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## AGENDA FOR THE PLANNING SUB COMMITTEE A

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on, **22 October 2015 at 7.30 pm.**

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

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Despatched : 14 October 2015

**Welcome:**

Members of the public are welcome to attend this meeting.

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

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Fletcher (Chair)	- St George's;	Councillor Convery	- Caledonian;
Councillor Poyser (Vice-Chair)	- Hillrise;	Councillor Diner	- Canonbury;
Councillor Chowdhury	- Barnsbury;	Councillor Gantly	-Highbury East;
Councillor Khan	- Bunhill;	Councillor Ismail	- Holloway;
Councillor Spall	- Hillrise;	Councillor Kay	- Mildmay;
		Councillor Klute	- St Peter's;
		Councillor Nicholls	- Junction;
		Councillor A Perry	- St Peter's;
		Councillor Picknell	- St Mary's;
		Councillor Wayne	- Canonbury;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
6. Minutes of Previous Meeting	1 - 6
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. 25 Danbury Street, London, N1 8LE	9 - 36

- |    |  |         |
|----|--|---------|
| 2. | 25-52 Rotherfield Court, Rotherfield Street, Islington, London, N1 3BN | 37 - 52 |
| 3. | Islington Tennis Centre, Market Road, London, N7 9PL                   | 53 - 66 |
| 4. | Nursery at Loxfords 85 Highbury Park, London, N5 1GF                   | 67 - 82 |

**C. Urgent non-exempt items (if any)**

Any non-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.

**D. Exclusion of press and public**

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

**E. Confidential/exempt items**

**F. Urgent exempt items (if any)**

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

**Date of Next Meeting:** Planning Sub Committee A, 1 December 2015

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

[www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)

## **PROCEDURES FOR PLANNING SUB-COMMITTEES**

### **Planning Sub-Committee Membership**

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

### **What Are Relevant Planning Objections?**

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

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

London Borough of Islington

## Planning Sub Committee A - 21 September 2015

Minutes of the meeting of the Planning Sub Committee A held at Council Chamber, Town Hall, Upper Street, N1 2UD on 21 September 2015 at 7.30 pm.

**Present:**           **Councillors:**       Kat Fletcher (Chair), David Poyser (Vice-Chair), Robert Khan, Osh Gantly (Substitute) (In place of Marian Spall) and Rakhia Ismail (Substitute) (In place of Jilani Chowdhury)

### Councillor Kat Fletcher in the Chair

- 99**           **INTRODUCTIONS (Item A1)**  
Councillor Fletcher welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.
- 100**          **APOLOGIES FOR ABSENCE (Item A2)**  
Apologies were received from Councillors Chowdhury and Spall.
- 101**          **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Gantly substituted for Councillor Spall and Councillor Ismail substituted for Councillor Chowdhury.
- 102**          **DECLARATIONS OF INTEREST (Item A4)**  
Councillor Poyser declared that the Whitehall Park Residents' Association had objected to Item B3 and he was a member of the Association although he had not been involved with the objection. He would take part in the consideration of this item.
- 103**          **ORDER OF BUSINESS (Item A5)**  
The order of business would be:  
B6, B2, B5, B3, B4, B1, B7 and B8.
- 104**          **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED:**  
That the minutes of the meeting held on 9 July 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 105**          **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)

In the discussion the following points were made:

- The planning officer reported that the floorspace created would be 118m and not 123m as stated in the report and that most of the development had been approved

## Planning Sub Committee A - 21 September 2015

in March 2015. The applicants had submitted the current application for a roof terrace.

Following suggestions for amendments to conditions from the objector, Councillor Gantly proposed that there should be no external lighting and the top of the roof of the new extension should not be used as a balcony at any time. This was seconded by Councillor Khan and carried.

### **RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report as amended above.

106

### **2 TREMLETT GROVE, LONDON, N19 5JX (Item B2)**

Substantial demolition of existing residential dwelling with retention of street façade and construction of 3 dwellings comprising 1 x 5 bedroom townhouse with rear garden and 2 x 2 bedroom residential flats.

(Planning application number: P2015/2564/FUL)

In the discussion the following points were made:

- The planning officer confirmed that the semi public space referred to in the report was private communal gardens for Silver Court.
- A previous scheme had been refused under delegated authority in March 2015 and improvements had been made to the scheme since then.
- The distance between the proposed development and Silver Court was 31 metres.
- There was a need to balance the design and conservation aspect with the need for housing.
- Some of the objections raised related to the previous scheme.

### **RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report and the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in the case officer's report.

107

### **55 WHITEHALL PARK, LONDON, N19 3TW (Item B3)**

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

(Planning application number: P2015/2281/FUL)

In the discussion the following points were made:

- The planning officer advised that the proposed development was on a large plot and was considered proportionate in the site context.
- There was no objection from the conservation officer.
- There was a need to balance the loss of a garden with the provision of family sized accommodation.
- The design of the proposed development was considered.

### **RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report and the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in the case officer's report.

**108** **68 HALLIFORD STREET, LONDON, N1 3HF (Item B4)**

Extension to the existing building comprising a single storey extension above roof and 4-storey, stepped side extension with lower ground floor to create 8 residential units (7 x 2 bed and 1 x 4 bed). Provision of cycle storage and refuse facilities.

(Planning application number: P2015/0362/FUL)

In the discussion the following points were made:

- As enforcement issues related to works under prior approval for the existing development, there were no conditions to be enforced. However the noise team dealt with these matters. The current application would have conditions which could be enforced.
- The green roof would largely be self maintaining. Maintenance would be undertaken by a contractor who would usually visit once or twice a year. The roof would be a visual and ecological feature and would not be accessible to residents.
- It was agreed that a letter should be sent to the applicant advising them that there was an expectation they would behave in a neighbourly way and follow both the text and the spirit of the construction management plan.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report and the prior completion of a Deed of Planning Obligation made under section 106 of the Town and County Planning Act 1990 securing the heads of terms as set out in the case officer's report and that a letter be sent to the applicant advising them that there was an expectation they would behave in a neighbourly way and follow both the text and the spirit of the construction management plan.

**109** **98 MERCERS ROAD, LONDON, N19 4PU (Item B5)**

Basement enlargement with front and rear light wells.

(Planning application number: P2015/1904/FUL)

In the discussion the following points were made:

- The planning officer advised that the Party Wall Act meant that neighbours could employ a surveyor at the expense of the applicant.
- This was one of three applications submitted by the applicant. One for a single storey extension had been approved under delegated powers and a certificate of lawfulness in connection with the erection of a rear dormer and the installation of three roof lights to the front roof slope had been approved under delegated powers.
- In response to a question about which parts of the proposal required planning permission and which parts could be completed under permitted development, the planning officer explained that the basement was under the footprint of the building so could be completed under permitted development but the front light well and possibly the rear light well required planning permission.
- Discussion took place on the differing points made by the objector and applicant in relation to flooding. The applicant advised that bore holes drilled to a depth of 6 metres had been dry. The planning officer advised that officers were unable to comment on the reasons the neighbour's basement had flooded as they did not

know the circumstances. As the property was not in a flood risk zone, it would not be reasonable to require the applicant to undertake further work.

- A robust construction management plan was required.
- The Party Wall protected neighbours.
- The applicant was asked to consult residents as much as possible during construction.
- There were other front light wells in this part of Mercers Road.
- The application was policy compliant.

**RESOLVED:**

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

**110**

**GARAGES TO THE REAR OF PARKHURST COURT, WARLTERS ROAD, LONDON, N7 (Item B6)**

The erection of seven residential units: three 2-storey courtyard houses, one 2-storey semi-detached pair of houses and 2 two-storey units bridging over the entrance to the mews, all with private garden areas. Retention of one lock up garage and one parking space. This was a reconsultation as the previous letter circulation omitted a number of properties adjacent to the site.

(Planning application number: P2015/0040/FUL)

In the discussion the following points were made:

- The planning officer reported that the application was in Holloway ward and that there were currently 18 rented garages rather than the 8 specified in the report.
- Additional daylight/sunlight information had been submitted which provided further details relating to the two windows which did not meet BRE guidelines. Both of these windows were to kitchens and the windows exceeded the average daylight factor and had other windows servicing the kitchens.
- The planning officer confirmed that as this was a minor application, it had not been to the design review panel.
- In response to a question about policy in relation to undercrofts and archways, the planning officer advised that policy advised against them where they could lead to anti social behaviour. However in this case, it would create access and the design officer was content.
- In order to minimise disruption to residents, a robust access plan was necessary.
- Consideration was given to the daylight and sunlight impacts.
- Overall the application met the policy framework.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report and the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in the case officer's report.

**111**

**PARKING SPACES, EWE CLOSE, ISLINGTON, N7 9TL (Item B7)**

Erection of a terrace of four three storey houses with associated garden areas and cycle parking.

(Planning application number: P2015/2147/FUL)

In the discussion the following point was made:

- The crime prevention officer had been consulted and with the conditions proposed, was satisfied.



**RESOLVED:**

That planning permission be granted subject to the conditions set out in the case officer's report and subject to the prior completion of a Director's Agreement securing the heads of terms as set out in the case officer's report.

112

**ZINC HOUSE, 19-25 COWCROSS STREET, LONDON, EC1M 6DU (Item B8)**

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)

In the discussion the following points were made:

- In response to a question from the objector about whether noise readings should be taken at the weekend when background noise was quieter, the planning officer advised that this was not required. Readings were taken at face value and the noise officer knew the area well and had knowledge of the background noise. Conditions 3 and 4 related to noise.
- There had been much discussion with the applicant on the scheme since the withdrawal of the previous scheme.
- Heat pumps were needed for Zinc House.

**RESOLVED:**

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

The meeting ended at 9.50 pm

**CHAIR**

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#### COMMITTEE AGENDA

##### 1 25 Danbury Street, London N1 8LE

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##### 2 25-52 Rotherfield Court Rotherfield Street Islington London N1 3BN

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##### 3 Islington Tennis Centre Market Road London N7 9PL

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##### 4 Nursery at Loxfords 85 Highbury Park London N5 1GF

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##### 1 25 Danbury Street, London N1 8LE

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**Ward:** St. Peters

**Proposed Development:** Demolition of existing single storey annex to public house (A4) and erection of three storey single family dwelling comprising lower ground, upper ground and first floors with 2-bedrooms for 3 persons (C3) on the site plus lowering of floor level and the inclusion of private outdoor space.

**Application Number:** P2015/0947/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Ms Charlotte Harvey-Jones

**Recommendation:**

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##### 2 25-52 Rotherfield Court Rotherfield Street Islington London N1 3BN

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**Ward:** Canonbury

**Proposed Development:** Installation of steel hand railings (1.1m high) at roof level of the building.

**Application Number:** P2015/2620/FUL

**Application Type:** Full Planning (Council's Own)

**Case Officer:** David Nip

**Name of Applicant:** Breyer Group Plc - Ms Linda Harris

**Recommendation:**

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##### 3 Islington Tennis Centre Market Road London N7 9PL

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**Ward:** Caledonian

**Proposed Development:** Single storey extension to west elevation.

**Application Number:** P2015/2898/FUL

**Application Type:** Full Planning Application

**Case Officer:** Ben Phillips

**Name of Applicant:** Mrs Lucy Murray-Robertson for GLL

**Recommendation:**

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#### 4 Nursery at Loxfords 85 Highbury Park London N5 1GF

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**Ward:** Highbury West

**Proposed Development:** Installation of condensing units within the lightwell adjoining the basement level plant room in conjunction with the installation of a Comfort Cooling System for the nursery premises.

