



Governance and Human Resources
Town Hall, Upper Street, London, N1 2UD

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **8 October 2015 at 7.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Jackie Tunstall
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Despatched : 29 September 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**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
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2.	627-635 Holloway Road, N19 5SS	23 - 38
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7.	4, 9, 10-37 Legion Close, N1 1PJ	143 - 164
8.	Unit 2, Wells House, 5-7 Wells Terrace, N4 3JU	165 - 182

C. Consideration of other planning matters

D. Urgent non-exempt items

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

E. Exclusion of press and public

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

F. Confidential/exempt items

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee B, 12 November 2015

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

London Borough of Islington

Planning Sub Committee B - 3 September 2015

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 3 September 2015 at 7.30 pm.

Present: **Councillors:** Martin Klute (Chair), Paul Convery, Osh Gantly and Rakhia Ismail

Also Present: **Councillors:**

Councillor Martin Klute in the Chair

127 **INTRODUCTIONS (Item A1)**

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

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

Apologies for absence were received from Councillor Nicholls.

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

None.

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

None.

131 **ORDER OF BUSINESS (Item A5)**

Items B1, B2, B3 and B6 had been withdrawn from the agenda due to meeting notification letters not having been sent out five working days prior to the meeting. The order of business would be B5 then B4.

132 **MINUTES OF PREVIOUS MEETING (Item A6)**

Councillor Ismail asked when Highbury Pool, Highbury Crescent (P2015/0386/FUL) would be considered and was advised that it was likely this would not be considered until December 2015.

RESOLVED:

That the minutes of the meeting held on 29 June 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

133 **15 CRINAN STREET, LONDON, N1 9SQ (Item B1)**

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.

(Planning application number: P2015/2193/FUL)

RESOLVED:

That it be noted that the application had been withdrawn from the agenda.

134 **55 WHITEHALL PARK, LONDON, N19 3TW (Item B2)**

Erection of new-built, 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.

(Planning application number: P2015/2281/FUL)

RESOLVED:

That it be noted that the application had been withdrawn from the agenda.

135 **98 MERCERS ROAD, LONDON, N19 4PU (Item B3)**

Basement enlargement with front and rear light wells.

(Planning application number: P2015/1904/FUL)

RESOLVED:

That it be noted that the application had been withdrawn from the agenda.

136 **ELECTRICITY SUB STATION AND SURROUNDING LAND SOUTH WEST CORNER OR 43-48 CLAREMONT CLOSE, LONDON, N1 (Item B4)**

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.

(Planning application number: P2015/2422/FUL)

RESOLVED:

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

137 **WHITTINGTON PARK COMMUNITY CENTRE, 84 YERBURY ROAD, LONDON, N19 4RS (Item B5)**

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

(Planning application number: P2015/0360/FUL)

In the discussion the following points were made:

- The planning officer reported that Roof Plan PLO4A had been replaced by Roof Plan PLO4B.
- The planning officer, responding to an objector's written representation, stated that although the daylight/sunlight report was not published, officers had considered the impacts on the neighbours and the plans had been amended accordingly. The revised plans did not have a negative effect of the daylight and sunlight to the neighbouring property.
- The green roof would be located on what was currently the flat roof.
- The location of the air conditioning units was considered.

Planning Sub Committee B - 3 September 2015

Councillor Klute proposed adding the standard background noise condition to cover the new relocated air conditioning units. This was seconded by Councillor Gantly and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informative in the case officer's report plus the additional condition as outlined above.

138

ZINC HOUSE, 19-25 COWCROSS STREET, LONDON, EC1M 6DU (Item B6)

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.

(Planning application number: P2015/0634/FUL)

RESOLVED:

That it be noted that the application had been withdrawn from the agenda.

The meeting ended at 7.55 pm

CHAIR

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COMMITTEE AGENDA

1 18, Crowfield House, 125, Highbury New Park London N5 2DU

2 627 - 635 Holloway Road London N19 5SS

3 Archway Bridge, Archway Road, London, N19

4 Chadwell Street Car Park Chadwell Street London EC1R 1XD

5 Elizabeth Garrett Anderson School
Donegal Street
London
N1 9QG

6 Margaret McMillan Nursery School, 31 Hornsey Rise, London N19 3SF

7 Nos. 4, 9, 10-37 Legion Close, London, N1 1PJ

8 Unit 2, Wells House, 5 - 7 Wells Terrace, London N4 3JU

1 18, Crowfield House, 125, Highbury New Park London N5 2DU

Ward: Highbury East

Proposed Development: Installation of new domestic fire protection system. The works includes the installation of a water storage tank, fire booster pumps, controllers and appropriate pipework being situated at the rear of the block of flats at Crowfield House.

Application Number: P2015/2430/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Neil Lester

Recommendation:

2 627 - 635 Holloway Road London N19 5SS

Ward: Junction

Proposed Development: Installation of Air Conditioning Plant at the Rear of the Site

Application Number: P2015/2002/FUL

Application Type: Full Planning Application

Case Officer: Duncan Ayles

Name of Applicant: Tesco Stores Ltd

Recommendation:

3 Archway Bridge, Archway Road, London, N19

Ward: Hillrise

Proposed Development: Listed Building Consent application in connection with proposed anti suicide measures by installation of fencing to bridge parapet.

Application Number: P2014/5019/LBC

Application Type: Listed Building

Case Officer: Kristian Kaminski

Name of Applicant: Transport for London - Mr Scott Lester

Recommendation:

4 Chadwell Street Car Park Chadwell Street London EC1R 1XD

Ward: Clerkenwell

Proposed Development: Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements.

Application Number: P2015/2406/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Phil Clark for Petchey Islington Ltd

Recommendation:

Ward: Clerkenwell

Proposed Development: Listed ~Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars.

Application Number: P2015/2398/LBC

Application Type: Listed Building

Case Officer: Emily Benedek

Name of Applicant: Mr Phil Clark for Petchey Islington Ltd

Recommendation:

5 Elizabeth Garrett Anderson School Donegal Street London N1 9QG

Ward: Barnsbury

Proposed Development: Single storey detached Classroom Pod.

Application Number: P2015/1780/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Sandra Chivero

Name of Applicant: Mrs Karen Tumbridge

Recommendation:

6 Margaret McMillan Nursery School, 31 Hornsey Rise, London N19 3SF

Ward: Hillrise

Proposed Development: Proposed construction of a new dormer loft room area to the lower building for use as a meeting/training room for the nursery school.

Application Number: P2015/2452/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Sandra Chivero

Name of Applicant: Margaret McMillan Nursery School

Recommendation:

7 Nos. 4, 9, 10-37 Legion Close, London, N1 1PJ

Ward: Barnsbury

Proposed Development: Replacement of existing single glazed timber windows with UPVC double glazed windows.

Application Number: P2014/3189/FUL

Application Type: Full Planning Application

Case Officer: Ben Oates

Name of Applicant: Mr Paul Croom

Recommendation:

8 Unit 2, Wells House, 5 - 7 Wells Terrace, London N4 3JU

Ward: Finsbury Park

Proposed Development: Change of use from A1 to A4, and Alteration of Shopfront

Application Number: P2015/2662/FUL

Application Type: Full Planning Application

Case Officer: Duncan Ayles

Name of Applicant: Mr Remi Dubois

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

PLANNING SUB-COMMITTEE B		
Date:	8 October 2015	NON-EXEMPT

Application number	P2015/2430/FUL
Application type	Full Planning Application (Council's own)
Ward	Highbury East
Listed building	Not Listed
Conservation area	Highbury New Park
Development Plan Context	Local Cycle Route Within 50m of Sotheby Road Conservation Area
Licensing Implications	None
Site Address	18 Crowfield House, 125 Highbury New Park, London, N5 2DU
Proposal	Installation of new domestic fire protection system including the installation of a water storage tank, fire booster pumps, controllers and appropriate pipe work situated at the rear of the block of flats.

Case Officer	Emily Benedek
Applicant	Islington Council
Agent	Neil Lester

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)



Location of works

3. PHOTOS OF SITE/STREET

Location of works



Image 1: Aerial Photo of the Front of the Site



Image 2: Aerial Photo of the Rear of the Site

Location of works

4. SUMMARY

- 4.1 Planning permission is sought for the installation of new domestic fire protection system including the installation of a water storage tank, fire booster pumps, controllers and appropriate pipe work situated at the ground floor level to the rear, of the block of flats called Crowfield House, which is Council owned.
- 4.2 The application is brought to committee because it is a Council-own development.
- 4.3 The proposed alterations to the rear at the ground floor level will neither harm the appearance, character or appearance of the buildings nor the wider street scene, nor will it materially affect the amenity of adjacent residents.
- 4.4 It is recommended that planning permission be granted subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site comprises of an irregularly shaped five storey building located on the east side of Highbury New Park at the junction with Balfour Road. The property is

a purpose built block of flats used for residential purposes and contains 50no. self-contained flats.

- 5.2 The building is not listed however the site is located in the Highbury New Park Conservation Area. The surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the installation of new domestic fire protection system including the installation of a water storage tank, fire booster pumps, controllers and appropriate pipe work situated at the ground floor to the rear of the block of flats to the Council owned building at Crowfield House.

- 6.2 The proposed water storage tank enclosure will be located at the ground floor level and will measure 1.065 metres in depth, 0.65 metres in width and 1.27 metres in height. It is proposed that the metal enclosure will be finished in mahogany brown to match the exterior of the existing doors. New boxing on the outside of the water storage tank will conceal and enclose the new pipe work, fire booster pumps and controllers. All works will take place the ground floor level with the exception of the new sprinkler riser and cables which will link up the third floor level. However these pipes will be located internally within the building.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P022134** - Installation of replacement UPVC windows. Approved 01/11/2002.

ENFORCEMENT:

- 7.2 None

PRE-APPLICATION ADVICE:

- 7.3 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 69 occupants of adjoining and nearby properties at Highbury New Park, Kelross Road and Balfour Road on the 13/07/15. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 16 July 2015. Therefore the public consultation expired on 06/08/15. At the time of the writing of this report no responses had been received from the public with regard to the application.

Internal Consultees

- 8.2 **Design and Conservation Officer:** No objection to the proposed works

- 8.3 **Building Control Officer:** No objection

External Consultees

- 8.4 **LAMAS:** No objection
- 8.5 **London Fire Brigade:** No comments received to date

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 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals. Development Plan
- 9.2 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, The 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

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Highbury New Park Conservation Area.
 - Local Cycle Route
 - Within 50m of Sotheby Road Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Design and Conservation
 - Amenity
 - Access
 - Sustainability

Design and Conservation

- 10.2 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. It is also considered that policy DM2.3 is important in this application to ensure all development continues to preserve and enhance the character and appearance of the Conservation Area.

- 10.3 The application site is located in the Highbury New Park Conservation Area. Although the site itself is not of the same high quality design as other buildings within this Conservation Area, it is important to ensure that any new development continues to preserve and enhance the character and appearance of the Conservation Area and should ensure that these works would not be visible from the street scene.
- 10.4 The existing water tank will be removed and replaced with a new enclosed water tank at the ground floor level which has been designed to be more in keeping with the character and appearance of the building. The proposed water tank and replacement pipework will be painted mahogany brown in order to be in keeping with the materials used in the existing building. A condition has been attached to ensure the materials used in the external surfaces match those detailed on the proposed plans which state that the pump and equipment enclosure will be mahogany brown to match the existing rear door colour. Given the size and siting of the proposal at the ground floor level only, it is not considered to have a detrimental impact on the character and appearance of the building.
- 10.5 Furthermore, the application site is staggered to the rear and as the proposed works will be located in a section of the building which is currently inset, it will be sheltered from public views by the adjoining walls. In addition, the new sprinkler riser and cables will be located internally at the third floor level. Given that the proposal will be located at the rear of the building and set into the inset area, it will not be visible from the public realm, it is not considered to have a harmful impact on the character and appearance of the Highbury New Park Conservation Area or wider locality.
- 10.6 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 Policies DM2.1 and DM2.3.

Neighbouring Amenity

- 10.7 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.
- 10.8 There have been no objections to the proposed development and the proposal will be set at a low level below the height of any neighbouring windows. The proposal is therefore not considered to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington Development Management Policies June 2013.

Access

- 10.9 The proposed equipment will be located at the rear of the block of flats and will not block any existing entrance doors or external stairs. As such the proposal will not have an impact on existing access arrangements.

Sustainability

- 10.10 The proposal will not have an impact on the sustainability of the building.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed new domestic fire protection system including the installation of a water storage tank, fire booster pumps, controllers and appropriate pipe work are considered to be acceptable with regards to the design, neighbour amenity and sustainability.
- 11.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>001, 002-268-06-PA01 Rev O2, FIRETEC UK LIMITED ENV 01 Short Environmental Statement, Site Photos, Letter from agent dated 15th June 2015</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>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>
2	Definitions
	INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A

	number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	Hours of Working
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

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

3 London's people

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

Energy and Environmental Standards

DM 7.2 Energy efficiency and carbon reduction

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:

- Highbury New Park Conservation Area.
- Provisional Article 4.2 Area
- Local Cycle Route
- Within 50m of Sotheby Road Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

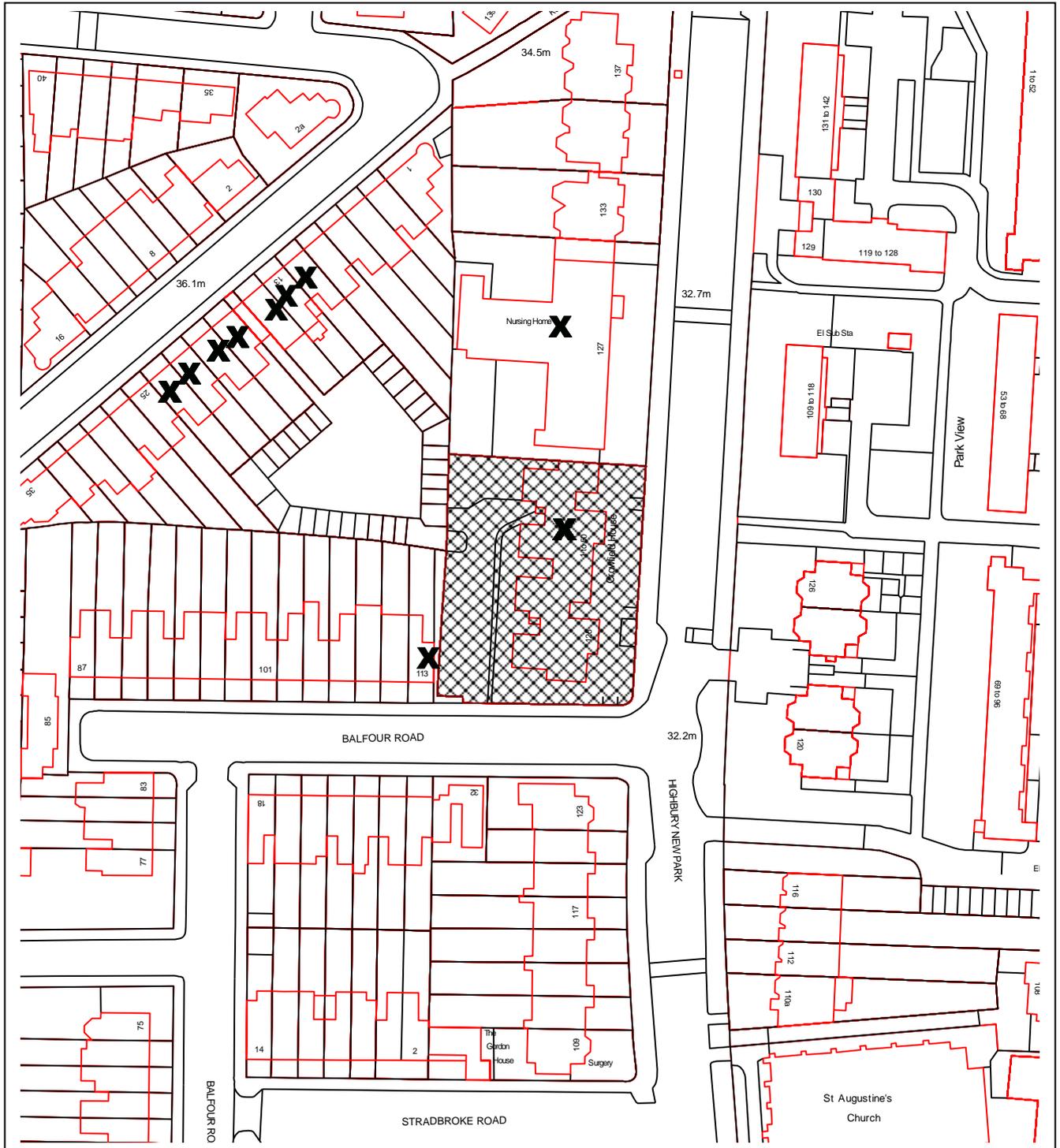
London Plan

Urban Design Guide (2006)

Conservation Area Design Guidelines (2002)

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P2015/2430/FUL

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PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE B		
Date:	8 th October 2015	NON-EXEMPT

Application number	P2015/2002/FUL
Application type	Full Planning Application
Ward	Junction
Listed building	Unlisted
Conservation area	Not in Conservation Area
Development Plan Context	Archway Town Centre, Secondary Shopping Frontage
Licensing Implications	None
Site Address	627 - 635 Holloway Road, London, N19 5SS
Proposal	Installation of air conditioning plant at the rear of the site

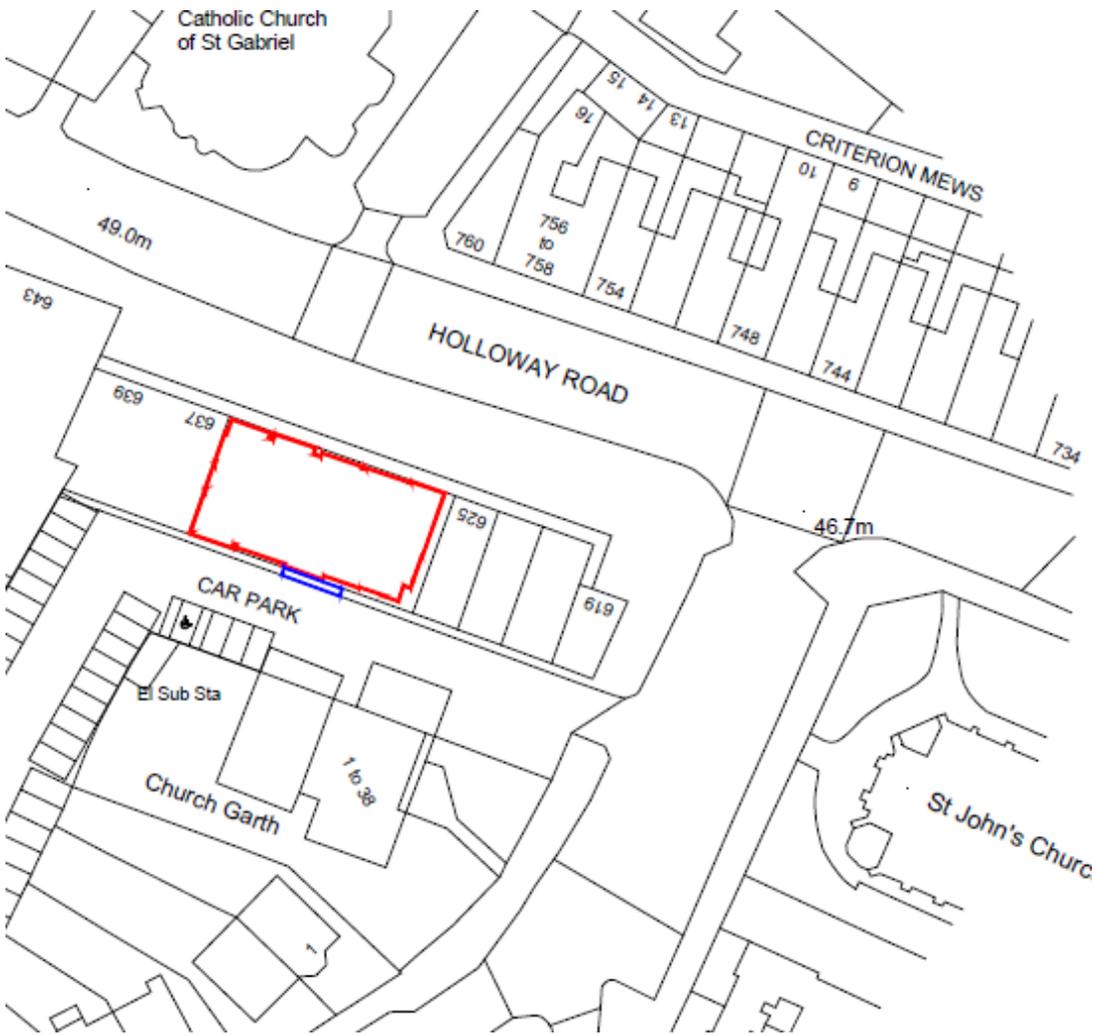
Case Officer	Duncan Ayles
Applicant	Tesco Stores Ltd
Agent	CGMS LTD

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Photograph of the rear of the application site showing location of proposed plans



Image 2: Photograph Showing Rear of Church Gardens

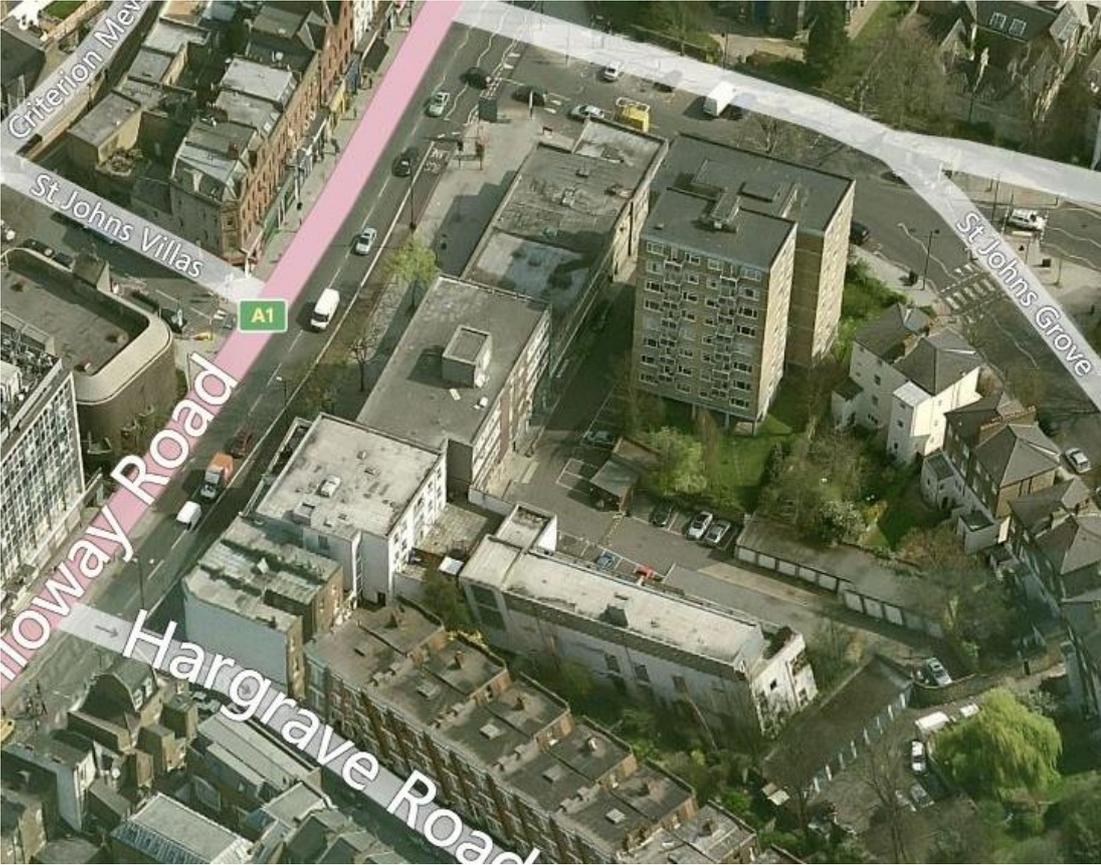


Image 3: Aerial View of the Application Site

SUMMARY

- 3.1 The application seeks approval for the erection of an external air conditioning plant to the rear of 627-635 Holloway Road, an existing retail unit (A1 use) which Tesco intend to occupy. The air conditioning units are located to the rear of the store within a car park and service area at ground floor level, and are in close proximity to residential dwellings at Church Gardens and Gresham Place. A number of objections have been received from neighbouring properties in relation to the potential for noise disturbance to occur, as a result of the installation of the proposed plant. Cllr Burgess has also objected to the proposed air conditioning units and plant.
- 3.2 The applicant has submitted an acoustic report in support of the application, which has been assessed by the Council's Acoustic Officer. It is confirmed that the proposal will not give rise to any adverse noise emissions to the detriment of neighbour amenity, provided that appropriate conditions are imposed. The proposal is therefore considered to be in compliance with policy DM 6.1.
- 3.3 The design of the air conditioning units is also considered to be acceptable, and is not considered to harm the character and appearance of the area. The units are also not considered to lead to any adverse impact on the amenity of neighbouring properties in respect of the loss of outlook, daylight and sunlight. The design and amenity impact is therefore considered to be acceptable, and in compliance with policy DM 2.1.

4. SITE AND SURROUNDING

- 4.1 The application site is located to the rear of 627-635 Holloway Road. This retail unit (A1 use), which was previously occupied by Budgens, is proposed to be opened as a Tesco Store. To the rear of the property is Church Garth, a seven storey residential building. The site has been the subject of a significant number of noise complaints historically, in connection with early morning deliveries associated with the former occupant of the unit, Budgens (and the nearby Sainsbury's Supermarket). Holloway Road, which runs immediately to the north of the application site, is a busy arterial road and part of the A1 (red route).
- 4.2 The land use within the area is mixed. Holloway Road is largely comprised of commercial uses including retail and café uses at ground floor, and a combination of office and residential uses at upper floor level. The land use to the rear of the application site, on St John's Grove, is predominantly residential, with a mixture of single family dwelling houses and flats.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks approval for the erection of air conditioning and refrigeration plant to the rear of the application site at ground floor level within a fence enclosure. The proposed plant is comprised of Two Searle Fan Condenser Units, which will serve the refrigeration units within the store, and three Mitsubishi Air Conditioning units which will cool the sales floor and cash office. The condenser units will operate during the day and night time, although a night mode will be in operation. The air conditioning units will operate during the units opening hours.
- 5.2 The application also includes details of acoustic and visual barriers in the form of two 25 mm thick absorption panels, and 1.8 metre high timber ship lap cladding on the outside of the proposed air conditioning plant. This will surround the proposed plant on three sides. The fourth side is the rear elevation of the Tesco store (building).

