavations can be unsympathetic if they involve the loss of a verdant front garden. The guidance then confirms that where an area does not contain verdant front gardens, there is usually scope to excavate all the area behind the front boundary treatment.

10.6 While the front gardens within Mercers Road are of a similar size and depth, the front gardens show a marked degree of variation in terms of the amount of landscaping and in terms of the surface used. The existing front garden at the application site contains a low brick wall to the front of the property, with a small hedge behind. Due to the small size of the proposed front lightwell and the retention of the existing hedge adjacent to the front wall ensure that the proposed development will not lead to a loss of any verdant frontage of landscaping and will not have a visually impact on the streetscene of Mercers Road.

- 10.7 While it is acknowledged that the properties within the terrace at 144-52 Mercers Road did not originally contain lightwells at lower ground floor level, a significant number of properties within the vicinity of the application site have been altered to include front lightwells, including at nos. 50, 86, 88, 90 106 and 118 Mercer Road. With this context it is considered that the proposed front lightwell would not appear as a discordant or uncharacteristic feature within the area.
- 10.8 The proposed front lightwell includes a flush horizontal grill over the lightwell, which avoids the need to erect a second set of railings behind the existing boundary treatment. This treatment accords with the guidance within the Islington Urban Design Guide and Emerging Basement SPD, as it reduces the visual prominence of the lightwell and associated development.
- 10.9 The Islington Urban Design Guide confirms that basement windows should align with, and match the windows above. While the windows align with those above, they do not match the windows above, as the proposal contains a pair of doors rather than a sash window within the central opening. However, due to the limited projection of the lightwell from the front of the property, the bottom part of the door will not be visible from the street. Consequently the creation of a door rather than window at basement level will have a limited impact on the character and appearance of the area, and would not cause harm to the visual amenity of the streetscene.
- 10.10 The treatment of the lightwell at the rear is not in compliance with the IUDG guidance, vertical railings are proposed rather than a grill. However, the railings will be visible from a limited number of viewpoints within the rear garden, as they are within an existing side return and have no public, street views. Consequently the impact of the use of railings in this location will not lead to any material impact on the character and appearance of the area.
- 10.11 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2015, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

**Basement Impacts in Respect of Flooding, Tree Impacts, Construction Traffic and Neighbour Amenity**

- 10.12 The application site contains a basement below the existing property with a restricted headroom height of 1.5 metres. The proposal is therefore an alteration and extension to an existing basement, rather than the formation of a wholly new basement. The applicant is proposing to excavate the existing floor by approximately 1.1 metre to allow the basement to be used as a habitable room.
- 10.13 In respect of flooding, the emerging Basement SPD confirms that site specific flood risk assessment are only required where a basement application is located within a Local Flood Risk Zone or within an area at risk of flooding from other sources, which this site is not. Similarly policy DM6.6 only requires the submission of a Flood Risk Assessment within Local Flood Risk Zones, and therefore the application is not in conflict with policy DM6.6.
- 10.14 Whilst the applicant is not obliged to provide a full flood risk assessment, the construction method statement submitted in support of the applications addresses the issue of flooding. This document confirms that ground conditions were



investigated through the use of a 6 metre deep borehole, and no water was encountered, indicating that the basement is above the water table.

- 10.15 The front garden of the property does not contain any trees, and there are no street trees within close proximity to the proposed lightwell. Consequently the proposal will not lead to any impact on trees or landscaping contrary to policy DM 6.5.
- 10.16 The Draft Basement SPD requires all basement applications to be supported by supporting structural information. While the SPD does not require a technical solution to be approved within the planning process, it does require the applicant to demonstrate that issues relating to the structure of neighbouring properties have been properly considered within the design. The applicant has provided a Construction Method Statement including a geotechnical survey report. This demonstrates that the applicant has properly considered the structural impacts of neighbouring properties, and therefore the proposal is in compliance with the Draft Basement SPD. Furthermore, the Party Wall Act also exists to protect adjoining properties.
- 10.17 It is acknowledged that the construction of basements can lead to significant impacts in respect of neighbour amenity and the public highway during the construction phase, including in respect of the emission of noise, dust and vibrations. As this is modest extension to an existing basement, with limited excavation, it is not envisaged that the impacts would be unreasonable or unacceptably long lasting.
- 10.18 However, due to the close proximity between 98 Mercers Road and the neighbouring buildings, many of which have been subdivided into flats, it is considered reasonable to control any residual impacts through a condition requiring the submission of a Construction Management Plan. This would allow the Council to exercise control over details such as delivery times and construction working hours in the interests of neighbouring amenity.
- 10.19 The proposed basement is also in compliance with the majority of the relevant design indicators set out within the Basement Development SPD. The basement is of a single storey, and does not project underneath into the front or rear gardens. Consequently the proposed basement is considered to be a modest scale of development that would not give rise to any unacceptable impacts on neighbouring properties.
- 10.20 The proposed basement is therefore considered to be acceptable in terms of its impact on flooding, construction traffic and neighbour amenity. Consequently the proposal is in compliance with the emerging Basement SPD, policy DM 6.6 (Flood Prevention) and DM 6.5 (Landscaping, Trees and Biodiversity).

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The design of the proposed lightwells are considered to be acceptable, and similar to a number of other examples within close proximity to the application site. The proposal is therefore considered to be in accordance with policy DM 2.1, CS8 and the design guidance set out within policy the Islington Urban Design Guide and the draft Basement Development SPD.
- 11.2 A petition has been received from neighbouring properties against the proposal, which has objected on the grounds of subsidence, flooding and disruption. The

basement is considered to be acceptable in terms of its impact on flooding, in accordance with policy DM 6.6, and is not considered to cause unreasonable disruption to neighbour amenity and highway safety during the construction phase, subject to a construction management plan being agreed prior to the commencement of development. This would control issues such as construction deliveries in the interest of neighbour amenity and highway safety, in accordance with policies DM 2.1 and DM 8.2.

### **Conclusion**

- 11.4 It is recommended that planning permission be granted subject to conditions as set out within 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>1</b>	<p><b>Commencement (Compliance)</b></p> <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>2</b>	<p><b>Approved Plans List: (Compliance)</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, MS 15007/P/01, MS 15007/P/02, MS 15007/P/03, MS 15007/P/04, MS 15007/P/05, MS 15007/P/06, MS 15007/P/07 &amp; Construction Method Statement by Cowpe Lowe Engineering dated 29<sup>th</sup> May 2015.</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>3</b>	<p><b>Construction Management Plan</b></p> <p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>viii mitigation measures of controlling noise from construction machinery during business hours</li> <li>xi. site access plan - detailing which roads will be used to access the site.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>

**List of Informatives:**

<p><b>1.</b></p>	<p><b>Positive statement</b></p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<p><b>2.</b></p>	<p><b>Other legislation</b></p> <p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations &amp; Equalities Act</p>
<p><b>3.</b></p>	<p><b>Part M Compliance</b></p> <p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> <li>• The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings',</li> </ul> <p>For this proposal, this may include</p> <ul style="list-style-type: none"> <li>- colour contrast nosing to the external steps;</li> <li>- improvements to the handrail profile</li> <li>- glass marking manifestations</li> </ul> <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>
<p><b>4.</b></p>	<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 2015, 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 2015 - 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 CS17 (Sports and recreation provision)

#### C) Development Management Policies June 2013

##### Design and Heritage

Policy DM2.1 (Design)

Policy DM 6.5 (Landscaping, Trees and Biodiversity)

Policy DM 6.6 (Flood Prevention)