**Application Number:** P2015/2142/FUL

**Application Type:** Full Planning Application

**Case Officer:** Ben Oates

**Name of Applicant:** Monkey Puzzle Highbury

**Recommendation:**

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	22 <sup>nd</sup> October 2015	<b>NON-EXEMPT</b>

Application number	P2015/0947/FUL
Application type	Full Planning Application
Ward	St Peters
Listed building	No
Conservation area	Duncan Terrace/Colebrook Row
Development Plan Context	Conservation Area Locally Listed Grade S
Licensing Implications	None
Site Address	25 Danbury Street, London N1 8LE
Proposal	Demolition of existing single storey annex to public house (A4) and erection of three storey single family dwelling comprising lower ground, upper ground and first floors with 2-bedrooms for 3 persons (C3) and the inclusion of private outdoor space.

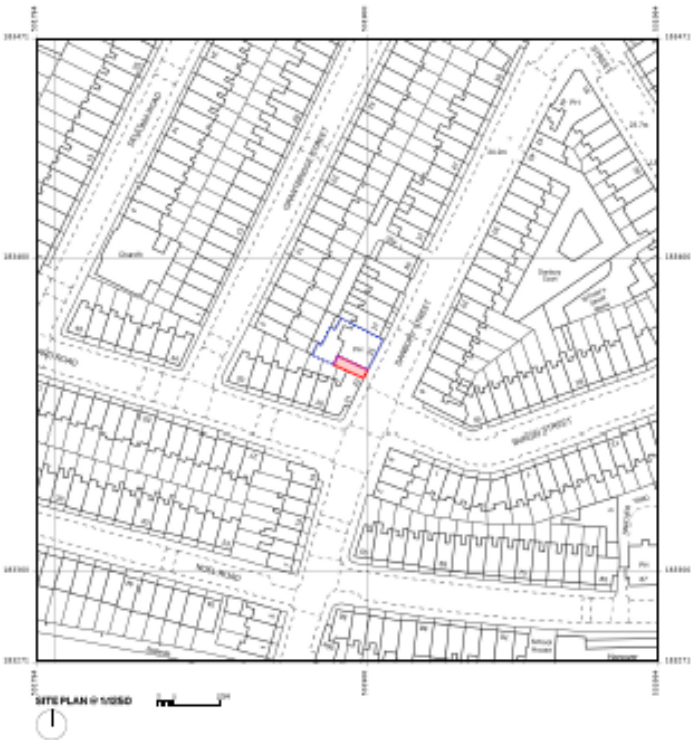
Case Officer	Joe Aggar
Applicant	Ms Charlotte Harvey-Jones
Agent	Mr Jack Feet

### 1 RECOMMENDATION

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

- 1 The conditions set out in Appendix 1;
2. The prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

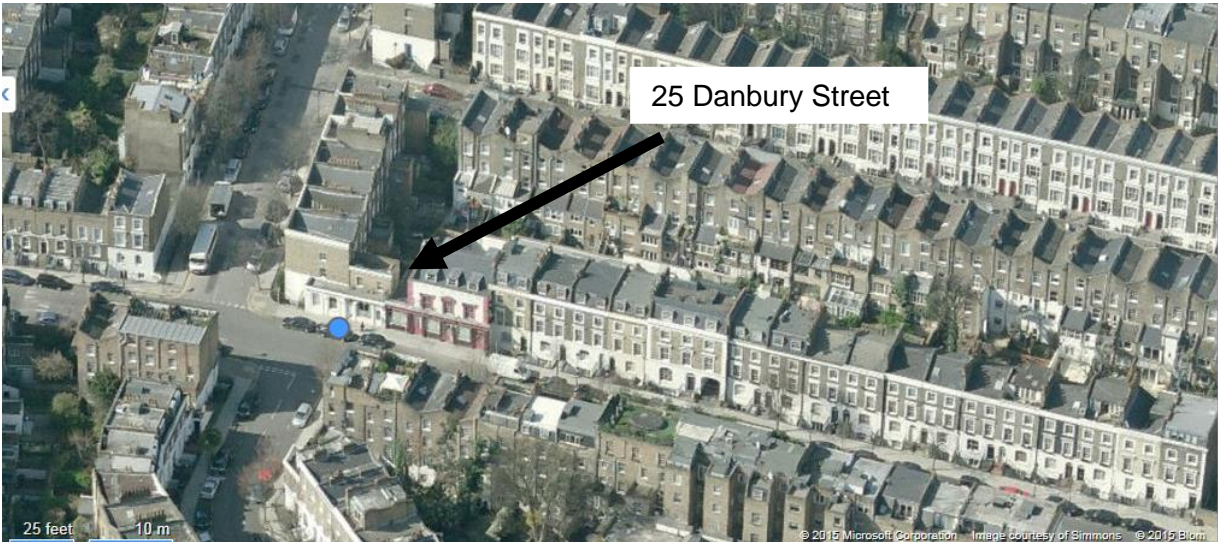


Image 1: Aerial photograph showing the front of 25 Danbury Street.

25 Danbury Street



Image 2: Aerial photograph showing the rear of 25 Danbury Street and Gerrard Road.



Image 3: view looking at the front façade of 25 Danbury Street



Image 4: view looking to the rear of 25 Danbury Street

#### **4. SUMMARY**

- 4.1 The application seeks permission for the demolition of single storey annexe to a public house (A4) and the erection of a family dwelling house comprising 2-bedrooms for 3 persons (C3). The proposal would include lowering the ground floor to incorporate a lower ground floor, upper ground floor and first floor. The proposal would read as two storeys from Danbury Street. The proposal has been revised during the course of the application to include the provision of private outdoor amenity space and a reduction in the depth of the master bedroom at upper ground floor level.
- 4.2 The area is residential in character and the site is located within a Conservation Area.
- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The external appearance of the property is considered acceptable and results in a compact development that sits comfortably without detracting significantly from the character and appearance of the conservation area.
- 4.4 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015) for a two bed dwelling.
- 4.5 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013 and the proposal is car free.
- 4.6 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.



## **5. SITE AND SURROUNDING**

- 5.1 The site is located on the west side of Danbury Street. The site comprises a single storey side addition to the 'Earl of Essex' public house (a locally listed shopfront) and has a large glazed front window. Visually, it appears as part of the continuous ground floor tiled frontage of the public house. The public house, dating from the Victorian era, is an attractive, recently refurbished and extended building. It has features typical of its period, including large timber sash windows surrounded by decorative architraves. The recent additions at upper level have been carried out to a high standard and blend well with the original building.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing building at the site is not statutorily listed; however the shopfront is locally listed. The site is also located within the Duncan Terrace Colebrook Row conservation area.

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

- 6.1 The application seeks permission for the demolition of the single storey annexe to the public house and the erection of a single family dwelling comprising 2-bedrooms (1 double, 1 single) for 3 persons (C3). The proposal would read as two storeys from Danbury Street but by excavating the ground floor results in a three storey property.
- 6.2 The proposal would infill the gap between the public house and the adjacent property at 23 Danbury Street at the same height as number 23. The design would be of traditional appearance. There would be a stepped appearance to the rear faced.
- 6.3 Revisions have been received which include the provision of a private outdoor amenity space and reduction in the depth of the master bedroom at upper ground floor level.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 Planning application re: P112487 for the '*Demolition of the existing side extension to 25 Danbury Street and the erection of a three bedroomed single family dwelling house. (Conservation Area Consent application reference P112488 also submitted*' was REFUSED. Dismissed at APPEAL.

REASON: The proposed development would be harmful to the character and appearance of the Duncan Terrace Colebrooke Row Conservation Area by virtue of its inappropriate height, massing and the loss of open views between the Earl of Essex and 23 Danbury Street. This openness is an important component of the character and appearance of this Conservation Area. The proposal would therefore conflict with the National Planning Policy Framework, policy 7.6 of the London Plan, policy 9 of Islington's Core Strategy 2011, policies D4, D5, D11 and D22 of the Islington Unitary Development Plan (2002) and Islington's Urban Design Guidance 2006.

REASON: The proposed creation of a three storey new dwelling house is considered to have a material adverse impact on adjoining resident's amenity levels in and real and perceived incidences of overlooking to the rear elevation of the adjoining dwellings at Gerrard Road and Grantbridge Street. The proposed development is therefore considered to be contrary to the National Planning Policy Framework, policy CS 9 of the Core Strategy policy D3 of the Islington Unitary Development Plan 2002 and the Planning Standards Guidelines 2002.

REASON: The proposed creation of a three storey new dwelling house, by reason of its height, form and proximity to habitable room windows at 21 and 23 Danbury Street would result in an unacceptable loss of outlook and increased sense of enclosure that would be harmful to the amenities of present and future occupiers, contrary to the National Planning Policy Framework, policy CS 9 of the Core Strategy policy D3 of the Islington Unitary Development Plan 2002 and the Planning Standards Guidelines 2002.

- 7.2 Planning application re: P112488 for the '*Conservation Area Consent application in connection with the demolition of the existing side extension to 25 Danbury Street and the erection of a three bedroomed single family dwelling house.*' was REFUSED. Dismissed at APPEAL.

REASON: In the absence of an acceptable replacement, the demolition of the single storey annexe would be detrimental to the character and appearance of the building and the Duncan Terrace / Colebrook Row Conservation Area, contrary to the National Planning Policy Framework, policy D21 of the Islington Unitary Development Plan (2002), policy CS9 of the Islington Core Strategy (2011), policies 7.4 and 7.8 of the London Plan 2011 and the Duncan Terrace / Colebrook Row Conservation Area Design Guidelines.

Appeal attached as Appendix 3

**ENFORCEMENT:**

- 7.3 None

**PRE-APPLICATION ADVICE**

- 7.4 Q2014/2524/MIN for the 'proposed partial demolition of existing building and construction of 2-bedroom, 4-person self-contained family dwelling comprising lower ground floor, upper ground floor and first floor accommodation.'

The principle of the development was considered acceptable subject to overcoming concerns raised regarding the application at pre-application stage. These related to the retention and operation of the public house, the potential for disharmony between the public house and the new residential unit and noise impacts between the two uses. Also, the first floor rear extension of the proposed dwelling was considered excessive and there was concern over the suitability of subterranean development and the associated quality of accommodation at basement level.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 61 adjoining and nearby properties at Danbury Street, Burgh Street, Gerrard Road and Grantbridge Street.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 28th July 2015 however it is the Council's practice to continue to consider representations made up until the date of a decision. A further period of consultation was carried out which commenced on the 24/08/2015 due to revisions to the proposed scheme. This consultation period expired on the 15/09/2015. Members will be updated at committee of any additional responses received.
- 8.3 At the time of writing this report 11 objections have been received from the public with regard to the application. The issues raised so far can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Plans inaccurate (10.57)
  - Increased sense of enclosure (10.25-10.31)
  - Loss of privacy (10.34)
  - Overlooking to windows and garden (10.34)
  - Block view (10.58)
  - Roof extends above the height of 23 Danbury Street (10.18- 10.21)
  - Loss of light (10.32-10.33)
  - Loss of sunlight (10.32-10.33)
  - Loss of reflected light (10.59)
  - Use of flat roof as a terrace (10.63)
  - Adverse impact on the character and appearance of the conservation area (10.14-10.23)
  - Loss of protected shopfront (10.5)
  - Change of use to residential (10.12-10.13)
  - Demolition and building works (10.20 and 10.60)
  - Loss of ventilation (10.61)
  - Increased noise (10.35)

### Internal Consultees

- 8.4 **Design and Conservation:** principle of development to infill up to first floor level is considered acceptable in terms of mass and bulk and would not have an adverse impact on the terrace or wider conservation area.
- 8.5 **Planning Policy:** satisfied that the annexe has not been operational for a sufficient period of time and would justify its loss with the non-provision of marketing evidence. Raised some concern over the proposed residential units close proximity to the pub.
- 8.6 **Environmental Health Officer:** Raised concerns over the activity at the adjacent pub and the relationship between the proposed residential use and the existing adjacent pub.
- 8.7 **Access Officer:** concerns over the level of inclusive and accessible design.