6. RELEVANT HISTORY

PLANNING APPLICATIONS:

- 6.1 **P2015/1814/FUL:** Installation of a new shopfront and access and extension of the existing entrance ramp: Approved 26/6/2015
- 6.2 **P2015/1816/S73:** Application for variation of condition 9 (hours of operation) of planning consent ref: P071360 dated 07/02/2008 to extend the hours of opening of the shop (A1 use) from 0700hrs and 2300hrs Monday-Saturday and between 09.00 and 17.00hrs on Sundays, to 07:00hrs to 23:00hr from Monday to Sunday: Approved 26/6/2015.
- 6.3 **P2015/1815/FUL:** Installation of an ATM in existing shopfront: Approved 26/6/2015

7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 298 adjoining and nearby properties at St John's Grove, Hargrave Mansions and Holloway Road on the 27th May 2015. A site notice was displayed on the 11th June 2015 The public consultation of the application therefore expired on the 13th 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 a total of 18 responses had been received from the public with regard to the application. An objection was also received from Councillor Burgess. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Concerns about the Noise Emitted from the Proposed Plant (9.0- 9.14)
 - Inaccurate background level used within the Acoustic Report Baseline Assessment (9.8)
 - No consideration given to other potential locations (9.12)

Internal Consultees

- 7.3 **Acoustic Officer:** This is a sensitive site and there is a history of complaints about noise from early morning deliveries to Budgens and plant noise from the neighbouring Sainsbury's and any new mechanical plant subject to scrutiny and potential complaints in the future. The applicants have compiled a report and ideally the consultant should have liaised with the Acoustic Officer on the methodology and use of a proxy measurement position prior to submission.
- 7.4 However the report as submitted has taken a background noise level of 51dB daytime and 39dB night time and this appears to be relatively representative of a typical background noise level of a rear commercial façade of a busy road. The report predicts noise ratings for the plant that will be 12dB below these background levels used. It is advised a condition is applied to any permission granted to protect nearby residential amenity.
- 7.5 As an informative, the applicant is advised that the plant will need to be regularly checked, maintained and serviced to ensure that noise levels do not rise and that the annoying tones, rattles, buzzes etc. do not develop and that the mitigation measures are still effective. The plant should be installed in line with the manufacturers' instructions on level ground with anti-vibration mounts. In addition to this a condition requiring a post installation report to demonstrate compliance with the noise criteria is recommended.

- 7.6 There is a lower night time noise rating for the plant quoted as the air conditioning units are reported to operate between 0700 and 2300 and the condenser is on a lower night time mode. To ensure that this is the case, a condition is also recommended.

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.

Development Plan

- 8.2 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)

- 8.3 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
- Design and Conservation
- Impact on the Amenity of Neighbouring Properties, including in respect of noise

Land-use

- 9.2 The unit at 627-635 Holloway Road has an established A1 retail use and has previously been occupied by Budgens. The planning application does not propose a change of use as the unit will re-open as an A1 retail unit. There are a number of relevant policies including DM 2.1 (Design) and DM 6.1 (Health Development) that are relevant to the determination of the application. The 2013 Development Management Policies provides specific criteria for noise emitting development within Appendix 10. Subject to the compliance with the above policies, specifically in relation to noise, there is no in principle objection to the development.

Design and Conservation

- 9.3 The application site is located to the rear of retail units that fronts the Holloway Road. The air conditioning units will front onto the car park area located to the rear of the property. The proposed air conditioning units will be visible both from the pavement to the south of the application site at St John's Grove, and from the car park between Church Gardens and 627 Holloway Road.
- 9.4 The proposed air conditioning enclosure is located at ground floor level and will have a height of 1.8 metres above ground level and a depth of 1.9 metres. In respect of its

height, the enclosure will match the height of the top of the rear ground floor doors of the building. The enclosure is considered to be acceptable in terms of its mass and scale, as it is considered to be a relatively modest feature that is subordinate to the adjacent commercial building and seen against the rear elevation of the store building.

- 9.5 The proposed enclosure has a relatively simple design, with the enclosure formed from a combination of timber vertical cladding and timber mesh below. This is considered to accord with the utilitarian character of the rear elevation of the building, which contains features such as security doors and refuse storage.
- 9.6 For these reasons, the design of the proposed plant and enclosure is considered to be acceptable in terms of its impact on the character and appearance of the area. The proposal is therefore considered to be in compliance with policy 7.4 and 7.4 of the London Plan 2015 and policy DM 2.1 of the Development Management Policies 2013.

Impact on the Amenity of Neighbouring Properties

- 9.7 The application is supported by an acoustic report prepared by KR Associates, and further information has been provided by the applicant's acoustic consultant following queries raised by the Council's Acoustic Officer. The Acoustic Officer has confirmed that while the site is sensitive, due to the close proximity of residential dwellings at Church Gardens, the acoustic report is sufficient to demonstrate that no adverse impact will occur on neighbouring properties.
- 9.8 The Acoustic Officer has confirmed that the background noise level of 51 dB daytime and 39dB night-time is relatively representative of a rear commercial façade on a busy commercial frontage. Objections have been received regarding the background noise level that has been used and while concerns were raised in respect of the failure of the applicant to agree the locations for the noise survey prior to it being conducted, it has been confirmed that the baseline assessment is a sound basis for the assessment of the impact of the proposed air conditioning units. Although the failure to agree the baseline testing prior to the application being submitted is unfortunate, it is not in itself a reason to refuse the application.
- 9.9 The proposal achieves 12dB below this background noise façade, which accords with the requirements of policy DM 6.1 and appendix 10 of the Development Management Policies 2013. The Acoustic officer has recommended a condition to secure this, and a condition that requires an acoustic report to be submitted after the erection of the equipment, to confirm that the guidelines are accorded with.
- 9.10 The applicant has stated that the proposed Mitsubishi air conditioning units will not operate during the night, and the condenser units for the refrigeration condensers will contain a night-mode. Conditions are recommended for the hours of operation of the air conditioning units and to secure that an automatic night switch is installed on the condenser units, as the operation of the units on day mode during the night would give rise to an adverse impact on neighbour amenity, when background noise levels are significantly lower.
- 9.11 The Council's acoustic officer has also recommended that a condition is imposed to require the submission of an acoustic report after the completion of the approved development, to demonstrate that the acoustic report has been complied with. This condition is set out within the recommendations within Appendix 1.
- 9.12 A number of objections to the application have queried whether the applicant has examined other potential locations for the air conditioning plant, which might have a lesser impact on neighbour amenity. The objections are not relevant to the determination of the application, as the application needs to be assessed on its merits against the

development plan and other material considerations. A noise report has been compiled and it is considered that the proposed location of the air conditioning and condenser units is acceptable subject to the recommended hours of operation and restrictions as set out in the recommended conditions.

- 9.13 Provided the recommended conditions are imposed, the proposal is not considered to lead to any adverse impact on the amenity of neighbouring properties through the emission of noise. The proposal is therefore in compliance with policy DM 6.1 of the Development Management Policies 2013.
- 9.14 Given the modest, single storey scale of the enclosure which is set against the rear elevation of the retail unit it is not considered that the enclosure structure will have a dominant appearance or overbearing impact when viewed from the residential properties to the rear of the site or from the public highway and views from St John's Grove. The proposed air conditioning units are not considered to lead to any material impact on the amenity of neighbouring properties in respect of the loss of outlook, daylight, sunlight or increased sense of enclosure. This is because the unit will be below the lowest residential units, and is situated directly adjacent to the rear elevation of the retail buildings. The proposal is therefore considered to be in compliance with policy DM 2.1.

10. SUMMARY AND CONCLUSION

Summary

- 10.1 The proposed air conditioning unit will accord with the limitations identified within Appendix 9 of the Development Management Policies 2013, and therefore will not lead to any adverse impact on the amenity of neighbouring properties through the emission of noise. Provided the proposed conditions are imposed on the consent, the proposal is considered to be in compliance with policy DM 6.1 of the Development Management Policies 2013. The proposed development is also considered to be in acceptable in terms of the impact on the outlook, daylight and sunlight received by neighbouring properties, and is in accordance with policy DM 2.1 of the Development Management Policies in this respect.
- 10.2 The design of the air conditioning units and enclosure is also considered to be acceptable, given the character of the rear elevation of the retail unit and car park area. The proposal is considered to be in compliance with policy DM 2.1 in this respect.

Conclusion

- 10.3 It is recommended that planning permission be granted for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[12429-400, 12429-410, 12429-302, 12429-305, 12429-415 rev A, 12429-411 rev A, Covering letter, KR Associates Environmental Acoustic Test April 2015 KR04472 v.1.1]</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>
	Noise (Compliance)
3	<p>The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. 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: In the interests of neighbour amenity.</p>
	Noise (Compliance)
4	<p>Within six months of the completion of the development hereby approved, a report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 3. The report shall be submitted to the Local Planning Authority for approval.</p> <p>REASON: In the interests of neighbour amenity.</p>
	Noise (Compliance)
5	<p>Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi air conditioning units to between the hours of 07:00 to 23:00 only. The timer shall be maintained as such thereafter.</p> <p>REASON: In the interests of neighbour amenity</p>

List of Informatives:

	Positive statement
1.	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website.</p> <p style="text-align: center;">Page 32</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn’t</p>

	<p>taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
	Other legislation
2.	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act
	Part M Compliance
3.	<p>You are advised that the scheme is required to comply with -</p> <ul style="list-style-type: none"> • The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', <p>For this proposal, this may include</p> <ul style="list-style-type: none"> - colour contrast nosing to the external steps; - improvements to the handrail profile - glass marking manifestations <p>For more information, you may wish to contact Islington Council's Building Control (0207 527 5999).</p>
	Noise
4.	You are advised that the plant will require regular checks, maintenance and servicing to ensure that the noise levels do not rise and that any annoying tones, rattles, buzzes etc. do not develop and that the mitigation measures are still effective.
	Construction hours
5.	<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; margin-top: 10px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday, ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </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 DM 2.1 (Design)

Policy DM 6.1 (Healthy Development)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide

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PLANNING SUB-COMMITTEE B		
Date:	8 th October 2015	NON-EXEMPT

Application number	P2014/5019/LBC
Application type	Listed Building Consent
Ward	Junction/Hillrise
Listed building	Listed Grade II*
Conservation area	Whitehall Park
Development Plan Context	Article 4(2) Whitehall Park (2) Local cycle routes Strategic Cycle Route Local Flood Risk Zone (LFRZ) Site within 100m of a TLRN Road
Licensing Implications	None
Site Address	Archway Bridge, Archway Road, London, N19
Proposal	Proposed anti suicide measures by installation of fencing to bridge parapet.

Case Officer	Kristian Kaminski
Applicant	Transport for London - Mr Scott Lester
Agent	Frankham Consultancy - Mr Al Grant

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** listed building consent

- subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE



Image 1: Looking east, Islington to the south



Image 2: View from Islington to the south

4. SUMMARY

- 4.1 This proposal is for anti-suicide measures to Archway Bridge in the form of fencing. Applications have been submitted to both Islington and Haringey Councils as the borough boundary extends down the middle of the bridge. Objections have been received, primarily on the grounds that the proposals will harm the appearance of the listed bridge.
- 4.2 The application has been brought to committee due to the level of public interest in the proposals and the sensitive nature of the application which has attracted both public support and objections.
- 4.3 Issues arising from the proposal include: the harm to the architectural and historic appearance of the bridge; disruption of views from the bridge; concern that alternative designs had not been adequately explored; that insufficient expert advice had been sought; and concern over the lack of public consultation prior to the submission of the application.
- 4.4 A number of other issues have been raised including concerns over whether the proposals will be effective in their aim to deter and prevent suicides from taking place at the bridge; and concern that the proposals will not stop suicide or save lives, only relocate the suicide attempt.
- 4.4 It is considered that the revised proposals are acceptable and an improvement on an initial proposal. They appear to be more effective than the initial proposal as the vertical steel cables cannot be climbed while causing less harm to the appearance of the bridge. The height of the fencing has been lowered and set back from the inner face of the

balustrade, and the caging to the central lantern omitted. When viewed from the south (and north) the fencing should be hard to perceive, thus reducing its visual impact. The vertical steel cables will allow views across London as well as to the original balustrade which will be more visible as the existing wire mesh obscuring the decorative detailing can be removed. The proposals also allow for the removal of the existing steel spikes to the external face of the central plinth.

- 4.6 While it is accepted that the proposals will cause some visual harm to the heritage asset the harm is less than substantial and outweighed by the public benefit of deterring and preventing suicide from taking place at the bridge. The proposals will not unacceptably harm the significance of the heritage asset and therefore comply with national and local policy.

5. SITE AND SURROUNDINGS

- 5.1 The northern part of Archway Bridge is located within the London Borough of Haringey and is separately listed to that part within Islington. A separate application for Listed Building Consent has been submitted to the London Borough of Haringey. At the time of writing the report Haringey Council were still assessing the proposal and have yet to make a determination. Officers report any update to the Committee.
- 5.2 Archway Bridge has architectural and historic significance for the age and quality of its design. It is Grade II* listed and located within the Whitehall Park Conservation Area which is considered to be of importance by virtue of its Victorian development. It is a local landmark and there are important views of the bridge, especially from within Islington to the south, as well as views from the bridge over London.
- 5.3 The list description states:

'Bridge carrying Hornsey Lane over Archway Road, and designed to replace a bridge of brick and stone construction designed in 1813 by John Nash. Dated 1897 in panel at crown of arch, and completed 1900. By Sir Alexander Binnie, for London County Council. Portland stone, steel and iron. Portland stone piers to either side with splayed bases having vermiculated quoins, the body of the piers rusticated and vermiculated. Segmental-arched span of 120 feet, of steel and cast-iron construction with rope mouldings to archivolt and circular ornament and arabesques in the spandrels; modillion cornice. Balustrade of Portland stone piers to either end, carrying cast iron lamp standards of the type designed by Lewis Vulliamy for the Thames Embankment in the 1860s, with the initials of the LCC on the south-eastern and north-western lamps, and the date 1897 on the other pair; smaller central piers, now painted, with lamp standards flanked by griffins; intermediate piers surmounted by ball and spike finials with spiked rail between; the cast-iron panels between with wheel motifs and scrolling ornament.'

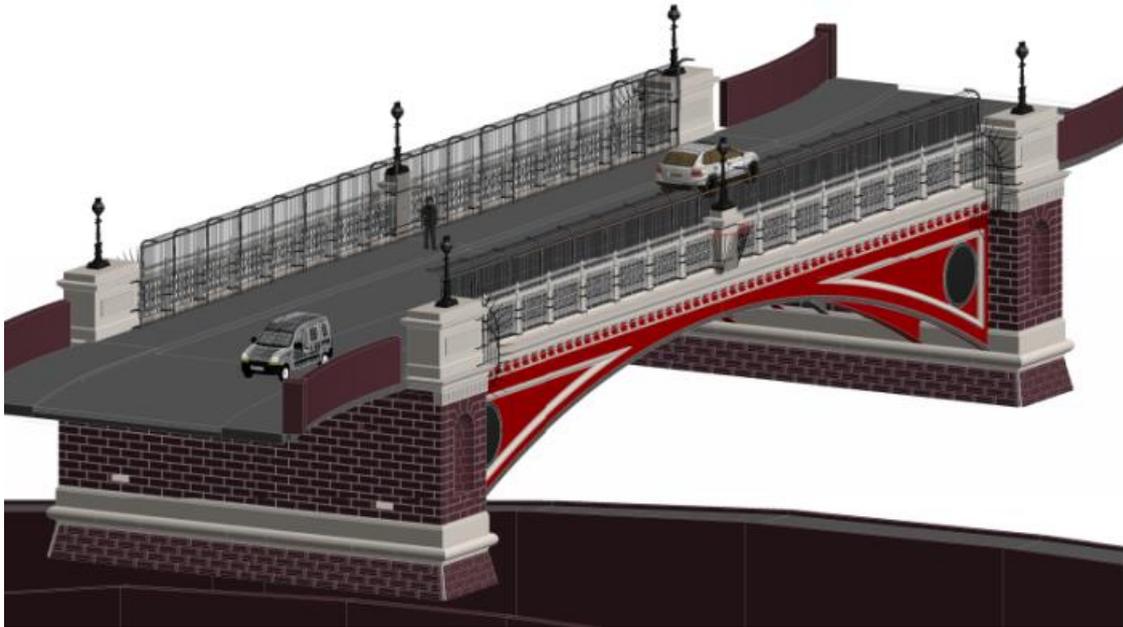
- 5.4 Historic England's letter of 15 September states that 'the bridge is of great historical value, and also possesses much aesthetic value for its elaborate ironwork including its decorative lamp standards and robust stone piers. Its architectural grandeur is particularly evident from Archway Road below... As a prominent landmark, the bridge is also of much communal value to the local community; however it is sadly equally infamous as a location for suicides'.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to erect a 2.83m high fence set back from the inner face of the existing balustrade to the bridge. To prevent climbing of the fence it will consist of 8mm vertical stainless steel vertical rods at 108mm spacing supported by 60x60mm stanchions with a recessive matt finish. Each span of vertical rods will be welded together and independently fixed to the stanchions to allow temporary removal for maintenance and cleaning of the original parapet. The stanchions will be clamped with steel straps to the original cast iron parapet piers and the installations will be reversible.
- 6.2 For additional security 6 stretched catenary cables are proposed to be erected above the fence curving inwards for 350mm to a height of 3.14m. At the stone caps to the end piers the terminal frames will be fixed by steel straps requiring fixings into the masonry. At each extremity of the bridge, there are cages with padlocked access gates to prevent access to the bridge ledges located outside the parapets. It is intended to enhance these protection measures by extending the height of the cage and the addition of painted steel spikes. These will be screened by existing vegetation to the embankments either side of the bridge.



Schematic drawing showing the revised proposals, note visualisations overemphasize the vertical rods which will be only 8mm thick



Schematic drawing showing the revised proposals

- 6.3 The initial proposal was to increase the height of the original cast iron parapet by erecting a 2.54metre stainless steel catenary fence of stretched cables for the full width of the bridge above the parapet. The top of the proposed fence would be 4.54 metres above the pavement. This fence would be supported by 60x60 mm stainless steel stanchions clamped with steel straps off the original cast iron parapet piers. In order to enclose the central lamp standard above the centre pier a stainless steel welded mesh cage was proposed with the top of cage being 3.23 metres above the original parapet height. (Height above the pavement, 5.77 metres) The catenary fence of stretched cables would be fixed to the cage in order to fully enclose the centre pier.



Schematic drawing showing the proposals prior to revision

Revisions to the Proposal

- 6.4 On 19th March 2015 a sample section of the proposed fencing was erected and discussed with representatives from Islington, TfL, Haringey and Historic England. Further discussions took place on 13th April 2015.
- 6.5 Concerns were raised over the harm to the appearance of the bridge, that alternative designs had not been adequately explored and that insufficient expert advice had been sought and it was questioned whether the proposals will be effective in their aim if horizontal wires could be climbed.
- 6.6 Concerns were also raised that the most important views of the bridge are from the A1 to the south (and north) and that the height of the proposed fencing and the need for caging around the central lantern caused most harm to the appearance of the bridge. TfL were advised that the aim should be to lower the height of the fencing and omit the caging to the central lantern. A suggestion made was to have fencing formed from vertical steel cables that could not be climbed, set back from the inner face of the balustrade. This would result in fencing of a lower height than proposed and the omission of the caging around the central lantern. It was also suggested that the number of stanchions should be the minimised and made as slender as possible, aiming to avoid an overly utilitarian appearance. TfL agreed to investigate the proposed design solution and submitted revised proposals.

7. RELEVANT HISTORY:

- 7.1 Since its completion in 1900 Archway Bridge has been used by people to commit suicide and has gained the unfortunate alternative name of 'Suicide Bridge'. This is a cause of great distress to the local community. In 2001 the Hornsey Lane Association, with funding from Camden and Islington Health Authority, commissioned a feasibility study by Robert Dearman Architects to consider options for preventing suicides at the bridge. The options were not taken forward. When, at the end of 2010, three men in three weeks committed suicide by jumping from the bridge, a campaign was set up by local residents for anti-suicide measures to be put in place. In addition suicide attempts which are prevented by the emergency services also cause distress and TfL has also explained that this results in the closure of the A1 to traffic which leads to disruption of the strategic and local road networks.

PLANNING APPLICATIONS

- 7.2 None relevant

ENFORCEMENT

- 7.3 None relevant

PRE-APPLICATION ADVICE:

- 7.4 A pre-application (Q2014/0413/MIN) site visit was undertaken and advice provided. It was advised that any proposals should minimise the visual impact on the bridge having explored all possible options, be effective and justified.

8. CONSULTATION

STATUTORY CONSULTATION UNDER TAKEN AS PART OF THE APPLICATION

Public Consultation

8.1 A site notice was displayed and letters were sent to 85 occupants of adjoining and nearby properties on Hornsey Lane, Fitzwarren Gardens and Archway Road. The initial public consultation of the application therefore expired on 19th February 2015. It is the Council's practice to continue to consider representations made up until the date of a decision. A total of 7 no. objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Objection to the harm to the architectural and historic appearance of the bridge and disruption of views from the bridge. (10.3-10.8)
- Concern that alternative designs had not been adequately explored and that insufficient expert advice had been sought. (10.10)
- Concern over whether the proposals will be effective in their aim of stopping suicides occurring from the bridge. (10.10)
- Concern that the proposals won't stop suicide or save lives, only relocate the suicide attempt. (10.10 & 10.11)
- Concern over the lack of public consultation prior to the submission of the application. (8.11)

8.2 Following revised drawings a site notice and press advert were displayed and letters were sent to occupants of nearby properties on 29/07/2015, the public consultation of the application therefore expired on 27/08/2015. A total of 4 no. objections had been received from the public with regard to the additional consultation. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Objection to the harm to the architectural and historic appearance of the bridge and disruption of views from the bridge. (10.3-10.8)
- Concern that the proposals won't stop suicide or save lives, only relocate the suicide attempt. (10.10 & 10.11)

8.3 Due to a typing error in the press advert another site notice and press advert were displayed 27/8/2015. The public consultation of the application therefore expired on 24/09/2015. Any further representations received will be updated at the committee.

Internal Consultees

8.5 **Highways:** No comments.

8.6 **Traffic and Engineering:** No comments.

8.7 **Transport Planning:** No comments.

External Consultees

- 8.6 **Victorian Society:** Objection to the harm to the architectural and historic appearance of the bridge and concern that alternative designs had not been adequately explored.
- 8.7 **Better Archway Forum:** Objection to the harm to the architectural and historic appearance of the bridge and concern that alternative designs had not been adequately explored.
- 8.8 **Highgate Society:** Objection to the harm to the architectural and historic appearance of the bridge and concern that alternative designs had not been adequately explored.
- 8.9 **Historic England:** The revised proposals present a more effective solution for Archway Bridge and the removal of the caged elements is welcomed. We continue to accept that any viable scheme will inevitably cause harm to the significance of the listed bridge. However we consider the level of harm to be 'less than substantial' and therefore Paragraph 134 of the National Planning Policy Framework (NPPF) continues to apply to this case. We note that a strong 'wider public benefit' argument could be made to outweigh this harm

The letter also raised the following issues:

- Concern over spikes to the external face of central and flank plinths;
- Concern over fixing method of fence to the flank plinths;
- Concern over existing modern mesh to the balustrade; and
- Requirement for the installation of a sample section of fence.

The existing spikes to the external face of the central plinth are proposed to be removed. The extended spikes to the flank piers are justified in order for the anti-suicide measures to be effective. A reversible fixing method to the end plinths can be secured by condition unless it is not structurally possible. The modern mesh to the railings is proposed to be removed. The installation of a sample section of fence will be required by condition.

Historic England has instructed that the application is determined in accordance with national and local planning policy, and in consultation with the Design and Conservation Team. They have written the necessary draft letter of authorisation and referred the case to National Planning Casework Unit. Subject to the Secretary of State not directing reference of the application to him, they will return the letter of authorisation after which a formal decision could be issued.

- 8.10 **London Borough of Haringey:** Response awaited.

TFL CONSULTATION:

- 8.11 TfL carried out its own informal consultation on the initial proposals, the results of which are:

Members of the public	
Support	32
Concerned about appearance	3
Lack of statistical evidence	2
Ineffective measures	1

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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.
- 9.2 The Historic Environment Planning Practice Guide to PPS5 Planning for the Historic Environment (2010) was withdrawn on 27 March 2015. This guidance had remained in place as guidance to Section 12 (Conserving and enhancing the historic environment) of the NPPF. However, the intended replacement has not yet been published by Historic England.

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 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:

- principle of the development;
- the impact on the 'special architectural and historic interest' of the listed bridge; and
- other matters.

Principle of the Development

- 10.2 Since its completion in 1900 Archway Bridge has been used by people to commit suicide and to attempt suicide and has gained the unfortunate alternative name of 'Suicide Bridge'. This is a cause of great distress to the individuals involved, their families and the local community. In addition suicide attempts which are prevented by the emergency services also cause distress and TfL has also explained that this results in the closure of the A1 to traffic which leads to disruption of the road network. Proposals to deter and prevent suicides being committed from the bridge are therefore acceptable in principle.

Impact on the 'special architectural and historic interest' of the listed bridge

- 10.3 The proposal as first submitted was to increase the height of the original cast iron parapet by erecting a 2.54 metre stainless steel catenary fence of stretched cables for the full width of the bridge above the top of the proposed fence would be

4.54 metres above the pavement. This fence would be supported by 60x60 mm stainless steel stanchions clamped with steel straps off the original cast iron parapet piers. In order to enclose the central lamp standard above the centre pier a stainless steel welded mesh cage was proposed with the top of cage being 3.23 metres above the original parapet height. (Height above the pavement, 5.77 metres) The catenary fence of stretched cables would be fixed to the cage in order to fully enclose the centre pier.

- 10.4 The application has been revised and it is now proposed to erect a 2.83m high fence set back from the inner face of the existing balustrade to the bridge. To prevent climbing of the fence it will consist of 8mm vertical stainless steel vertical rods at 108mm spacing supported by 60x60mm stanchions with a recessive matt finish. Each span of vertical rods will be welded together and independently fixed to the stanchions to allow temporary removal for maintenance and cleaning of the original parapet. The stanchions will be clamped with steel straps to the original cast iron parapet piers and the installations will be reversible.
- 10.5 For additional security 6 stretched catenary cables are proposed to be erected above the fence curving inwards for 350mm to a height of 3.14m. At the stone caps to the end piers the terminal frames will be fixed by steel straps requiring fixings into the masonry. At each extremity of the bridge, there are cages with padlocked access gates to prevent access to the bridge ledges located outside the parapets. It is intended to enhance these protection measures by extending the height of the cage and the addition of painted steel spikes. These will be screened by existing vegetation.
- 10.6 It is considered that the revised proposals are an improvement on the initial proposal. They appear to be more effective as the vertical steel cables cannot be climbed while causing less harm to the appearance of the bridge. The height of the fencing has been lowered and set back from the inner face of the balustrade, and the caging to the central lantern omitted. When viewed from the south (and north) the fencing should be hard to perceive, thus reducing its visual impact. The vertical steel cables will allow views across London as well as to the original balustrade which will be more visible as the existing wire mesh obscuring the decorative detailing can be removed. The proposals also allow for the removal of the existing steel spikes to the external face of the central plinth.

The NPPF states the following:

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 10.7 Islington's DM Policy 2.3 (Heritage) C. Page 49 Buildings states:

- i. *The significance of Islington's listed buildings is required to be conserved or enhanced. Appropriate repair and reuse of listed buildings will be encouraged.*
- ii. *The significance of a listed building can be harmed by inappropriate repair, alteration or extension. Proposals to repair, alter or extend a listed building must be justified and appropriate. Consequently a high level of professional skill and craftsmanship will be required. Proposals to repair, alter or extend a listed building which harm its significance will not be permitted unless there is a clear and convincing justification. Substantial harm to or loss of a listed building will be strongly resisted.*

10.8 Objections have been received regarding the harm of the proposal to the appearance of the bridge and the disruption of views from the bridge. It is considered that the level of harm is less than substantial harm and has now been minimised as much as possible. There is clear and convincing justification for the proposals and the harm is outweighed by the public benefit of deterring and preventing suicide attempts at Archway Bridge. The proposals therefore comply with Development Management Policy DM 2.3 and Core Strategy policies CS8 and CS9 .

Other Matters

10.9 The applicants have also agreed to review the anti-suicide signage on the bridge in conjunction with the Samaritans. They have also agreed to work with the Council and the London Borough of Haringey in ensuring CCTV surveillance of the bridge. These measures are secured by Condition 4.

10.10 Alternative designs have been adequately explored, sufficient expert advice has been sought, consultation has taken place and the proposals appear to be as effective as possible in their aim. While no anti-suicide measures are likely to be 100% successful in preventing suicides other similar schemes (for example to the Clifton Suspension Bridge) have shown that such measures have a significant impact on reducing the incidence of suicide at a particular location because the measures give the emergency services a greater chance of intervening if someone decides to try and jump from the bridge.