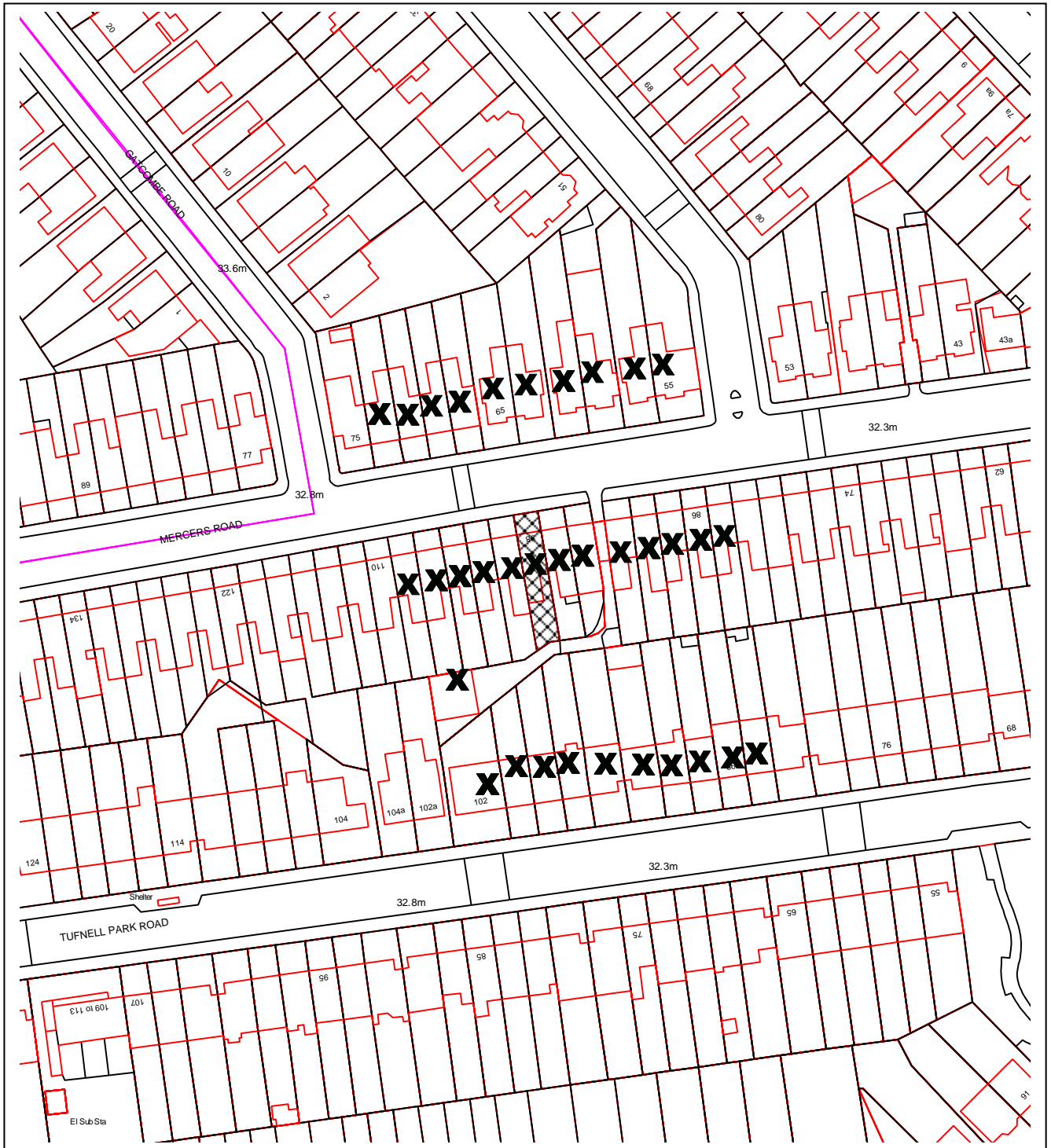
DM 8.2 (Managing Transport Impacts)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide 2006
- Draft Basement Development SPD

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P2015/1904/FUL

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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>	3 <sup>RD</sup> September 2015	Non-exempt

Application number	P2015/2422/FUL
Application type	FULL Planning Application ( Council own)
Ward	Clerkenwell
Listed building	Adjacent to Grade II listed 2,3,4,& 5 Mylne Street, 57-43 Myddleton Square.
Conservation area	New River
Development Plan Context	Adjacent to Grade II Listed properties. Conservation Area
Licensing Implications	none
Site Address	Electricity Sub Station and surrounding land South West Corner of 43-48 Claremont Close, London N1
Proposal	Demolition of the former electrical substation and change of the space into a new community gardening space with a small storage shed to store gardening tools, raised flower beds, batten screen and self-binding aggregate surfacing.

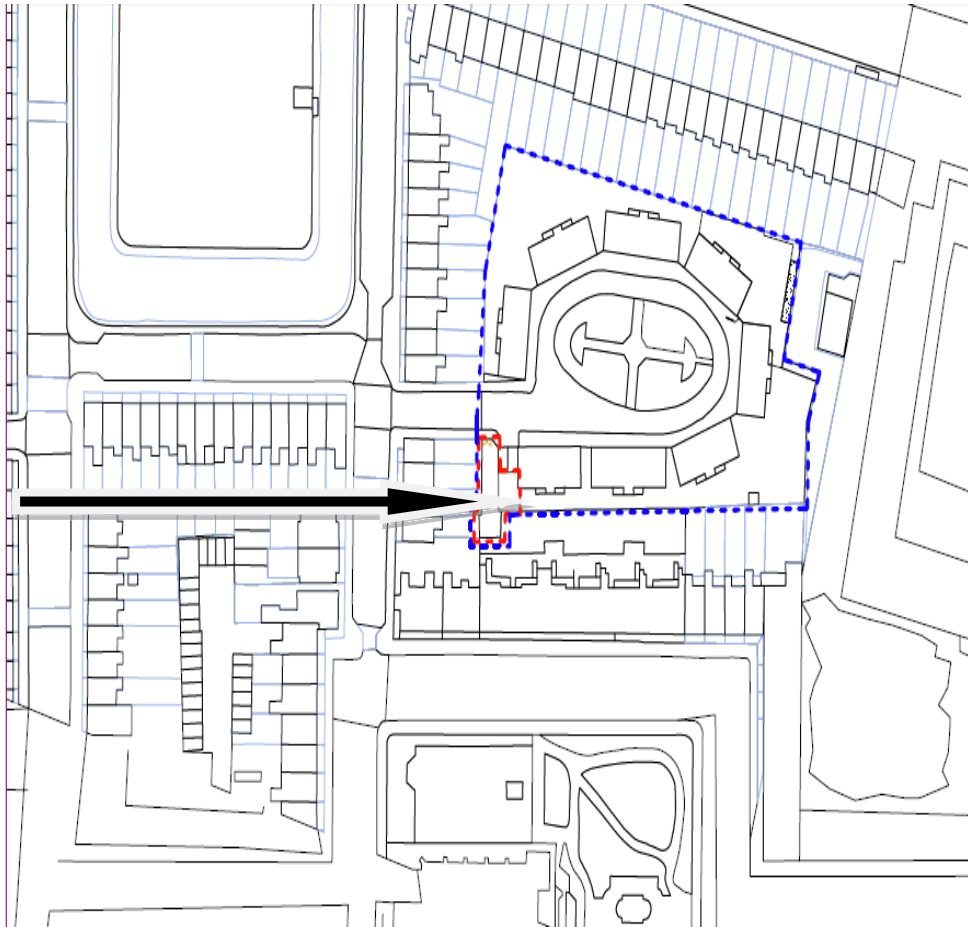
Case Officer	Ben Phillips
Applicant	Mr Matthew Conlon-Perry
Agent	Groundwork London (on behalf of LB Islington)

### 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 in black)**



## 2. PHOTOGRAPHS



Image 1: Aerial view of the site.



Image 2: View of existing station from Claremont Close



Image 3: View of existing station from Claremont Close

### **3. SUMMARY**

- 3.1 It is considered that the proposed scheme will remove an incongruous structure in this residential location and will provide an appropriate and beneficial gardening space that will improve the character and appearance of the street scene and wider conservation area, and will not harm the setting of the adjoining Grade II listed properties.
- 3.2 The proposed development is not considered to have any adverse impacts on the amenity levels of adjoining occupiers.