## **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 following development plan documents.

### **National Guidance**

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

### **Development Plan**

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

### **Designations**

- 9.4 The site has is located in the Duncan Terrace/Colebrook Row Conservation Area. The adjoining public house has a locally listed shopfront.

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

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

## **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:
- Appeal (reference P112487 and P112488)
  - Land Use
  - Design and Appearance
  - Neighbouring Amenity
  - Quality of Accommodation
  - Accessibility
  - Small Site Contribution and Carbon Offsetting
  - Highways
  - Other Matters
  - CIL

### **Appeal**

- 10.2 An appeal (planning references P112487 and P112488) were determined and dismissed on 18/09/2013. These sought planning permission and conservation area consent for the 'Demolition of the existing side extension to 25 Danbury Street and the erection of a three bedroomed single family dwelling house'.
- 10.3 The issues raised by the Planning Inspectorate relating to the previous scheme were the proposals impact on the character and appearance of the conservation area, the acceptability of the demolition and the impact on neighbouring occupier's amenity.
- 10.4 The Planning Inspector concluded *'the Framework is clear that it is proper to promote or reinforce local distinctiveness, and to take into account the desirability of sustaining and enhancing the significance of heritage assets, including Conservation Areas. Furthermore, one of its core principles is the achievement of a good standard of amenity for all existing and future occupiers. I find that this proposal would fail to achieve those objectives.'*
- 10.5 The scheme was dismissed based on harmful impact on the conservation area and adverse impact on neighbouring amenity. The principle however over the loss of the gap was not considered contentious and therefore the principle of an infill here is acceptable if the development relates to the adjoining public house and terrace. The loss of the shopfront was not previously raised as an issue by the Planning Inspectorate nor do the Council object to its loss.
- 10.6 The demolition was considered premature in the absence of an acceptable replacement scheme (P112488).
- 10.7 In the Planning Inspectors assessment of the previous scheme (P112487) he upheld objections in respect of the loss of amenity, related to outlook and a greater sense of enclosure, but did not raise objection in respect of loss of daylight or sunlight or overlooking.
- 10.8 The merits of the current scheme (P2015/0947/FUL) are seen to overcome the concerns raised previously by the Inspector in terms of the impact on the character and appearance of the conservation area, the acceptability of the demolition and the effects of the proposal on neighbouring occupier's amenity.
- 10.9 The scheme has been reduced in height, mass and bulk. The previous scheme (P112487) was three storeys in height (with the inclusion of a roof terrace) which extended up to the line of the parapet of the public house. The proposed dwelling, at all three levels also came in line with the rear of the public house. The current proposal (P2015/0947/FUL) is a storey lower and is considered to relate in a meaningful way to the rest of the terrace and to the adjoining property at no.23 Danbury Street which is two storeys in height and therefore is considered to overcome the Planning Inspectors concerns.
- 10.10 Given the previous appeal decision is a material consideration; no objection is raised to the loss of the gap between the public house and no. 23 Danbury Street. It is considered the loss of the gap would not be harmful in townscape terms or harm the character and appearance of the conservation area based on the infill at two storeys in height relating to the adjoining properties and the terrace.
- 10.11 This proposal (P2015/0947/FUL) whilst incorporating three floors, is a storey lower, with the upper ground floor set in 0.8m from the rear of the public house and the first floor set in 2.7m from the rear of the public house. The side elevation would appear stepped and overall the proposed scheme has been significantly reduced in height,

mass and bulk. It is therefore considered such there would be no undue harm in terms of increased sense of enclosure or loss of outlook.

### **Land Use**

- 10.12 The proposal includes the demolition of an unused annex of the Earl of Essex public house (A4 use). The loss of the annexe to the public house was not raised as an issue by the Local Planning Authority previously or by the Planning Inspector in the appeal.
- 10.13 The proposal for change of use needs to meet the policy criteria set out in Development Management Policy DM4.7 Part B. Part B(i) requires two years marketing and vacancy evidence to demonstrate that there is no realistic prospect of continued Public House use. The Design and Access Statement provides history of the annex space. Based on the information within this, the space is not considered to be operational Public House floorspace, nor does it provide any current ancillary function. As a result, it is accepted that there are exceptional circumstances which justify non-provision of marketing and vacancy evidence and as such the loss of the A4 use is considered to comply with adopted policies.

### **Design and Appearance**

- 10.14 The Duncan Terrace / Colebrooke Row Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces. There are also important commercial uses in the area which contribute to its character.
- 10.15 Policy CS9 of Islington's Core Strategy, 2011 and Policies DM2.1 and DM2.3 of Islington's Development Management Policies, 2013, accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness. Taken together, they seek to ensure that heritage assets are conserved and enhanced through development which, amongst other things, respects and responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development. In particular the Islington Urban Design Guide, 2006, states, new buildings should reinforce this character by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area.
- 10.16 Islington's Conservation Area Design Guidelines, 2002, which sets out specific guidance on new or extended buildings within the Duncan Terrace/Colebrook Row, in particular, new buildings, should conform to the height, scale and proportions of the existing buildings in the immediate area. Also, the scale and bulk of any new building and extensions should conform with the prevailing heights in the vicinity, and to use vernacular materials, such as brick, stone, render and slate roofs.
- 10.17 In terms of conservation areas, policy DM2.3 requires new development within them to be of high-quality contextual design that conserves or enhances significance. Harm to the significance of a conservation area will not be permitted without clear and convincing justification and substantial harm to the significance of a conservation area is strongly resisted

- 10.18 The Planning Inspector stated in the dismissal of planning *application P112488* stated, *'Although I agree with the Council that the gap provides a clear break, or punctuation point, between the corner property at the junction of Danbury Street / Gerrard Road and the more prominent pub, I am not convinced that this gap provides particularly important views or glimpses into the rear gardens beyond. Nor am I persuaded that its loss would be intrinsically harmful in townscape terms to the character of the Conservation Area. I consider, therefore, that this is not a valid reason for the appeal to fail.'*
- 10.19 Given the previous appeal decision is a material consideration, no objection is raised to the loss of the gap between the public house and no. 23 Danbury Street. It is considered the loss of the gap would not be harmful in townscape terms or harm the character and appearance of the conservation area.
- 10.20 The demolition of the annexe is acceptable in principle because the replacement scheme is considered to be an acceptable development within the conservation area. A condition dealing with the timing of the demolition and replacement scheme is recommended at Condition 10 to avoid an unsightly gap being left in the conservation area as a result of the demolition.
- 10.21 The proposal would be of a traditional design and materials, as such it would be contextual and relate to the existing buildings within the terrace. The height of the building would be lower than that of the adjacent public house, so as to appear subordinate to it, but the same height as the adjacent property no.23. The upper floors of the proposal would be recessed behind the main frontage of the public house, and would have a window alignment similar to match those found at the terraced properties at No 27 Danbury Street onwards to the north. This proposal is considered to relate to the adjacent property at no.23 Danbury Street which is two storeys in height and therefore is considered to overcome the Planning Inspectors concerns. Overall the scale, form, massing and height when read from Danbury Street is not considered to cause harm to the character and appearance of the conservation area and the scheme has been redesigned to overcome the previous objection.
- 10.22 To the rear the dwelling is of a traditional basic form with an alternate domestic design and appearance to those present the adjoining terraces. However, the stepping appearance results in an overall subservient building in relation to the pub and those adjoining residential properties nearby and is designed in a way to mitigate impacts on neighbouring occupiers.
- 10.23 For the reasons above, it is considered that the proposed design and materials would not have a harmful impact upon the character and appearance of the CA (designated heritage asset). This would comply with policy 7.8 of the London Plan, policies CS8 and CS9 of the Core Strategy, policies DM2.1 and DM2.3 of the Development Management Policies 2013 and guidance in the CADG and IUDG.

### **Neighbouring Amenity**

- 10.24 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.

### **Sense of Enclosure and Loss of Outlook**

- 10.25 The densely developed nature of the area and the limited separation between the neighbouring residences and the proposal means that there will be impacts on

neighbouring amenity. It is important to consider if the impact of the proposal are harmful as to refuse the application in terms of outlook, loss of light and sense of enclosure.

- 10.26 The previous appeal scheme was considered to impinge on the living conditions of 21A and 21B Danbury Street and create a hemmed in and oppressive feeling. The previous scheme (P112487) was three storeys in height with the inclusion of a roof terrace which extended up to the line of the parapet of the public house. The proposed dwelling, at all three levels also came in line with the rear of the public house.
- 10.27 This proposal would lower the floor level marginally with the introduction of an upper ground floor and first floor extensions to accommodate two bedrooms and bathrooms.
- 10.28 This proposal whilst incorporating three floors, is a storey lower, with the upper ground floor set in 0.8m from the rear of the public house and the first floor set in 2.7m from the rear of the public house. Overall the proposed scheme is significantly less in height, mass and bulk.
- 10.29 The proposal would potentially impact the residential properties to the south and west in terms of sense of enclosure and loss of outlook. The impacts to these properties would largely relate to the proposed section of the upper ground floor that projects rearwards of the existing building line of no. 23 Danbury Street by 3.9m and has a width of 3.1m. This element has been reduced in depth by 0.8m to further mitigate concerns raised by neighbouring occupiers at 21, 23 Danbury Street and properties on Gerrard Road.
- 10.30 The rear windows of no. 21A and B Danbury Street and 28 Gerrard Road would face directly onto the proposed addition with the three storey public house with mansard roof addition just beyond. Although the upper ground floor element which is the principle change in the mass and bulk in this instance would be brought closer to those windows serving the above properties, the depth of the addition would measure 3.9 metres. There is a limited separation between the properties at present with the rear wall of 23 Danbury Street enclosing the rear of the terrace from the east and the flank wall of the pub rising 9m above the existing annex to the north.
- 10.31 The upper floor addition is considered relatively modest in terms of its proportions. The principal views from the windows at 21A and 21B Danbury Street and Gerrard Road would not fundamentally change with the new built form in place, although the built form is being brought closer, the flank wall of the public house beyond would continue to visually dominate. As a result, the judgement is that the effect of the proposal on these windows to the rear would only slightly diminish the living conditions of the occupiers that adjoin the site in terms of loss of outlook and increased sense of enclosure. The scale and bulk of the proposed dwelling at 25 Danbury Street would not be considered overbearing as the upper ground and first floors are stepped reducing the height and bulk. The first floor would largely be obscured by the flank wall of no. 23 Danbury Street.

#### Daylight/Sunlight

- 10.32 A Daylight and Sunlight Study dated 09th February 2015 was submitted in support of the application. Relevant windows at Danbury Street and Gerrard Road have been tested. The report identifies that none of the windows would fail in terms of Vertical Sky Component. The results of the daylight and sunlight assessment are accepted and there is no unacceptable impact as to warrant the refusal of this application on such grounds.



10.33 Concerns were raised previously about loss of daylight and sunlight which were dealt with in the Inspectors report. It concluded *'The appellant has submitted evidence on this matter which concludes that the scheme would accord with the relevant Building Research Establishment (BRE) guidance. I have no reason to doubt this would be so.'* The current scheme is much reduced in mass and bulk and based on this scheme, there would be no indication that there would be an adverse loss of sunlight or daylight.