10.11 While it is possible that the proposals may disperse suicide attempts elsewhere it will be for others to consider similar solutions to those sites just as TfL has considered solutions for this site. As stated above the measures will allow the Emergency Services a greater opportunity to intervene if someone appears to be distressed and to ensure that potential suicides are directed to appropriate care and support.

11. SUMMARY AND CONCLUSION

Summary

11.1 It is proposed to erect a 2.83m high fence set back from the inner face of the existing balustrade to the bridge. To prevent climbing of the fence it will consist of 8mm vertical stainless steel vertical rods at 108mm spacing supported by 60x60mm stanchions with a recessive matt finish. Each span of vertical rods will be welded together and independently fixed to the stanchions to allow temporary removal for maintenance and cleaning of the original parapet. The stanchions will be clamped with steel straps to the original cast iron parapet piers and the installations will be reversible.

11.2 While the proposals will cause some visual harm to the heritage asset the harm is considered to be less than substantial and outweighed by the significant public benefit.

The proposals will not unacceptably harm the significance of the heritage asset and therefore comply with national and local policy.

Conclusion

11.3 It is recommended that listed building consent be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT listed building consent subject to **conditions** to secure the following:

List of Conditions:

1	<p>The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.</p> <p>REASON: In order to conserve the significance of the heritage asset.</p>
3	<p>The following shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing:</p> <ul style="list-style-type: none"> - In situ installation of a sample section of fencing - Justification for the extended spikes to the flank piers - Details for a reversible fixing method that can be used to the end plinths or demonstration that that it is not possible <p>REASON: In order to conserve the significance of the heritage asset.</p>
4	<p>The following, which help weigh in favour of the approved scheme, shall be undertaken within three months of works commencing:</p> <ul style="list-style-type: none"> - Removal of the modern mesh to the existing balustrade - Removal of the existing spikes placed to the external face of the central plinth - Agreed plan submitted for CCTV surveillance of the bridge in conjunction with Council and the London Borough of Haringey - Review undertaken of the anti-suicide signage on the bridge in conjunction with the Samaritans. <p>REASON: In order to conserve the significance of the heritage asset.</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 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and 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

Policy 7.4 – Local Character
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

Policy CS8 – Enhancing Islington’s character
Policy CS9 (Protecting and Enhancing Islington’s Built and Historic Environment)

C) Development Management Policies June 2013

Design and Heritage

DM2.3 Heritage

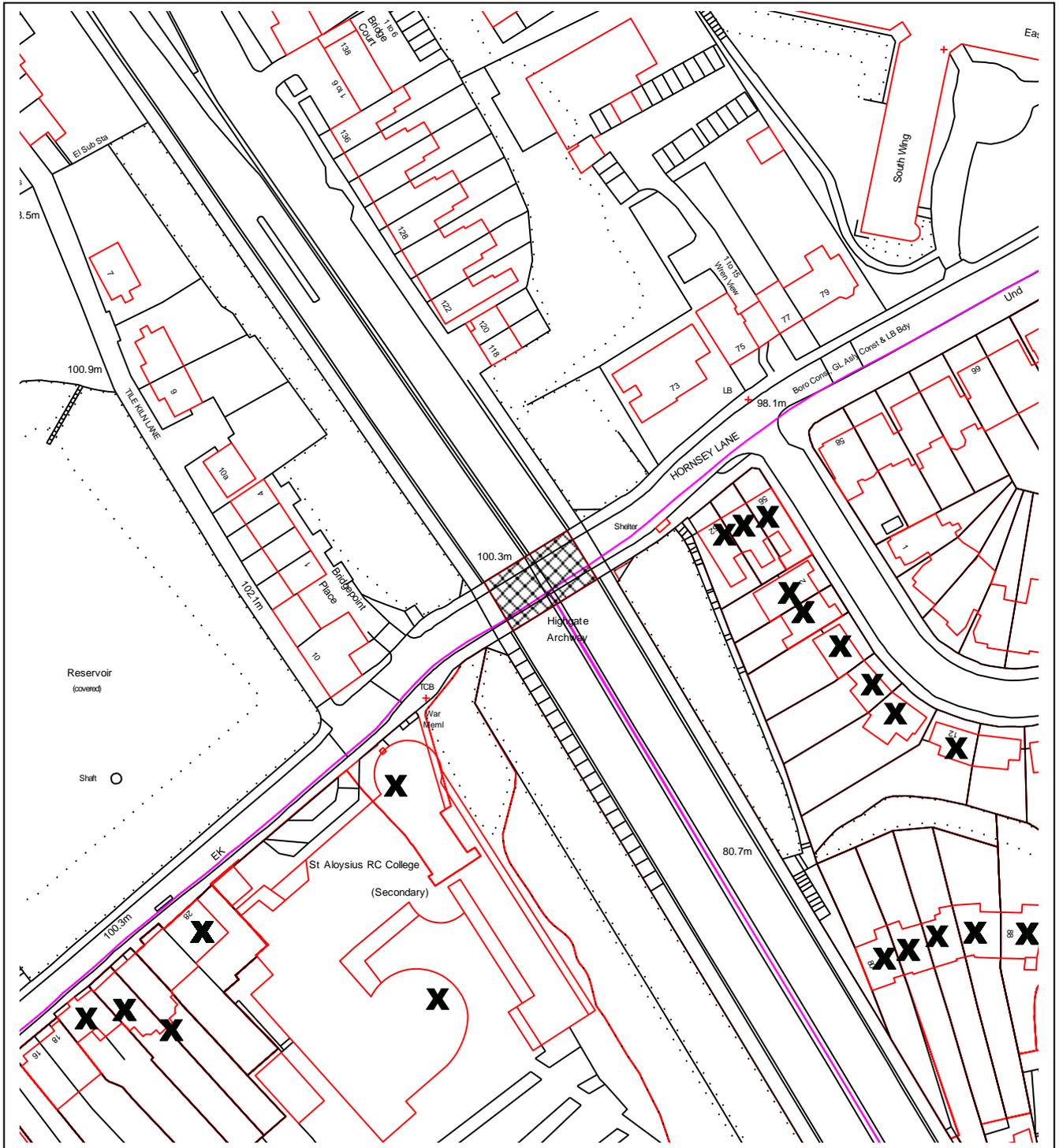
7

4. SPD/SPGs

Islington Urban Design Guide
Conservation Area Design Guidelines

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ISLINGTON SE GIS Print Template



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P2014/5019/LBC

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PLANNING COMMITTEE REPORT

Application number	P2015/2406/FUL & P2015/2398/LBC
Application type	Full Planning Application and Listed Building Consent
Ward	Canonbury Ward
Listed building	Grade II Listed (wall adjacent to the site)
Conservation area	New River Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Article 4.2 Area - Angel & Upper Street Core Strategy Key Area - Central Activities Zone - Within 100m of Strategic Road Network - Major Cycle Route
Licensing Implications	none
Site Address	Chadwell Street Car Park, Chadwell Street, London, EC1R 1YE
Proposal	Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (FUL). Listed Building Consent for the removal of the front boundary treatment (onto Chadwell Street) comprising dwarf wall and brick pillars (LBC).

Case Officer	Emily Benedek
Applicant	Mr Phil Clark
Agent	Mrs Philippa Dalton

1 RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

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



Image 2: Photo of the site from Chadwell Street



Image 3: View of the site



Image 4: View of the site



Image 5: View of the site

4 SUMMARY

- 4.1 Planning permission is sought for the redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements.
- 4.2 Listed Building Consent is also sought for the removal of the front boundary wall fronting onto Chadwell Street comprising of a dwarf wall and brick pillars.
- 4.3 The proposed residential units would provide a good level of amenity for future occupiers and proposed dwellings would not detract from the character and appearance of the surrounding properties or the conservation area and would not detrimentally impact upon neighbour amenity. Furthermore, the removal of the dwarf wall and brick pillars would not harm the setting of the adjacent Grade II Listed Buildings, nor the surrounding conservation area.

- 4.4 The application is therefore recommended for approval subject to conditions and completion of a S106 Agreement.

5 SITE AND SURROUNDING

- 5.1 The site is an irregular shaped triangular piece of land comprising 0.0835 hectares, located on the south side of Chadwell Street and surrounded by residential dwellings. It is located within both the New River Conservation Area and the Angel and Upper Street key area.
- 5.2 The site is currently vacant and covered in hardstanding. There is one tree within the site, a Lime, which is located on the eastern boundary and is not covered by a TPO and there are a number of other trees on land adjacent to the site. The site slopes downwards from north to south.
- 5.3 The immediate area is defined by the large, formally planned streets and squares of the New River company estate and is residential in character. There are numerous listed buildings abutting and close to the site.
- 5.4 Bounding the site to the north lie the rear gardens of the residential properties at 8-11 Chadwell Street, a grade II listed Georgian residential terrace which steps down in height from five storeys to three storeys moving from west to east and has accommodation at basement level. To the west of the site lie the rear gardens of the residential properties at 22-30 Myddleton Square, a Georgian Grade II listed residential terrace over four storeys with accommodation at basement level.
- 5.5 Bounding the site to the south and east lie the post war residential blocks of flats known as Arlington House which comprise a three storey block and a smaller two storey block, both set back from the shared boundary. Adjacent to the shared boundary to the rear of Arlington House is an ancillary service yard and car park with lock up garages.
- 5.6 On the northern boundary of the site fronting Chadwell Street is a dwarf wall, upon which a timber fence is mounted. There are brick pillars with timber gates at the entrance, which provide vehicular access to the site. This front boundary treatment is grade II listed, as is the boundary treatment around the site to the rear, which comprises a mixture of brick wall, concrete wall and timber fencing.
- 5.7 The site is located within the New River Conservation Area. The front wall adjacent to the site fronting Chadwell Street is Grade II Listed.

6 PROPOSAL (in Detail)

- 6.1 The proposal comprises the demolition of the listed boundary wall and pillars fronting Chadwell Street and the erection of 7 residential units - a Gatehouse

- fronting Chadwell Street and a further six units within the site itself. Each property would have accommodation at basement level.
- 6.2 Unit 1, the Gatehouse, would have one storey above ground level and would be set back slightly from the neighbouring properties on Chadwell Street. There would be basement level amenity space to the front of the property with a gate to the west providing pedestrian access to the site.
- 6.3 The existing listed wall fronting Chadwell Street would be replaced by brick wall and railings. Other listed boundary treatments to the rear of the site would be replaced with reclaimed stock brick walls.
- 6.4 Five of the proposed properties to the rear would be 2 storeys in height above ground level, with the exception of unit 7 which would be located at basement level only.
- 6.5 Unit 7 would be accessed via steps to basement level. All other properties would be accessed at ground level. All private amenity space for the units would be at basement level.
- 6.6 The table below, compiled from the submitted drawings, provides a breakdown of accommodation the development would provided:
- Unit 1 'Gatehouse'-1 storey above ground level- 2 double bedrooms.
 - Unit 2- 2 storeys above ground level- 2 double, 1 single bedrooms
 - Unit 3 - 2 storeys above ground level- 4 double bedrooms
 - Unit 4- 2 storeys above ground level- 4 double bedrooms
 - Unit 5- 2 storeys above ground level- 3 double, 1 single bedrooms
 - Unit 6- 2 storeys above ground level- 2 double bedrooms
 - Unit 7- basement only- 2 double bedrooms
- 6.7 Units 2-6 would be modern in design with flat roofs, stepped front and rear elevations and straight edges. The external walls of the units would be London stock brick and reconstituted stone. The basement levels of these units would be made from glazed brick.
- 6.8 The Lime tree on the site would be removed during the construction period. This tree is not covered by a TPO.
- 6.9 In terms of landscaping, a hard surfaced courtyard of stone and cobbles would mark the centre of the site. Soft landscaping would be provided in the form of trees and planting boxes in the courtyard and to the western boundary of the site.
- 6.10 There would be no windows on the east elevation facing the rear gardens of properties along Myddelton Square or the north elevation facing Chadwell

Street. There would be windows facing south, looking towards Arlington House, although these will be an angle to Arlington House and there will be a minimum of 10 metres between the two properties.

- 6.11 There would be storage for seven cycles on the boundary with properties along Myddelton Square and to the rear of house 1. Communal refuse and recycling would be sited close to the boundary with Chadwell Street, behind the low rendered wall in front of the entrance gate.
- 6.12 Unit 6 would sit 1m from the shared boundary with the rear gardens of properties along Chadwell Street. Unit 5 would be set 1m further back from this boundary.
- 6.13 The rear walls of units 4, 5 and 6 would abut or sit very close to the boundary with Arlington House. Units 2 and 7 would sit close to the boundaries with properties along Myddelton Square.
- 6.14 In summary, the proposal is considered to be acceptable and is broadly in accordance with the Development Plan policies.

7 RELEVANT HISTORY

PLANNING APPLICATIONS

- 7.1 P121042 – Demolition of existing front boundary treatment and erection of seven dwelling homes including excavation to create accommodation at basement level, with associated hard and soft landscaping. Refused (21/05/2013).
Reasons for Refusal:
 - 1) The proposed development would cause substantial harm to the significance of the designated heritage assets that comprise the listed front boundary wall with gate piers and the New River Conservation Area, and would substantially harm the setting of the listed terraces on Chadwell Street and Myddelton Square, adversely affecting their special architectural and historic interest. Therefore, the proposal would be contrary to policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS5 (Angel and Upper Street) and CS9 (Protecting and enhancing Islington's built and historic environment) of the Islington Core Strategy 2011, policies D4 (Designing in Context), D5 (Townscape), D11 (Alterations and Extensions), D21 (Control Over Demolition) and D31 (Boundaries) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design) and DM3 (Heritage) of the Islington Development Management Policies (EiP Submission 2012), and the relevant guidance contained in the Islington Urban Design Guide SPD and Islington Conservation Area Design Guidelines SPG. In the absence of the provision of any significant public benefits to weigh against the harm to the significance of the designated heritage assets and their setting the development is also contrary to paragraphs 131, 132, 133 and 134 of policy 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.
 - 2) The proposal would have an unacceptable detrimental impact on the amenity of neighbouring residential occupiers as a result of increased sense of enclosure, loss of outlook and loss of light. Therefore, the proposal is contrary to policy 7.6 (Architecture) of the London Plan 2011, policies H3 (New Housing and Changes of Use to Residential) and D3 (Site Planning) of the Islington Unitary Development

- Plan 2002, and emerging policy DM1 (Design) of the Islington Development Management Policies (EiP Submission 2012).
- 3) The proposal fails to provide an appropriate mix of unit sizes as required by the Local Housing Needs Assessment and consequently is contrary to emerging policy DM9 (Mix of housing sizes) of the Islington Development Management Policies (EiP Submission 2012).
 - 4) The proposed development would fail to provide an adequate level of inclusive access and associated future adaptability within the new residential units. Furthermore, units 1 and 7 would suffer from a lack of natural light and poor outlook from habitable rooms. Consequently, the proposal would provide unacceptable substandard residential accommodation, which would fail to provide an adequate standard of amenity for future occupiers. Therefore, the proposed development is contrary to policies 3.5 (Quality and design of housing developments), 7.2 (An inclusive environment) and 7.6 (Architecture) of the London Plan 2011, policy CS12 (Meeting the housing challenge of the Islington) of the Islington Core Strategy 2011, policies H3 (New Housing and Changes of Use to Residential) and H10 (New Development) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design), DM2 (Inclusive Design) and DM12 (Housing standards) of the Islington Development Management Policies (EiP Submission 2012).
 - 5) The proposed development fails to make adequate provision for cycle parking and is therefore contrary to emerging policy DM48 (Walking and cycling) of the Islington Development Management Policies (EiP Submission 2012).

The application was dismissed on appeal on 21/02/2014 following a public inquiry. In his statement the Inspector concluded that “the proposal would cause harm to the special architectural and historic interest of a listed building, the character and appearance of the conservation area, and the setting of listed buildings.” However, in his report the Inspector rebutted the Council’s other reasons for refusal. An award for costs was granted against the Council. Copies of both the appeal statement and the award for costs are attached at the end of this report.

7.2 P122468 – Listed building consent for demolition of the front boundary treatment, comprising dwarf wall and brick pillars, and demolition of boundary walls to the rear of site, in associated with the development of the site to provide seven residential units proposed under full planning application P121042. Refused (24/05/2013). Reason for Refusal:

- 1) The proposed development would cause substantial harm to the significance of the designated heritage assets that comprise the listed front boundary wall with gate piers and the New River Conservation Area, and would substantially harm the setting of the listed terraces on Chadwell Street and Myddleton Square, adversely affecting their special architectural and historic interest. Therefore, the proposal would be contrary to policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan 2011, policies CS5 (Angel and Upper Street) and CS9 (Protecting and enhancing Islington’s built and historic environment) of the Islington Core Strategy 2011, policies D4 (Designing in Context), D5 (Townscape), D11 (Alterations and Extensions), D21 (Control Over Demolition) and D31 (Boundaries) of the Islington Unitary Development Plan 2002, and emerging policies DM1 (Design) and DM3 (Heritage) of the Islington Development Management Policies (EiP Submission 2012), and the relevant guidance contained in the Islington Urban Design Guide SPD and Islington Conservation Area Design Guidelines SPG. In the absence of the provision of any significant public benefits to weigh against the harm to the significance of the designated heritage assets and their setting the development is also contrary to paragraphs 131, 132, 133 and 134 of policy 12 (Conserving and enhancing the

historic environment) of the National Planning Policy Framework. Dismissed on Appeal (21/02/2014) for the reasons listed in paragraph 7.1.

- 7.3 P111928 – Erection of 7 x houses on vacant carpark site behind Chadwell Street and Myddleton Square. Removal of existing gates and boundary wall fronting Chadwell Street and redevelopment of land to the south of Chadwell Street to provide seven new houses together with associated access, amenity space and landscaping. Withdrawn (22/11/11)

ENFORCEMENT:

- 7.4 None

PRE APPLICATION ADVICE:

- 7.5 Q2014/4152/MIN - Redevelopment of land to the south of Chadwell Street (vacant car park) to provide seven new houses together with associated access, amenity space and landscaping arrangements (13/02/15)

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 98 adjoining and nearby properties at Chadwell Street, Myddleton Square and Arlington Way on 30 June 2015. A site notice was placed at the site and the application advertised in the Islington Gazette on 9 July 2015. The public consultation of the application therefore expired on 30 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 nine (9) objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Lack of clarity in the plans because no 3D images have been provided (para 8.3)
 - Application site is previously undeveloped greenfield land (paras 10.12)
 - Frontage to Chadwell Street does not reflect the rest of the street (paras 10.19-10.20)
 - The footprint of the proposed development is the same as the previously rejected proposals (10.21-10.22)
 - Overcrowding and loss of amenity to neighbouring properties is the same as before (10.36-10.37)
 - Loss of outlook from the basements (10.36)
 - Houses 2-6 are very close to the western boundary (10.21-10.22)
 - No consideration given to boundary issues with neighbouring properties (8.3)
 - Concerns about damage to trees and run-off as a result of the proposed basements (para 10.27-10.29)
 - Working hours should be restricted to avoid evenings and weekends (para 10.18-8.3)
 - There should be secure, effective protection for early 19th Century neighbouring properties (8.3)
 - Need for affective traffic management during construction works (10.41)
 - Impact on protected trees (10.29)
 - Density of the development (10.21)
 - Loss of light and loss of outlook to 22, 23 and 24 Myddleton Square (10.36)

- No attempt at community consultation (8.3)
- New pastiche elements such as railings and brick lintels clash with the conservation area creating incongruous additions to the properties and are ugly and inconsistent with the conservation area (10.19-10.20)
- Windows in house 1 are badly designed (10.20)
- Detrimental to character of the area (10.14-10.25)
- Increased sense of enclosure (10.35)
- Concerns about width of pedestrian entrance way (10.24)
- Green roofs if not properly maintained could be an eyesore (10.29)
- Noise and disturbance from construction works (8.3)
- Impact of basement on neighbouring basement at 11 Chadwell Street (10.28)
- Party wall issues (8.3)
- New development should not be gated – associated safety impacts (10.24)
- Proposal contrary to Islington Urban Design Guide regarding backland developments and gated communities (10.24)

8.3 It must be noted that matters relating to noise and disturbance from the building works including hours of working and party wall matters are not material considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act and the Environment Protection Act. There is no requirement to consult neighbours prior to submitting an application or provide 3D images of the site in order to validate an application, although sometimes they provide a useful visual tool.

Internal Consultees

8.4 **Design and Conservation Officer:** Raised some concerns about the initial plans for the following reasons:

- 1) the units too closely following the profile of the site resulting in an excessively stepped / staggered development which would remain 'incongruous' (to use the Inspector's wording) and that again 'the alien presence of block housing units 2-6' would cause some harm.
- 2) the single storey brick projections have an unsuccessful visual appearance with the corners of the main massing appearing to have been simply 'cut off'. These single storey brick projections should be omitted.
- 3) Wide square windows at first floor level are not successful with the narrower ground floor windows (with a more contextual vertical emphasis). All windows should be as per those at ground floor with a contextual vertical emphasis, they should be paired and aligned to front elevations as per properties to the conservation area.

However, the officer did note that the detailing of the housing units has improved the new scheme has flat roofs, straight edges and is constructed from yellow stock brick leading to a more traditional and contextual appearance. In addition, the appearance of the building fronting the street and the boundary treatment has substantially improved. However, the detail of the window frames (there should be no transom) and entrance gate (utilitarian style flat top) must be revised subject to condition of any approval.

Following the Design and Conservation Officer's comments changes were made to the windows of houses 2-6, the transom was removed from House 1 and the railings to the entrance gates were altered. The Conservation Officer welcomed these changes.

8.5 **Sustainability Officer:** Raised the following points:

- 1) The proposed drainage run off rates meet the quantity standards required by policy DM6.6, and the proposed SuDS strategy for green roofs, rainwater

harvesting planters and geocellular storage meet the quality SuDS standards of the policy, subject to detail via condition.

- 2) Given the proximity of the basement to Listed Building terraces on two sides (Myddleton Square and Chadwell Street), I would recommend these concerns (structural and hydrogeological) be further addressed by the applicant through a condition.

8.6 **Planning Policy Officer:** No objection

8.7 **Inclusive Design Officer:** Objects to the proposal because of the use of narrow spiral staircases on several properties and the split floor plan to House 1 makes it impossible to provide a lift link between the entrance accommodation and other essential living accommodation ie a bedroom and a bathroom,

8.8 **Acoustics Officer:** No objection subject to condition

8.9 **Waste Management and Recycling Officer:** No objection

8.10 **Trees and Landscaping Officer:** No objection

8.11 **Highways Officer:** No objection

External Consultees

8.12 **Amwell Society** – Object to the proposal for the following reasons:

- Overdevelopment of the site
- Virtually the entire space will be built up and built down as the whole site is excavated as basement
- Basement will exacerbate run-off problems
- No objection if fewer units on the site

8.13 **London Fire Brigade:** Response awaited

8.14 **Crime Prevention Officer:** No comments

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 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

9.2 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 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Planning History and the Previous Appeal
- Design Conservation
- Landscaping and Basement
- Amenity for Future Occupiers
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Access
- Refuse
- Affordable Housing

Planning History and the Previous Appeal

- 10.2 Planning permission and listed building consent were refused in May 2013 and subsequently dismissed at appeal in February 2014 for ‘the redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space and landscaping arrangements.’
- 10.3 The full planning application was refused for five reasons. These related to the harm the proposed development would cause to the heritage assets including the listed front boundary wall and gates, the New River Conservation Area and the setting neighbouring terrace of listed buildings; the impact on neighbouring amenity including the increased sense of enclosure, loss of light and loss out outlook; the inappropriate mix of unit sizes; inadequate levels of inclusive access and future adaptability and inadequate provision of cycle parking spaces.
- 10.4 The application for Listed Building Consent was refused because of the harm the proposed development would cause to the heritage assets including the listed front boundary wall and gates, the New River Conservation Area and the setting neighbouring terrace of listed buildings.
- 10.5 Both appeals were subsequently dismissed due to the impact the proposal would have on the significance of the heritage assets. The report will discuss this aspect of the proposal and subsequent amendments to the current scheme in the next section of this report ‘Design and Impact on the Conservation Area.’
- 10.6 The Inspector addressed (in his appeal letter) the second reason for refusal, namely the harm to the amenity of the surrounding occupiers including loss of privacy, overshadowing, daylight, sunlight, over-dominance of the scheme, sense of enclosure and outlook. He noted that it was important to ensure new developments provide a good standard of living for existing and future occupiers adjoining the site in order to comply with Development Management Policy, DM2.1.

- 10.7 A daylight/sunlight analysis was submitted with the appeal and the Inspector confirmed that
“the largely uncontested, technical evidence provided by the appellant...demonstrates that there would be no easily discernible loss of light to any adjoining property. Moreover, while the development would be visible from adjoining properties, and their gardens, from what I saw at my site visits, it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.”
- 10.8 It was therefore concluded from the above statement that the appeal scheme would not have a detrimental impact on the amenities of the adjoining occupiers.
- 10.9 Turning to the third and fifth reasons for refusal, namely in the inappropriate mix of unit sizes and the provision of adequate cycle parking spaces, the Council removed these reasons for refusal prior to the start of the appeal. The Inspector therefore did not address these reasons in his report.
- 10.10 The final reason for refusal concerned inadequate levels of inclusive access and future adaptability, especially the lack of level access to Unit 7 (the basement unit). Having reviewed Islington’s Development Management Policies the Inspector stated that the requirement for Inclusive Design
“is a demonstration that the design of any new dwelling is flexible, and able to adapt to the changing needs to those who live in it. In that context, it seems to me sufficient for the appellant to show that level access, through the vehicle of a lift, could be provided in the future, if required. It would be disproportionate to require one at the outset when those who choose to live in Unit 7 might not need it, at that stage.”
- 10.11 As such, this reason for refusal was dismissed by the Inspector and the proposal was considered to accord with Islington’s Development Management Policies in terms of Inclusive Design.

Land Use

- 10.12 In terms of land use the proposal would introduce seven new dwellings (including six above ground and one entirely at the basement level) on the site which was previously used as a car park. The application site is surrounded by residential units on all three sides and therefore residential use would be most appropriate for the area. In addition, in his report the Inspector stated (paragraph 21) that
“I see no reason, in principle, why redevelopment of the appeal site would necessarily cause harm to the designated heritage assets affected and there does appear to be the potential for redevelopment to bring a degree of enhancement.”
- 10.13 Given the above, it is considered that the principle of the proposed residential use was accepted under the previous application and was established at the appeal by the Planning Inspector and the proposal is considered acceptable in terms of land use.

Design and Conservation

- 10.14 The application site is located in the New River Conservation Area adjacent to a Grade II listed terraced properties on Myddelton Terrace. The front boundary wall and entrance gates of the application site are also Grade II listed. These form the heritage assets against which any application on this site is assessed. Both the full

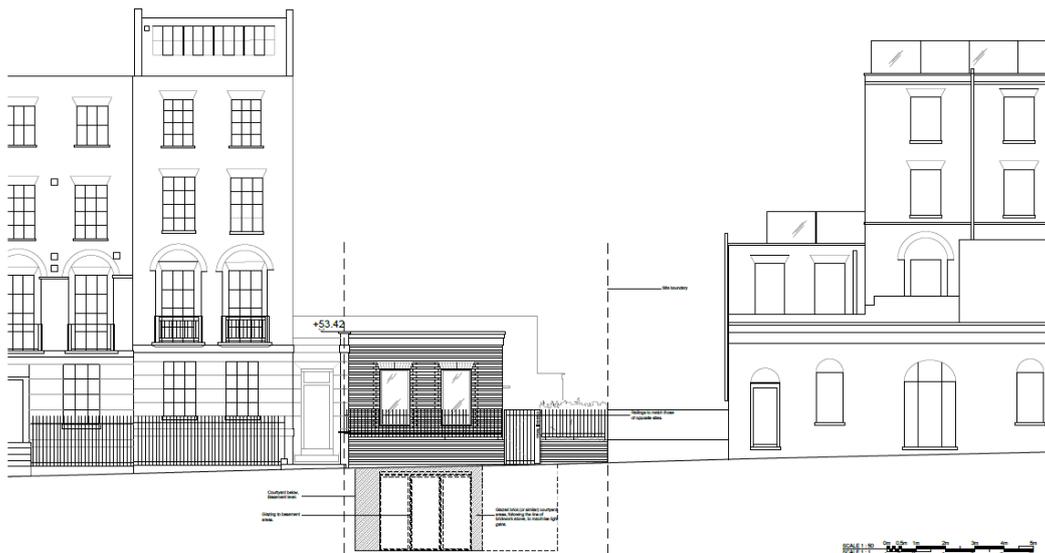
planning application and the listed building consents for the previous appeal scheme were dismissed by the Inspector because of the impact the proposals would have on the significance of these heritage assets. Therefore any new development on this site needs to ensure it has overcome the Inspector's previous concerns, which will be discussed below.