### **4. SITE AND SURROUNDING**

- 4.1 The application relates to an electrical sub-station located next to the garages of 43-48 Claremont Close, at the rear of 2, 3, 4, & 5 Mylne Street, within the New River Conservation Area.
- 4.2 The site sits adjacent to Grade II listed 2,3,4,& 5 Mylne street, 57-43 Myddleton Square. Directly to the rear (south) is the communal gardens of 43-53 Myddleton Square.

### **5. PROPOSAL IN DETAIL**

- 5.1 The proposal is for the removal of the existing electrical sub-station. The sub-station has been made redundant in the past year however the dilapidated station hut remains on site.
- 5.2 It is proposed to utilise the 145m<sup>2</sup> of the existing site as a gardening area for Claremont Road residents. The proposal seeks permission for the erection of a small (dark green painted metal) storage shed, measuring 2.4m x 3.1m and 2.1m tall, for gardening tool storage in place of the redundant substation (3m x 3.3m and 2.4m tall), linear raised planters, hardwood trellis screen to be mounted in front of the existing low wall, self-binding aggregate surfacing and watering point.

### **6. RELEVANT HISTORY:**

- 6.1 None

### **7. CONSULTATION**

#### **Public Consultation**

- 7.1 Letters were sent to occupants of 82 adjoining and nearby properties on the 30<sup>th</sup> of June. A site notice and press advert were displayed on 2<sup>nd</sup> of July 2015. The public consultation of the application therefore expired on 23<sup>rd</sup> of July 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of the writing of this report no correspondence has been received. The application is before members as the site is owned by Islington Council.

### **Internal Consultees**

- 7.3 Design and Conservation Officer: no objection in principle. The shed will be smaller than the existing substation which is good and regenerating the site for use by the community should improve the space dramatically. It would be nice to see more greenery and planting.
- 7.4 Tree Preservation / Landscape Officer: No objections subject to detailed conditions.
- 7.5 Pollution Control: The proposal includes the demolition of the substation. The raised beds will presumably involve the clean soil being imported and therefore the Pollution team have no objections to the application.

### **External Consultees**

- 7.6 None

## **8. 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**

- 8.1 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.
- 8.2 Since March 2014 Planning Practice Guidance for England has been published online.

### **Development Plan**

- 8.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 8.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- New River Conservation Area
- Adjacent to Grade II listed properties

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

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

## 9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Land use
- Impact on character and appearance of the surrounding Conservation area and setting of adjacent Listed Buildings.
- Landscaping and Trees
- Neighbouring Amenity

### **Land Use**

- 9.2 The existing use of the site is as an electrical substation. This use has ceased and the site is no longer in use, it is overgrown and un-utilised and the station hut is dilapidated.
- 9.3 The New River Conservation area design guide states that the Council will operate its land use policies so as to enhance the character and vitality of the area.
- 9.4 The Islington Development Management Policies document states that health and wellbeing are key components of achieving sustainable development, as highlighted in the NPPF. It states that the provision of public open space, play space and sport and recreation opportunities are beneficial for physical and mental health.
- 9.5 There is no policy requirement to retain the substation use of the land. It is therefore considered that the re-use of this site as a community gardening area is acceptable and a benefit to the residents of Claremont Close, and is entirely appropriate in this residential area.

### **Design, Heritage and Conservation Issues**

- 9.6 The site is located within the New River Conservation Area. The Conservation Area design guide state that new buildings should conform to the height, scale and proportions of the existing buildings in the immediate area.
- 9.7. In addition, Policy DM2.3 of Islington's Development Management Policies state that new development within Islington's conservation areas and their setting are required to be of a high quality contextual design so they conserve or enhance a conservation areas significance. New developments within the setting of listed buildings are required to be of a good quality contextual design.
- 9.8 In this instance, the proposal involves the removal of the sub-station hut building at the rear of the site, and its replacement with a smaller dark green painted metal shed for garden storage. In addition, a timber batten trellis will be erected on top of the Eastern boundary brick wall, which will add a height of 200mm -1m. The raised planting beds will not be visible from the street scene as they are sited behind the existing boundary wall and garage building.
- 9.9 As such, whilst the Design & Conservation Officer would ideally like to see more planting and greenery, the development will certainly improve the existing overgrown and run down space, and there will be almost no alteration to the street scene and no detrimental impact to the wider Conservation Area nor to the setting of the adjacent listed buildings.

- 9.10 The proposed development on the whole will offer a significant visual improvement to the area which is very much welcomed.

### **Landscaping and Trees**

- 9.11 The proposed site includes three existing trees (one of which is just outside the boundary). Whilst the metal shed will be sited within the root protection area of two of these trees (on the existing concrete plinth), no foundations are required and the submitted details make it clear that all three trees will be retained and protected.
- 9.12 The Tree Officer raises no objections to the proposed development subject to conditions to ensure all adjoining trees are adequately protected.
- 9.13 In addition, the Pollution Control Officer has no objection to the scheme, as the soil for the planting beds will be imported and not contaminated in any way.
- 9.14 It is not therefore considered that the proposal will have a detrimental impact upon the amenity and ecological value of the location.

### **Neighbouring Amenity**

- 9.15 The proposal will introduce public access to the previously private space, however given the nature of the garden space and its limited size it is considered that this will not lead to unacceptable noise intrusion. Access to the space will be controlled and maintained by the council in line with several other nearby open spaces/community spaces within the area.
- 9.16 The metal shed structure will be sited nearer to the rear boundary with the Myddelton Square properties than the existing structure, however given its limited scale (it sits lower than the rear boundary wall) it is not considered that it would have a detrimental impact upon these properties.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 It is considered that the proposed development will redevelop an unused space for the benefit of the health of the local residents, and will have a positive impact upon the character of the street scene New River Conservation Area and would preserve the setting of the adjoining Grade II listed properties. The proposal will have no discernible adverse impact on the amenity levels of adjoining residents. The proposed development is considered to accord with DM Policies DM2.1, DM2.2, DM2.3, DM6.1 and DM6.3.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design &amp; Access Statement (10<sup>th</sup> June 2015) IS035-LP-00, IS035-EP-01, IS035-PS-02, IS035-TP-03, IS035-GA-04 &amp; IS035-CS-05.</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>3</b>	<b>Tree protection</b>
	<p>The tree retention and protection details outlined on drawing IS035-TP-03 shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</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.

Since March 2014 Planning Practice Guidance for England has been published online.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

##### **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

Policy 3.2 Improving health and addressing health inequalities

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

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.20 Geological conservation

Policy 7.21 Trees and woodlands

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

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

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

**DM2.1** Design

**DM2.3** Heritage

##### **Employment**

##### **Health and open space**

**DM6.1** Healthy development

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

## **5. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- New River Conservation Area
- Adjacent to Grade II listed properties

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

- Conservation Area Design Guidelines

# ISLINGTON SE GIS Print Template



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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>	3 <sup>rd</sup> September 2015	<b>NON-EXEMPT</b>