#### Overlooking/Loss of Privacy

10.34 Regards overlooking and loss of privacy the Inspector acknowledged *'Privacy will be compromised to some extent at properties in Gerrard Road, and to the west in Grantbridge Street'* The Inspector added *'I accept that a high degree of mutual overlooking is common in densely built-up urban areas such as this. Given the level of mutual overlooking that already currently exists in the area, I am not persuaded that this is a reason for the appeal to fail.'* Based on the similar nature of the scheme with windows in the rear, albeit they are set in from the lower ground floor, would not warrant refusal of the application based on the previous inspectors assessment which weighs as a material consideration. The council does not object on the grounds of overlooking particularly given the smaller scale of the proposal.

#### Noise

10.35 The proposal is for a single family dwelling. A residential development of this nature is not considered to cause sufficient noise as to warrant refusal of the application and is conducive to the surrounding, largely residential area. In any event, the Council take noise problems seriously, and if there were excess noise levels generated these can be dealt with under noise and environmental health regulations.

#### Quality of Accommodation

10.36 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

10.37 Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight.

10.38 Policy DM2.1 of the DMP concerns quality of design, including the requirement for development to provide good levels of direct sunlight and daylight.

10.39 The proposed development would consist of 2b3p single self-contained unit. The unit would be 77sqm which is considered to exceed the minimum requirement as set out in Table 3.2 of the DMP and provide a good level of accommodation. The unit would be dual aspect. The internal layouts of the proposed residential unit are considered to be acceptable and a satisfactory unit size has been provided considering the

constrained nature of the site. Provision of a two-bed unit is consistent with DMP policy DM3.1.

- 10.40 The Development Management policy DM3.5 requires the provision of 15 square metres of good quality private outdoor space on ground floors and 5 square metres on upper floors. The proposed development would comprise a lower ground, upper ground and first floor self-contained unit.
- 10.41 The proposed development would fail to comply with Development Management policy DM3.5. However, it is acknowledged that the proposal would provide around 6 square metres of good quality private outdoor space. The amendments have included the provision of a designated private outdoor space. Given nature of the site, the comparative site constraints, and close proximity to Duncan Terrace Gardens consequently, the under-provision of private outdoor space, in terms of policy DM3.5, would not in this case, on its own, provide a reason for refusal.
- 10.42 The proposed residential unit is immediately adjacent to the Earl of Essex pub. Any occupiers would be exposed to noise from amplified music within the pub, noise from patrons coming and going, the pub garden and deliveries.
- 10.43 DMP policy DM6.1 part G states that noise sensitive developments should be adequately separated from major sources of noise. DMP policy DM3.7 part D echoes this and requires mitigation where the noise environment necessitates this. DMP policy DM3.7 also states that, wherever possible, new residential development should be sited away from noise generating uses. DMP policy DM2.1 part A(xi) requires development proposals to not unduly prejudice the satisfactory development or operation of adjoining land.
- 10.44 DMP policy DM3.7 and DMP appendix 10 outline the noise exposure categories which this application should be assessed against. The applicant has provided a sound insulation test report, although this is dated February 2012 and relates to a previous application on the site, the Design and Access Statement notes that a similar assessment will take place as part of this proposed development; this has not yet been provided.
- 10.45 This potential for conflict of uses between the proposed dwelling house and existing public house was not previously raised by the Planning Inspector as an issue. Due to the context of the site and the tight knit nature of the properties and the extant situation whereby and number of residential properties directly adjoin or back onto the pub or the pub garden it is not considered reasonable to withhold planning permission based on this reason alone.
- 10.46 It is considered appropriate to attach a condition (Condition 8) for the full particulars and details of a scheme for sound insulation between the existing ground floor public house and the proposed residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. This would allow potential noise impacts to be fully assessed, with reference to the noise exposure categories outlined in DMP policy DM3.7 and DMP Appendix 10 and consistent with DMP policies DM3.7, DM6.1 and DM2.1, in line with the councils acoustic officers comments.

### **Accessibility**

- 10.47 Development Management Policies DM 2.2 specifically relates to Inclusive Design and DM 3.4 relates to housing standards; the latter requires that all new housing is

built to Islington's flexible housing standards. Those standards go beyond Lifetime Homes Standards and were decided on the basis of detailed engagement with users, providers and regulators of the built environment. Policy CS12 also requires that 10% of all new housing is wheelchair accessible.

- 10.48 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
  - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
  - Deregulation Bill received Royal Assent 26th March 2015
- 10.49 Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.50 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.
- 10.51 Given the scale and scope of the development the provision of an inclusive and accessible dwelling is challenging due to the site constraints. Condition 11 is recommended to ensure the property can be visitable and accessible.

### **Small Sites Contributions and Carbon Offsetting**

- 10.52 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision.
- 10.53 The applicant submitted a viability report which was independently assessed. Adam Integra concluded the appraisal demonstrates that the scheme can support an affordable housing contribution of £50,000. This will be secured by a Unilateral Undertaking.
- 10.54 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house). The applicant has submitted a draft agreement to pay sum in respect of affordable housing and carbon offsetting with the independent financial viability concluding the respective sums can be paid. If the members grant planning permission no decision would be issued until the Unilateral Undertaking was complete.

### **Highways**

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

### **Other Matters**

- 10.57 The plans are accurate, to scale and measurable. This would not withhold the granting of planning permission in this instance.
- 10.58 The loss of view is not a material planning consideration and therefore holds little weight in the assessment of this application.
- 10.59 Loss of reflected light has been raised as a concern. However sufficient light is considered to be maintained to habitable windows and as such this would not warrant refusal of planning permission.
- 10.60 Unfortunately whilst the disruption and possible damage associated with construction works is regrettable, it cannot be considered in the assessment of planning applications. Noise and pollution from demolition and construction works is instead subject to control under the Control of Pollution Act 1974, which states that any building works that can be heard at the boundary of the site may only be carried out between 0800 and 1800 Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays or Public Holidays. The Party Wall Act and Building Control regulations can ensure protection to adjacent properties against potential damage and be used as a mechanism for dealing with any damage.
- 10.61 Loss of ventilation has been raised as an issue. The property affected is assumed to be dual aspect and would benefit from ventilation to the rear and front of the site and would not warrant refusal of the application.
- 10.62 The property is proposed to be residential. By its nature the increased provision of 1 unit is anticipated to not to cause undue harm in terms of activity or noise as to reasonably refuse the application.
- 10.63 A condition (Condition 6) has been recommended to ensure the flat roofed areas cannot be used as an amenity space. Moreover the plans have been revised to incorporate a designated outdoor private amenity space to reduce the need for further amenity areas.
- 10.64 There is the provision of designated refuse and recycling area on the lower ground floor. This will be conditioned (Condition 4) to ensure this is provided prior to first occupation of the premises.

## **Community Infrastructure Levy**

- 10.65 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**

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

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

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

The Heads of Terms are:

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

### RECOMMENDATION B

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

#### List of Conditions

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1407-L-001 revision A; 1407-L-002 revision A; 1407-L-017 revision A; 1407-L-011 revision A; Planning Submission dated February 2015; Daylight and Sunlight Report dated 09 February 2015; 1407-L-031 revision F; 1407-L-032 revision F; 1407-L-033 revision F; 1407-L-034 revision E; 1407-L-036 revision F; 1407-L-037 revision F; 1407-L-041 revision C</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any</p>

	<p>superstructure work commencing on site. The details and samples shall include:</p> <p>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;  and  e) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
<b>4</b>	<b>Refuse and Storage details</b>
	<p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the bin and bicycle store for two spaces to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>5</b>	<b>Removal of Permitted Development Rights</b>
	<p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: In order to ensure any new development does not harm neighbouring occupiers amenity.</p>
<b>6</b>	<b>No Rear Roof Terrace</b>
	<p>CONDITION: The flat roof area shown on plan no. 1407-L-032 revision F, 1407-L-033 revision F 1407-L-034 revision E hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
<b>7</b>	<b>Sustainable Design and Construction Statement</b>
	<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,</p>

	<p>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>
<b>8</b>	<b>Noise Details</b>
	<p>CONDITION: A noise assessment of the impact of the Earl of Essex pub operation upon the residential unit with full particulars and details of a scheme for sound insulation for the residential unit shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest the future occupiers residential amenity.</p>
<b>9</b>	<b>Car Free Development</b>
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except :</p> <p>(1) In the case of disabled persons;</p> <p>(2) In the case of units designated in this planning permission as "non car free"; or</p> <p>(3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
<b>10</b>	<b>Demolition</b>
	<p>CONDITION: No demolition shall take place unless and until a contract for the associated re-development of the site in accordance with planning permission P2015/0947/FUL has been secured and evidence of such contract(s) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent premature demolition in a Conservation Area.</p>
<b>11</b>	<b>Accessible Housing</b>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit shall be constructed to Category 1 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p>



	REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs
--	---

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.
<b>2</b>	<b>Surface Water Drainage</b>
	It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>3</b>	<b>Signage</b>
	Please note that separate advertisement consent application may be required for the display of signage at the site.
<b>4</b>	<b>S106</b>
	Section 106 Agreement:  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.
<b>5</b>	<b>CIL</b>
	INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a> . The Council will then issue a Liability Notice setting out the amount of CIL that is payable.  Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.

<b>6</b>	<b>Hours of Working</b>
	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.
<b>7</b>	<b>Building Regulations and Party Wall</b>
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.

## **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 and NPPG are material considerations and have 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, Site Allocations Document 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**

4 London's Economy  
Policy 4.8 Supporting a successful and diverse retail sector and related facilities

7 London's living places and spaces  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

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

Spatial Strategy  
Policy CS8 (Enhancing Islington's Character)

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

## C) Development Management Policies June 2013

### Housing

DM3.4 Housing Standards  
DM 3.5 Private Outdoor Space  
DM3.7 Noise and Vibration

### Shops, Culture and Services

DM4.10 Public Houses

### Health and Open Space

DM6.1 Healthy Development

### Design and Heritage

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

### Energy and Environmental Standards

DM7.2 Energy efficiency and carbon reduction in minor schemes  
DM7.4 Sustainable design standards