- 10.15 Development Management Policies DM2.1 deals with the importance of good quality design whilst policy DM2.3 relates to heritage and ensures that all new development continues to preserve and enhance the character and appearance the significance of the heritage assets. Development which causes substantial harm to, or results in the loss of a listed building is likely to be refused without clear justification for the proposal.
- 10.16 The front part of the wall on Chadwell Street adjacent to 30 Myddelton Square is a Grade II listed asset which forms an important part of the historic fabric of the site. The Inspector stated in his report that "viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area."
- 10.17 The Inspector also had concerns about the block housing units 2-6 which "too closely followed the profile of the site...The translation of that plan form into three dimensions has resulted in a building that would lack discipline in its form, with various angles and shapes that would appear highly incongruous against the much more rigid architectural treatment of the adjoining terraces." The Inspector's comments have been interpreted to mean that the previous design of units 2-6 which took a more curved approach to the buildings appeared at odds with the adjoining terraces with their much more rigid plan form.
- 10.18 The Inspector concluded that the previous scheme would cause less than substantial harm to the heritage assets. This is because the listed wall only represents a small part of the listed building, which would remain mostly intact and the proposal would only affect a small part of a relatively large conservation area. However the previous scheme did result in "some harm caused to the listed buildings and their settings, and the character and appearance of the conservation area."
- 10.19 Minor amendments have been made to the replacement front boundary treatment in front of Unit 1, from the appeal plans. The application for listed building consent relates to the demolition of the existing listed wall, however it is important to consider the replacement wall in order to ascertain whether or not the application for listed building consent is acceptable. The proposed replacement brick wall and railings will match those immediately opposite the site in terms of height, proportions and design and are therefore considered to be of high quality to justify the loss of the listed front boundary wall. As such, the proposed front boundary treatment is considered to preserve and enhance the character and appearance of the conservation area and the demolition of the listed wall is therefore considered acceptable.
- 10.20 The design of unit 1 'The Gate House' has been significantly amended since the previous scheme and the boundary treatment has substantially improved. The plans for the appeal scheme and the current application have been included below to highlight the significance of the changes on the Chadwell Street elevation in design terms. The design is now for a more contextual yellow stock brick building with two ground floor windows with a contextual vertical emphasis. Minor amendments have been made to the windows fronting Chadwell Street to remove the transoms and ensure they are more appropriate for the setting of the conservation area. The new

railings replicate the historic railings opposite and help screen the lightwell and glazed opening. This substantial enhancement to the most sensitive part of the site fronting the street could be weighed against harm to the rear of the site, which would not be visible from the public domain.



Picture 1: Previous appeal scheme (proposed elevation – ‘Gate House’)



Picture 2: Current scheme (proposed elevation – ‘Gate House’)

10.21 The most significant changes to the design in comparison to the previous appeal schemes relate to units 2-6, the mews houses to the rear of the site, which are only visible from the rear gardens of the adjoining residential properties. While the dismissed scheme was marginally lower than the current proposal, with hipped roofs, the new scheme has flat roofs, straight edges and is constructed from yellow stock brick leading to a more traditional and contextual appearance. In addition, the proposed basements will be constructed from glazed bricks to maximise light gain to the basements. The proposed windows have also been altered in design terms to ensure both the proposed windows and the blind windows are of the same size and scale on the front and rear elevations at the ground and first floor levels. As amended, the windows provide a contextual vertical emphasis, and are paired and aligned to front elevations as per properties to the conservation area.



Picture 3: Previous appeal scheme (units 2-6 proposed courtyard elevation)



Picture 4: Current scheme (units 2-6 proposed courtyard elevation)

- 10.22 As previously stated, units 2-6 would not be visible from the street elevation. However, the significant improvements to the design, in comparison to the previous scheme ensures the development, as amended, is much more appropriate to the design of the adjoining residential properties and is therefore in keeping with the character and appearance of the New River Conservation Area. Whilst the layout of the scheme remains largely unaltered, the improvements to the design ensure the proposal no longer appears incongruous against the much more rigid architectural treatment of the adjoining terraces.
- 10.23 The Inspector raised no concerns with unit 7 (the underground house) and the design therefore remains largely unchanged from the previous appeal scheme.
- 10.24 Concerns have been raised by neighbours regarding the principle of a gated development and the proposal being against the Islington Urban Design Guide policies as well as the impact on safety. However, historically there was always a gate on this site and the proposal is a reinstatement of the historic frontage rather than a dominant or high barrier to permeability through the site and therefore should be seen as an aesthetic feature reflecting local context. Furthermore, the Islington Urban Design Guide advises that gates (page 85) “will only be considered to backland schemes where there is no potential for creating a through route.” It is also noted that the Council never objected to this aspect of the scheme at the appeal and the Inspector did not raise an issue with the gates.
- 10.25 As such, it is considered that the proposed development would integrate with the surrounding properties and would not cause harm to the setting of the heritage assets. The proposed development is not considered to result in harm to the conservation area and is in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.

Landscaping and Basement

- 10.26 Development Management policy DM6.5 requires all new development to protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development and surrounding area. Developments are required to provide green roofs and the greening of vertical surfaces where it can be achieved in a sustainable manner.
- 10.27 The proposal will involve the full excavation of the site to provide basement levels for each of the new houses including Unit 7 which will be entirely at the basement level. Identically sized basements were proposed as part of the previously refused (and subsequently dismissed at appeal) scheme and in his report the Inspector stated that “given that the terraces bounding the site have basements, I see nothing in the inclusion of basements in the scheme proposed that creates difficulty in design terms.” The Inspector therefore had no issue with the distinctive basements in the Conservation Area and the principle of providing basements to the same size as the appeal scheme is therefore established.
- 10.28 As part of the current proposal, and given the emergence of a Supplementary Planning Document on basements, the applicants have provided a Basement Impact Assessment. This statement asserts that as the neighbouring properties are at least 10 metres away from the site boundaries the construction of the basements will not have any significant impact on the neighbouring listed buildings. However, in order to confirm this, and to satisfy any potential concerns, a condition has been proposed regarding a structural engineers report which is to be submitted to the Local Planning Authority prior to the commencement of works. In addition, a condition has been recommended relating to sustainable urban drainage in order to mitigate the surface runoff.
- 10.29 It is noted that given the provision of basements, the proposed hard and soft landscaping will take place at the lower ground floor level. In addition, the roofs of all the proposed houses (with the exception of the basement unit) will contain green roofs which will soften the appearance of the dwellings. It is proposed as part of the scheme that only one category U tree (a lime tree) will be removed and 7 small trees will be planted on site. Conditions have been recommended to ensure that details of the proposed landscaping and green roofs are submitted to the Local Planning Authority prior to the commencement of works to ensure the details submitted are satisfactory.
- 10.30 Given the improvements to the hard and soft landscaping listed above, the addition of green roofs to the development and the provision of a structural engineers report prior to the commencement of basement works, the proposal is considered to be in accordance with policy DM6.5 of the Development Management Policies.

Amenity for Future Occupiers

- 10.31 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Garden Space	Minimum Required Garden Space	Storage	Minimum Storage Required
1	2/4	113.74	79	12.6	17	3.19	2
2	3/5	130.05	99	40.5	30	8.24	2.5
3	4/8	156.75	130	40.25	30	3.87	3
4	4/8	167.66	130	26.36	30	4.66	3
5	3/5	156.83	121	23.71	30	4.49	3
6	2/4	99.51	79	18.91	17	2.74	2
7	2/4	111.14	70	27.78	17	3.85	2

10.32 The proposed residential units would meet/exceed the minimum required floor space as set out in the London Plan and the Development Management Policies and are therefore acceptable in terms of size. All the units would be dual aspect and would allow acceptable levels of light into the properties. Minor amendments have been made during the course of the application to houses 4 and 5 to ensure that windows on the flank elevation are obscurely glazed in order to prevent overlooking between bedroom windows of the neighbouring residential units.

10.33 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 15 square metres on ground floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre. 3 bedroom family sized units should provide 30 square metres of amenity space.

10.34 The majority of units (4 out of 7) would exceed the minimum floor space requirements providing generous outdoor amenity space. The remaining 3 units which fail to meet the requirements would still provide a satisfactory amount (at least 75% of the minimum requirement) of amenity space and given the existing site constraints and dense urban environment it would be considered unreasonable to refuse the application for this reason.

Neighbour Amenity

10.35 The proposal would introduce seven new dwellings to the site (including one at basement level). The proposed dwelling fronting Chadwell Street would be two storeys in height, with one storey above ground level. Five of the properties to the rear would be three storeys in height with two storeys above ground level. Development Management Policy DM2.1 seeks to ensure developments provide a good level of amenity including consideration of overlooking, privacy, over-dominance, sense of enclosure and outlook. The dwellings have been designed so that they do not have any windows facing onto Myddelton Square and Arlington House. In addition, there is a minimum distance of 14 metres at first floor level of facing habitable room windows between the new properties and the existing residential dwellings in Chadwell Street. As such, the proposal is not considered to result in loss of privacy to the occupiers of the neighbouring residential properties. Furthermore, given the dense urban context of the site and the borough as a whole as well as the generous 12 metre deep rear gardens afforded to the properties in Myddelton Square, the proposal is not untypical of a situation for a backland development throughout the borough to justify refusal on the basis of overlooking.

The proposed distances are the same as the appeal scheme and the Inspector stated with regards to amenity that

“while the development would be visible from adjoining properties, and their gardens...it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.”

- 10.36 Concerns have also been raised with regards to loss of daylight. A daylight/sunlight analysis has been submitted with the application and demonstrated that all windows in neighbouring properties pass the ADF and VSC tests and will maintain acceptable levels of daylight/sunlight if this development is constructed. The proposal is therefore considered acceptable for this reason and the proposal would comply with Development Management Policy DM2.1.

Highways and Transportation

- 10.37 The site has a PTAL of 5, which is 'Good', with Angel Underground Station and a number of major bus routes in close proximity to the site.
- 10.38 A total of 15no. cycle storage spaces will be provided on site (2 cycle per dwelling) in accordance with the requirements stated in Development Management policy DM8.4 These spaces will be located to the side and rear of Unit 1. A condition is attached to ensure these are provided in accordance with the proposed plans.
- 10.39 All new dwellings are required to be car-free in accordance with Development Management policy DM8.5. A condition has been attached restricting the occupiers from applying for a parking permit in accordance with the Council's Car Free Housing policy. Therefore, it is not considered that the proposal will give rise to increase on-street parking congestion.

Noise and Vibration

- 10.40 The Council's Acoustics Officer has reviewed the plans in terms of noise and vibration and has also assessed the site with regards to land contamination. He concluded that as the site history has no previously potential polluting uses listed and is described as having been used for residential gardens, it would be unreasonable to attach a condition relating to contaminated land investigation. In addition, the site is screened by the surrounding buildings from traffic noise and therefore no noise conditions are required.
- 10.41 However, given that Chadwell Street is a quiet residential street and there is potential for disruption to the neighbouring residential units as a result of the basement excavation and construction phase. A condition has therefore been recommended regarding a Construction Environmental Management Plan in order to identify and mitigate any potential impacts from the construction works to neighbours prior to the commencement of works.

Access

- 10.42 The Council's Inclusive Design officer has raised concerns about the development, with regards to access and inclusive design, especially with regards to the use of spiral staircases, the use of half levels on 'House 1' and bathroom doors not opening outwards. Development Management Policy DM2.2 requires all developments to ensure they provide ease and versatility of use, deliver safe, logical and legible environments and provide spaces and places that are enjoyable for everyone. The Inspector stated in his report (with regards to House 6) that it is sufficient to show

level access through a possible lift (which does not need to be provided at this stage) in order to demonstrate future adaptability of the site. The proposed plans outline the position of a future lift if needed for this unit, in order to provide future adaptability. The remaining 6no. units have level access and provide living space and bedrooms on the ground floor. The internal layout has not fundamentally changed from the previously refused scheme and given the points raised by the Inspector with regards to access and inclusive design, no objections are raised to this aspect of the scheme.

Refuse

10.43 It is proposed that new refuse storage containers will be provided to the front of the property just behind the entrance. The size of the refuse storage containers are in accordance with Core Strategy policy CS11. This will be immediately adjacent to the highway and is therefore considered acceptable. A condition has been proposed to ensure the refuse and recycling facilities (as well as the cycle storage spaces) are provided prior to the first occupation of the development and permanently maintained on site in accordance with the proposed plans.

Affordable Housing and Carbon Offsetting

10.44 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.

10.45 The applicant has agreed to pay the full amount of £420,000 towards affordable housing in the borough and £10,500 towards carbon offsetting. These contributions have been secured in a Unilateral Undertaking which has been signed by the applicant.

Community Infrastructure Levy (CIL)

10.46 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

11 SUMMARY AND CONCLUSION

Summary

11.1 The proposed development is considered to be acceptable with regards to the land use, design, amenity, neighbour amenity, highways and transportation, noise levels, access, refuse and affordable housing provision. The reasons that the previous scheme was dismissed at appeal have been overcome with regards to the design of

the scheme, and the proposal is no longer considered to have a detrimental impact on the New River Conservation Area or the setting of the adjacent listed buildings.

- 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 and S106 agreement as set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. A contribution of £420,000 towards affordable housing within the Borough.
2. A contribution of £10,500 towards carbon offsetting

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

RECOMMENDATION B

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

List of Conditions for P2015/2406/FUL:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement - PC Dalton Planning - (June 2015), Design & Access Statement - OSEL Architects - (June 2015) Revision P2, Heritage Statement - Montagu Evans - (June 2015), Daylight and Sunlight Assessment - Anstey Horne - (June 2015), Arboricultural Statement (updated) - Dr Frank Hope - (May 2015), Lifetime Homes Assessment - OSEL Architects - (May 2015), Sustainable Design and Construction Statement - Metropolis Green (June 2015), Landscape Design Statement - Justin Davis - (August 2015), Basement Impact Assessment - Packman Lucas - (May 2015), Flood Risk Assessment - Cole Easdon - (August 2015), Transport Statement - Cole Easdon - (July 2011), E14-042/DP001 Revision P1, E14-042/E001.1 Revision P2, E14-042/P001 Revision P1, E14-042/P002 Revision P2, E14-042/P003 Revision P1, E14-042/P100 Revision P1, E14-042/P101 Revision P2, E14-042/P102 Revision P2, E14-042/P103 Revision P1, E14-042/P104 Revision P1, E14-042/S001 Revision P1, E14-042/S002 Revision P1, E14-042/S003 Revision P2.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>

3	Cycle Parking Provision Compliance
	<p>CONDITION: The bicycle storage and refuse area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved and permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking and refuse facilities are available and easily accessible on site and to promote sustainable modes of transport.</p>
4	Sustainable Design and Construction Statement
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
5	Green/Brown Biodiversity Roof (Details)
	<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> <ul style="list-style-type: none"> d) biodiversity based with extensive substrate base (depth 80-150mm); e) laid out in accordance with plan E14-042/P003 REV:P1 hereby approved; and 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>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>
6	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; b) existing and proposed underground services and their relationship to both hard and soft landscaping; c) proposed trees: their location, species and size; tree pit details and soil volumes. d) soft plantings: including grass and turf areas, shrub and herbaceous areas; e) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types. Where possible, in areas to be vegetated, at least 1m of permeable soil should

	<p>be provided above the top of the basement, to allow a variety of plants to be supported.</p> <p>f) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>g) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>h) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
7	Windows Obscured
	<p>CONDITION: All windows shown on the plans hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
8	Defensible Space (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, an area of defensible space no less than 1.5m deep shall be provided outside the ground floor south facing residential window at proposed unit 1. The details of the proposed delineation of the defensible space, through the use of low railings, walls and/or soft planting, shall be submitted to and agreed in writing by the Local Planning Authority. The space shall be provided prior to the first occupation of the dwelling it would serve.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: The habitable room window does not benefit from any defensible space that would adequately divorce them from the communal courtyard; the arrangement would result in an undue loss of privacy and security to those future residential</p>

	<p>dwellings.</p>
9	Boundary Treatment
	<p>CONDITION: Details of all boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the practical completion of the development. The details shall include all walls, fencing, gates, footings, their design, appearance and materials, the details shall indicate whether the boundary treatments form proposed, retained or altered boundary treatments.</p> <p>The boundary treatments shall be carried out strictly in accordance with the details so approved, installed/erected/operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting boundary treatment(s) is functional, attractive and secure.</p>
10	Car Permits (Compliance)
	<p>CONDITION: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>i) In the case of disabled persons;</p> <p>ii) In the case of units designated in this planning permission as "non-car free"; or</p> <p>iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: To ensure that the development remains car free in accordance with policies 6.3 and 6.13 of the London Plan 2011, policy CS18 of the Islington Core Strategy 2011 and policy DM8.5 of the Development Management Policies.</p>
11	Construction Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. 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>
12	Archaeology
	<p>CONDITION: No development shall take place unless and until the applicant, or their agent or successors in title, has submitted a desk based archaeological assessment which has been approved in writing by the Local Planning Authority (in consultation with English Heritage). Should such an assessment indicate the potential for significant archaeology then a written scheme for investigation shall be submitted and a programme of archaeological work implemented subject to approval in writing by the Local Planning Authority (in consultation with English Heritage).</p>

	<p>REASON: Important archaeological remains may exist on this site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p>
13	<p>No Amalgamation/Subdivision</p>
	<p>CONDITION: The residential units hereby approved shall be laid out / divided as shown on drawings and shall not be amalgamated or further subdivided.</p> <p>REASON: The amalgamation or further subdivision of the units may have operational, transportation, security and amenity implications, which should be the subject of consultation and a full planning application.</p>
14	<p>Materials (Details)</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"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
15	<p>Wheel Washing Facilities</p>
	<p>CONDITION: No works shall commence unless and until details of construction vehicle wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. Any vehicle carrying mud, dust or other debris on its wheels must use the facilities before leaving the site.</p> <p>The wheel washing facilities shall be provided in accordance with the details so approved and installed at the site preparation stage and maintained in working order at all times during the construction phase.</p> <p>REASON: To ensure that construction traffic does not result in pollution of the surrounding street environments</p>
16	<p>Sustainable Urban Drainage</p>
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity, and biodiversity benefits. The submitted details shall include the scheme's peak runoff</p>

	<p>rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>REASON: To ensure the sustainable drainage of water.</p>
17	Structural Engineers Report
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring listed buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>
18	Removal of Permitted Development Rights
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order), no additional windows, extensions, alterations or satellite dishes shall be carried out or constructed to the dwellinghouses hereby approved without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
19	Listed Wall
	<p>CONDITION: The distance between House 6 and the Listed Boundary Wall should be a minimum of 0.85 metres along the full length of the wall and maintained as such. Any changes to the proposed layout of this unit will need to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on site.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The 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</p>

	requirements of the NPPF.
2	Unilateral undertaking
	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.
3	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
4	Boundary Walls
	The applicant is reminded that all works to the boundary walls to the rear of properties along Chadwell Street, Myddelton Square and Arlington House which bound the site require the benefit of listed building consent and planning permission.
5	Definitions
	INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
6	Hours of Working
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

List of conditions for P20152398/LBC:

1	Commencement
	<p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Recording
	<p>CONDITION: No works shall take place unless and until the applicant has submitted a written scheme of investigation (to include a photographic survey and measured drawings) which records the front boundary wall, including its architectural detail and archaeological evidence.</p> <p>REASON: The Local Planning Authority wishes to secure the provision of recording of the historic structures prior to demolition.</p>

List of Informatives:

1	Boundary Walls
	<p>The applicant is reminded that all works to the boundary walls to the rear of properties along Chadwell Street, Myddelton Square and Arlington House which bound the site require the benefit of listed building consent and planning permission.</p>

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

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

Development Plan

The Development Plan is comprised of the London Plan 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

3 London's people:

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

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
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.15 Reducing noise and enhancing soundscapes

8 Implementation, monitoring and review:

- 8.2 Planning obligations
- 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

CS8 (Enhancing Islington's Character)

Strategic Policies

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

CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM3.3 Residential Conversions and Extensions

DM3.4 Housing standards

DM3.5 Private Outdoor Space

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

DM9.2 Planning Obligations

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington

- Accessible Housing in Islington
- Car Free Housing
- Planning Obligations and S106
- Urban Design Guide
- Affordable Housing Small Sites SPD
- 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

APPENDIX 3 - APPEAL DECISION

APP/V5570/A/13/2199042 & APP/V5570/E/13/2199043

APPENDIX 4 – COSTS DECISION

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Appeal Decisions

Inquiry opened on 19 November 2013

Site visits made on 19 and 21 November 2013

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2014

Appeal A: APP/V5570/A/13/2199042

Land to the South of Chadwell Street, London EC1R 1YE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Petchey (Islington) Ltd [formerly Galliard (Islington) Ltd] against the decision of the Council of the London Borough of Islington.
 - The application Ref.P121042, dated 13 April 2012, was refused by notice dated 21 May 2013.
 - The development proposed is redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space, and landscaping arrangements.
-

Appeal B: APP/V5570/E/13/2199043

Land to the South of Chadwell Street, London EC1R 1YE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Petchey (Islington) Ltd [formerly Galliard (Islington) Ltd] against the decision of the Council of the London Borough of Islington.
 - The application Ref.P122468, dated 17 October 2012, was refused by notice dated 24 May 2013.
 - The works proposed are the removal of the existing boundary treatment fronting Chadwell Street (wall, hoarding and brick piers).
-

Preliminary Matters

1. The Inquiry opened on 19 November 2013 and also sat on 20 and 21 before closing on 22 November 2013. I carried out an unaccompanied visit to the vicinity of the site on 19 November followed by an accompanied visit on 21 November 2013 that took in the site itself, and several properties bounding it.
2. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decisions

Appeal A

3. The appeal is dismissed.

Appeal B

4. The appeal is dismissed.

Main Issues

5. The Council refused planning permission for five reasons which can be summarised as the unacceptable effects of the proposal on the significance of designated heritage assets; the living conditions of existing residents through visual impact and loss of light; the failure of the proposal to provide an appropriate mix of unit sizes; an adequate level of access and future adaptability in relation to Units 1 and 7; and cycle parking. In the lead up to, and during, the Inquiry, the Council modified its position in response to amended drawings submitted, and matters clarified, by the appellant. This was reflected in the closing statement to the Inquiry made on behalf of the Council.
6. Based on that revised position, and the points raised by local residents, the main issues to be considered are the effect of the proposal on (1) the significance of designated heritage assets; (2) the living conditions of local residents through visual impact and potential loss of light, in particular, and (3) whether the proposal, and in particular Unit 7, would provide an acceptable living environment for prospective occupiers. There are other matters that require analysis too, notably the potential for structural damage to existing properties, and any benefits associated with the scheme.

Reasons

Designated Heritage Assets

7. The appeal site lies on the south side of Chadwell Street. It is enclosed to the north by Nos.6-11 Chadwell Street. This terrace dates from 1828-1829 and, along with the attached railings, is a Grade II listed building. To the west, the appeal site is bounded by a terrace of houses that front Myddleton Square. Nos.12A to G, 12 to 30 (consecutive), and the attached railings, date from 1824-1827, and together, make up a Grade II listed building. To the south-east of the appeal site is Arlington House, a relatively modern block of flats that fronts Arlington Way.
8. All lie within the New River Conservation Area which encompasses a wide area south of Pentonville Road including Myddleton Square, Great Percy Street and Lloyd Baker Street. This conservation area is said by the Council to have outstanding architectural and historic significance by virtue of its high quality late-Georgian and early-Victorian residential development containing one of the few true circuses in London and some of its finest squares and terraces.
9. Against that contextual background, it is necessary to set out the policy approach to development and works. At the top of the scale are the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990¹.
10. In terms of works, s.16(2) of the Act requires, in considering whether to grant listed building consent, the decision-maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S.66(1) of the Act takes a similar approach to development which affects a listed building, or its setting. S.72(1) of the Act sets out the general duty as respects conservation areas in exercise of planning functions: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

¹ Referred to hereafter as the Act

11. A range of development plan policies have been drawn to my attention. Of primary relevance in terms of the designated heritage assets set out, LP² Policy 7.4 looks for high-quality design responses that, amongst other things, have regard to the pattern and grain of existing spaces and streets, and are informed by the surrounding historic environment. LP Policy 7.6 seeks to ensure that buildings and structures are of the highest architectural quality, comprise details and materials that complement, not necessarily replicate, the local architectural character, and optimise the potential of sites. LP Policy 7.8 requires development to identify, value, conserve, restore and incorporate heritage assets, where appropriate, and where development affects heritage assets and their settings, it should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
12. CS³ Policy CS 5 deals with Angel and Upper Street and sets out to protect and enhance the historic character of the area, encouraging high-quality design that respects local context. CS Policy CS 9 seeks to enhance and protect the built and historic environments of Islington. The policy looks to achieve that by, amongst other things, securing high-quality architecture and urban design, preserving historic urban fabric with new buildings sympathetic in scale and appearance, and conserving and enhancing heritage assets. Moreover, new buildings should make efficient use of sites and the policy acknowledges that high-quality contemporary design can respond to these challenges as well as traditional approaches, with innovative designs welcomed.
13. DMP⁴ Policy DM2.1 takes a broadly similar approach to design. DMP Policy DM2.3 deals with heritage and, as a principle, sets out to conserve and enhance heritage assets in a manner appropriate to their significance. In terms of conservation areas, the policy 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. It is also pointed out that the significance of a conservation area can be substantially harmed over time by the cumulative impact arising from the demolition of buildings which may, individually, make a limited contribution to that significance.
14. With regard to listed buildings, the policy seeks to conserve and enhance significance. Proposals to alter listed buildings in a way that harms significance will not be permitted without clear and convincing justification and substantial harm to, or loss of, a listed building is strongly resisted. New development affecting the setting of a listed building is required to be of good quality, contextual design. Where new development harms the setting, and thereby the significance, of a listed building, clear and convincing justification is required, and substantial harm, again, strongly resisted.
15. The DMP policies in particular, mirror in many ways, the approach of the Framework⁵ two of the core principles of which are first, to always seek to secure high-quality design and second, conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

² The London Plan 2011

³ Islington's Core Strategy of February 2011

⁴ Islington's Local Plan: Development Management Policies of June 2013

⁵ The National Planning Policy Framework

16. This latter approach is expanded upon in paragraphs 126 to 141 but at this juncture, the most important principles are enshrined in paragraph 132. This sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, of relevance here, a Grade II listed building, should be exceptional.
17. The appeal site originally formed the rear gardens of terraced houses to the west, fronting Myddleton Square and to the north, fronting Chadwell Street and there was a single-storey gate or carriage house adjacent to No.11 Chadwell Street. Sometime between 1966 and 1981, this building was removed, the rear gardens shortened, and new boundary walls erected, in order to allow the appeal site to be used as a car park.
18. Part of the wall connected to No.30 Myddleton Square, fronting Chadwell Street, is proposed to be removed. This wall has been altered and added to over time but despite its current appearance, contains historic fabric, and provides an indication of how the original boundary to Chadwell Street would have worked. It makes a positive contribution to the significance of the listed building it forms part of⁶, and the wider conservation area, therefore. Viewed in isolation, the removal of part of the wall would harm the special architectural and historic interest of the listed building, and fail to preserve or enhance the character or appearance of the conservation area.
19. However, the removal of part of the wall is not proposed in isolation, but as part of the redevelopment of the appeal site for housing. There was some discussion at the Inquiry about the contribution the appeal site, in its open state, makes to the conservation area and the setting of the listed buildings that bound it. As the appeal site stands, it is relatively easy to appreciate that it must once have been subdivided to form part of the rear gardens of the surrounding terraces and in that sense, it has some resonance as a vestige of the historical layout.
20. Against that, the appeal site has been divorced from the terraces it once served and there seems to be no realistic prospect of reunion. That divorce involved some rather unfortunate boundary treatments. Public views into the site may be limited but nonetheless, it has the air of a derelict, leftover space, bereft of discernible function. In that sense, it does have a harmful impact on the character and appearance of the conservation area and the setting of the adjacent listed buildings.
21. In that overall context, like the main parties, I see no reason, in principle, why redevelopment of the appeal site would necessarily cause harm to the designated heritage assets affected and there does appear to be the potential for redevelopment to bring a degree of enhancement. The presence of schemes on similar sites bounding listed buildings in the conservation area, approved by the Council, and in some cases built out, amply demonstrates that.