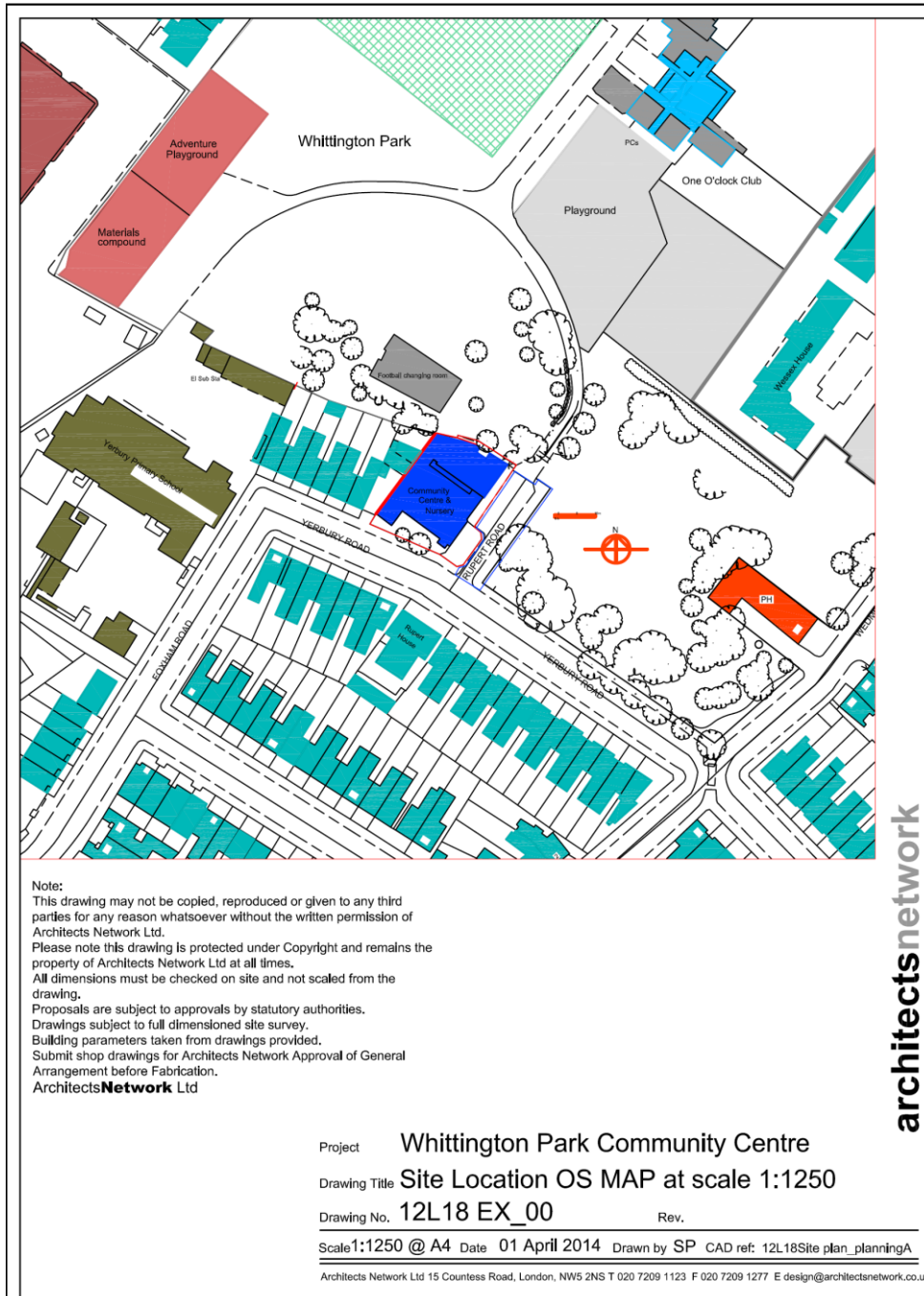
Application number	P2015/0360/FUL ( Council own development)
Application type	Full Planning Application
Ward	Junction Ward
Listed building	Unlisted
Conservation area	Not located in a conservation area
Development Plan Context	<ul style="list-style-type: none"> <li>- Major Cycle Route</li> <li>- Whittington Park – Site of Importance for Nature Conservation</li> </ul>
Licensing Implications	None
Site Address	Whittington Park Community Centre, 84 Yerbury Road, London, N19 4RS
Proposal	Creation of new separate entrances to the community centre and nursery and the erection of ground and first floor side extensions and external alterations to the existing property.

Case Officer	Emily Benedek
Applicant	Ann Mason – Whittington Park Community Association
Agent	Graham Newsome – Architects Network Ltd

### 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 in black)**



### 3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site from Yerbury Road



Image 2: Aerial view of the site from Whittington Park

### 4. SUMMARY

- 4.1 Planning permission is sought for the creation of new separate entrances to the community centre and nursery and the erection of a ground and first floor side extensions and external alterations to the existing property.
- 4.2 The proposal will provide a better use of the community centre, providing improved meeting rooms and nursery facilities. Following amendments to the proposed plans at the first floor level, the scheme is not considered to have a detrimental impact on neighbouring amenity.
- 4.3 The proposed development is considered to be acceptable with regards to the land use, design, neighbour amenity, transport and highways and accessibility. In summary, the application is considered to be acceptable and in accordance with relevant planning policy.

4.4 The application is being determined at Planning Sub-Committee as the building is owned by the Council.

## 5. SITE AND SURROUNDING

5.1 The application site relates to the Whittington Park Community Centre, a large part single, part two storey building located on the north side of Yerbury Road which is predominantly residential in character. The building is characterised by two large gable fronted buildings facing Whittington Park, with a single storey building to the rear. All the buildings on site are of varying heights and connected at the ground floor level only. The traditional brick built buildings are characterised by high level roof lights and photovoltaic panels feature prominently on the southern elevation.

5.2 The properties surrounding the site on Yerbury Road are predominantly residential in character and it is noted that the nearest adjoining property to the side of the site, No 86a Yerbury Road has been set back considerably from the front building line. Immediately to the north and east of the site is Whittington Park.

5.3 The application site is not listed and the property is not located in a conservation area.

## 6. PROPOSAL (IN DETAIL)

6.1 The proposal consists of the creation of new separate entrances to the community centre and nursery. Permission is also sought for the erection of a ground and first floor side extension and external alterations to the existing property.

6.2 At the ground floor level, it is proposed that the existing entrance on Yerbury Road currently used for the community centre and nursery will be used for the nursery only. The community centre entrance will front Rupert Road and will replace the existing fire exit. A new front extension with canopy measuring 1.7 metres in width and 1.7 metres in depth will project beyond the existing front building line. Minor alterations are also proposed to the fenestration fronting Rupert Road. Internally, it is proposed that an existing external area which divided the two main buildings will be linked with a new glass canopy above. The internal layouts of the buildings will be altered to improve links through the site and provide improved facilities for the community centre.



Image of proposed new canopy and new entrance along Rupert Road.



- 6.3 With regards to the first floor, a new mezzanine will be created over the existing nursery creating additional accommodation. It is proposed that the building be extended to the rear of the property adjacent to the flank elevation of 86A Yerbury Road. The proposed extension would measure 3.3 metres in depth and a maximum of 7.5 metres in width and accommodate additional meeting rooms and lift. A small infill extension is also proposed on the side elevation measuring a maximum of 2.3 metres in width and 3.15 metres in depth providing additional kitchen and storage facilities, infilling the area on the flank elevation adjacent to Whittington Park.

## **7. RELEVANT HISTORY:**

### **Planning Applications:**

- 7.1 **850311** - Erection of brick built store and bin screen. Approved (17/07/1985)

**840066** - Stopping up of part of Rupert Road and change of use of this part of the highway to open play space associated to the Whittington Community Centre. Approved (17/04/1984)

### **ENFORCEMENT:**

- 7.2 None

### **PRE-APPLICATION ADVICE:**

- 7.3 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 20 adjoining and nearby properties at Yerbury Road on 25 February 2015. The initial public consultation of the application therefore expired on 18 March 2015. Neighbours were re-consulted on amended plans on 28 July 2015 and this consultation expired on 11 August 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 **no** objections had been received.

### **External Consultees**

- 8.3 The Highgate Society – no comments received
- 8.4 Friends of Tufnell Park Playing Fields – no comments received

### **Internal Consultees**

- 8.5 Trees and Landscaping Officer – no objection
- 8.6 Access Officer – no objection following amendments

## 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 Since March 2014 Planning Practice Guidance for England has been published online.

### Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### Designations

- 9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Major Cycle Route
  - Whittington Park – Site of Importance for Nature Conservation

### 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 Appearance
- Neighbouring Amenity
- Sustainability
- Accessibility

### Land-use

- 10.2 The application site is currently used as a nursery and community centre for local residents and therefore falls within the category of 'social infrastructure.'
- 10.3 Development Management policy DM4.12 part C is therefore of relevance. This policy states that new social infrastructure including extensions to existing facilities should be conveniently located to be accessible by a range of transport modes, provide buildings which are inclusive, accessible and flexible, are sited to maximise shared use of the facility and complement the existing uses and character of the area and avoid adverse impacts on the amenity of the surrounding area.