### Transport

DM8.5 Vehicle Parking

## 5. Designations

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

- Duncan Terrace/Colebrook Row Conservation Area
- Locally Listed Shopfront

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

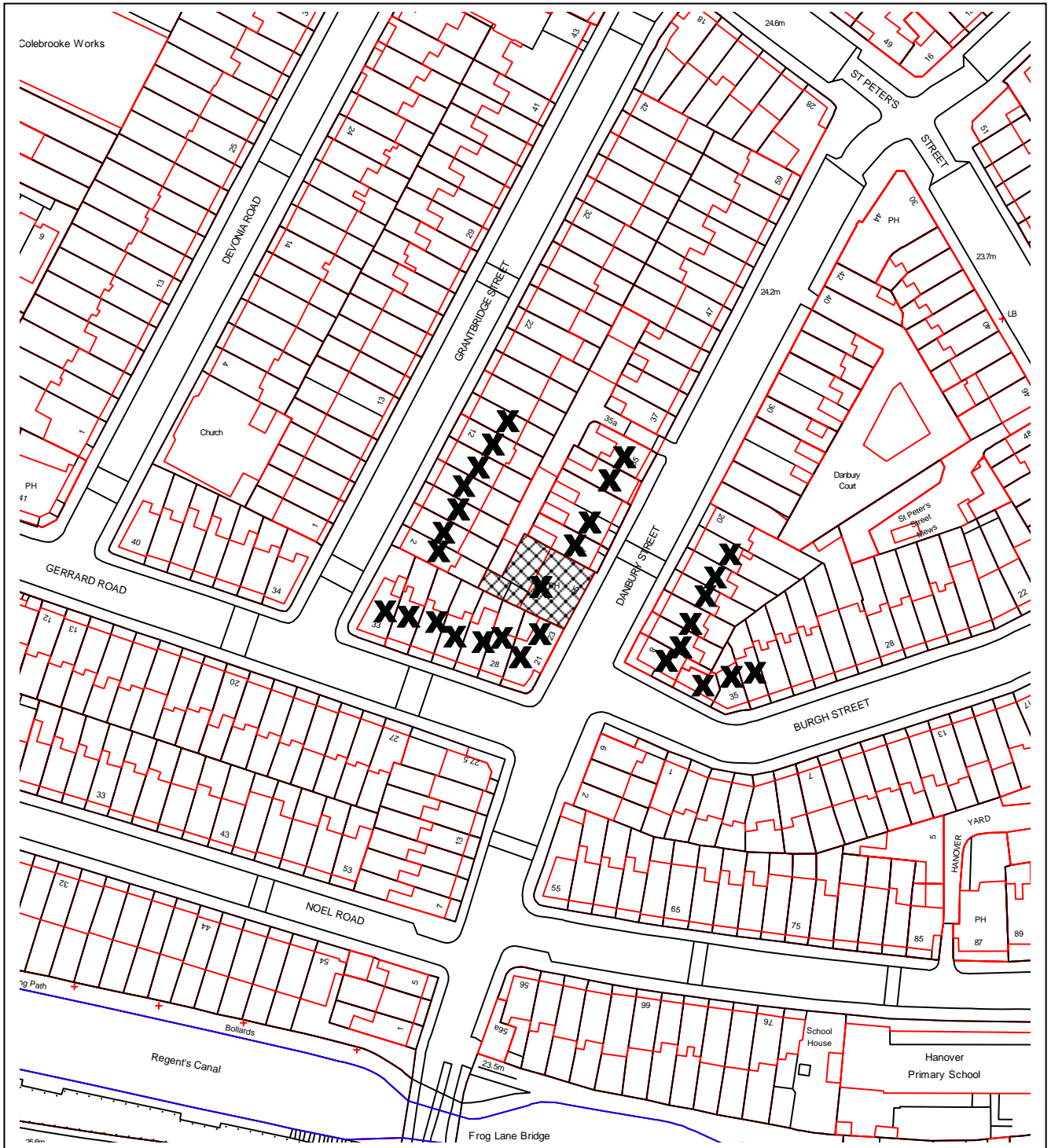
The following SPGs and/or SPDs are relevant:

- |  |                                     |
|--|-------------------------------------|
| Islington Local Development Plan             | London Plan                         |
| - Conservation Area Design Guidelines (2002) | - Sustainable Design & Construction |
| - Urban Design Guide (2006)                  |                                     |
| - Affordable Housing Small Sites (2012)      |                                     |
| - Environmental Design (2012)                |                                     |



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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

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

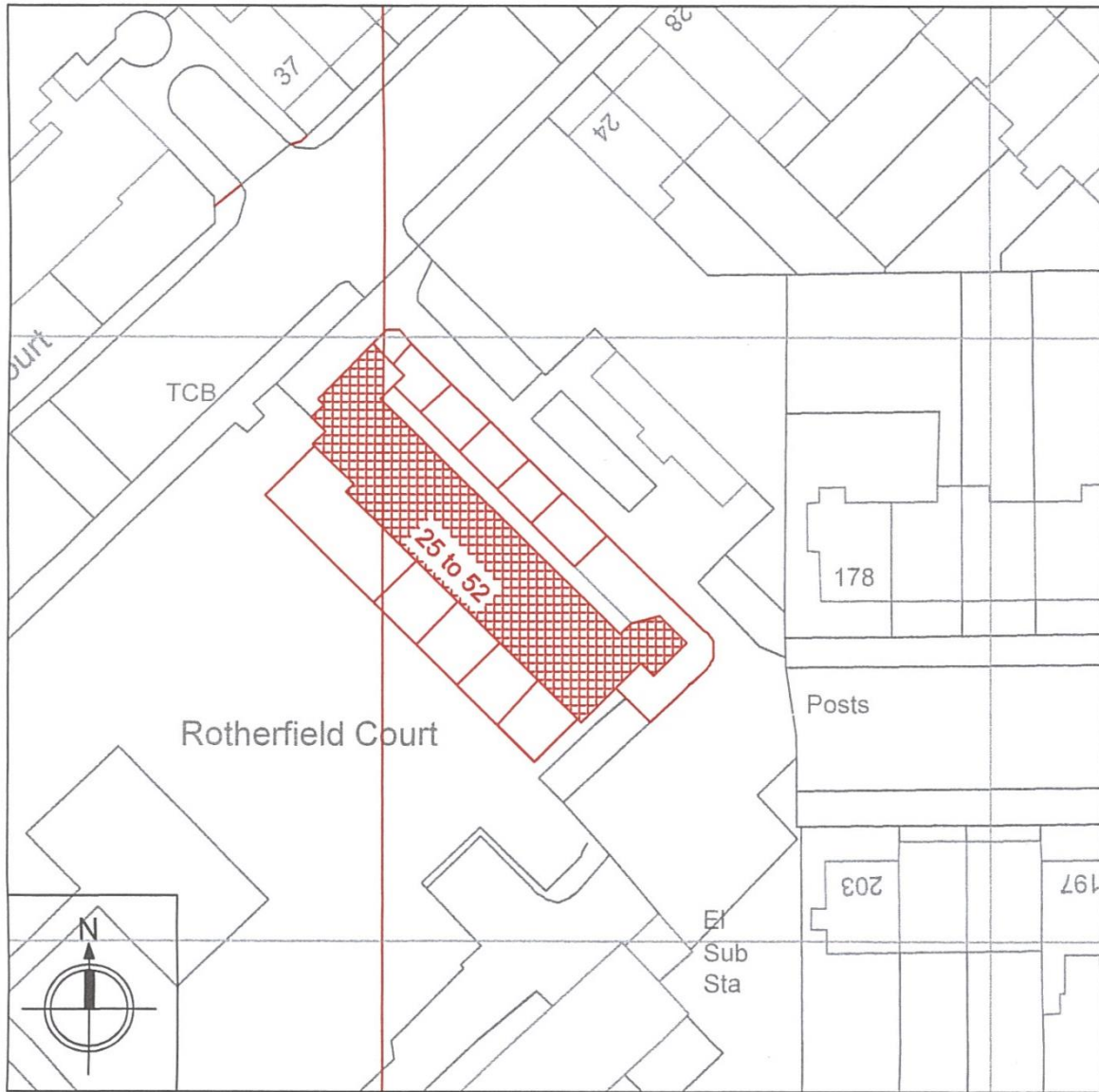
<b>PLANNING SUB COMMITTEE A</b>		
<b>Date:</b>	22 October 2015	<b>NON-EXEMPT</b>
Application number	P2015/2620/FUL	
Application type	Full Planning (Council's Own)	
Ward	Canonbury	
Listed building	Not listed	
Conservation area	Not in a conservation Area	
Site Address	25-52 Rotherfield Court Rotherfield Street Islington London N1 3BN	
Proposal	Installation of steel hand railings (1.1m high) at roof level of the building.	
Case Officer	David Nip	
Applicant	Breyer Group Plc - Ms Linda Harris	
Agent	FES Group - Mr David Johnstone	

### 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: View of the building from Rotherfield Street (Southwest elevation)



Image 2: Closer view of the building from Elizabeth Street (Southwest elevation)



Image 3: Northeast (rear) elevation of the building from Elizabeth Street



Image 4: Long view from junction of Halliford Street and Elizabeth Street



Image 5 : Further view of the rear elevation from Halliford Street

#### **4 SUMMARY**

- 4.1 This application seeks permission for the installation of freestanding 1.1m high railings to the edge of the roof of 25-52 Rotherfield Court.
- 4.2 The main considerations are the impact of the development on the character and appearance of the area and the impact of the development on the residential amenities of the neighbouring occupiers.
- 4.3 This proposed development is considered acceptable, the proposed railings provide an essential edge protection system to the occupiers of building. The development would be in keeping with the character of the area and would not unduly harm the amenities of the neighbouring occupiers.
- 4.4 The application is being presented to committee because it is a Council owned scheme.

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

- 5.1 The site is the flat roof area of 25-52 Rotherfield Court, which is an eight storey Council block, fronting the junction of Rotherfield Street and Elizabeth Avenue. The surrounding area is predominately residential.

5.2 The site is not listed. It is not located within a conservation area but is located at proximity to the Canonbury East conservation area.

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

6.1 The proposal comprises installation of freestanding galvanised steel railings around the edge of the roof to all four elevations. The height of the railings would be 1.1m, setting back by 1.2m from the edge of the roof. The proposed railings would provide edge protection for maintenance of the roof.

6.2 A revision to the proposal has been received during the application, the amended plan (PD002 rev B) shows repositioned railings, the set back has been increased from 600mm to 1200mm when measured from the roof edge.

## **7.0 RELEVANT HISTORY:**

### **Planning Applications**

7.1 No relevant planning application to the site.

### **Enforcement**

7.2 No relevant enforcement matters

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

7.3.1 No formal pre application advice has been sought.

## **8.0 CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to 120 occupants of adjoining and nearby properties on 28<sup>th</sup> August 2015. A site notice was also displayed. The public consultation of the application therefore expired on 18th September 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.

### **Internal Consultees**

8.3 **Design and Conservation** – The proposed development will be partially visible from some parts of the East Canonbury Conservation Area. The 1.1m tall railings would not unacceptably detract the character and appearance of the 8-storey

building, however, they should be set back from the edge of the roof to minimise the visual impact.

## **9.0 RELEVANT POLICIES**

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

### **National Guidance**

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

### **Designations**

- 9.4 The relevant designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013 are listed in Appendix 2.

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

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

## **10 ASSESSMENT**

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

- The impact of the development on the character and appearance of the area
- The impact of the development on the on the residential amenities of the neighbouring occupiers

### **Impact of the development on the character and appearance of the area**

- 10.2 Policy 3.5 of the London Plan 2015 requires housing development to be of the highest quality; policies 7.1, 7.4, 7.5 and 7.6 state that development should make a positive contribution to the local character, public realm and streetscape. It should incorporate the highest quality materials and design appropriate to its context.

- 10.3 Development Management Policy DM2.1 requires all forms of development to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 10.4 The proposed railings would be located at the roof top level, they measure 1.1m high and would be set back from the edge by 1.2m, and it is not considered that the proposed railings would be visible from the immediate street scene. It is anticipated however that the proposed railings will be partially visible from longer views, including the surrounding East Canonbury Conservation Area.
- 10.5 Whilst the principle of development is acceptable and the proposed structure is minor in scale in relation to the host building, it was suggested that the railings should be set further away from the edge of the roof to mitigate the visual impact caused; and the set back has been increased from 600mm as originally submitted to 1200mm (1.2m).
- 10.6 The submitted drawings show that the height of the railings is “adjustable” to maximum 1.35m in height. There is no evidence submitted to demonstrate the need to increase the railings height. A condition is recommended (condition 4) to ensure that the maximum height of the railings is no greater than 1.1m. Furthermore, the railings shall be painted black to further reduce the visual impact and match with the existing railings on ground level.
- 10.7 Overall the proposals would have an acceptable impact on the appearance of the locality and the adjoining conservation area.

### **Impact of the development on the on the residential amenities of the neighbouring occupiers**

- 10.8 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook
- 10.9 The proposed railings would be located at the roof level and would not have any material impact to the occupiers on site or within the locality. The proposed development is acceptable in residential amenity terms.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development is acceptable. It would cause no harm to the character and appearance of the area and there would be no undue loss of residential amenity to the neighbouring occupiers.



## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>3 Year Consent Period</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans: PD001 dated 29/06/2015, Specification of railings “Height Safe System – Freestanding roof edge protection”, PD002 rev. B dated 30/09/2015.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (COMPLIANCE):</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the submitted specification “Height Safe Systems” and within the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Height and colour of railings (COMPLIANCE):</b>
	<p>CONDITION: Notwithstanding the approved materials schedule and plans, the proposed railings hereby approved shall be painted black, and shall be maximum 1.1m in height.</p> <p>REASON: To protect the character and appearance of the building and the surrounding area, in accordance to policy DM2.1.</p>

**List of Informatives:**

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

## **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.

The National Planning Practice Guidance is also 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

Policy 3.16 Protection and enhancement of social infrastructure

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.5 Public realm

#### **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

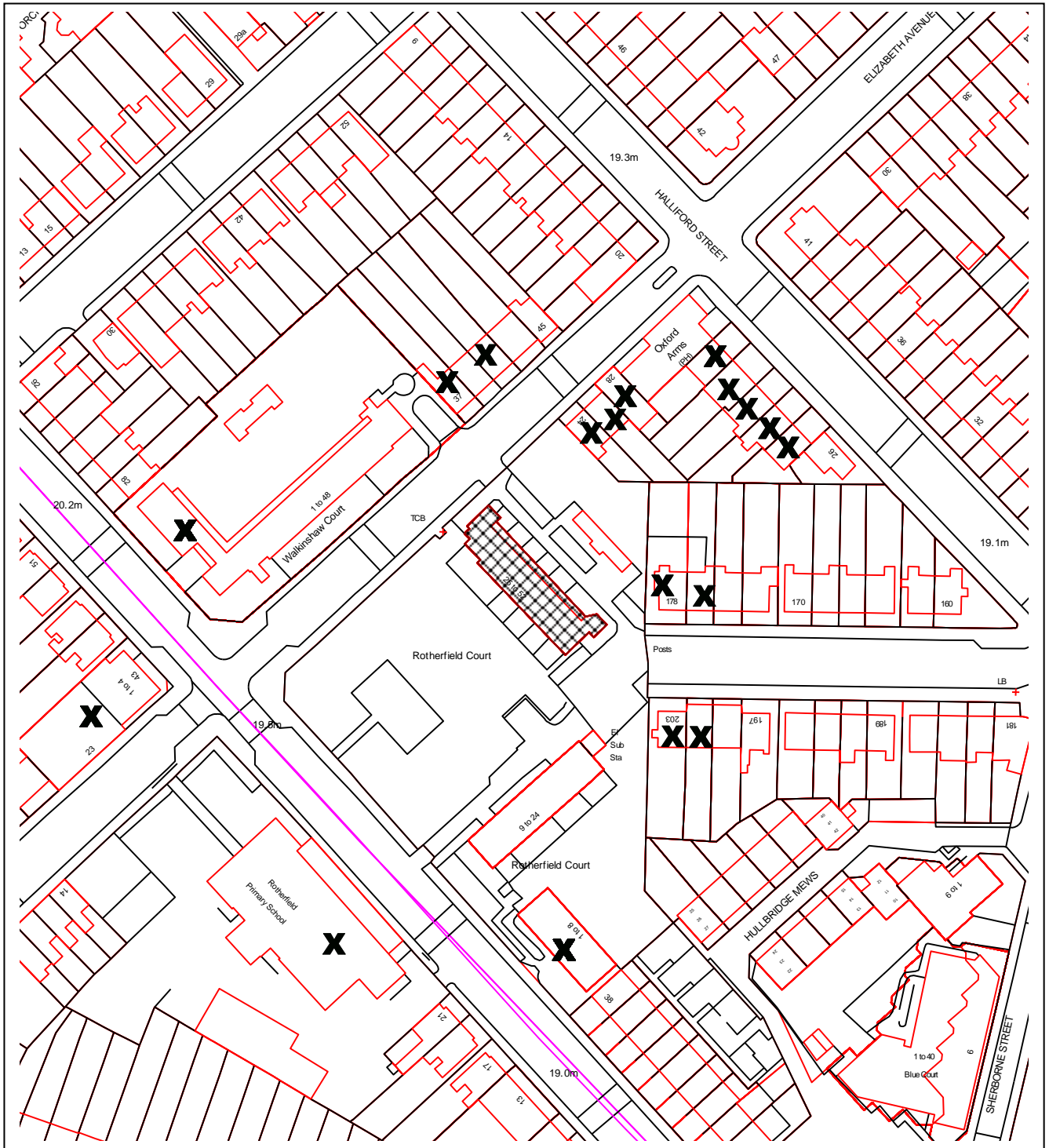
## **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

- Urban Design Guide

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P2015-2620-FUL

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB- Committee A</b>		
<b>Date:</b>	22 <sup>nd</sup> October 2105	<b>Non-exempt</b>

Application number	P2015/2898/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	Not listed
Conservation area	Not in a Conservation Area
Development Plan Context	none
Licensing Implications	none
Site Address	Islington Tennis Centre Market Road London N7 9PL
Proposal	Erection of a single storey extension to west elevation.

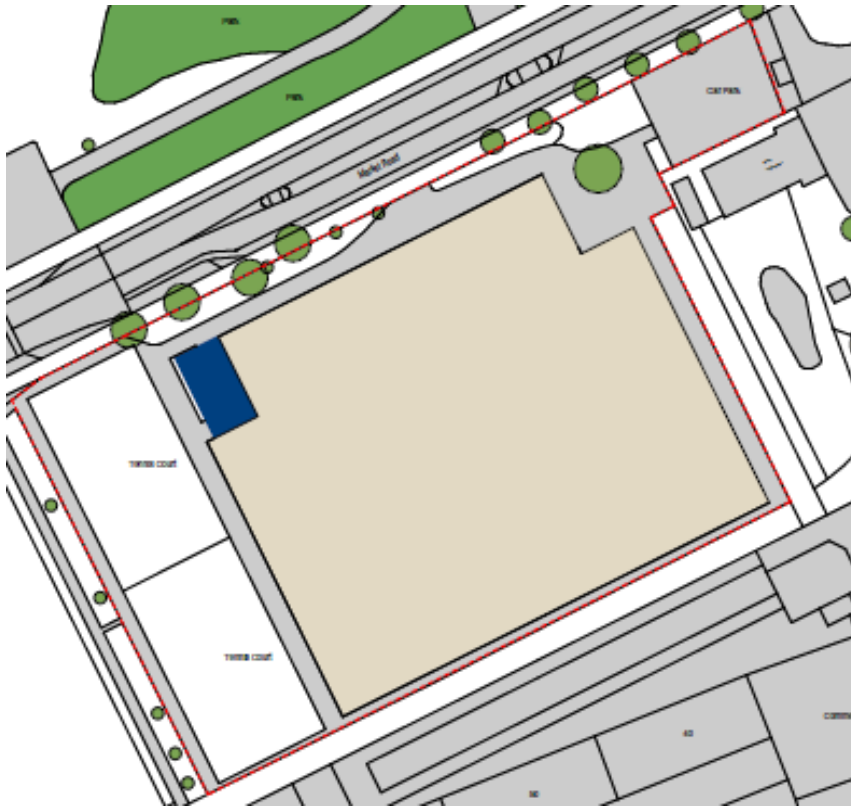
Case Officer	Ben Phillips
Applicant	Mrs Lucy Murray-Robertson for GLL
Agent	Arkon Associates LTD

### 1. RECOMMENDATION

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

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

**2. SITE PLAN (site outlined in black)**



**3. PHOTOS OF SITE/STREET**

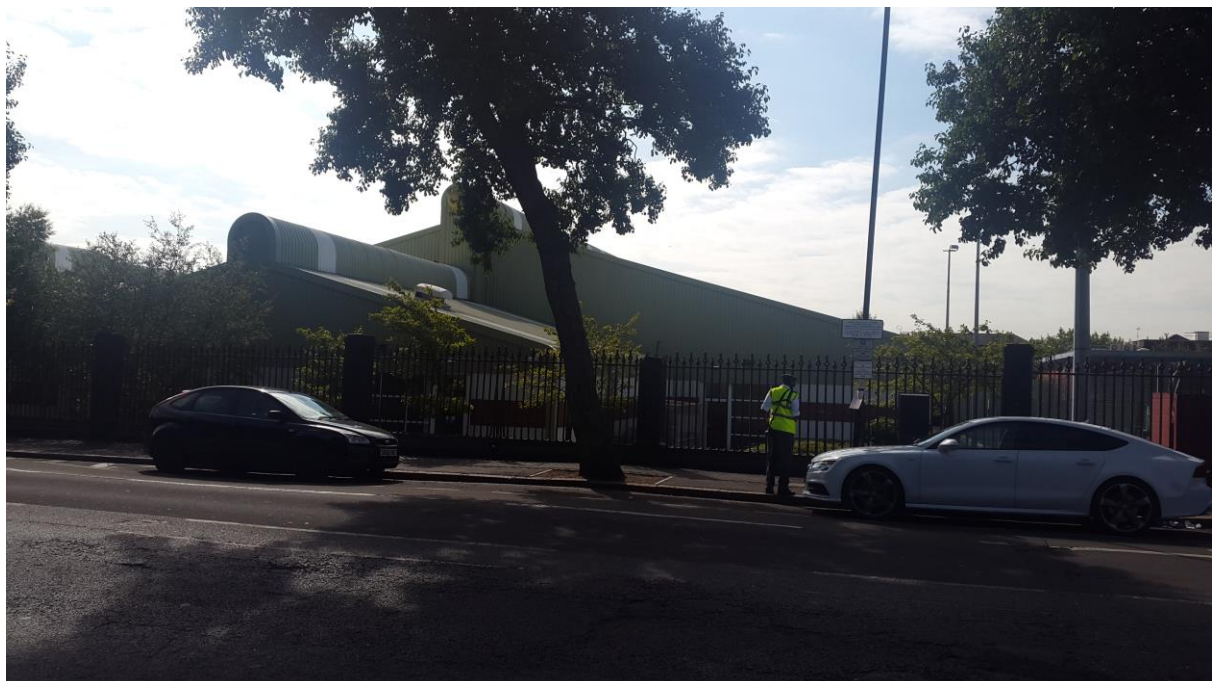


Image 1: View of existing building from Market Road



Image 2: Site of extension

#### **4. SUMMARY**

- 4.1 The application proposes a single storey side extension to the Tennis Centre which will extend the existing gym/aerobic studio.
- 4.2 It is considered that the proposed scheme will provide an enhanced sporting facility and will be in keeping with the character and appearance the existing building and street scene.
- 4.3 The proposal will provide for an enhanced sporting facility in accordance with Policy CS17 and will be in keeping in terms of design and scale with the existing building in accordance with Policy DM2.1.
- 4.4 The application is brought to Committee as it is a Council own application.

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

- 5.1 The application relates to Islington Tennis Centre, sited along Market Road. The Centre (use class D2 assembly and leisure) was opened in 1989 and upgraded in 1999. The Centre is located within a large part single storey part two storey ( at the rear) warehouse type structure and surrounded by football and hockey pitches, covering an area of 8432m<sup>2</sup>.
- 5.2 The site sits opposite Caledonian Park. The area is characterised by mostly residential development, the exception being the sports centre.

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

- 6.1 It is proposed to erect a single storey extension to the front north-west corner of the building, sited in-line with the existing front elevation and providing an extension to the existing gym/aerobic studio.
- 6.2 The single storey extension will have a large expanse of glazing to the front to match the existing front elevation and measures 4.4m x 7.4m, it will have a sloping roof to match the existing building and will replace an area of planting and air conditioning units.
- 6.3 The existing air conditioning units will be re-sited; however the exact siting has not been agreed as yet. This will be subject to a further planning application in the future.