⁶ Nos.12A to G, 12 to 30 (consecutive) Myddleton Square and the attached railings

22. Central to consideration of this issue then is the nature and quality of the scheme for redevelopment. There are certainly positive aspects to it. Unit 1 would address the Chadwell Street frontage in a manner reminiscent of the gate or carriage house that once stood in a similar position, mirroring the garage, traditional in appearance, which has been inserted on the opposite side of the street. While clearly contemporary in derivation, Unit 1 would reflect the width of the terraced houses alongside and form a respectful relationship with them. Considering the quality of the frontage the existing site presents to Chadwell Street, this element of the proposal would enhance the street-scene.
23. Given that the terraces bounding the site have basements, I see nothing in the inclusion of basements in the scheme proposed that creates difficulty in design terms. I am also conscious of the potential for boundary treatments to be improved as part of the proposals. However, the treatment of the dwellings proposed in the body of the site is an area of concern. Where similar sites have been developed in the conservation area⁷, notwithstanding the contemporary approach to design, the layout of the dwellings, in plan, and elevation, has a distinct discipline that reflects strongly, and therefore relates well, to the form of adjoining terraces.
24. I accept that the shape of the appeal site makes such an approach more of a challenge and appreciate the policy requirement to make best use of the facility the site offers. Moreover, there is policy support for innovative and contemporary designs. However, all that must be balanced against the need to pay proper respect to context.
25. It appears to me that in seeking to maximise site coverage the block housing Units 2-6 has too closely followed the profile of the site. This has led to a relatively complex plan-form, lacking the discipline evident in the adjoining terraces. The translation of that plan form into three dimensions has resulted in a building that would lack discipline in its form, with various angles and shapes that would appear highly incongruous against the much more rigid architectural treatment of the adjoining terraces.
26. The alien presence of the block housing Units 2-6 means that the proposal, viewed in its entirety, would cause a degree of harm not only to the special architectural and historic interest of the listed building affected, but also to both the character and the appearance of the conservation area, and the setting of adjacent listed buildings.
27. There was much debate at the Inquiry about whether the harm caused to the significance of the designated heritage assets affected should be defined as substantial or less than substantial.
28. Paragraph 133 of the Framework sets out that where a proposed development will lead to substantial harm to or loss of a designated heritage asset, consent⁸ should be refused unless, of relevance here, it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against, of relevance in this case, the public benefits of the proposal.

⁷ The developments at Ingle Mews and River Street in particular

⁸ And I take that term to include permission

29. The Framework does not explain the difference between substantial and less than substantial harm but as outlined at the Inquiry, the decision of the High Court in the case of *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin) is useful in this regard. Paragraph 25 sets out that in terms of substantial harm, one is looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced. On top of and consistent with that, according to the recently published (in Beta mode) National Planning Practice Guidance, substantial (or serious) harm is defined as a degree of harm that goes to the heart of the reason for designation.
30. Applying that to the proposals, the element of the boundary wall proposed for removal is but one small part of the listed building⁹ it must be considered part of¹⁰. The listed building, and its overall significance as a designated heritage asset, would remain predominantly intact. Similarly, the proposal would harmfully affect a small part of what is a relatively large conservation area. Much of the significance of the conservation area would be unaffected. While there would be some harm caused to the settings of the adjoining terraces and other listed buildings in the vicinity, these derive only part of their significance from their settings. The fabric and format of these listed buildings, where their significance largely lies, would remain completely, or largely, untouched.
31. In that overall context, the harm that would be caused by the proposals to the significance of the designated heritage assets affected would, in all cases, be less than substantial. In such a situation, the Framework requires that less than substantial harm to be weighed against public benefits. However, as set out above, the Act requires special regard to be had to the desirability of preserving (that is not harming) listed buildings and their settings, and special attention to be paid to the desirability of preserving or enhancing (again, not harming) the character or appearance of conservation areas. Moreover, that there would be some harm caused to the listed buildings and their settings, and the character and appearance of the conservation area, brings the proposals into conflict with LP Policies 7.4, 7.6 and 7.8, CS Policies CS 5 and CS 9, and DMP Policies DM2.1 and DM2.3.

Living Conditions of Existing Occupiers

32. In this regard, LP Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles of the Framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
33. There are two strands to the concerns that have been expressed on this issue. Given the difference between the basement levels of the adjoining terraces and the appeal site, and the constrained nature of their gardens, I can understand why neighbouring residents are concerned by the potential for loss of light, and any increase in the sense of enclosure, that might result from the proposals.

⁹ Nos.12A to G, 12 to 30 (consecutive) Myddleton Square and the attached railings

¹⁰ By dint of Section 1(5) of the Act

34. However, the largely uncontested, technical evidence provided by the appellant in the lead-up to, and at, the Inquiry demonstrates that there would be no easily discernible loss of light to any adjoining property. Moreover, while the development would be visible from adjoining properties, and their gardens, from what I saw at my site visits, it would not sit so close, or loom over the boundaries, to the extent that it would appear dominant or oppressive.
35. On that basis, I conclude that the proposal would have no detrimental impact of any significance on the living conditions of existing occupiers. As such, there is compliance with LP Policy 7.6, DMP Policy 2.1, and the Framework.

Living Conditions of Prospective Occupiers

36. In relation to this particular issue, LP Policy 3.5 requires the design of new dwellings to have adequately sized rooms and convenient and efficient room layouts, and meet the needs of Londoners over their lifetimes. LP Policy 7.6 requires buildings and structures to provide high-quality indoor and outdoor spaces and meet the principles of inclusive design. LP Policy 7.2 requires development to follow those principles, and to show how the specific needs of older and disabled people have been integrated into proposals.
37. CS Policy CS 12 requires all new housing to comply with 'flexible homes' standards. DMP Policy DM2.1 requires development to be sustainable, durable, adaptable, safe and inclusive and DMP Policy DM2.2 requires all development to demonstrate that it provides for ease and versatility in use; deliver safe, legible and logical environments; and produce places and spaces that are convenient and enjoyable for everyone. DMP Policy DM3.4 requires new housing to provide accommodation of adequate size with acceptable shapes and layouts of rooms, with consideration to aspect and outlook in particular.
38. As set out, the original, more wide-ranging, objections of the Council, on this count, have been distilled into two particular and distinct aspects relating to the design of Unit 7. This provides accommodation at basement level set around a courtyard located against the wall that forms the western boundary of the site. This has led to criticism of the outlook provided for future occupiers. However, basement level accommodation is not unusual in the area or London generally. Being set so low down, the courtyard would receive little in the way of direct sunlight but it would be of a size that would allow daylight to penetrate and, with careful design and finishes, it could provide a reasonable facility for the occupiers, and an acceptable outlook from the rooms opening out into it.
39. The Council has also raised issues about the lack of level access to Unit 7. The scheme proposes a staircase from ground floor level down to the accommodation in the basement. The standards set out in the Council SPD: *Accessible Housing in Islington* build upon those that define Lifetime Homes and set out the 'flexible homes standards' referred to in policy. Criterion 3 of the Lifetime Home Revised Criteria provides that 'the approach to all entrances should preferably be level or gently sloping' to 'enable as far as practicable, convenient movement along other approach routes to dwellings'.
40. To achieve that laudable aim, Unit 7 would need to be provided with a lift. There is no dispute between the parties that such a lift could be accommodated within Unit 7; the dispute is whether it needs to be provided at the outset, or whether it is sufficient to show that one could easily be accommodated in the future, if required.

41. Looking at the development plan, it appears to me that what is required for the provision of housing, in general terms, is a demonstration that the design of any new dwelling is flexible, and able to adapt to the changing needs of those who live in it. In that context, it seems to me sufficient for the appellant to show that level access, through the vehicle of a lift, could be provided in the future, if required. It would be disproportionate to require one at the outset when those who choose to live in Unit 7 might not need it, at that stage.
42. On that overall basis, I am content that the proposal would provide an acceptable living environment for prospective occupiers and it accords, therefore, with LP Policies 3.5, 7.2 and 7.6, CS Policy CS 12 and DMP Policies DM2.1, DM2.2 and DM3.4.

Other Matters

43. Local residents raised understandable concerns about the potential impact that the excavation involved in the proposal, in particular, might have on the structural stability of adjoining properties. The technical evidence of the appellant on this matter is that the development, if carefully controlled, need cause no great difficulty in this regard. Those controls could be applied by condition in the event that planning permission was granted. Moreover, the appellant helpfully volunteered a report on the structural condition of any adjoining property, prior to any work commencing, in order to assess the baseline position. In that overall context, I am content that these concerns expressed by local residents do not weigh against the scheme.
44. The appellant drew attention to the benefits of the proposal. The Framework talks of the importance of boosting significantly the supply of housing. CS Policy CS 12 sets out the aim of the Council to provide more high quality, inclusive, and affordable homes. In line with the general approach of CS Policy CS 12, the proposal would provide 7 open-market houses of a size, demonstrated by the appellant's evidence to be in short supply¹¹. Moreover, through the vehicle of a Planning Obligation, a financial contribution of £420,000 would be made towards the provision of affordable housing off-site, in line with criterion G of CS Policy CS 12. Taken together, those represent considerable, public benefits.

Final Conclusion

45. As set out above, the proposal would provide considerable benefits in terms of the provision of market housing and a financial contribution towards the off-site provision of affordable housing. This would be achieved without any significant detrimental impact on the living conditions of adjoining residents and residents of the proposal would be provided with an acceptable living environment.
46. Against that, the proposal would cause harm to the special architectural and historic interest of a listed building, the character and appearance of the conservation area, and the setting of listed buildings. While, in the parlance of the Framework, that harm would be less than substantial, the desirability of avoiding any harm requires special regard, or special attention, by dint of the statutory provisions of the Act. Moreover, that there would be some harm caused to a listed building, the conservation area, and the settings of listed buildings, renders the proposal contrary to the development plan.

¹¹ With reference to the North London Strategic Housing Market Assessment of March 2011

47. On my analysis, the public benefits outlined, while considerable, are not sufficient to outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets affected. I reach that conclusion largely because it seems to me entirely possible for a scheme to be brought forward that secured much the same benefits, without causing the same degree of harm.
48. For the reasons given above I conclude that the appeals should be dismissed.

Paul Griffiths

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Katie Helmore of Counsel	Instructed by the Council of the London Borough of Islington
She called	
Kristian Kamiński	Deputy Manager of the Design and Conservation Team, LB Islington
MA	Principal Planning Officer, LB Islington
Sally Fraser	
BSc (Hons) MA	

FOR THE APPELLANT:

Thomas Hill QC	Instructed by Asserson Law Offices
He called	
Michael Taylor	
RIBA	
Lance Harris	Anstey Horne
MRICS	
Ronald Packman	Packman Lucas
BSc (Eng) CEng ACGI	
FIStructE FRSA	
Dr Chris Miele	Montagu Evans
IHBC MRTPI FRHS FSA	
Phillipa Dalton	
BSc (Hons) DipTP MRTPI	

INTERESTED PERSONS:

Martin Edwards of Counsel	Representing Dr & Mrs Lyons, Local Residents
Rob Hull	Local Resident
Paul Keene	Local Resident
David Plume	Local Resident
Dr Timothy Lyons	Local Resident

DOCUMENTS

- 1 Council's Letters of Notification
- 2 Adjustment to the evidence of Mr Harris
- 3 Statement of Common Ground (SoCG)
- 4 Copy of Distant Neighbours: Poverty and Inequality in Islington published by The Cripplegate Foundation and nef
- 5 Lifetime Homes (July 2010)
- 6 Copy of *Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd* [2012] EWHC 4344 (Admin)
- 7 Draft s.106 Agreement
- 8 Council's Draft Conditions with suggested amendments from the Appellant
- 9 SoCG: Timeline of Correspondence
- 10 Completed s.106 Agreement
- 11 Closing Statement on behalf of the Council
- 12 Closing Statement on behalf of the Appellant

PLANS

- A 617-P-01: Existing Site Plan
- B 617-P-102: Southern Site – Proposed Site Plan
- C 617-P-103 Revision B: Southern Site – Proposed Ground Floor Plan
- D 617-P-104: Southern Site – Proposed Basement Floor Plan
- E 617-P-105: Southern Site – Proposed Upper Floor Plan
- F 617-P-106 Revision A: Southern Site – Proposed Roof Plan
- G 617-P-107 Revision A: Southern Site – Proposed Sections A and B
- H 617-P-108: Southern Site – Proposed Sections C and D
- I 617-P-09 Revision B: Southern Site – Proposed Elevations
- J 617-P-110: Southern Site – Proposed Elevation
- K 617-P-111 Revision A: Southern Site – Proposed House 1 Plans
- L 617-P-112 Southern Site – Proposed Houses 2+3 Plans
- M 617-P-113: Southern Site – Proposed Houses 4+5 Plans
- N 617-P-14: Southern Site – Proposed House 6 Plans
- O 617-P-115: Southern Site – Proposed House 7 Plans
- P 617-P-116: Southern Site – Proposed Elevation Comparison
- Q 617-P-117 Revision A: Southern Site – Proposed Elevations East and West
- R 617-P-118: Southern Site – Proposed Demolition Plan
- S 617-P-119: Southern Site – Proposed Demolition Elevations
- T 617-P-119 Revision A: Southern Site – Proposed Cycle Storage

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Costs Decisions

Inquiry opened on 19 November 2013

Site visits made on 19 and 21 November 2013

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2014

Costs application in relation to Appeal A: APP/V5570/A/13/2199042 Land to the South of Chadwell Street, London EC1R 1YE

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Petchey (Islington) Ltd [formerly Gaillard (Islington) Ltd] for a partial award of costs against the Council of the London Borough of Islington.
 - The inquiry was in connection with an appeal against the refusal of planning permission for redevelopment of land to south of Chadwell Street (vacant car park) to provide seven new houses with associated access, amenity space, and landscaping arrangements.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for the Appellant

2. Amongst other things, paragraph A3 of Circular 03/2009¹ outlines that the costs regime is aimed at ensuring as far as possible that planning authorities properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason.
3. In the light of advice in paragraph A19 of the Circular, the appellant seeks a partial award of costs relating to reason for refusal no.2, in part, reason for refusal no.3, in full, and reason for refusal no.4, in part. The Council has behaved unreasonably in relation to these aspects of its case and this has led to the appellant incurring unnecessary or wasted expense.
4. Paragraph B3 of the Circular stresses the importance of discussion and agreement, about outstanding issues, between the principal parties, in order to avoid, where possible, confrontation at appeal stage.
5. Paragraph B4 gives examples of unreasonable behaviour which include resistance to, or lack of co-operation with the other party in providing information, or discussing the appeal, thereby extending the duration of the appeal and associated expense; and withdrawal of a reason for refusal resulting in wasted preparatory work and/or attendance of a witness or representative person who proves not to have been required.

¹ Circular 03/2009: *Costs Awards in Appeals and Other Planning Procedures*

6. Paragraph B16 sets out that authorities will be expected to produce evidence to show clearly why the development cannot be permitted. The decision notice should be framed and reasons should be complete, precise, specific and relevant to the application. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations. If they cannot do so, costs may be awarded against them.
7. Paragraph B25 outlines that whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. A planning authority refusing planning permission on a planning ground capable of being dealt with by condition risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.
8. The Council's third reason for refusal, relating to the housing mix, was withdrawn on the Friday before the Inquiry started, despite the decision not to pursue it having been taken some time earlier, it seems. The reason for refusal is notable for its failure to cite CS Policy CS 12 which promotes the provision of family-size housing units. Indeed, the Council's planning witness seemed unaware of the North London Strategic Housing Market Assessment of March 2011 until receipt of the appellant's evidence.
9. By the time the appellant heard of the Council's intention to withdraw, evidence to address this reason for refusal had been prepared. The unreasonable action of the Council, in relation to reason for refusal no.3, has caused the appellant to incur unnecessary and wasted expense.
10. In terms of the Council's second reason for refusal, the appellant takes issue with the element that relates to issues around loss of light affecting neighbouring residential occupiers. A report on this matter was submitted with the originating application but it is clear that the Council misread it. The appellant offered to meet with the Council to discuss the subject as far back as September 2013 but this was not taken up. As a consequence, the appellant prepared additional evidence for the Inquiry, to bolster that prepared for the application, only to find that on the Friday before the Inquiry started, the parts of reason for refusal no.2 relating to loss of light had been withdrawn. Again this unreasonable conduct caused the appellant to incur unnecessary and wasted expense.
11. The Council's fourth reason for refusal which deals with the living conditions of prospective occupiers of the development was withdrawn on the Friday before the Inquiry with the exception of the references to Unit 7. The appellant had already addressed this fully in evidence and it is clear that, in any event, any concerns about access could be dealt with by condition. This all had to be spelt out at the Inquiry. Again, the Council's unreasonable actions have caused the appellant to incur unnecessary and wasted expense.

The response by the Council

12. The Council has sought to adopt a reasonable and proportionate approach, has no 'in principle' objections to the application but does question the scope. In terms of reason for refusal no.2, it is clear from the Officers' report that only sunlight was at issue. The extent to which the appellant has sought to address daylight is not a cost that should be borne by the Council.

13. Indeed the evidence dealt with the impact on 23 Myddleton Square where there was a breach of the standards that the initial report had failed to properly address. Those costs should not fall on the Council because this shortfall would have had to have been addressed in any event. The appellant's witness was cross-examined by the representative of Dr and Mrs Lyons on this matter. Furthermore, the Council's part withdrawal of reason for refusal no.2 did not lengthen the duration of the Inquiry to any significant degree.
14. In terms of reason for refusal no.3, the council has no objection in principle but withdrawing on the Friday prior to the Inquiry is better than on the eve, or on the day. In terms of the scope of costs, the appellant's witness had to attend the Inquiry, present evidence, and be cross-examined, on the claimed benefits of the proposals, in particular, in any event. The issue of housing mix is central to the consideration of benefits.
15. Reason for refusal no.4 was not withdrawn in its entirety – Unit 7 remained a live issue and the appellant's witness still had to address the points raised about it in evidence and at the Inquiry.

Further Comments by the Appellant

16. In terms of reason for refusal no.2, the Council cannot avoid the fact that it refers specifically to loss of light. If, as the appellant is entitled to expect, the reason is precise and specific, then both daylight and sunlight had to be addressed. It is not the case that there was a breach of standards in relation to 23 Myddleton Square. A more detailed assessment was carried out but the result was the same as the initial assessment.
17. As far as reason for refusal no.3 is concerned, it is better for the Council to have withdrawn than to have pursued it, but it would have been better not to have imposed it in the first place. Then, it would not have been necessary to address it in evidence – it could have been agreed and an assessment of benefits included in a Statement of Common Ground. Instead, it was a matter that had to be dealt with at some length.
18. The appellant's witness was required to deal with reason for refusal no.4. Notwithstanding communications that took place, the proposal was always able to meet the required standards.

Reasons

19. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
20. Having regard to the specific paragraphs of the Circular referred to by the appellant, the Council is correct not to question the principle of an award. It is clear to me that the Council has behaved unreasonably and that this has led to the appellant incurring unnecessary and wasted expense. What is at issue is the scope of the award and it is with that in mind that I turn to the specific points raised by the appellant.
21. In terms of reason for refusal no.3, it is fair to say that the appellant would have had to make some reference to housing mix in order to properly calibrate the benefits the proposal brings forward.

22. However, the failure to withdraw reason for refusal no.3 earlier in the appeal process meant that the appellant had no alternative but to address the issue in evidence, in full. If the Council had withdrawn it earlier, or indeed not imposed it at all, some discretion would have been possible in terms of the level of detailed evidence necessary. That possibility was removed by the Council's unreasonable initial imposition, and subsequent withdrawal after evidence had been prepared.
23. I take a similar stance in relation to the elements of reasons for refusal nos.2 and 4. Matters around sunlight and daylight would have needed to have been addressed anyway, in response to interested persons, or my own questions. I may well have had questions too about the nature of the proposal in terms of the living environment they would provide for prospective occupiers.
24. However, the late withdrawal of elements of the Council's reason for refusal nos.2 and 4 meant that the appellant had little alternative but to address them in full on the basis that the Council would be pursuing these reasons for refusal at the Inquiry. The ability of the appellant to approach these aspects of the proposals in a more proportionate manner was taken away by the Council's actions. Moreover, even if I had agreed with the Council that a lift was required to make the access to Unit 7 acceptable in policy terms, this was a matter that could have been dealt with very simply, by condition.
25. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has been demonstrated and that a partial award of costs is justified.
26. In terms of scope, this is the difference in costs to the appellant in addressing reason for refusal no.2, in part, no.3, in full, and no.4, in part, in the manner rendered necessary by the Council's adherence to those reasons for refusal, in full, up to a point just before the Inquiry opened, and what costs would have been incurred had the Council not imposed the reasons for refusal in that form in the first place, or withdrawn their objections in this regard earlier in the appeal process, before the preparation of evidence.

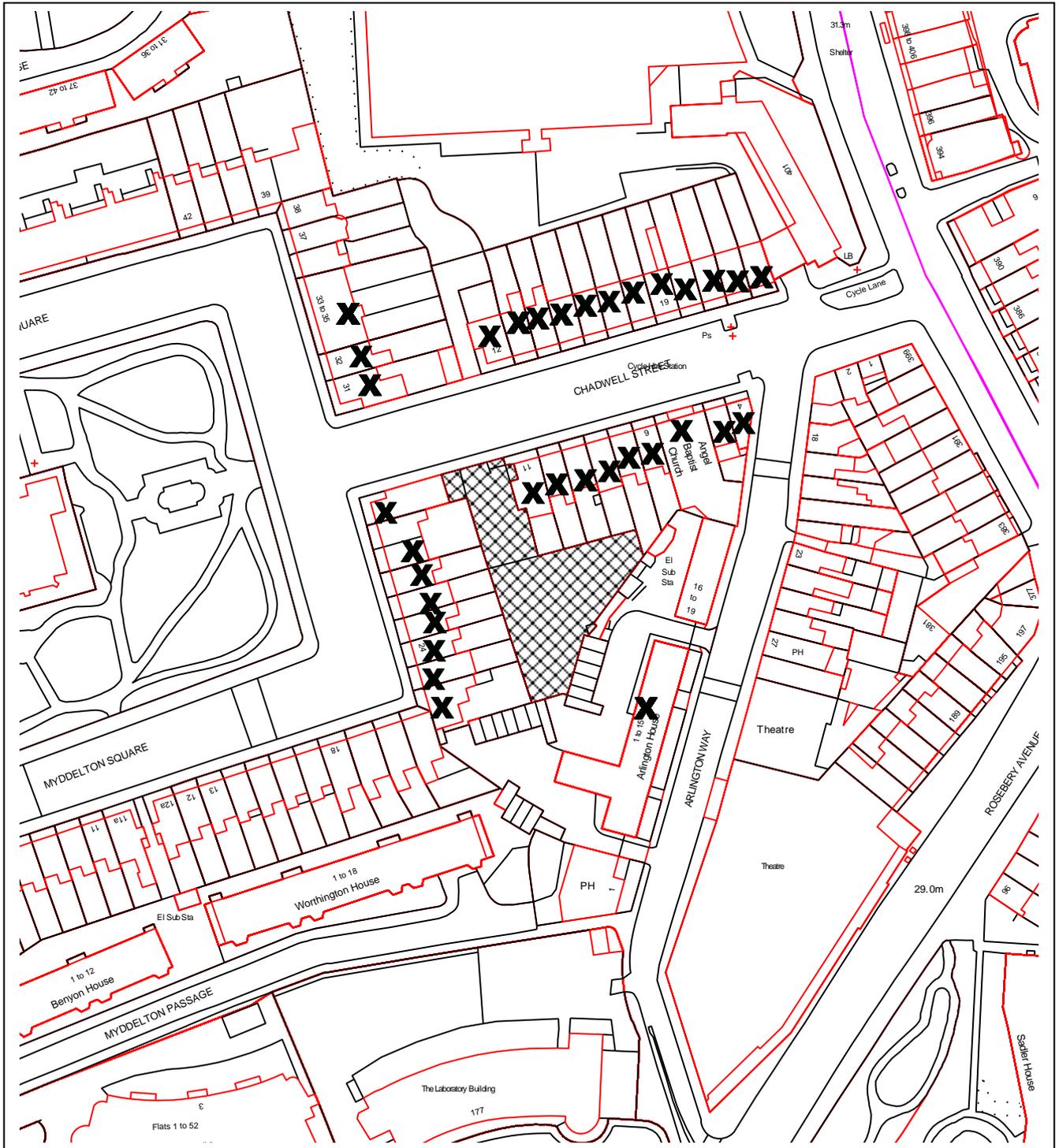
Costs Order

27. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Islington shall pay to Petchey (Islington) Ltd [formerly Gaillard (Islington) Ltd], the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in addressing reason for refusal no.2, in part, reason for refusal no.3, in full, and reason for refusal no.4, in part, on the basis set out above.
28. The applicant is now invited to submit to the Council of the London Borough of Islington, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Paul Griffiths

INSPECTOR

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street

PLANNING SUB COMMITTEE B		
Date:	08 October 2015	NON-EXEMPT

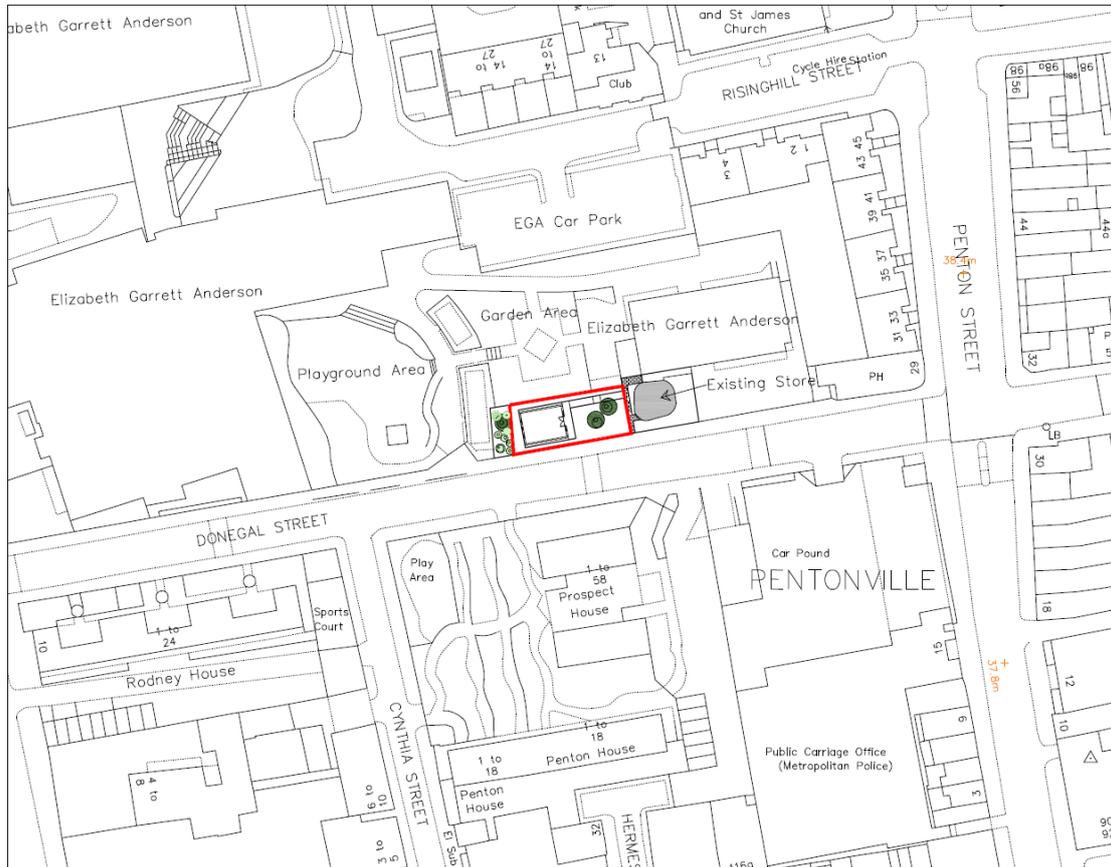
Application number	P2015/1780/FUL
Application type	Full Planning Application (Council's Own)
Ward	Barnsbury
Listed building	Building not Listed
Conservation area	Building not located within a conservation area
Development Plan Context	Kings Cross & Pentonville Road Core Strategy Key Areas Local cycle route Major Cycle Route Local view from Archway Road Local view from Archway Bridge Within 50m of Chapel Market/Baron Street Conservation Area Within 50m of Priory Green Conservation Area
Licensing Implications	None
Site Address	Elizabeth Garrett Anderson School, Donegal Street, London, N1 9QG
Proposal	Erection of a single storey classroom pod for use as additional teaching space.