- 10.4 The proposal to extend the existing premises and provide separate entrances for the community centre and nursery will improve access to the building. In addition, the internal changes, including the creation of wider corridors, improved meeting rooms and the installation of a new lift will improve the flow through the building creating a more inclusive environment which will be accessible to a greater number of people. The use of the shared spaces between the nursery and the community centre will maximise the shared use of the facility and as the proposal will complement the existing uses, it is not considered to have an adverse impact on the amenity of surrounding areas. As such, the principle of development is considered to be acceptable.

### **Design and Appearance**

- 10.5 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 Management Policies requires all forms of development to be 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.
- 10.6 The proposed extensions will be modest in size and scale and are considered to harmonise with the character and appearance of the existing building. The proposed infill extension on the flank elevation facing Whittington Park will be set at the same level as the existing extension on this elevation creating a more homogeneous appearance to the building when viewed from the park. It will not appear overbearing when viewed from the park.
- 10.7 The extension on the rear elevation adjacent to No 86A Yerbury Road has been sympathetically designed to be in keeping with the character and appearance of the main building. It will have a gable ended appearance when viewed from the park. The design of the extension is such that the angle of the roof slopes away from No.86a thus reducing the impact of the built form on the amenity of the property including garden area. This extension will be set at the same level as the existing first floor which projects along this elevation.
- 10.8 The proposed lift extension, located behind the main buildings on site and centrally located is a continuation of this rear extension, will have a pitched roof which follows the same pitch as the main roof of the building and will appear subservient when viewed from Rupert Road.
- 10.9 The most modern element to the building will be the new single storey glazed porch (providing entry to the community centre) with the glazed link behind. Whilst the style of the glazing and modern, flat roofed extension differentiate from the traditional gables of the main buildings, the porch provides a welcome contrast with the more established parts of the building and provides a clear entrance. It is considered that the design of the porch would not have a detrimental impact on the character and appearance of the building.
- 10.10 Given the above, the proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

### **Neighbouring Amenity**

- 10.11 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM 2.1 and DM6.1 which requires for all developments to

be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.

- 10.12 It is acknowledged that given the secluded location of the building, the proposal could only have an impact on 86a Yerbury Road. The proposed first floor rear extension has been recessed by 1.5 metres from the originally submitted plans in order to minimise the impacts on this neighbouring amenity. As such, the proposed first floor extension would only project 2 metres beyond the neighbouring boundary wall at the first floor level and given the design of the roof slope is therefore not considered to result in loss of outlook or an increased sense of enclosure to the occupiers of this neighbouring residential property.
- 10.13 A daylight/sunlight report has been submitted with the application in order to assess the impact on the proposal of the neighbouring property at 86a Yerbury Road, given the recessed nature of this property and its existing daylight/sunlight levels. The test assessed the Vertical Sky Component and Daylight Distribution levels and confirmed that all windows would pass the VSC test, whilst all windows within 90 degrees south pass the annual sunlight hours test and winter sunlight hours test. As such, it is considered that the proposal would have a low and acceptable overall impact on the light received to this neighbouring property and the proposed first floor rear extension is therefore considered to be acceptable.



CGI View of the proposed first floor side extension adjacent to 86 a Yerbury Road.

- 10.14 Given the above measures, the proposal is not considered to result in any significant impacts on residential amenity in terms of outlook, sense of enclosure or loss of daylight/sunlight. The proposed development would not harm the residential amenities enjoyed by the occupiers of neighbouring properties, in particular 86a Yerbury Road, and is in accordance with policy DM2.1 of the adopted Islington Development Management Policies 2013.

### **Sustainability**

- 10.15 Although the proposal is for an extension to an existing building and would not have the same sustainability requirements as a new building, it is proposed that a new green roof will be installed over the existing single storey rear extension adjacent to 86a Yerbury Road. The

insertion of a green roof is welcomed by the Council and a condition has been attached to ensure the details of the green roof are submitted to the Council prior to its implementation.

### **Accessibility**

- 10.16 All developments are required to demonstrate that they provide for ease of and versatility in use; deliver safe, legible and logical environments; produce places and spaces that are convenient and enjoyable to use for everyone, and bring together the design and management of a development from the outset and over time. Planning applications need to meet the above criteria in order to be consistent with Policy DM2.2 of Islington's Development Management Policies.
- 10.17 The proposal has been designed to improve access through the building and between the different levels to provide ease of use for people with mobility impairments. The entrances have been widened to exceed the minimum 1 metre, ensuring the building is fully accessible and therefore complies with Development Management policy DM2.2.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The extensions and alterations would provide improved facilities for the existing nursery and community centre. In addition, the proposal has been sympathetically designed and would not have a detrimental impact on the character and appearance of the property and wider locality.
- 11.2 The proposed development is considered to be acceptable with regards to the land use, detailed design, impacts on adjoining neighbours amenity levels, in particular No. 86a Yerbury Road, sustainability and accessibility.
- 11.3 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**

- 11.4 It is recommended that planning permission be granted subject to the 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</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>12L18_EX00, 12L18_EX01, 12L18_EX02, 12L18_EX03 Rev. A, 12L18_EX04, 12L18_EX05, 12L18_EX08, 12L18_PL01, 12L18_PL02 Rev .A, 12L18_PL03 Rev .B, 12L18_PL04 Rev .A, 12L18_PL05, Computer Generated Images of Proposed Extension, Design and Access Statement, Daylight and Sunlight Study dated 29 May 2015.</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 to Match</b>
	<p>CONDITION: The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
<b>4</b>	<b>Green/Brown Biodiversity Roof (details)</b>
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>d) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>e) laid out in accordance with plan 12L18_PL03 Rev.B hereby approved; and</p> <p>f) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <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>

	REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.
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**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> <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.

### 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.

Since March 2014 Planning Practice Guidance for England has been published online.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

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

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 2.1 London in its global, European and United Kingdom context  
Policy 2.9 Inner London  
Policy 2.14 Areas for regeneration  
Policy 2.18 Green infrastructure: the network of open and green spaces

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

Policy 3.1 Ensuring equal life chances for all  
Policy 3.2 Improving health and addressing health inequalities  
Policy 3.6 Children and young people's play and informal recreation facilities  
Policy 3.17 Health and social care  
Policy 3.18 Education facilities  
Policy 3.19 Sports facilities

##### **4 London's economy**

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision  
Policy 4.12 Improving opportunities for all

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

Policy 5.3 Sustainable design and construction  
Policy 5.10 Urban greening  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage

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

Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.7 Better streets and surface transport  
Policy 6.10 Walking

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

Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.4 Local character  
Policy 7.5 Public realm



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

### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)

### **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

### **Housing**

**DM3.6** Play space

**DM3.7** Noise and vibration

### **Health and Open space**

**DM6.1** Healthy development

**DM6.2** New and improved public open space

**DM6.4** Sport and recreation

**DM6.6** Flood prevention

### **Energy and Environmental Standards**

**DM7.4** Sustainable design standards

### **Transport**

**DM8.2** Managing transport impacts

**DM8.3** Public transport

**DM8.4** Walking and cycling

## **3. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Major Cycle Route
- Whittington Park – Site of Importance for Nature Conservation

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

The following SPGs and/or SPDs are relevant:

### **Islington Local Plan**

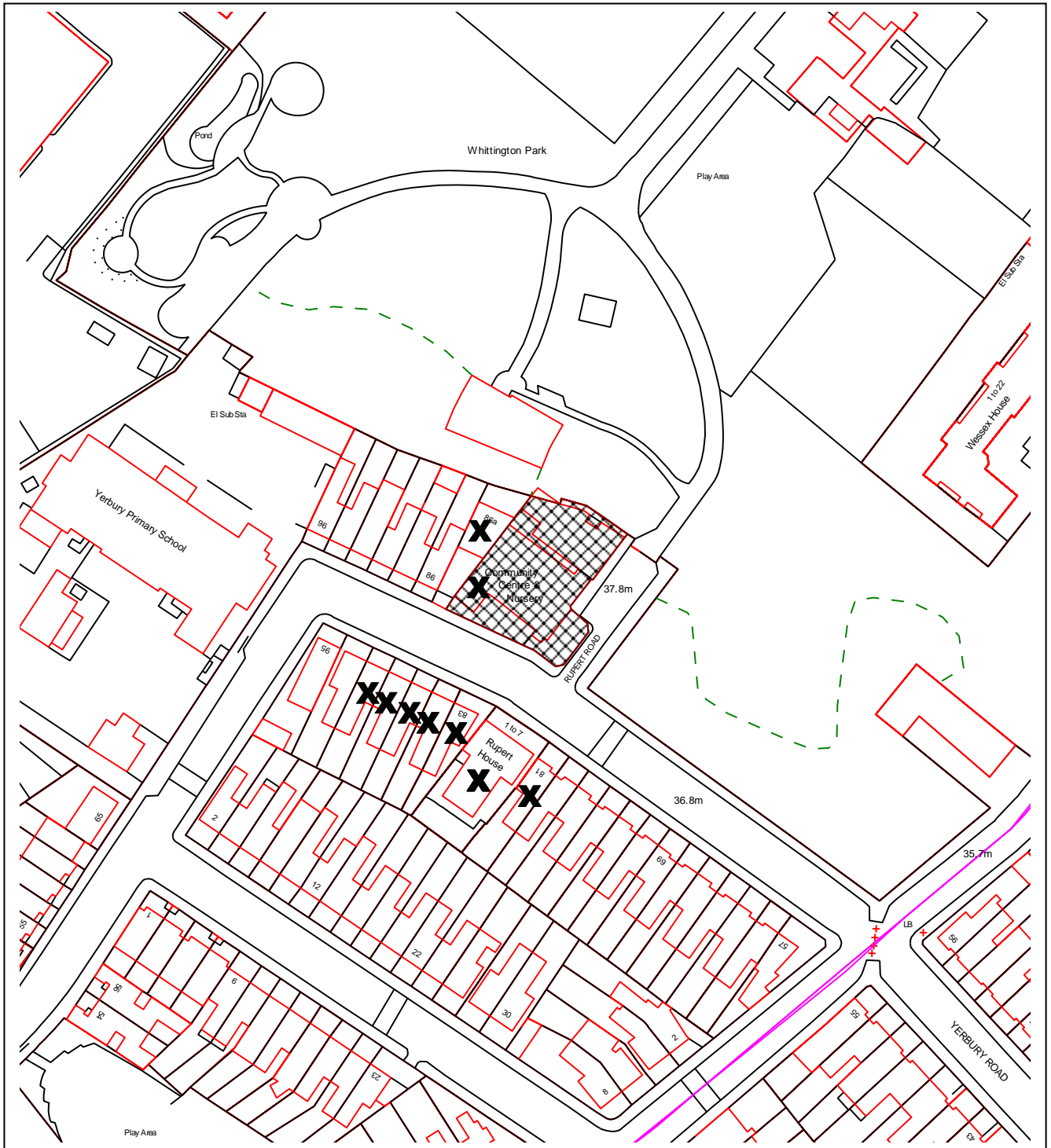
- Environmental Design
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

### **London Plan**

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

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# ISLINGTON SE GIS Print Template



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P2015/0360/FUL

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## PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
<b>Date:</b>	3 <sup>rd</sup> September 2015	<b>NON-EXEMPT</b>
Application number	P2015/0634/FUL	
Application type	Full Application	
Ward	Clerkenwell	
Listed Building	No	
Conservation Area	Charterhouse Square	
Licensing Implications Proposal	None	
Site Address	Zinc House, 19-25 Cowcross Street	
Proposal	Installation of 12 Heat Pump Units at Roof Level, One Heat Pump Unit at Fifth Floor Balcony Level, Two Heat Pumps at Fourth Floor Balcony Level and Associated Visual/Acoustic Screening.	
Case Officer	Duncan Ayles	
Applicant	City Apartments Ltd	
Agent	Natalie Walter	

### 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

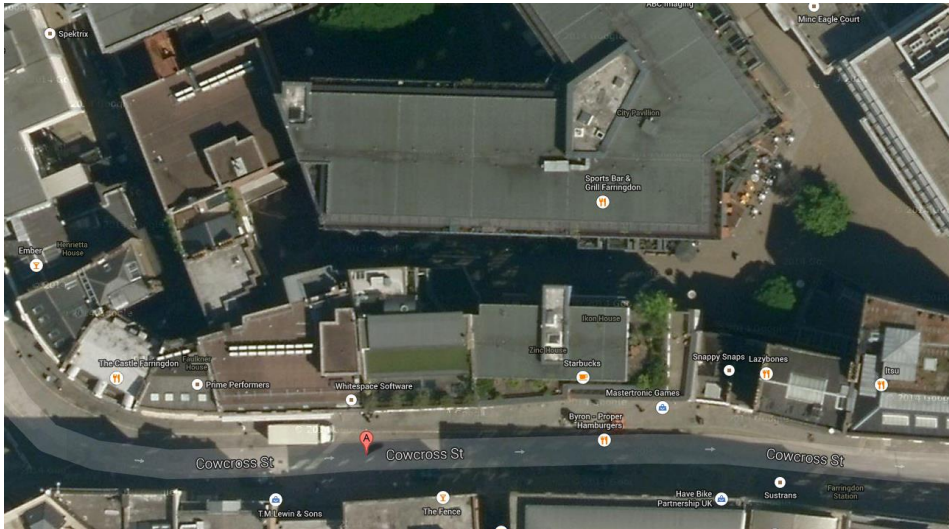


Image 1: Aerial view of the site.



Image 2: Photograph from roof of Zinc House showing relationship to City Pavillion



Image 3: Photograph from roof of Zinc House showing relationship to City Pavilion

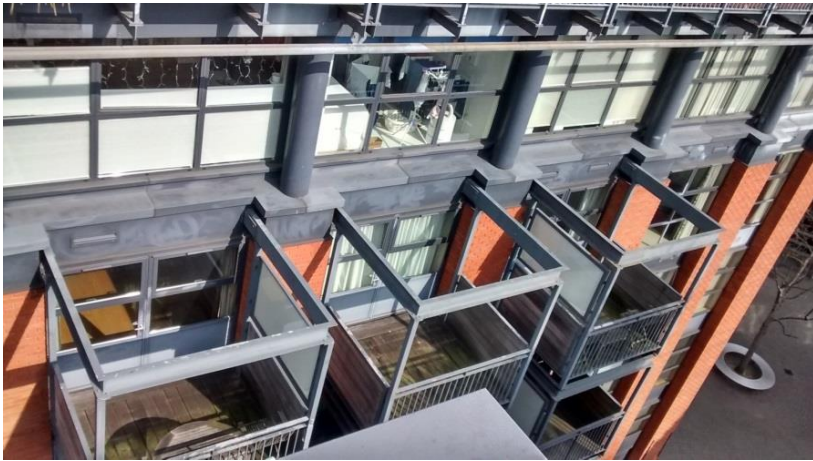


Image 4: Photograph from Zinc House roof toward lower level apartments.



Image 5: Photograph from roof of Zinc House showing existing heat pump at Balcony Level.



#### **4. SUMMARY**

- 4.1 The application is for the installation of 12 air conditioning heat pumps at roof level, one heat pump at fifth floor balcony level and two heat pumps at fourth floor balcony. The application also includes details of acoustic and visual barriers for the heat pumps at roof level, fourth floor balcony level and fifth floor balcony level.
- 4.2 Objections have been received from the occupants of City Pavilion to the north of the application site, raising issues including noise pollution, loss of light, outlook and daylight. The amenity impact is considered to be acceptable in terms of the impact on outlook, noise and sunlight and daylight. The heat pumps and associated screening will not be publicly visible, and therefore will produce no significant impact on the character and appearance of the Conservation Area.
- 4.3 The proposed development is therefore considered to be acceptable, and it is recommended that the application is granted consent subject to the conditions within Appendix One.