## **7. RELEVANT HISTORY:**

### **Planning Applications**

- 7.1 None relevant

### **Enforcement**

- 7.2 None

### **Pre-application Advice**

- 7.3 No formal advice given

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 23 adjoining and nearby properties on the 27<sup>th</sup> of July. A site notice and press advert were displayed on 30<sup>th</sup> of July 2015. The public consultation of the application therefore expired on 20<sup>th</sup> of 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 representations have been received.

### **Internal Consultees**

- 8.3 **Planning Policy** : no objection in principle. Development should preserve and enhance biodiversity – consideration should be given to the loss of the landscaped area and implications for surface water run off.

- 8.4 **Inclusive Design** : The applicant should note that as a service provider they have duties relating to the Equalities Act 2010. There is no mention of the inclusive design policies in Islington's SPD.

**External Consultees**

- 8.5 None

**9. RELEVANT POLICIES**

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

**National Guidance**

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

**Development Plan**

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

**Designations**

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

none

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

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

**10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land use
- Design
- Landscaping & Trees
- Access

### **Land Use**

- 10.2 The supporting text of Development Management Policy DM6.4 states that indoor and outdoor sport and recreation facilities within Islington are important assets for public health and enjoyment, and for engendering a sense of community.
- 10.3 Core Strategy policy CS17 states that existing sports facilities should be safeguarded and improved in quality, accessibility and capacity (where possible) so that the maximum use of all existing facilities can be made.
- 10.4 The proposed development is an extension to an existing building and does not introduce a new use. It does however intensify the existing use and improve the existing sport facility in accordance with the above policy. In principal therefore it is considered that the development in land use terms is acceptable. The enlargement of the building and its impact visually is considered below.

### **Design**

- 10.5. Policy DM2.1 of Islington's Development Management Policies states that all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 10.6 The existing structure is finished in profiled metal with three pitched roofs to the front. The building is painted white and red, although as part of the general refurbishment, the extension and the frontage will be re-painted dark grey.
- 10.7 The proposed extension will sit comfortably in the existing corner of the building and will include a sloping roof to match the frontage.
- 10.8 Whilst the symmetry of the frontage will be slightly compromised, the rhythm will be maintained and it is considered that, given the limited scale of the extension, the matching materials, roof profile and glazing, it will be in keeping with the existing building, and will not detract from its character and appearance.
- 10.9 The ground level of the building is set below the level of Market Road (and somewhat screened by the existing and retained tree landscaping along the front boundary). As such the visual impact of the extension upon the street

scene is limited, and in any case, as stated above, the impact upon the character and appearance of the existing building is considered acceptable. .

### **Landscaping and Trees**

- 10.10 The Planning Policy officer raises concern with the loss of the planting area. Policy DM6.5 states that developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. It states that developments are required to minimise any impacts on trees, shrubs and other significant vegetation.
- 10.11 The proposed extension will replace an area of bed planting (as well as some air conditioning units). However the bed planting area measures 11.5m x 5m and is not considered to constitute 'significant vegetation'.
- 10.12 The landscaping strip to the front of the site, containing mature trees that screen the building from Market Road is considered of greater importance. This area will be maintained, and a condition to protect these trees during construction is recommended at condition 3.
- 10.13 As such, it is not considered that the development will lead to an unacceptable loss of biodiversity and will minimise the impact upon the nearby trees in accordance with this policy.

### **Access**

- 10.14 In terms of access, as stated above, the extension will provide for additional gym space internally. The comments of the Inclusive Design officer relate to the building as a whole rather than the additional space, and whilst it is understood that works are planned to be undertaken to the existing facility in line with Inclusive Design Policies, this is not considered material for this planning application.

### **Other Matters**

- 10.15 Given the siting of the extension within the sport complex, it will have no additional detrimental impact upon any neighbouring property.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 It is considered that the proposed development will provide an enhanced sporting facility and will be in keeping with the character and appearance the existing building and street scene, in accordance with Policies DM6.4, DM2.1 and CS12.
- 11.2 The development will not have a detrimental impact upon biodiversity or the amenities of any neighbours, in accordance with Policies DM6.5 and DM2.1.

## **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

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

### List of Conditions:

1	Commencement
	<p>The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design &amp; Access Statement (July 2015), P100, P101, P102, P103, P104, P105, P106, Tree Plan 150713-1.0-ITC-TP-NC, P002, P003, MAR 15</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	<b>Trees</b>
	<p>The trees shown for retention on drawing no. 150713-1.0-ITC-NP-NC shall be retained.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
4	<b>Materials</b>
	<p>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>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

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

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

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

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.20 Geological conservation

Policy 7.21 Trees and woodlands

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

**CS17** Sports Facilities

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

**Design and Heritage**

**DM2.1** Design

**Employment**

**Health and open space**

**DM2.3** Heritage

**DM6.1** Healthy development  
**DM6.4** Sport and Recreation  
**DM6.5** Landscaping, trees and biodiversity

**5. Designations**

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

- none -

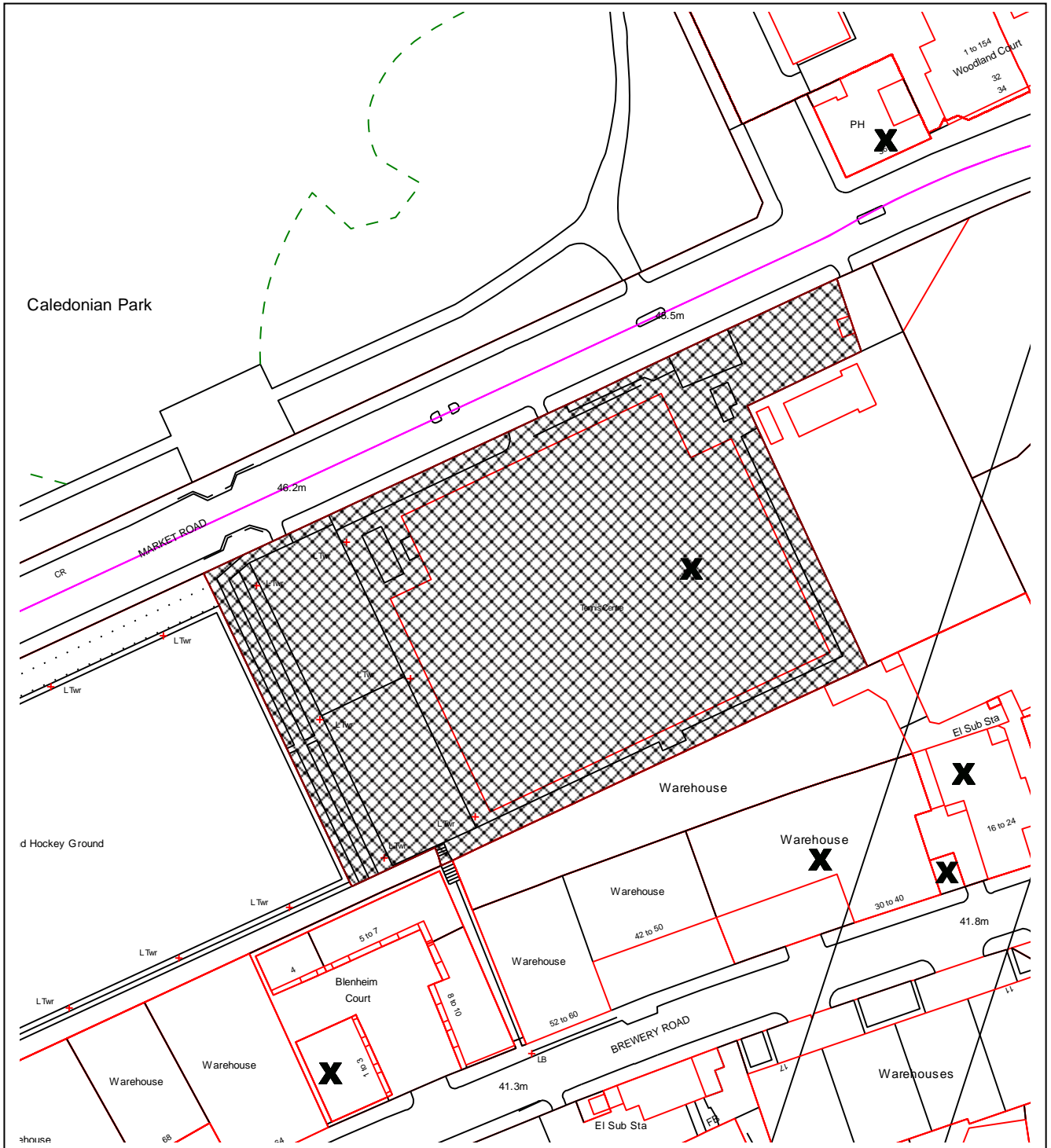
**7. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**None**

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE A</b>		
<b>Date:</b>	8 <sup>th</sup> October 2015	<b>NON-EXEMPT</b>

Application number	P2015/2142/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Not listed
Conservation area	Highbury Fields Conservation Area
Development Plan Context	Conservation Area
Licensing Implications	None
Site Address	Nursery at Loxfords 85 Highbury Park London N5 1GF
Proposal	Installation of 3 condensing units within the lightwell adjoining the basement level plant room in conjunction with the installation of a Comfort Cooling System for the nursery premises.

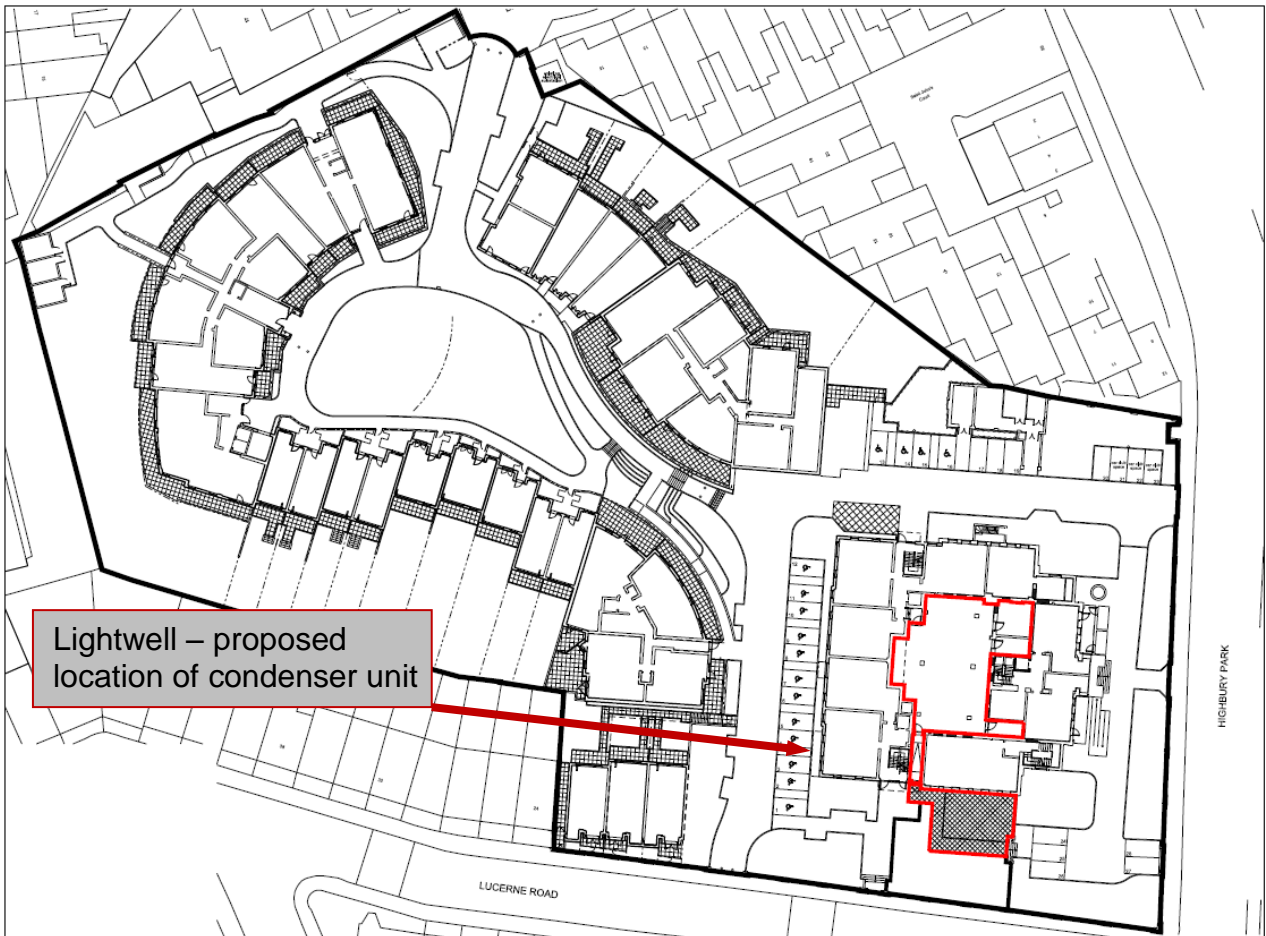
Case Officer	Ben Oates
Applicant	Monkey Puzzle Highbury
Agent	David Wood Architects