Case Officer	Sandra Chivero
Applicant	Mrs Karen Tumbridge – School Business Manager
Agent	Mr Christopher Mitchell - AFL Architects

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

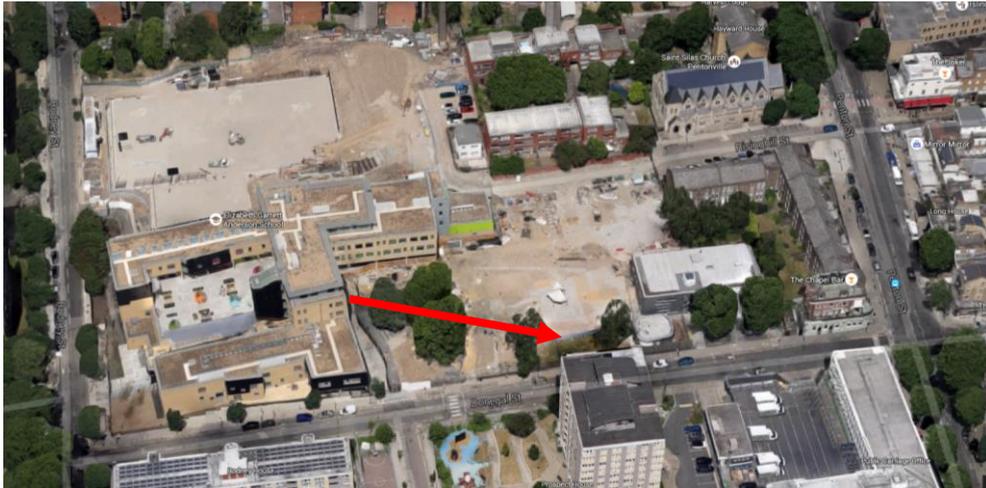


Image 1: Aerial view of the site arrow pointing at location of classroom pod.



Image 2 Looking at the looking of the location of classroom pod from Donegal Street



Image 3 Looking at the looking at the location of classroom pod from Donegal Street.

4. SUMMARY

- 4.1 The application seeks planning permission to erect a classroom pod fronting on to Donegal Street close to the southern boundary. The purpose of the classroom pod is to create a general core subjects (English and Maths) teaching space. The changes in the National Curriculum have created a need for more general teaching space for English and Maths lessons.
- 4.2 The single storey pod structure would be located to the garden space adjacent the former crèche and is considered acceptable in design terms and would relate positively to the form and materials of the other school buildings on the site.
- 4.3 The open space belonged to the former crèche and was not approved as playground space or garden space for the school.
- 4.4 The loss of the existing garden space and biodiversity is regrettable. However, the need for suitable classroom space for general core subject (English and Maths) teaching is considered to outweigh the harm of the loss of garden space in this instance.
- 4.5 It is also considered that the proposal would not result in potential damage and loss of important amenity trees.
- 4.6 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, overlooking or loss of light and balanced against the provision of improved education facility it is considered acceptable.
- 4.7 The application is at committee because it is a council own application.

5. SITE AND SURROUNDING

- 5.1 The application site is a garden space located to the south-eastern side of newly built Elizabeth Garrett Anderson School and fronts on to Donegal Street. The open space previously belonged to the adjacent former crèche which is still in situ and the garden space has now passed to the school.
- 5.2 The adjacent buildings are not listed and the site is not situated within a conservation area. The immediate surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 Erection of a single storey classroom pod for used as additional teaching space on land used as garden land and previously belonged to the crèche which has now gone.
- 6.2 The single storey structure would be constructed from Larch timber horizontal cladding and would incorporate glow led lighting rock panel flashings powder

coated aluminium doors/windows, timber decking and external floor mounted air conditioning unit to side (south) elevation.

- 6.3 The detached classroom pod would be 3.7m high X 7.9m wide X 9.2m deep and would create 56sqm of classroom space (D1) Use Class
- 6.4 The existing trees adjacent the pod would be retained. Detailed drawings and a construction method statement have been provided to demonstrate their safe retention.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 December 2010: Section 73 Application (Ref. P102354) Approved to vary condition 3 (approved plans) of planning permission P092022 dated 9 February 2010 for the 'erection of a single storey building (506m² GEA) to provide temporary assembly and exam hall with toilets, located in the north-west corner of the school grounds. The temporary school accommodation to be used during the refurbishment and part new build of the existing school falls within use Class D1. The variation is sought to enable consideration of an additional 2 accessible ramps to serve the temporary building (resulting in a total of 3 ramps serving this building).
- 7.2 August 2010: Section 73 (Application Ref. P100929) Approved to vary conditions 15 (BREEAM) and 21 (Biodiversity Plan) to have the effect of varying the requirements of the timing of the submission of details; and for variation of condition 2 (Approved Documents and Plans) to have the effect to considering minor material amendments of the planning permission ref: P092024 granted on 15 April 2010 for the minor material amendments.
- 7.3 May 2010: Planning application (Ref. P100489) Granted for the erection of new electric substation and LV switch room comprising 26 square metres.
- 7.4 April 2010: Planning application (Ref. P092024) Granted for the redevelopment of Elizabeth Garrett Anderson School for continued secondary education purposes totalling 8079m². The development involves the demolition of nine buildings, retention of the Garrett Anderson building (Block N) to the east of the site and the erection of a stepped part 3 to 5 storey building to the south-west of the school grounds. The development provides for a new vehicle access for ancillary servicing and disabled parking and a separate pedestrian access to the sports hall from Rodney Street; retention of vehicle access off Rising hill Street for new on-site parking area and servicing, cycle provision and extensive landscaping. The landscaping includes a new courtyard on the sports hall, landscaping surrounding the buildings, floodlight multi use games area, works to trees and associated boundary treatment. The development falls within use class D1 (non-residential institutions).
- 7.5 February 2010: Planning application (Ref. P092022) Granted for the erection of a single storey building (506m² GEA) to provide temporary assembly and

exam hall with toilets, located in the north-west corner of the school grounds. The temporary school accommodation to be used during the refurbishment and part new build of the existing school falls within use class D1.

- 7.6 May 2010: Prior Approval (Demolition) Application (Ref. P091991) Granted for the demolition of nine buildings on site - Seacole (block A), Marie Curie (block H), Kahlo (block G), Kahlo (block K), Tereschkova (block J), Fitzgerald (Block D), Sanderson (block F), Bronte (block E) and Boiler House (block C).

ENFORCEMENT:

- 7.7 January 2013: Enforcement Case (E/2012/0131) relating to a wall built not in accordance with plans. This was investigated and it was concluded that the works were minor and enforcement action was not expediate.

PRE-APPLICATION ADVICE

- 7.8 None

8. CONSULTATION **Public Consultation**

- 8.1 Letters were sent to occupants of 297 adjoining and nearby properties at Chalbury Walk, Prospect House Donegal Street, Redington House Rodney Street, Rodney House Donegal Street, Chalbury Walk, Wynford Road, Risinghill Street, Penton Street and Half Moon Crescent on 09 July 2015. A site notice and a press advert were displayed on 16 July 2015. The public consultation of the application therefore expired on 06 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 responses had been received from the public with regard to the application.

External Consultees

- 8.3 **Sport England** – no response

Internal Consultees

- 8.4 **The Design and Conservation Officer** stated that the single storey building is considered acceptable in principle and the contemporary form and modern materials relate to those of the main school building and the building immediately adjacent to the pod.

- 8.5 **The Policy Officer** commented it is not clear if there is loss of playground space and how this would be re-provided/mitigated. It was also highlighted that if there is loss of playground space the school would require a S77 approval which is dealt with under a different legislation from planning legislation.

- 8.6 The Policy Officer further stated that it is also not clear if there will be an overall loss of garden/biodiversity/landscaping space and how this is proposed to be mitigated, nor is it clear if the pod will have any sustainability features for example a green roof.
- 8.7 **The Inclusive Design Officers** highlighted that it should be noted that the DDA was replaced by the Equality Act 2010 and there are no technical standards for either the DDA or Equality Act.
- 8.8 The officer further stated that the stated that limited information was given in relation to inclusive design and that the new development should comply with the Inclusive Design SPD.
- 8.9 It was also recommended that the seating should be moveable, some of the chairs should incorporate arms and there should clear height from the floor surface to the underside of a desk/table should to accommodate wheelchair armrests.
- 8.10 It was also advised that ADM (Approved Document M) will also require the provision of hearing enhancement facilities in meeting/teaching rooms
- 8.11 **The Tree Officer** raised significant concerns over the impact the proposal will have on the adjacent trees. It was stated that given the level changes and excavations required for footings, footpaths, ramps and service link up and the shallow rooting of these trees it could be foreseen that there would be conflict which will result in the inappropriate loss of roots and other detrimental impacts to the existing trees.
- 8.12 However, Tree Officer stated that the amended drawings and a Tree Protection Construction Method Statement were sufficient to remove his concerns over the safe retention of the trees and no longer had arboricultural reasons to recommend the application for refusal. A condition has been recommended to ensure that the trees are adequately protected during the construction phase in accordance with the submitted amended drawings.

9. RELEVANT POLICIES

- 9.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

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

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

Development Plan

- 9.4 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

- 9.5 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:

- Kings Cross & Pentonville Road Core Strategy Key Areas
- Local cycle route
- Major Cycle Route
- Local view from Archway Road
- Local view from Archway Bridge
- Within 50m of Chapel Market/Baron Street Conservation Area
- Within 50m of Priory Green Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.6 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:

- Principle (Land Use)
- Design
- Trees
- Neighbouring Amenity

Land-use

- 10.2 The classroom pod is a permanent structure and its purpose is to create a general core subjects (English and maths) teaching space. The changes in the National Curriculum have created a need for more general teaching space for English and maths lessons. The class room would fall within D1 use. The

increase of D1 floor space is considered acceptable at this location which is also in D1 use.

- 10.3 It was also confirmed that the classroom pod would not result in an increase in the number of pupils attending the school and hence would not result in further intensification of the overall educational use from the site. Furthermore, the current use of the space is not as a playground but is garden space. It was a piece of land which belonged to the former crèche and was previously not a part of the school. The classroom pod would be used during school opening hours to teach core subjects.
- 10.4 It would appear that the classroom pod would be located on the garden space of the former crèche which is no longer operational. The garden space would have offered outdoor space for the crèche so there is a loss of open play space from the site. This space was connected to the crèche which no longer operates from the site and whilst there is technically a loss of open space for outdoor use which is not going to be replaced the benefits of the additional teaching space for the school is considered to outweigh the loss of garden space and no objection is raised. Policy 3.18 of the London Plan 2015 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of the new pod classroom can be classified as the provision of new social infrastructure which is supported by policy DM 4.12 of the Development Management Policies 2013.

Design

- 10.5 The scale and mass of the proposed structure is considered to be appropriate within this context. The proposed building is located in close proximity to the former nursery single storey building and a two storey block which is approximately 8m in height. . The proposed building remains subordinate to the existing surrounding school building which extends to a maximum of 5 storeys.
- 10.6 The proposed single storey building is considered acceptable in principle and would relate positively to the contemporary form and materials of the other school buildings. There is timber to several areas of the school building and the building immediately adjacent to the pod is curved. The building has a blank façade along the street frontage and does not address the street at this point. Whilst it would be a better design to address and animate the street scene at this point given the small scale nature of the proposed classroom pod, the proposed quality of finish and the need to avoid the classroom being directly looked into on balance this configuration is acceptable.
- 10.7 The air conditioning unit which is positioned at the rear of the building is considered to be sensitively located at a low level and would not be prominent when viewed from the street. It is therefore considered not to harm the architectural character of the classroom pod and would not have a harmful visual impact on the street scene.

- 10.8 The proposal would therefore accord with policy DM2.1 Development Management of the Development Management policies (2013) which requires new development to respect and respond positively to existing building.

Neighbouring Amenity

- 10.9 The proposed pod and air conditioning unit would not be located adjacent to habitable windows of nearby properties. The nearest residential properties are located 18m across the highway on the southern side of Donegal Street. The proposal given its size and scale is therefore considered not to result in overshadowing, overlooking, loss privacy, loss of light, over-dominance, increase sense of enclosure nor loss outlook to neighbouring residential properties.
- 10.10 The proposed pod is also not considered to result in unreasonable noise disturbance to the nearby residential properties. The pod is for use during school hours and not for community use. A noise control condition in relation to the operation of the air conditioning unit has also been attached to the permission to prevent any noise pollution.
- 10.11 Overall, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

Inclusive Design

- 10.12 During the course of the application the applicant was advised that the proposal needs to comply with the requirements of the Inclusive Design in Islington SPD and where appropriate the Building Regulations Approved Documents M & K (ADM & ADK) as well as good practice in Building Design for schools e.g. Building Bulletin 102. In particular, were new entrance doors should comply with the Inclusive Design SPD section 4.4 with regard to effective clear widths, this will require an effective clear width to at least one leaf of 1000mm and that a level/flush threshold should be provided.
- 10.13 Amended drawings and a revised Design and Access Statement were provided during the course of the application. This clarified that the existing levels can be maintained and there would be paved level access to the classroom pod entrance. A disabled ramp is therefore not required. In addition, the access doors will have a clear width of 1000mm for each leaf. This will be in accordance with the Inclusive Design SPD. All doors will also be finished to provide the appropriate levels of colour contrast with the surrounding walls.
- 10.14 An informative has been attached to the permission advising that seating should be moveable and at least some of the chairs would benefit from having arms. Good practice guidance recommends that the clear height from the floor surface to the underside of a desk/table should generally be 700mm although a clear height of 750mm is preferred to accommodate wheelchair armrests.

- 10.15 An additional informative has also been attached to the permission advising that ADM will also require the provision of hearing enhancement facilities in meeting/teaching rooms.

Trees and Sustainability

- 10.16 The loss of the existing garden space and biodiversity is regrettable. However, the need for suitable classroom teaching space is considered to outweigh the harm.
- 10.17 There are trees in existence adjacent the proposed classroom pod. During the course of the application a Tree Protection – Construction Method Statement and detailed drawings were received to demonstrate the safe retention of adjacent trees. The Tree Officer is satisfied that the proposal would not result in damage and loss of important amenity trees. This would be in line with the requirements of policy DM6.5 of the Development Management Plan. A condition has been recommended to ensure that the trees are adequately protected during the construction phase in accordance with the submitted amended drawings.

11. SUMMARY AND CONCLUSION

- 11.1 Due to the size, scale and design of the proposed pod it is considered appropriate in this context and is visually acceptable to wider surrounding area.
- 11.2 The increase in D1 teaching floor space is considered acceptable. Whilst the loss of the existing garden space and its biodiversity is regrettable, the provision of an improved education facility is considered to outweigh the harm of this loss.
- 11.3 Given the size and scale of the window positioning it is considered that the proposed would not result in any adverse impact on the amenity of nearby residents especially as they are located across the road on Donegal Street
- 11.4 Overall, the proposal is considered to accord with relevant policies.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</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>
2	<p>Approved plans list</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>AL-20-001Rev.P2, AL-20-002Rev.P1, AL-20-003Rev.P2, AL-20-004Rev.P1, AL-20-005Rev.P2, AL-20-006Rev.P4, AL-20-007Rev.P2, AL-20-008Rev.P1, Classroom Pod Concept Elevations – Rev-P2 11/06/2015; Photo-Sheets; Design and Access Statement – DAS-001 – Rev.P2; Tree Protection – Construction Method Statement; Emails sent on 10 August 2015 and 25 August 2015 from Chris Mitchell – AFL Architects, Email sent 21 August 2015 from Philip Doleman – Ecopod Design, Email sent on 10 August 2015 from Karen Tumbidge Elizabeth Garrett Anderson School</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>
4	<p>Materials to Match (Compliance)</p> <p>CONDITION: The facing materials of the pod hereby approved shall match those as specified in the Design and Access Statements Rev P2 and shall be maintained as such thereafter. .</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
5	<p>Fixed Plant (Compliance)</p> <p>FIXED PLANT (COMPLIANCE): The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The</p>

	<p>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 ensure that the operation of fixed plant does not impact on residential amenity.</p>
6	Tree Protection
	<p>CONDITION: The tree protection shall be carried out in accordance with the submitted and approved drawing AL-20-008 Rev P1 “Tree Protection Plan” during the construction phase of the hereby approved classroom pod.</p> <p>REASON: to ensure that existing trees are protected during the construction phase.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn’t taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Seating
	<p>INFORMATIVE: The seating to the new classroom pod should be moveable and at least some of the chairs would benefit from having arms. Good practice guidance recommends that the clear height from the floor surface to the underside of a desk/table should generally be 700mm although a clear height of 750mm is preferred to accommodate wheelchair armrests.</p>
3	Provision of hearing enhancement facilities
	<p>INFORMATIVE: The applicant is advised that the provision of hearing enhancement facilities in meeting/teaching rooms is required by ADM.</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

3. London's people

Policy 3.18 Education facilities

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Shops, Culture and Service

DM4.12 Social and Strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

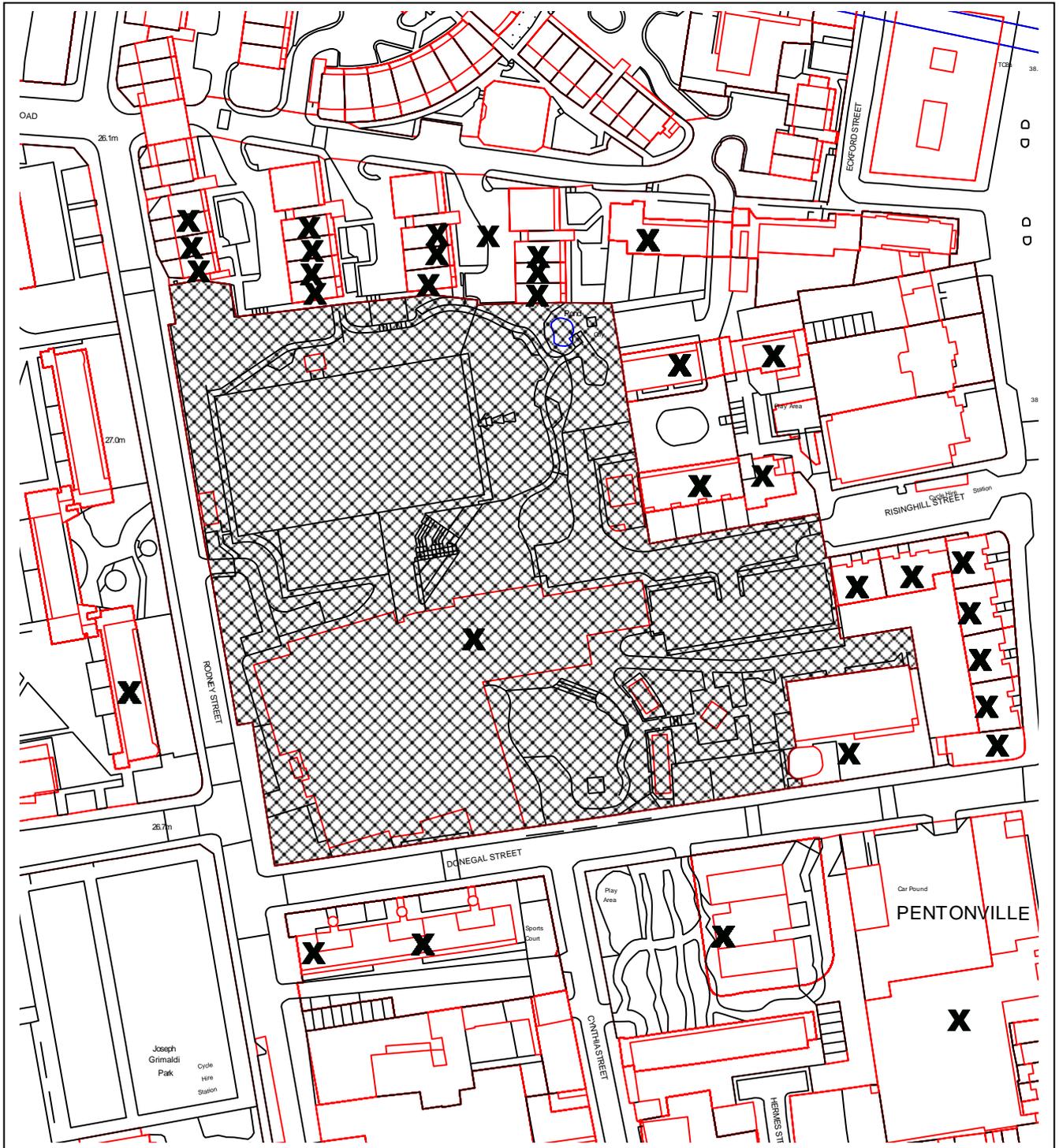
- Environmental Design
- Inclusive Landscape Design
- Urban Design Guide

London Plan

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

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street

PLANNING SUB COMMITTEE B		
Date:	08 October 2015	NON-EXEMPT

Application number	P2015/2452/FUL
Application type	Full Planning Application (Council's Own)
Ward	Hillrise
Listed building	Building not Listed
Conservation area	Building not located within a conservation area
Development Plan Context	- Major Cycle Route - Site of Importance for Nature Conservation
Licensing Implications	None
Site Address	Margaret McMillan Nursery School, 31 Hornsey Rise, London N19 3SF
Proposal	Conversion of the loft space and erection of a dormer roof extension to the rear (western) roof slope of the nursery school and Children's Centre buildings for use as a meeting/ training room in association with the nursery and children's centre.

Case Officer	Sandra Chivero
Applicant	Ms Mary Hart - Head Teacher
Agent	Mr Michael Hempstead

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 the site.



Image 2: Rear roof slope where the new dormer will located



Image 3. View from the rear driveway entrance and footpath to the Nursery School and Children's centre off Beaumont Rise.

4. SUMMARY

- 4.1 The proposed dormer roof extension is considered to be an acceptable way to extend the nursery and to provide additional meeting/training space for their staff.. Overall, given the size and scale of the proposed dormer it is considered not to significantly harm the architectural character of the host building.
- 4.2 The proposed dormer roof extension would not be located adjacent to any habitable room windows of neighbouring residential properties which are located 70m away and thus would not cause any adverse impact through overlooking. . The dormer window would not result in any overshadowing, overlooking, loss of privacy, loss of light, over-dominance, increase sense of enclosure, nor loss of outlook to neighbouring residential properties.
- 4.3 The use of the proposed dormer roof extension as a meeting/ training room is considered not to result in any harmful noise disturbance to neighbours. A condition has also been attached to the permission restricting the use of the meeting/ training room to operate during school hours.
- 4.4 The application is brought to committee because it is a council own application.

5. SITE AND SURROUNDING

- 5.1 The application site is occupied by a single storey nursery school and children's day centre buildings fronting on to Hornsey Rise. The building is not listed and it is not located within a conservation area. The health centre is located to the south. The immediate surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 The conversion of the loft space and erection of a dormer roof extension to the rear (western) roof slope for use as a meeting/ training room for the nursery school and community.
- 6.2 The tile clad dormer would incorporate a felt covered timber roof and PVC casement windows. The dormer would be 2.3m high x 8m wide x 5.9m deep and would not be higher than the ridge line.
- 6.3 The resulting floor space would be 67.32 sqm.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 August 2013: Certificate of Lawfulness (proposed) (Ref.P2013/2524/COL) in connection with the erection of a single storey extension to main school building.
- 7.2 June 2008: Planning permission (Ref. P080113) - Granted for the erection of a white PVCU conservatory to rear of property.
- 7.3 April 2006: Planning permission (Ref. P060332) - Granted for the extension and upgrade of two buildings to create a children's centre, involving construction of a single storey extension to the front of the upper building together with the erection of a new two storey connecting lift and stair, and refurbishment of the existing buildings.
- 7.4 July 2005: Planning permission (Ref. P050602) - Granted for the extension and upgrade to create a Children's Centre incorporating family and outreach services. Demolition of laundry room and of the section providing a stair link between the lower and upper buildings and the erection of new two storey section, to house the new main entrance plus the connecting stair and the lift linking the two buildings. Construction of single storey extension to front of upper building and refurbishment of all existing buildings, involving minor external alterations.
- 7.5 June 2003: Planning permission (Ref. P030810) - Granted for the erection of a single storey extension to form a laundry room.

ENFORCEMENT:

7.6

None

PRE-APPLICATION ADVICE

7.7 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 92 occupants of Cromatie Road, Marie Lloyd Gardens, Hillrise Road, Hornsey Rise, Beaumont Rise and Sunnyside Road 21 July 2015. A site notice and a press advert were displayed on 30 July 2015. The public consultation of the application therefore expired on 20 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 writing this report one letter of objection had been received from the public with regard to the application. The issues raised are summarised as follows:

- Dormer extension would obscure views (**Paragraph 10.15**)
- Disturbance during building works (**Paragraph 10.14**)
- On-going noise disturbance from vacuuming the rear garden (**Paragraph 10.14**)

Internal Consultees

- 8.3 **The Design and Conservation Officer** Following a site visit the Design and Conservation Officer was satisfied with the proposed dormer roof extension and agreed that this is the most appropriate way to extend the nursery. They do not object to the use of uPVC windows and materials to the dormer roof extension as all other windows to the school are uPVC.

9. RELEVANT POLICIES

- 9.1 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 9.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.4 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

- 9.5 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
 - Site of Importance for Nature Conservation

Supplementary Planning Guidance (SPG) / Document (SPD)

9.6 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
- Neighbouring Amenity
- Access
- Sustainability
- Transport

Land-use

10.2 The proposed roof extension would be used as a meeting/ training room for the nursery therefore remaining as D1 Use Class. The resulting additional floor space of 67.32sqm is considered acceptable in principle at this location which is already in D1 use. This would be in line with Policy DM4.12, part C of the Development Management policies which promotes provision of new social infrastructure.