#### **5. SITE AND SURROUNDING**

- 5.1 The application site is located at Zinc House, a mixed use building that fronts Cowcross Street close to Farringdon Station. The building contains a retail use at ground floor with serviced apartments above. Zinc House already contains two air conditioning units which are situated on a balcony on the northern elevation of the building.
- 5.2 A residential building, City Pavilion, is located approximately 6 metres to the north of the application site. The apartments within this building contain balconies which face toward Zinc House. To the north east of the application site there is an area of public space.
- 5.3 The land use to the south of the application site is predominantly commercial, with retail uses at ground floor level and offices above. The area experiences a significant amount of background noise during the night and day, including from a number of pubs and bars within the area, including Fabric Nightclub to the east of the application site.

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

- 6.1 Planning permission is sought for the erection of 12 heat pump units at roof level, one heat pump at fifth floor balcony level and two heat pumps at fourth floor balcony level. The heat pump units at roof level will be situated close to the existing lift over run on the building, and a visual and acoustic screen will be erected on the northern side of the units. The proposed visual screening will have a height of 1.2 metres, which is approximately in line with the height of the existing lift over run.
- 6.2 The proposed air conditioning units are being proposed to cool the serviced apartments within Zinc House. The application site is located within close proximity to the Fabric Nightclub, and consequently the area experiences a significant amount of noise during the night. This means that occupants of the apartments are unable to cool and ventilate the properties by leaving their windows open.
- 6.3 The proposed heat pump units at fifth and fourth floor level are situated behind existing balcony screens, and consequently will not be externally visible. The fourth

and fifth floor balcony units will be situated within acoustic enclosure, with a height of 1.5 metres. The heat pumps will be from the Samsung Eco Heating System range.

#### **Planning Applications:**

- 7.1 P2014/4603/FUL: An application for the installation of 15 heat pumps at roof level with associated visual/acoustic screens was withdrawn. This was following concerns raised by officers in respect of the impact of the proposed louvres on the outlook of properties at City Pavilion, and the impact on the character of the Conservation Area.

#### **Enforcement:**

- 7.2 None

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

- 7.3 None

## **8 CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 122 adjoining and nearby properties on the 25<sup>th</sup> of February. A site and press notice was also displayed. Following the reception of amended plans, consultations occurred on the 20<sup>th</sup> of April and the 10<sup>th</sup> of June. The final consultation therefore expired on the 17<sup>th</sup> of June.
- 8.2 At the time of the writing of this report 13, objections had been received from 8 objectors. The objections can be summarised as follows (with the relevant paragraph numbers that provide responses to those issues indicated in brackets):

-Impact on the amenity of neighbouring properties including in respect of loss of daylight, sunlight and outlook (10.8-10.14)

-Concerns in relation to the noise emitted by the heat pumps, including comments raising inconsistencies within the application documents (10.17-10.19)

### **Internal Consultees**

- 8.3 **Design & Conservation:** The proposal is acceptable, provided the units are not publicly visible.

**Acoustic Officer:** The pollution team accept the details submitted with the louvres/solid panels and within the amended acoustic report. The plant should be conditioned, and this is included as conditions 3 & 4.

## **9. REVELANT 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 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 2015, 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 relevant SPGs and/or SPDs are listed in Appendix 2.

## **10. ASSESSMENT**

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

- Design and Impact on the Character and Appearance of the Conservation Area
- Impact on the Amenity of Neighbouring Properties

### **Principle of Development**

- 10.2 There are no planning policies that relate specifically to development of roof plant such as air conditioning. However, policies with respect to the design of new development and the impact of new development neighbouring amenity are relevant. Section 2.6.4 of the Islington Urban Design Guide SPD confirms that visible roof plant that is not an integral part of the building should normally be avoided, particularly where it is publicly visible or harms neighbour amenity.
- 10.3 Policy DM 6.1 states that noise generating uses should be sited away from sensitive receptors such as residential properties. Appendix 10 provides specific quantities guidance in respect of noise, stating that the noise emissions, measured 1 metre away from the sensitive façade should not exceed 5 dB below the existing background noise level. The council's noise officer has raised no objections to the number or location of the proposed heat pumps subject to conditions 3 & 4 in Appendix 1.

- 10.4 Consequently there is no objection in principle to the proposal, subject to the visual impact of the works and the impact on neighbour amenity in respect of outlook and noise.

**Impact of the Development on the Character and Appearance of the Existing Building and the Conservation Area.**

- 10.5 The host building is a five storey mixed use building that fronts Cowcross Street. The building contains retail uses at ground floor level and serviced apartments on the upper floor levels. The upper floors are set back from the front and elevations, and the building includes a significant lift over run. The proposed louvres at roof level will have a height of 1.12 metres, which approximately matches the height of the lift over run.
- 10.6 The proposed acoustic louvers will be set back from the flat roof of the building, which in turn is set back from the front and rear facades of Zinc House. Given the height of the Zinc House, and the relative narrowness of Cowcross Street, the proposed roof plant will not be visible from Cowcross Street, including from longer distance views. It is also considered that the heat pump units will not be visible in the area of public space to the north-east of the application site.
- 10.7 Similarly the heat pump units proposed at fourth and fifth floor balcony level will be located behind an existing wall. Consequently these units will not be publicly visible, and will not lead to any impact on the external appearance of the building or character of the Conservation Area.
- 10.8 It is accepted that the roof level heat pump units and louvres will be visible from the top floor residential units within City Pavilion, which face toward Zinc House. The proposed louvres will have a plain, utilitarian appearance, which accords with the existing character of the building's roof and lift over run. Stainless steel, the materials proposed for the louvres, is used on the fascia of Zinc House, and on an external staircase. The proposed heat pumps will not, therefore, be an incongruous feature on the building or give rise to any adverse impact on the character of the building. The roof level heat pump units and associated screening are considered to be adequately set back of the main roof's roof edge to ensure that they do not appear as dominant or overbearing features when viewed from the top floor windows and balconies of residential units located within City Pavilion.
- 10.9 As such, the proposal would not materially alter the overall appearance of the building and the surrounding townscape or the adjacent charterhouse square Conservation Area. Therefore, the proposal is considered to accord with policies 7.4 (Local character), 7.6 (Architecture) of the London Plan 2011, policy CS8 (Enhancing Islington's character) of the Islington Core Strategy 2011, and policy DM2.1 (Design) of the Islington Development Management Policies 2013.

**Impact of the Development on Living Conditions of Neighbouring Occupiers**

Outlook and Loss of Light

- 10.10 Policy DM2.1 of the Development Management Policies Plan states that 'developments are required to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.' Objections have been received in

relation to the impact of the proposal on neighbouring properties, specifically in relation to the possible loss of outlook and loss of light.

- 10.11 The top floor roof on which the application site is located is approximately in line with the top floor balconies situated on City Pavilion. Consequently the proposed 1.2 metre acoustic louver will be visible from the balconies of these properties.
- 10.12 However, as the balconies at City Pavilion are located approximately 7 metres away from the location of the proposed louvre, and given the height of the louvre (1.2 metres) it is not considered that the louvres would give rise to a substantial impact on the outlook of these properties nor would they appear as a dominant or overbearing structure. The top floor of City Pavilion is formed of a number of residential properties that contain large external balconies, each with a width several metres across. This provides the properties with an expansive outlook, in which the proposed louvres will be a relatively small part. The proposal will not, therefore, give rise to any adverse feeling of enclosure to the properties at City Pavilion.
- 10.13 Concerns have also been raised by occupants of flats at lower levels. However, as the proposed louvres will be set at a higher level than these flats and set in from the roof edge, it is not considered that the louvres at roof level would alter the outlook of properties at lower levels. The relationship between these properties and Zinc House is shown within photograph four.
- 10.14 A number of occupants of City Pavilion have also raised the potential for loss of daylight and sunlight to occur as a result of the erection of louvres. However, the acoustic louvers are set back by 1.2 metres from the edge of the flat roof, and 2.55 metres from the rear elevation of Zinc House. Given that both louvres will have a width of only 1.3 metres and a height of 1.2 metres respectively and will be in line with the existing lift over run, it is considered that the extent of loss of daylight and sunlight would be negligible.
- 10.15 In addition to the proposed units at roof level, the applicant proposes to install two units on a balcony at fourth floor level. These units will be behind an existing wall, and such will not be visible to the occupants of City Pavilion.
- 10.16 The proposal is therefore considered to be acceptable in terms of its impact on the amenity of neighbouring properties in terms of the impact on daylight, sunlight and outlook, and is in accordance with policy DM 2.1.