Design

10.3 It is proposed to erect a rear dormer positioned to the rear (western) roof slope of the main building to the rear roof slope. The dormer roof extension which would be 2.3m high x 8m wide x 5.9m deep. Whilst the dormer is of a significant size a significant amount of the original roof slope is still visible. The new tile clad dormer would incorporate felt covered timber roof and uPVC casement windows. The proposed materials are in keeping with the nursery building and do not detract from its character and appearance or the wider surrounding views.

10.4 A resident from The Triangle, 1 Cromarte Road raised concerns regarding the position of the rear dormer being inappropriate due to loss of views. It was suggested that a ground floor extension should be erected instead of a rear dormer extension. The architect has stated that a ground floor level extension cannot be erected as it would provide small and difficult space to access .

10.5 It is considered that the proposed dormer is the most appropriate way to extend the building in terms of design. In addition, a ground floor extension would be inappropriate as it would also potentially take up 67.32sqm existing external play space for the children to the rear. Furthermore, the dormer extension does not appear dominant or incongruous when viewed from surrounding properties, in particularly no. 1 Cromarte Road which is located Xm away.

10.6 Due to its modest size and scale the proposed dormer extension is considered not to significantly harm the architectural character of the host

building. The use of uPVC windows to the proposed dormer extension is acceptable as the other windows to the school are uPVC and the nursery is not located within a conservation area. The use of uPVC is therefore considered acceptable in principle at this location.

10.7

10.8 The proposed dormer would be positioned to the rear and would only be visible from the driveway entrance and footpath to the Health Centre and the Nursery off Beaumont Rise. The proposal is therefore considered not to harm the visual amenity of the surrounding area as it would not be prominent from the public highway and neighbouring residential properties. Overall, the proposal is considered to accord with policy DM2.1 of the Development Management Policies.

Neighbouring Amenity

10.9 The proposed dormer would sit within the envelope of the existing building and would be positioned below the ridge-line of the main building to the rear. In addition, the proposed dormer would not be located adjacent to habitable room windows of neighbouring properties. The proposal is therefore considered not to result in overshadowing, overlooking, loss of privacy, loss of light, over-dominance, and increased sense of enclosure nor loss outlook to neighbouring residential properties.

10.10 In addition, the dormer would be for used as a meeting and training space for the nursery and local community. It is therefore not considered to result in unreasonable noise disturbance to the nearby residential properties.

10.11 Overall, the proposal is considered to accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

Inclusive Design

10.12 No details were provided regarding inclusive design and regrettably the meeting/ training can only be accessed by steps. It is however, accepted that this is additional floor space to an existing building and given these circumstances is acceptable.

Highway and Transport

10.13 The proposal is not considered to have transport implications.

Sustainability

10.14 The proposal is for a modest roof extension which less than 100sqm and is therefore considered not to significantly impact on the environmental quality of the building that would require mitigation.

Other Matters

10.15 Concerns were raised regarding disturbances during building works and ongoing noise disturbance from vacuuming the rear garden every week are not material planning considerations in respect of this proposed development. The application therefore could not be refused for these reasons. Noise disturbance and nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved working hours are:

- 08:00 to 18:00 Monday to Friday
- 08:00 to 13:00 Saturday
- No work on Sundays and Public Holidays

10.16 Concerns have also been raised regarding loss of views from the neighbouring property at no. 20 The Triangle, 1 Cromartie Road. There are no policies protecting views from private properties. As highlighted above, the proposed extension would sit within the envelope of the existing building and would not be higher than the ridge line.

11. SUMMARY AND CONCLUSION

11.1 The resulting additional D1 education floor space is considered acceptable at this location which is already in D1 use for a nursery and children’s centre. Due to the size and scale of the proposed dormer it is not considered to significantly harm the architectural character of the host building and would not be harmful to the visual amenity of the surrounding area. Overall, the proposal is considered to accord with relevant policies.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	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.
	REASON: To comply with the provisions of Section 91(1)(a) of the Town and

	Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)
2	Approved plans list
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan; MM/MH/21, MM/MH/22, MM/MH/Loft/One, MM/MH/Loft/Two, MM/MH/Loft/Three, MM/MH/Loft/Four, MM/MH/Loft/Five; Email 12 August from Michael Hempstead – School Building Surveyor; Response to query re. planning application – 11th August 2015.</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>
4	Materials to Match (Compliance)
	<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>
5	Hours of operation
	<p>CONDITION: The meeting/ training room hereby approved shall not operate outside the hours of: 08:00 and 18:00 Monday to Saturday and shall not operate on Sundays</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. 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>

2	The Building Acts and Building Regulations
	<p>To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
3	Nuisance from Construction Work
	<p>Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> ▪ 08:00 to 18:00 Monday to Friday ▪ 08:00 to 13:00 Saturday ▪ No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</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

3. London's people

Policy 3.18 Education facilities

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

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

Shops, Culture and Service

DM.12 Social and Strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

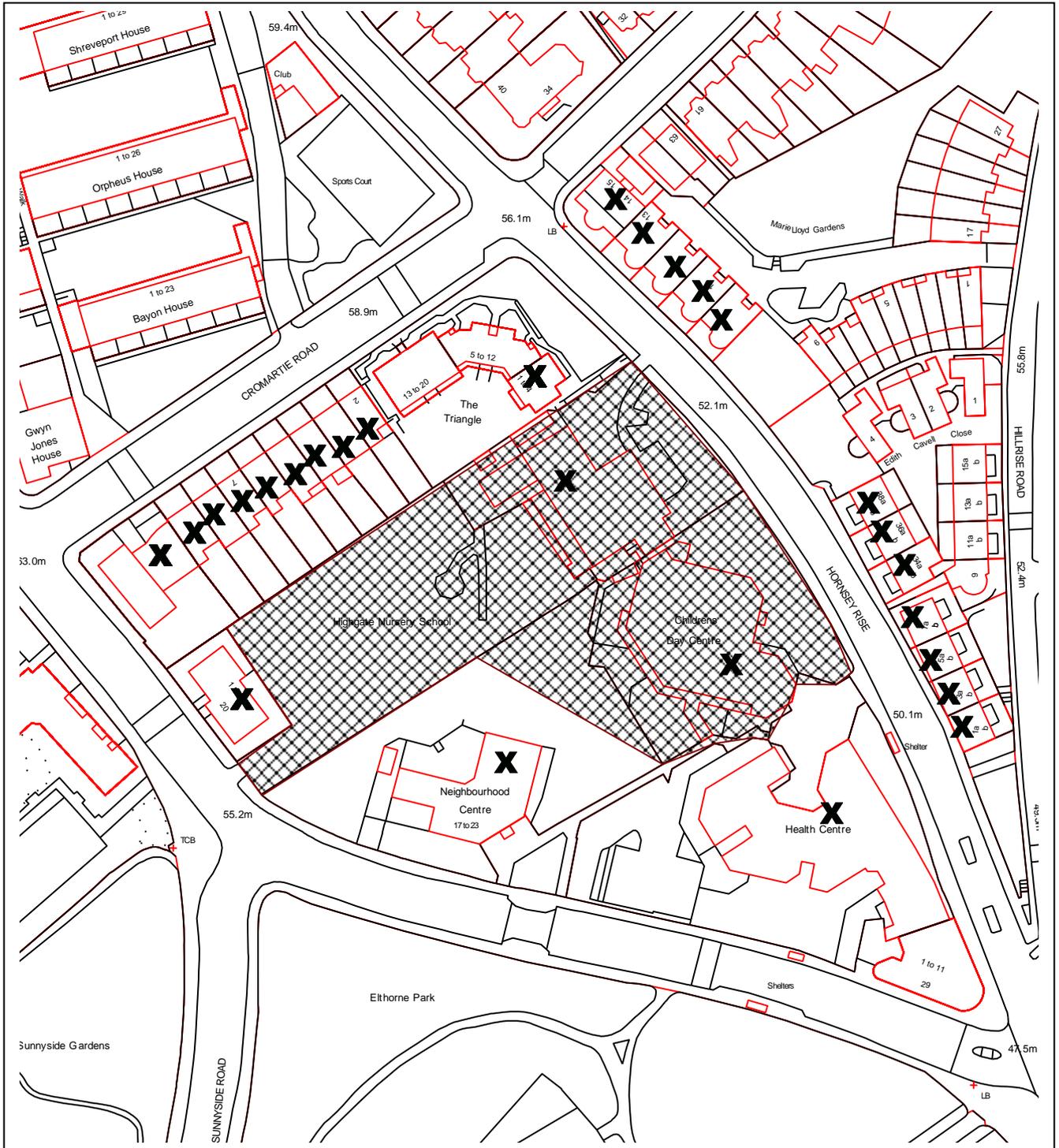
- Urban Design Guide

London Plan

- Sustainable Design & Construction

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PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	8 th October 2015	NON-EXEMPT

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

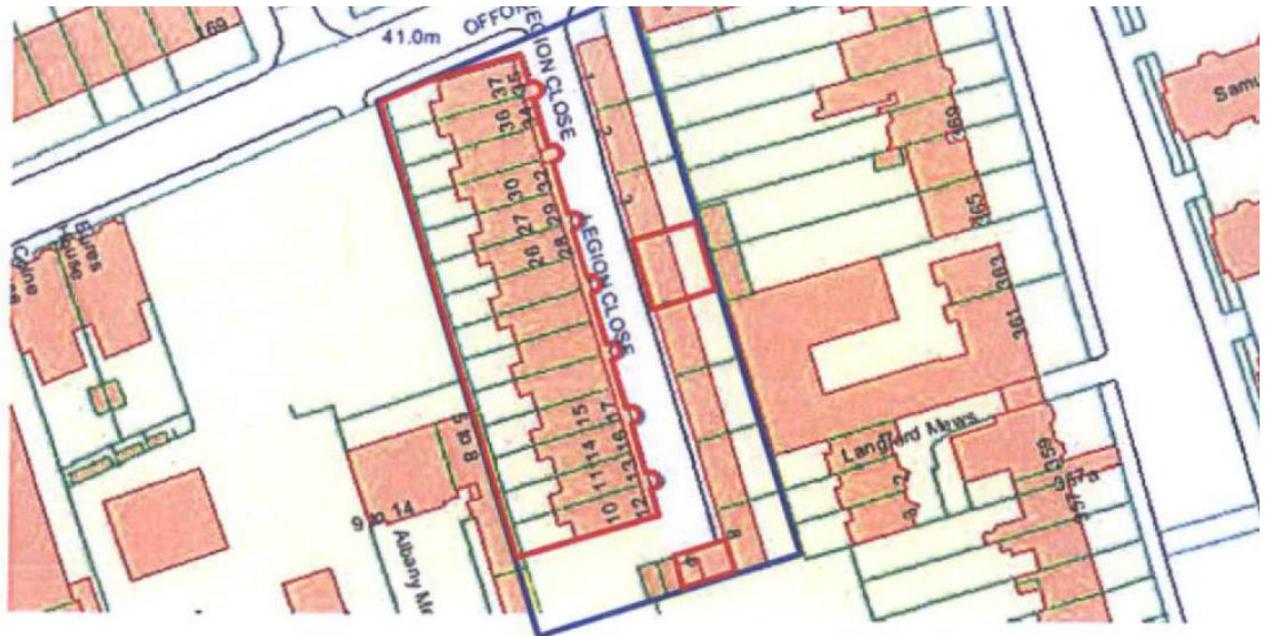
Case Officer	Ben Oates
Applicant	Islington Council
Agent	Paul Croom

1. RECOMMENDATION

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

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

2 SITE PLAN (SITE OUTLINED IN BLACK)



3 PHOTOS OF SITE/STREET

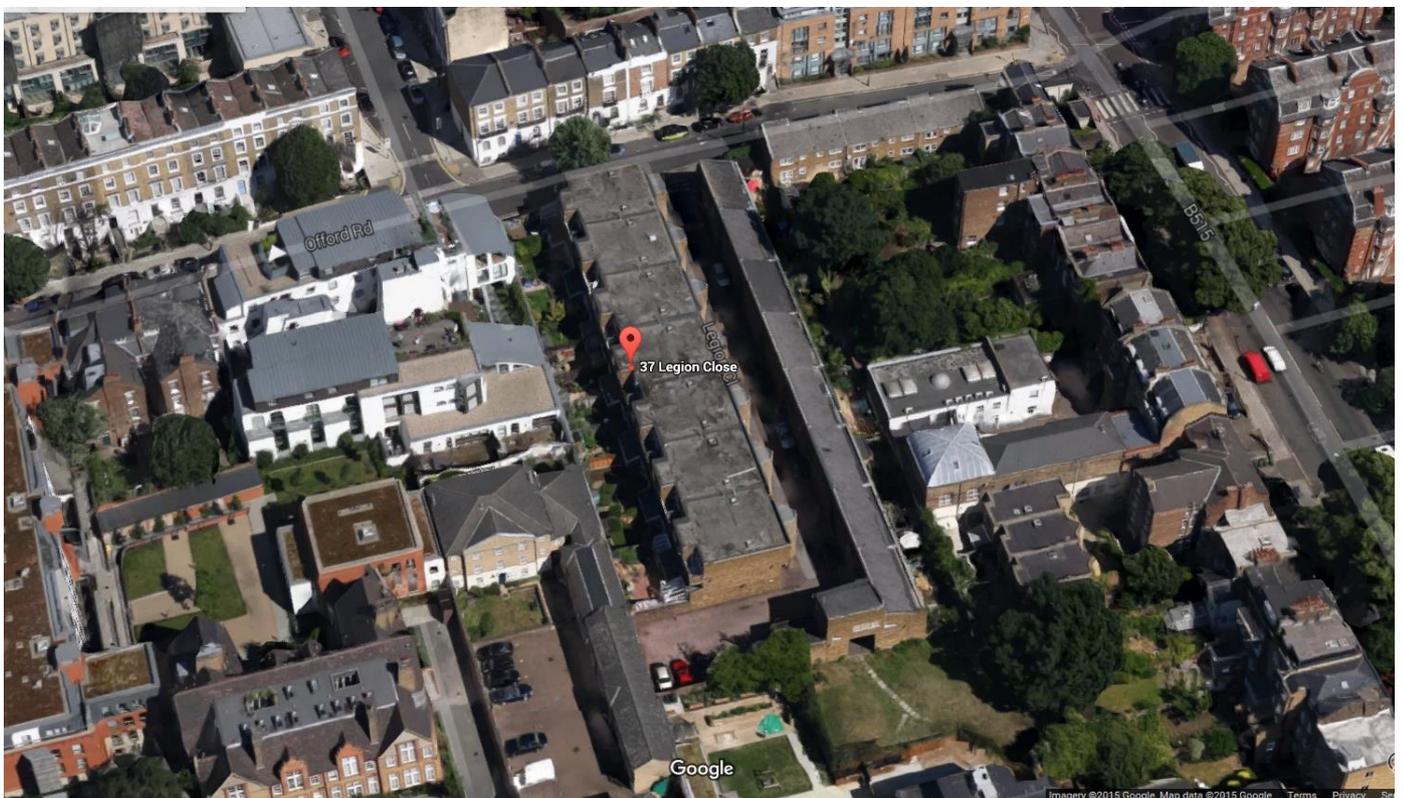


Image 1: Aerial view of existing car park to the west of Community Lane



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



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



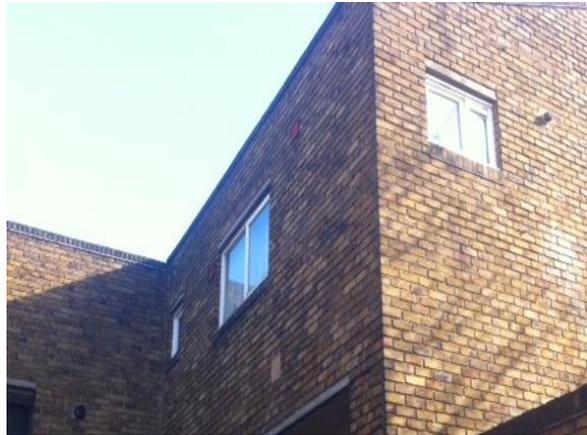
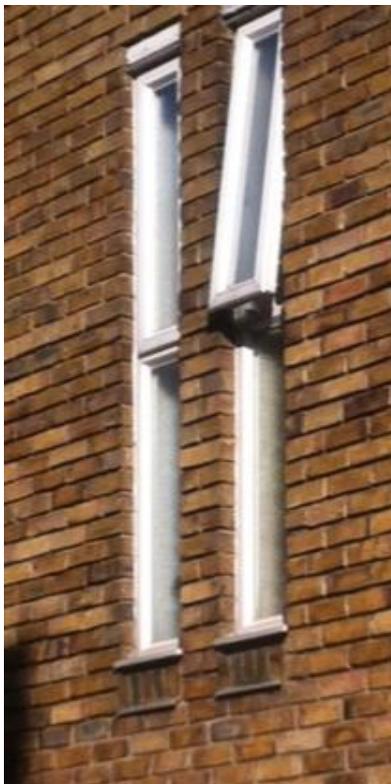
Image 5: Legion Close view from Offord Road



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



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



Images 8, 9 and 10: Variation in frames



4 SUMMARY

- 4.1 The application was deferred from the Planning Sub Committee B meeting on the 19 March 2015 due to a lack of detail of the proposed windows. Following the deferral at Planning Sub Committee B on 19 March 2015, the applicant has provided detailed sections and elevations of each window (style) in the context of each building that would have windows replaced. The application then underwent a further public consultation to allow interested parties to review the amended details.
- 4.2 The application seeks permission for the replacement of the existing windows with double glazed UPVC windows. The application relates to specific properties situated within Legion Close; namely Nos. 4, 9 and 10-37 Legion Close. The key considerations in determining the application relate to the impact on the existing building and Barnsbury Conservation Area, as well as sustainability.
- 4.2 Legion Close is a post war development situated along the north eastern boundary of the Barnsbury Conservation Area. It is acknowledged that the development is of unique architectural merit with defining features such as its distinctive drum staircases and entrances set back from main front walls. However it is noted that there is significant variation in the existing frames (mixture of timber, aluminium and UPVC) in the wider cul de sac and it is considered that over time this has deteriorated the uniformity of the buildings to a degree. Notwithstanding this, there is concern that the further use of UPVC windows would be harmful to the appearance of Legion Close.
- 4.3 The positioning of the buildings within a cul de sac reduces their overall visual prominence within the Barnsbury Conservation Area. Whilst it is acknowledged some of the rear elevation would be visible, this visibility would be from oblique views along the Offord Road and it is considered the frames would not be readily distinguishable. Furthermore, it must be added that similar window materials have been used on some postmodern developments directly adjacent the site at Nos. 150 to 158 Offord Road. As such, whilst there would be some harm caused to the appearance of the buildings by the use of UPVC windows, it is considered that given the modern appearance of the buildings, their location, orientation and the lack of consistency in materials of the existing windows, the harm caused to the streetscene and wider Conservation Area would not cause undue harm to the Conservation Area.
- 4.4 It is also considered that the proposed UPVC material and provision of double glazing would improve the sustainability and heating arrangements of each individual unit over and above that of the existing single glazed windows. The design statement also indicates that the materials would be recycled material, therefore contributing towards reducing the carbon footprint. Many of the buildings subject to this application are under Council ownership and therefore the performance improvements are considered to have a considerable degree of public benefit. Therefore in this instance, it is considered that the harm caused to the Barnsbury Conservation Area, which is less than substantial, on balance would not outweigh public benefits that would be gained by the

proposal. As such the proposal is considered acceptable and recommended for approval subject to conditions.

5 SITE AND SURROUNDING

- 5.1 The application site is situated on the southern side of Offord Road and comprises a row of terraced maisonettes (part Council owned) known as Legion Close. The terrace is a two storey development which was built in the 1970's. It is unique in architectural merit with the flank wall fronting onto Offord Road and the façade fronting onto the close.
- 5.2 A total of 37 properties are situated within this close, each with access to parking and small garage on ground floor. The façade has strong architectural features with a double storey round turret stairwell projecting to the front of the building line. In general the building consists of London stock brick, dark tiling, and white painted timber cladding, which along with their discrete location allows it to blend in with its surrounding environment.
- 5.3 The surrounding area is predominantly residential in character with a mixture of architectural style and eras. Directly opposite the subject site are three storey Victorian terraces, which retain a significant amount of original design features including timber sash windows, London stock brickwork and cornicing. To the immediate north east of the site, there is a similar post-war construction (Nos. 150-158 Offord Road) which is a mixture of London stock brick, UPVC/timber/aluminium windows and silver weathered timber cladding. Directly south west of the site lies a contemporary new development known as the "Wallpaper Apartments", which is a mixture of light render, dark stained timber tiles, baked terracotta tiles and dark grey powder coated aluminium framed windows.
- 5.4 The subject site is not listed; however it is located within the Barnsbury Conservation Area; which is the largest in the borough and characterised by formal late-Georgian/early-Victorian residential developments. There are variations of styles and eras within the Barnsbury Conservation Area.

6 Proposal (in Detail)

- 6.1 The application seeks planning permission for the installation of UPVC double glazed doors and windows to replace existing windows on the front and rear elevations of properties Nos.4, 9 & 10-37 Legion Close. The reasoning for the application is due to the poor state of the existing windows, which need to be fully replaced.
- 6.2 The application is a resubmission on a recently refused scheme ref: P2013/3125/FUL which was refused on the use of materials, its overall thickness, design and appearance which would harm the character and

appearance of the Conservation Area. Under the previous scheme, no justification for the use of UPVC accompanied the application.

- 6.3 The accompanying Design & Access Statement in this application indicates that the Estate is a mixture of freeholders, council tenants and long term leaseholders with many of the properties already having altered the window materials from its original form. All tenanted properties in the block retain the original windows and it is proposed to alter these windows to UPVC.
- 6.4 The revised application has been altered from the original submission to include Nos.4 and 9 Legion Close. Within the Design & Access Statement, the justification for use of UPVC windows highlights the variation of glazing configurations within the estate at present with Nos.10, 11 and 14 Legion Close already having UPVC materials. The current proposal has also reduced the overall thickness of the UPVC materials with a flat rather than chamfered profile to try and mimic the existing timber profile.
- 6.5 The statement also indicates that the materials would be sourced from Astraseal which recycles old frames and offcuts. It also indicates that the existing leaseholders who have UPVC windows will be contacted and offered replacement windows in order to give the estate a uniform appearance. No confirmation has been provided whether this has occurred and if any leaseholders have taken up the option. Any changes to windows of properties which are not part of this application would be subject to obtaining planning permission.
- 6.6 Following the application being deferred from the Committee Meeting dated 19 March 2015, amended drawings were received on 16 July 2015 with detailed elevations and high detailed sections of the proposed windows specifically to each flat provided. The amended drawings were provided to address concerns raised in the previous Planning Sub-Committee B on 19th March 2015 regarding the lack of sufficient detail in the proposed drawings.

7. RELEVANT HISTORY

Planning Applications:

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

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

- 7.2 **P112164 26, Legion Close**, Erection of a single storey rear extension and installation of replacement windows at first floor level to the front and rear elevations. **(Granted 11/11/2011)**
- 7.3 **P021007 14 Legion Close**, Replacement of single glazed timber windows, doors and shilap with double glazed white UPVC windows, doors and fascia board **(Granted 17/06/2002)**
- 7.4 **P021006 18 Legion Close**, Replacement of single glazed timber windows, doors and shiplap with double glazed white UPVC windows, doors and fascia board. **(Granted 17/06/2002)**
- 7.5 **891819 Extension** to existing community centre. **(Granted 06/03/90)**

Enforcement:

- 7.6 None
- 7.7 **Discussions** with Design & Conservation regarding resubmission of planning for replacement windows. Discussions concluded that
- More justification required for the use of UPVC;
 - Emphasis on the consistency of the appearance of the Estate as a whole;
 - A slimmer profile would be required to reduce the chunkiness of the windows.

8 CONSULTATION

Public Consultation

- 8.1 Original letters were sent to occupants adjoining and nearby properties on the 12 August 2014. A site notice was also displayed and press advert was also published in local paper. The consultation period ended on 2nd September 2014 and five letters of objection and two letters of support have been received.
- 8.2 The concerns raised included:
- Application form indicates the use of aluminum rather than UVPC - which is confusing (10.16)
 - Misleading information on the correct make up of residents in the estate - correct break down 7 Freeholders, 12 Tenants, 3 Shared Owners, 15 Leaseholders; tenants with 10-37 Legion Close - only represent 36% of these flats (10.3, 10.6-10.8)
 - Misleading information on existing variation in window materials - 6 flats UPVC (20%), 2 aluminum (7%) and 22 wood (73%) - a majority have original configuration (10.8)

- Concerns over the values of properties (10.17)
- The siting of the property on the edge or centre of the Conservation Area bears no relationship to its architectural value (10.10)
- The Close remains of undeniable architectural urban quality which has been highlighted in recent publications (10.2-10.9)
- The increase in the number of UPVC frames would impact the design quality of the building (10.2-10.9)
- Contrary to the materials recommended in the Barnsbury CA guidelines (10.13)
- Veka Infinity range of windows using recycled materials is inaccurate as Astraseal Company is indicated at the producer which is 100 percent UPVC. (10.15-10.16)
- Survey provided is flawed with windows misrepresenting incorrectly in terms of dimensions and configuration (10.2-10.9)
- No large scale drawings included illustrating the increased in frame thickness (10.7)
- Contrary to the guidance within Islington's publication Reducing carbon emissions and adopting to climate change in historic buildings - the use UPVC windows is not considered to be acceptable in Conservation Area and Listed Buildings as detracts from character and appearance of historic buildings.(10.19)

8.3 The letters of support raised the following points

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

Further consultation following deferral from Planning Sub Committee B dated 19 March 2015

8.4 Following the receipt of amended drawings on 16th July 2015, the application underwent a second round of consultation in which letters were sent to the same neighbours on 22nd July 2015. Again, a site notice was also displayed and press advert was also published in local paper. The consultation period ended on 20th August 2015 and five letters of objection and one letter of support have been received during the second round of consultation.

8.5 The new concerns raised included:

- No photographs have been provided of the proposed windows. (10.7)
- The window design doesn't copy the original design. (10.7)

- UPVC windows have the highest whole life cost whereas timber has the lowest. (10.15)
- The recycling information given by Mears does not relate to the proposed Astraseal windows, which are not made from 100% recycled UPVC. (10.15-10.16)
- No leaseholders have been contracted to find out if they would consider buying into the scheme. (10.7)

8.6 The letters of support raised the same issues as the original letters of support.

Internal Consultees

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

The D&C Officer reviewed the amended drawings and advised that there is still concern with the use of UPVC windows; however it would not result in severe harm to the Conservation Area.

External Consultees

8.8 **None**

9 RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the relevant development plan policies and documents.

National Guidance

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

- 9.2 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of these proposals

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

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

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

Design and Conservation

- 10.2 The proposal relates to several properties situated within Legion Close which is part Council owned / part privately owned development built in the 1970's.
- 10.3 Originally Legion Close was built as Council Housing. However, overtime the development has become a mixture of Council tenants, long term leaseholders and private freeholders. The information provided in the Design & Access Statement and subsequent information submitted from objectors indicates that the current breakdown of the Estate – 7 Freeholders, 15 Leaseholders, and 15 Tenants (3 of which are on a Share-ownership scheme).
- 10.4 Legion Close has been highlighted by the representations received as a building of architectural value which has been highlighted in several architectural publications. Whilst there is no doubt that the building is of rich architectural merit, the original form has slowly altered overtime with several individual applications approved for the conversion of existing garages and the replacement of windows with a range of materials, including UPVC, aluminium and timber.

- 10.5 It must however be noted that the strong architectural design is retained with the double storey round turret stairwell continuing to be the eye catching feature on the façade. The eye is drawn to these prominent features above anything else within the terrace and this is furthered by the dominant and rich nature of the London Stock brickwork. In the context of the building materials and form, it is considered that the fenestration represent a secondary feature. As such, from the entrance to the Estate, it is difficult to distinguish between the window types.
- 10.6 Whilst, the Design Officer's comments are noted of the need for a more consistent approach to the Estate with a uniform material proposed to the whole Estate; due to the mixture of both freeholds, leasehold and tenants, this would not be possible without full agreement of all parties. This could significantly extend the timeframes to replace the windows, which in turn could cause further distress to residents. Given the current variation between windows forms and the previous historical permission granted for the use of similar form of UPVC material at Nos. 14, 18 and 26 Legion Close, it would not be justified in refusing the application on the use of this material. As such it has been important to secure slim line UVPC frames that would cause minimum damage to the architectural detailing of the terrace. The amended drawings give a clear indication that the profile of the proposed window frames would be similar to that of the existing timber frames and a sample was also provided to the Council's planning office. A compliance condition is recommended requiring the materials to be consistent with the details provided in this application.
- 10.7 The development management heritage policy DM2.3 G ii) states that "*Where conflict between climate change objectives and the conservation of heritage assets is unavoidable the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of heritage assets, in accordance with the development management principles in national, London and Islington planning policy.*" Policy DM2.1 further states that, amongst other things "*for a development proposal to be acceptable it is required to be sustainable, durable and adaptable*". Overall on balance, given the strong remaining features of the building (double storey round turret stairwell & the dominance of London Stock brick), and the proportion of windows that have already been altered, it is considered that the proposal would not have undue harm on the architectural integrity of the existing building. Therefore in this instance and subject to conditions the proposal complies on balance with policies DM2.1 and DM2.3.
- 10.8 From inspecting the site and information submitted by the applicant and objectors, it is clear that many of the properties within the estate have already altered the window frames from the original timber form to either aluminium or UPVC frames. This is highlighted by the fact nine of the twenty eight properties on the main block of Legion Close (10-37) have either aluminium or UPVC framed windows. This represents a figure of 32% of the building which is considered a sizeable proportion. The objectors received make the

converse arrangement to the fact that two thirds of the terrace remains unaltered from the original form.

Impact on the character and appearance of Barnsbury Conservation Area

- 10.9 The subject site is situated towards the north eastern edge of Barnsbury Conservation Area. As noted by the representations received, this would not justify the use of UPVC materials due to its proximity to the edge. Notwithstanding this, the proposal must be assessed in the context of the immediate area which is a mixture of period style properties, post war developments and contemporary new build.
- 10.10 The period style properties directly north of the subject site continue to retain a large proportion of their original fabric with timber sash windows, original iron wrought railing and London stock brick finish. These properties are situated directly across the highway from the subject site and are generally read in their own context. Along the same side of the highway as Legion Close lies the Wallpaper Apartments, a contemporary new build which has a mixture of render, aluminium and metallic finish applied to its façade and retains a uniform design.
- 10.11 The application site has a similar design to the properties situated directly north east of the site Nos. 150-158 Offord Road. These properties have a similar height, brick and visually interesting design to the subject site with strong façade features. It must be noted that each of these properties have installed UPVC windows to the front elevation and given their prominent positioning along the main highway, the impact on the design is far more obvious than the subject site.
- 10.12 The subject site is situated in a cul de sac and as noted by the Design Officer is set in its own context (albeit slightly exposed on Offord Road entrance). The construction is modern, therefore the use of modern materials would not necessarily detract from its original design and character as it would on a Victorian terrace for instance which the Barnsbury Conservation Area guidance note advises the use of traditional materials. However due to the specific circumstances of this case; there is scope for the use of uPVC material subject to slim profiles of appropriate design. While it is acknowledged that there would not be a uniform design to the Close, given its semi-secluded location, it is not considered to cause sufficient harm to the character and appearance of the Conservation Area to warrant a refusal. This is also due to the existing variation of the material presently located in the Close as well as the existence of uPVC windows on Nos. 150-158 Offord Road.
- 10.13 As such, whilst there would be some harm caused to the appearance of the buildings by the use of UPVC windows, it is considered that given the modern appearance of the building, its location, orientation and lack of consistency in existing windows, the harm caused to the streetscene and wider Conservation Area would not be severe. Furthermore, many of the buildings subject to this

application are under Council ownership and therefore the performance improvements as discussed in the next section are considered to have a considerable degree of public benefit. Therefore in this instance, it is considered that the harm caused to Conservation Area, which is less than substantial, on the balance would not outweigh public benefits that would be gained by the proposal. It would therefore on balance comply with CS policies 8 & 9, and DM policies DM2.1, DM2.3 & Islington's Urban Design Guidance 2006.

Sustainability

- 10.14 The proposed double glazing would improve the thermal efficiency of each individual unit thereby contributing to reducing energy costs. Whilst the UPVC is not ideal due to its non-biodegradable nature, the applicant has indicated that the materials themselves can be recyclable in the future.
- 10.15 The applicant has clarified that it would be made from recyclable UPVC. The applicant also indicates that the lifespan of the windows would be 30 years and can be maintained as has been done recently, by Mears Projects on behalf of the Council, on other estates in the borough. It is acknowledged that UPVC does not perform as well as timber in a "lifetime cost" analysis; however the applicant advises that it still provides a cost effective solution to improve the current situation within the Council's budget.
- 10.16 As such, it is considered that the double glazing UPVC would contribute to sustainability of the terrace more than the current window as it will improve the retention of heat in Winter and is therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

Other issues

- 10.17 Other issues raised during the consultation process included the confusion over the materials proposed. The consultation letters sent as well as site notice displayed and publication in the local press all made reference to the use of UPVC double glazing within the finish. Furthermore, page 10 of the Design & Access Statement clearly states that the new proposal would involve UPVC windows.
- 10.18 The representations received also make reference to the property values of individual properties due to the installation of UPVC windows. This is not a material planning consideration in the assessment of this application.
- 10.19 It is noted that the representations received make reference to Islington's publication "Reducing carbon emissions and adapting to climate change in historic buildings". Within this publication it makes reference to the use of UPVC windows in Conservation Areas due to the impact on the historic buildings. However as argued in Para 10.13, the subject site is a stand alone

modern development which has adopted mixture of traditional and modern materials in its finish. It is therefore not considered to compromise the overall setting of the period style dwelling on the opposite side of the highway. As such, in this instance special circumstances exist and it is considered acceptable.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 It is considered that the proposed UPVC material and provision of double glazing would improve the sustainability and heating arrangements of each individual unit over and above that of the existing single glazed windows. The design statement also indicates that the materials would be recycled material, therefore contributing towards reducing the carbon footprint. Many of the buildings subject to this application are under Council ownership and therefore the performance improvements are considered to have a considerable degree of public benefit. Therefore in this instance, it is considered that the harm caused to the Barnsbury Conservation Area, which is less than substantial, on balance would not outweigh public benefits that would be gained by the proposal.
- 11.2 The proposed development is acceptable and on balance would not result in unacceptable harm to the existing terrace or the Barnsbury Conservation Area. It would improve the overall sustainability of the building and would therefore be in accordance to the Council's Development Management policies DM2.1, DM2.3 and DM7.2.

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:

	Commencement (Compliance)
1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
	Approved Plans List: (Compliance)
2	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Numbers: Site Location Plan, LEG 01, LEG 02, LEG 03, LEG 04, LEG 05, LEG 06, LEG 11, LEG 12, LEG 16, LEG 17, LEG 18, LEG 19 - W6 W4 D1, LEG 20 - W12 to W16 D3, LEG 21, LEG 22, LEG 23 and Legion Close Design & Access Statement.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
	Details of windows
3	<p>MATERIALS (COMPLIANCE): The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

List of Informatives:

	Positive statement
1.	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p>

	<p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
3.	<p>Construction hours</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; margin: 10px 0;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> ○ 8am –6pm Monday to Friday, ○ 8am – 1pm Saturdays; ○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances) </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 CS10 Sustainable design

C) **Development Management Policies June 2013**

Design and Heritage

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Barnsbury Conservation Area Design Guidance Note

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P2014/3189/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		
Date:	8 th October 2015	NON-EXEMPT

Application number	P2015/2662/FUL
Application type	Full Application
Ward	Finsbury Park
Listed Building	Not listed
Conservation Area	Not Located in Conservation Area
Development Plan Context	Article 4 direction - Office to residential Finsbury Park Core Strategy Key Area Secondary retail frontage Finsbury Park Town Centre
Licensing Implications Proposal	The proposal will require a license.
Site Address	Unit 2, Wells House, 5-7 Wells Terrace, London N4 3JU
Proposal	Change of use from retail use (Use class A1) to Drinking Establishment (Use class A4) together with alterations to Shopfront

Case Officer	Duncan Ayles
Applicant	Mr Remi Dubois
Agent	N/A

1. RECOMMENDATION

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

1. for the Reasons set out in Appendix 1.

3 PHOTOS OF SITE/STREET



Image 1: aerial view of the site



Image 2: View of the Site From Wells Terrace

4 SUMMARY

- 4.1 The application is for the change of use of an A1 retail unit to an A4 drinking establishment use, to create a café bar providing table service. The application is a resubmission, following two applications for the same development which were refused due to the loss of A1 retail within a secondary shopping frontage. This application has been called in by Cllr Asima Shaikh and Cllr Heather.
- 4.2 The application is submitted with the same marketing information which was provided in support of the most recently refused application (see history section 7.1-7.4). It has been supplemented with some additional survey information. The additional information has been assessed, and has been concluded that it does not overcome the previous objection based on the loss of A1 retail space within a defined secondary frontage. As the previous grounds for refusal have not been overcome, it is recommended that the application is refused, as it would be contrary to policy DM 4.5 Part B (iii) of the Islington Development Management Policies 2013.
- 4.3 The application is considered to be acceptable on the grounds of neighbour amenity, and notwithstanding the objection to the loss of A1 retail use the proposed use would be appropriate for a town centre. The proposed alterations to the shopfront are also considered to be acceptable in design terms.

5 SITE AND SURROUNDING

- 5.1 The application site is located at Unit 2, Wells House. This is an A1 retail unit located close to Finsbury Park Station. The application site is located close to a specialist shopping area where the majority of ground floor units are occupied by clothing and fashion shops. Wells House, at 5-7 Wells Terrace, is a four storey mixed use building. The upper floors are in use as B1 offices, with the other two ground floor units are used as a café and a bridal shop. The surrounding land use is also mixed, with buildings containing retail and café units at ground floor level, with either office or residential uses at upper floor levels.
- 5.2 The application site is located immediately opposite the City North Development. This is a large mixed use development comprising 335 residential dwellings, 2172 square metres of office floor space and 9665 square metres of A1-A4 floor space. This development is currently being constructed. The application site is located approximately 150 metres away from the bus station and underground entrance. The application site is close to a specialist shopping area on Fonthill Road, which is characterized by the presence of a significant number of textile and fashion outlets.

6 PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the change of use of the property from an A1 retail use to an A4 drinking establishment use. The applicant intends to create a jazz bar serving cocktails. The bar will also serve bar snacks, but the applicant has confirmed that no primary cooking will occur on the premises and it will function predominantly as a drinking establishment, therefore no air conditioning or plant extract equipment is proposed as part of this application.
- 6.2 The application also seeks approval for the alteration of the shopfront of the unit, replacing the existing shopfront with a new shopfront. The proposed shopfront contains less glazing than existing, a 4 panel entrance door and timber panel stallriser.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2015/1484/FUL:** An application for the change of use from A1-A4 and to alter the shopfront was refused, because the marketing information submitted was not considered to be considered to justify the loss of the A1 retail use.

REASON: The proposal would result in the loss of an A1 shop within a protected designated retail frontage, and the applicant has not provided the two years of substantive marketing evidence that demonstrates that the unit cannot not viable in A1 use. The proposal is therefore in conflict with policy DM 4.5 Part B (iii).

- 7.2 **P2015/0344/FUL:** An application for the change of use from A1-A4, and for the alteration of the shop front was refused because no marketing information had been provided to justify the loss of the A1 retail shop.

REASON: The proposal would result in the loss of an A1 shop within a designated retail frontage, and the applicant has not provided the two years of marketing evidence that demonstrates that the unit is not viable in A1 use. The proposal is therefore in conflict with policy DM 4.5 Part B (iii).

- 7.3 **P2013/0666/FUL:** An application for a change of use from A1 to a flexible A1/A2/B1 use was approved subject to conditions.

- 7.4 **P2013/0647/FUL:** An application to change the use from A1 to a flexible A1/A2/B1 use was approved subject to conditions.

ENFORCEMENT:

- 7.5 None

PRE-APPLICATION:

7.6 None

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 97 nearby and neighbouring properties at Wells Terrace, Fonthill Road and Clifton Terrace. A site notice was also displayed. The consultation expired on the 30th July 2015. However, it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 A total of 12 letters of support were received from the public with regard to the application, the issues raised can be summarised below (with the paragraph that provides responses to each issue indicated in brackets):

- beneficial Impact on footfall and vitality within the area (10.11);
- benefits brought by the new facility to the economy of the area (10.11);
- character and professional experience of the applicant (10.12).

Internal Consultees

8.3 **Planning Policy Team:** The additional information submitted since the last refusal is anecdotal, and does not represent a robust survey of the area. The planning policy section have recently updated the town centre survey, which shows the Wells terrace secondary frontage has 20 units, with 13 in A1 use.

8.4 The marketing information submitted is poor and lacking in detail, and it has not demonstrated the two years of marketing required by policy. As the site is located close to a specialist shopping area, it would be expected that the full two years evidence be submitted. The applicant's analysis is one dimensional; they say that the area has gone downhill, but our town centre surveys refute this. The complaint that there are a lot of textile shops in the area, but it is this agglomeration that justifies the identification of the area as a specialist shopping area. The rental arrears cited by the applicant is not a planning consideration, and points to poor property management and a lack of pre-occupation checks.

8.5 **Licensing Team:** No comments

8.6 **Public Protection Licensing:** No comments

8.7 **Noise Pollution:** Response awaited

External Consultees

8.8 **Crime Prevention Officer:** No comments

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:
- Acceptability of the proposed change of use and impact on the retail function of the Finsbury Park Town Centre
 - Design and impact on the character and appearance of the area
 - Impact on the amenity of neighbouring properties.

Proposed Use (Loss of A1 retail use)

- 10.2 The application site is located within a defined secondary retail frontage under the 2013 Development Management, and has been most recently occupied by clothing shops within use class A1. The application proposes to create a café/bar within use class A4, which will lead to the loss of the existing A1 unit. This change of use requires planning permission and is not covered by the prior approval or flexible uses regime contained within the 2015 Use Classes

Amendment Order. Permitted changes of use under the 2015 Amendment Order include from A1 (retail) to A2, or up to 150m² A3 subject to Prior Approval, or up to 200m² D2 subject to Prior Approval and only if the premises was in A1 use on 5th December 2013. In addition buildings with A1, A2, A3, A4, A5, B1, D1 and D2 uses are permitted to change use for a single period of up to two years to A1, A2, A3 and B1 uses.

- 10.2 The site is a secondary retail frontage located in close proximity to the specialist shopping area at Fonthill Road, which contains a significant number of clothing and textile shops. Policy DM 4.9 B states that all applications near to specialist shopping areas will be assessed in terms of their impact on the character and function of the shopping centre.
- 10.3 Policy DM 4.5 B relates to changes of use within secondary frontages, and the policy confirm that the council will retain the A1 retail use character of these areas, and provides five criteria against which change of use applications will be assessed. The proposal is in compliance with DM 4.5 B (i) as the overall percentage of non-A1 retail units within the frontage would not exceed 50% of the units.
- 10.4 Notwithstanding the above restrictions to a change of use from A1 retail uses, A4 drinking establishment uses are considered to be an appropriate form of development within town centres. Policy DM4.2 confirms that entertainment and night-time activities are generally appropriate in town centres where they are compatible with other main town centre uses, do not cause an over concentration of such uses and are acceptable in terms of their impact on the amenity of neighbouring properties. However, the applicant has failed to address all of the criteria set out within policy DM 4.5 B.
- 10.5 The proposed change of use fails to comply with DM 4.5 B (ii) as the proposed change of use would result in two non-A1 uses being situated adjacent to one another. However, in this situation both non A1 uses provide an active frontage, and therefore on balance it is considered to be acceptable in this instance.
- 10.6 Policy DM 4.5 B (iii) requires that two years marketing information is provided to demonstrate that there is no realistic prospect of the unit being used for an A1 retail purpose. The unit has been vacant for approximately 1 year, and therefore the unit is not in compliance with DM 4.5 B (iii), which requires the unit to have been marketed continuously for two years. Appendix 11 to the 2013 Development Management Policies contains a checklist of marketing information required to demonstrate that there is not reasonable prospect of the unit being occupied as an A1 use.
- 10.7 In terms of the appendix itself, the marketing information has been found to be deficient in respect of four specific requirements. The applicant has not provided evidence of the enquiries received in respect of the property, the marketing length (9 months) is not sufficient and the applicant has not provided confirmation from three separate agents that the asking price is reasonable.

- 10.8 Consequently it cannot be concluded, on the basis of the information submitted, that there is no reasonable prospect that the unit cannot be occupied by an A1 retail unit in the future. The additional information that has been submitted with this application is considered to be anecdotal, and is not consistent with a recent Town Centre Health Check, conducted by the planning policy team, which found that the existing retail uses are in good health.
- 10.9 Policy DM 4.9 B states that all applications in and around specialist shopping area will be considered in relation to their impact on the character of a specialist shopping area. The proposal is considered to detract from the character and function of the Fonthill Road shopping area, as it leads to the loss of an A1 shop which has been recently occupied by fashion outlets.
- 10.10 It is noted that there are a number of planning decisions that have granted the change of use of the units to a non-A1 use. However, these decisions predated the existing Development Management Policies 2013, and were based on a less restrictive policy within the Unitary Development Plan 2002, which did not require the submission of evidence such as vacancy and marketing to demonstrate that there would be no realistic prospect of the unit being used for A1 retail purposes. Consequently these decisions are not considered to justify the proposed development.
- 10.11 The applicant, and a number of respondents to the public consultation, have highlighted the benefits that the proposal will bring to the area. This includes increasing footfall within the area, and providing a new amenity for local residents. While these are material planning considerations, they are not considered to outweigh the loss of an A1 retail use and the potential harm that this would cause to the retail function of the area.
- 10.12 Some of the respondents to the public consultation have also referred specifically to the personality of the applicant, and his ability to run the bar effectively. The personal characteristics of the applicant is not a material planning consideration, and this cannot be given weight in the determination of this application and planning permission would run with the land.
- 10.13 The proposal is therefore contrary to the objectives of policy DM 4.5, as it would lead to a cumulative erosion of the retail character and function of the shopping area, without sufficient supporting information to demonstrate that the units could not be brought back into an A1 use. The proposal is also in conflict with policy DM 4.9 as it will further erode the specialist fashion centre at Fonthill Road.

Design and Impact on the Character and Appearance of the Area

- 10.14 The application proposes to alter the existing shop front to the unit, which is a contemporary shop front with no stall riser and large glazing, with a more traditionally designed shopfront including a timber stallriser. The application

building dates from the 1980s, and consequently there is no requirement under the Council's planning policies to install a traditional shopfront.

- 10.15 However, the shopfronts of the properties within Wells terrace show a substantial degree of variation in terms of their detailed design and materials. While most of the shopfronts are also contemporary, with large amounts of glazing, some of the shopfronts, such as at 9-10 Wells terrace contain stall risers and other traditional features. The new shopfront will not, therefore, appear as a discordant or incongruous feature within the street scene. The application does not contain any details of new signage to be erected above the shopfront, and these may require additional consent.
- 10.16 The proposed shopfront is therefore considered to be acceptable on design grounds, and in compliance with policies DM 2.1 of the Development Management Policies and CS9 of the Core Strategy. The shopfront design is also considered to be in compliance with the guidance within the Shopfront Design SPD.

Impact on the Amenity of Neighbouring Properties

- 10.17 The upper floors of Wells House are in use as B1 offices, and the proposed change of use to a drinking establishment A4 use are not considered to lead to any adverse impact of the working conditions of these offices, as a noise condition and condition for appropriate sound insulation between both uses could be applied to any permission if granted
- 10.18 The upper floors of the neighbouring properties on both sides of Wells House are used as residential flats. While it is considered that the proposal will lead to an increased amount of noise and activity in association with the unit, especially within the evening, it is not considered that this would lead to any adverse impact on the amenity of these properties and such details as hours and noise can be controlled.
- 10.19 The application site is located within a busy town centre location, close to Finsbury Park Station, and therefore the amount of noise and disturbance created would not significantly exceed the background level. There are no other similar uses within close proximity to the application site, and therefore the application does not raise any issues in respect of the overconcentration of similar uses. In addition, if Members are minded to approve the application, a condition could be imposed to control the opening hours of the unit, noise levels, appropriate sound insulation, servicing and delivery.
- 10.20 The applicant has confirmed that no primary cooking will occur on the premises, although the bar will serve some bar snacks. Consequently the proposal will not require the addition of any flues to the property, or lead to any impact through the emission of smoke or ventilation. If members are minded to approve the application, a condition could also be imposed to ensure no primary cooking occurs on the premises, in the interests of amenity.

10.21 The impact of the proposed development on the amenity of neighbouring properties is therefore considered to be acceptable subject to possible conditions, and in compliance with policies DM 2.1, DM 4.2 and DM 4.3.

Other Matters

10.22 The access statement submitted with the application does not make any reference to access to the proposed A4 drinking establishment unit for disabled persons or those with impaired mobility and those with prams and pushchairs. However the plans submitted show a level access from street level, but no accessible toilet facilities. If members are minded to approve the application, a condition could also be imposed to ensure an accessible toilet is provided within the unit.

10.23 Details of the proposed refuse and recycling storage and collection arrangements have not been provided with the application, however if members are minded to approve the application, a condition could also be imposed to submit such details.

11. SUMMARY AND CONCLUSION

Summary

11.1 The proposal would result in the loss of an A1 retail shop within a designated shopping frontage close to a specialist shopping area, and the applicant has not provided sufficient marketing information to clearly demonstrate that there is no reasonable prospect that the unit cannot be brought back into an A1 use. The proposal is therefore contrary to policies DM 4.5 B of the 2013 Development Management Policies.

11.2 The proposed development is considered to be acceptable in terms of its impact on the character and appearance of the area and the impact on neighbouring properties. In addition, any impact on neighbour amenity can be adequately controlled through the imposition of planning conditions. The proposal is therefore considered to be in compliance with policies DM 2.1 and DM 4.2 of the Development Management Policies 2013.

11.3 A number of the benefits arising from the development which have been identified by respondents to the consultation, including the provision of a new local amenity, and the possible increase in footfall are material planning considerations. However, these are not considered to be sufficient to outweigh the harm to the character and function of the shopping area by virtue of the loss of A1 retail use.

Conclusion

11.4 It is recommended that planning permission is refused for the reason set out within Appendix 1- RECOMMENDATION A.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the application is refused for the following reason.

1	REASON
	The proposal would result in the loss of an A1 shop within a protected secondary retail frontage, close to a specialist shopping area, and the applicant has not provided the two years of substantive marketing evidence that demonstrates that there is no reasonable possibility that the unit could be brought back into use for A1 retail. The proposal is therefore in conflict with policy DM 4.5 Part B (iii) of the Development Management Policies 2013.

List of Informatives:

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

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 and Planning Policy Guidance seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and 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

Policy CS2 (Finsbury Park)

Policy CS14 (Retail and Services)

C) Development Management Policies June 2013

Design and Heritage

Policy DM 2.1 (Design)

Shops, Culture and Services

Policy DM 4.2 (Entertainment and the night time economy)

Policy DM 4.3 (Concentration of uses)

Policy DM 4.5 (Primary and Secondary Shopping frontages)
Policy DM 4.9 (Markets and Specialist shopping areas)

3. Designations

Article 4 direction - Office to residential
Finsbury Park Core Strategy Key Area
Secondary retail frontage
Finsbury Park Town Centre

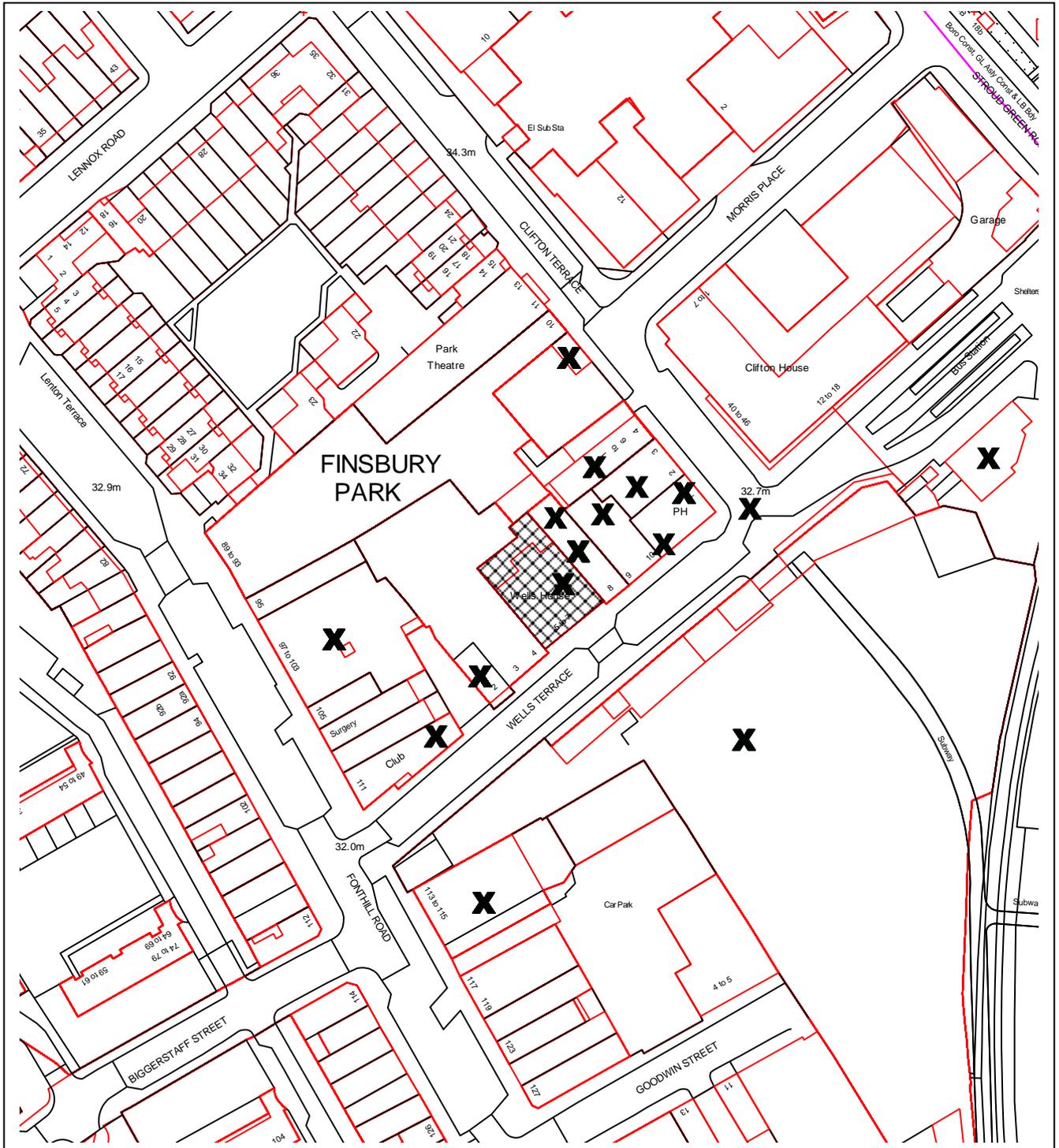
4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Finsbury Park
- Shopfront Design SPD

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