### **Noise Impacts**

- 10.17 Objections have also been received in relation to potential noise impacts arising from the development. Following negotiation and discussion with the applicant, an amended noise report has been provided in support of the application. This report provides an assessment of the likely impact of the proposed development, taking into account of the louvres shown within the application drawings.
- 10.18 While it is noted that inconsistencies were previously apparent between the required acoustic measures proposed within the acoustic report and the application drawings, the final acoustic report is fully consistent with the drawings submitted. The application drawings also show acoustic screening in relation to the fourth and fifth floor units, which accords with the recommendations within the latest version of the acoustic report.

10.19 The report has been assessed by the Council's acoustic officer, who has confirmed that the noise details included in the amended report are acceptable. He has confirmed that the amended details are sufficient to demonstrate no adverse impact on the amenity of the properties to the north through the emission of noise. A condition is recommended to ensure that the cumulative noise level does not exceed 5db (A) below the background noise level measured 1 metre away from the sensitive facade. Provided this condition is imposed, the proposal is considered to be in accordance with policy DM 6.1.

## 11. SUMMARY AND CONCLUSION

### Summary

11.1 The proposed acoustic louvres will be visible from the top floor flats and balconies of City Pavilion to the north of the application site. However, due to the separation distance proposed, and the size of the balconies to these flats, the impact on the outlook of the properties is considered acceptable.

11.2 Similarly the louvres will give rise to a minimal impact through the loss of daylight and sunlight, and will not lead to an adverse impact on the amenity of neighbouring properties through the emission of noise. The proposed development will not give rise to any material impact on the character of the Conservation Area, as the proposed air conditioning units and louvres will not be publicly visible. The amenity of the proposal is therefore in accordance with policies DM 2.1, 2.3 and DM 6.1.

### Conclusion

11.3 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>1</b>	<b>Commencement (Compliance)</b>
	<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>2</b>	<b>Approved Plans List: (Compliance)</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Existing Roof Plan, Acoustic Consultancy Report (<i>dated 09/06/2015</i>), Caice Systems Specification Memo, JDP-T87-R1-50-00 rev T6, JDP-T87-04-50-00 T1, Site Location Plan.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended</p>

	and also for the avoidance of doubt and in the interest of proper planning.
<b>3</b>	<b>Noise (Compliance)</b>
	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> 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 <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To protect the occupiers of nearby properties from noise pollution, and to accord with policy DM 6.1</p>
<b>4</b>	<b>Acoustic Louvres ( Compliance)</b>
	<p>The acoustic louvres approved hereby shall be installed in strict accordance with the specification provided within the Caice Systems Memo (dated 01/06/2015), and on the plans JDP-T87-R1-50-00 rev T6, JDP-T87-04-50-00 T1, within 28 days of the plant being installed and shall be permanently retained and maintained as such.</p> <p>REASON: To protect the amenity of occupiers of nearby properties in terms of visual amenity and noise pollution.</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. 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>2.</b>	<b>Other legislation</b>
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act
<b>3.</b>	<b>Part M Compliance</b>
	<p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> <li>• The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings',</li> </ul> <p>For this proposal, this may include</p> <ul style="list-style-type: none"> <li>- colour contrast nosing to the external steps;</li> <li>- improvements to the handrail profile</li> <li>- glass marking manifestations</li> </ul> <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>

<b>4</b>	<b>Construction hours</b>
.	<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 data-bbox="323 400 1410 665" 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 2015, 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 2015 - 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 CS17 (Sports and recreation provision)

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

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

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

Policy DM 6.1 (Healthy Development)

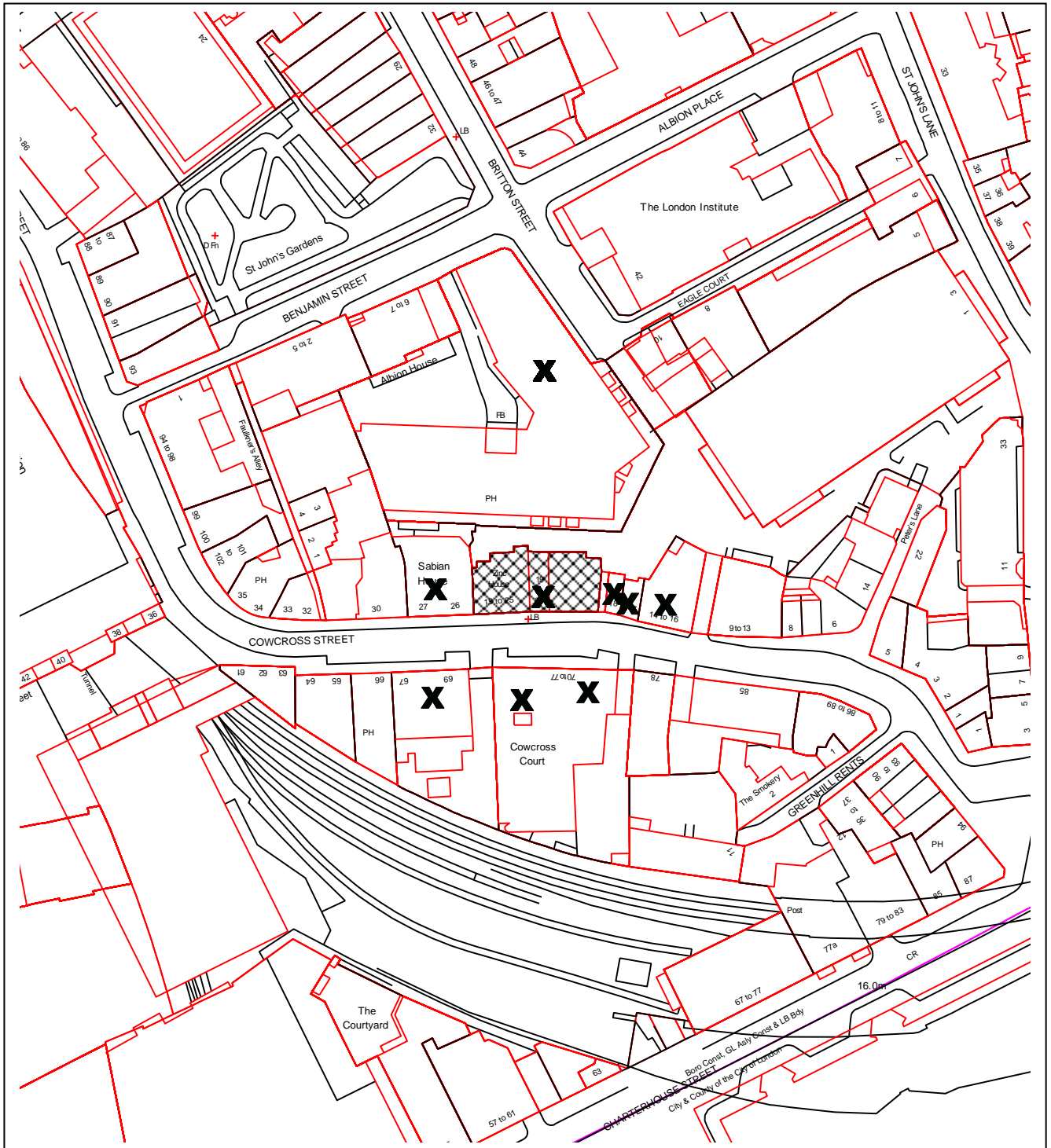
### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Charter House Square Conservation Area Design Guidelines



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