### 1. RECOMMENDATION

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

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

2. **SITE PLAN (site outlined in red)**



3. **PHOTOS OF SITE/STREET**

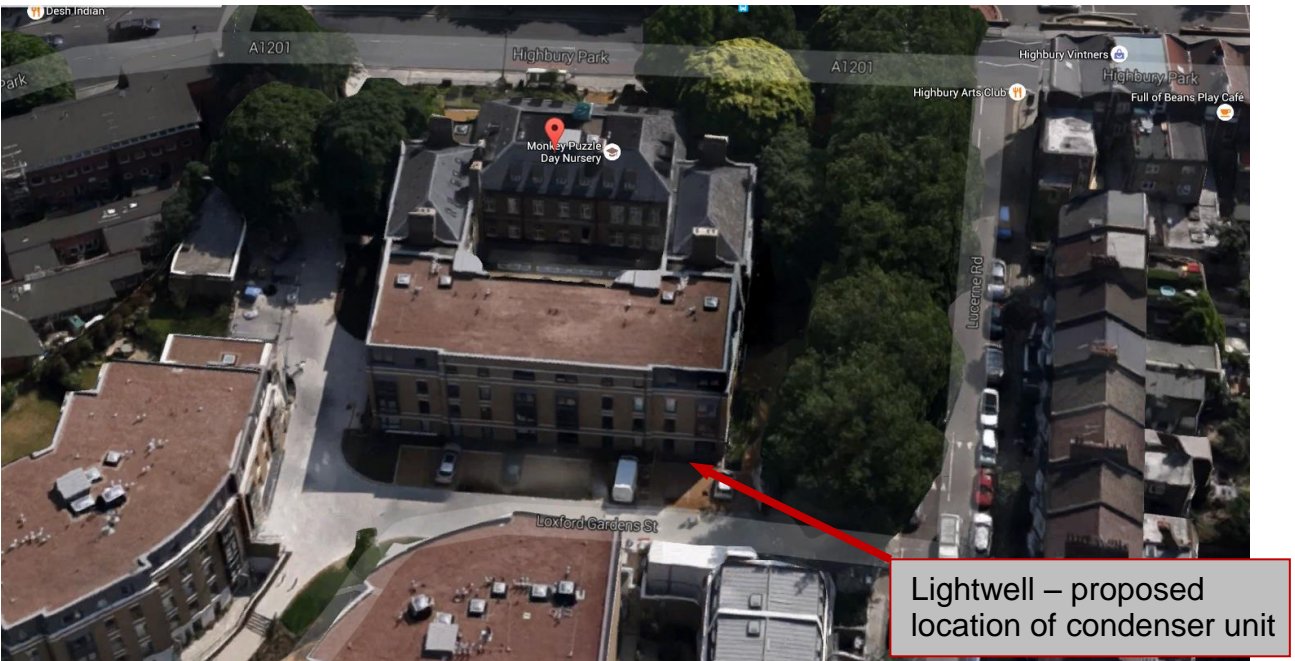


Image 1 – Aerial view of existing building (arrow points to proposed location of unit)





**Image 2** – Location of lightwell proposed to contain the condenser unit.



**Image 3** – Lightwell in context with existing building.



**Image 4** – Location of proposed condensing units.



**Image 5** – Cooling units currently used inside the nursery.

## **4. SUMMARY**

- 4.1 The application proposes the installation of a comfort cooling system to the existing children's nursery due to hot temperatures experienced within the premises during the summer months. The nursery has been using small mobile air cooling units to cool the nursery with exhaust tubes running up the walls to ventilate out through the existing openable roof lights on the nursery flat roof. The current temporary solution is obstructive internally to the nursery use, does not adequately cool the nursery and the open rooflights is causing noise from the nursery to disrupt the residents whose windows face the internal open area above the nursery.
- 4.2 Development Management policy DM6.1 part G states that noise sensitive developments should be adequately separated from major sources of noise. Policy DM3.7 part D echoes this and requires mitigation where the noise environment necessitates this and further states that, wherever possible, new residential development should be sited away from noise generating uses. Policy DM2.1 part A(xi) requires development proposals to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments. Policy DM2.3 requires development to preserve and enhance the character and appearance of conservation areas.
- 4.3 The proposed condensing units for the comfort cooling system would be located at basement level in a lightwell / air ventilation shaft that would conceal them from view to protect the appearance of the building and would be contained within an acoustic enclosure on anti-vibration mountings to prevent noise and vibration disturbance to the existing residential flats. The proposed location of the condensing units also allows a much easier installation process without having to inconvenience the residents in the building by constructing flue pipes through the walls of the upper level units. It would also be easily maintained with direct access through the existing plant room and it would gain cool airflow through the lightwell to allow it to function properly. Therefore the proposal is also considered to be acceptable in accordance with Development Management policies DM2.1, DM2.3, DM3.7 and DM6.1.
- 4.4 The application is brought planning sub committee for determination given the level of objections received.

## **5. SITE AND SURROUNDING**

- 5.1 The application property contains a four storey building that recently underwent works for refurbishment and extensions to Loxfords House, including the creation of the nursery, as part of a larger residential development that was approved in 2010. The nursery occupies the lower ground floor of the central part of the refurbished and extended Loxfords House.

5.2 The surrounding area is predominantly residential in the form of terraced houses and apartment buildings. Saint Joan of Arc Roman Catholic Primary School is located to the east.

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

6.1 The application proposes a Comfort Cooling System, which would require 3 x Mitsubishi FDC100VSX outdoor condensing units installed within an existing lightwell at the south-western corner of the building, which is partially enclosed. The units would be located within an acoustic enclosure on anti-vibration mountings at basement level.

6.2 A review document was submitted during the application demonstrating that five locations were given careful consideration in the development of the proposal to arrive at the best location. The five locations include:

1. The flat roof above the nursery;
2. The Nursery play area in front of the southern elevation;
3. On top of the main roof above the second floor flats;
4. Inside the basement level plant room;
5. Inside the lightwell / ventilation shaft adjacent to the basement level plant room.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

7.1 P092469 & P092470 (2010) – Planning permission and Conservation Area Consent for Demolition of buildings and the partial demolition of the rear of Loxford House, change of use and the erection of a four storey rear extension to Loxford House including the provision of 297sqm of nursery/crèche/community facility (Class D1) and the erection of part 3, 4 and 5 storey flatted blocks, houses and town houses providing for a total of 143 residential dwellings together with the creation of a new publicly accessible open space, car parking, cycle parking, landscaping and other associated works. Approved on 21/12/2010 and implemented.

### **ENFORCEMENT:**

7.2 No relevant history.

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

7.3 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 141 adjoining and nearby properties within Loxford House and Loxford Gardens and at Lucerne Road and Highbury Park on 19/08/2015; however once it was found that there was a technical issue with the Council's website causing the application documents to be unavailable the consultation was undertaken again. The second consultation letters were sent to occupants of adjoining and nearby properties on 21<sup>st</sup> July 2015. A site notice and press advert were displayed on 23<sup>rd</sup> July 2015. The public consultation of the application therefore expired on 13<sup>th</sup> 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 a total of 28 responses had been received from the public with regard to the application; consisting of 21 responses in support of the application, 6 objections and 1 general comment. Of the responses received only 1 support and 1 objection were received during the second round of consultation. The issues raised in the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Impact on the character and appearance of the building (10.3);
  - Noise and vibration impacts (10.4 – 10.7);
  - Devalues properties (10.8);
  - Health concerns (10.9);

### **Internal Consultees**

- 8.3 Design and Conservation Officer: No objection
- 8.4 Public Protection Division (Noise Team): No objection subject to the inclusion of a condition to mitigate noise and vibration impacts
- 8.5 Environmental Health: No objection - if it's not a cooling tower and/or evaporative condenser (with exposure of water to air) then there won't be a Legionella issue.

### **External Consultees**

- 8.6 None

## **9. RELEVANT POLICIES**

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

## **National Guidance**

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

## **Development Plan**

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

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

- 9.4 The SPGs and 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;
- Impact on the appearance of the building and character of the area; and
- Impact on the amenity of neighbouring properties.

### **Land-use**

- 10.2 The planning application does not propose a change of use to the existing nursery or adjoining flats and therefore there are no land use concerns.

### **Design, Conservation and Heritage Considerations**

- 10.3 The proposed condensing units would be located at basement level within a lightwell covered by a metal grill and therefore would not be visible to the public realm. It is considered that due to their concealed location they would not be harmful to the appearance of the building and the character and appearance of the conservation area would be preserved in accordance with Development Management policies DM2.1 and DM2.3.

### **Neighbouring Amenity**

- 10.4 The proposed condensing units would be located within an existing lightwell / ventilation shaft that serves the basement level plant room. The lightwell is located on the western side of the building adjoining the vehicle access and

parking area off Lucerne Road and also adjoins a walkway to the southern entrance of the building and the Monkey Puzzle Nursery.

10.5 The applicant has demonstrated that five locations were considered in the development of the proposal to arrive at the best location: including:

- the flat roof above the nursery;
- the nursery play area in front of the southern elevation;
- on top of the main roof above the second floor flats;
- inside the basement level plant room;
- and inside the lightwell / ventilation shaft adjacent to the basement level plant room.

The locations were considered in terms of their impacts on the appearance and character of the building, impacts on amenity of residents, performance of the condenser unit and difficulty of installation and maintenance. From this assessment the applicant found that the best location was in the lightwell, which would conceal the units, allow the units to operate normally and would involve the least disruption to residents from installation and maintenance. The Council agrees that the proposed location on balance would provide the most suitable location, in terms of impact on neighbour amenity and visual appearance.

10.6 There is a residential flat on the south-western corner of the lower ground level of the building with windows facing west to the parking area over the lightwell and also south towards Lucerne Road. One west facing window serves a bedroom and the other west facing window and south facing windows serve a living/dining area.

10.7 The proposed condenser units would be contained within an acoustic enclosure on anti-vibration mountings to prevent disturbance to the residential flat on the lower ground level above the lightwell, which the applicant has demonstrated on the proposed elevation. This solution was designed based on the advice contained within the Plant Noise Assessment submitted with the application.

10.8 The council's Acoustics Officer reviewed the proposal and advised that in order to comply with the noise criteria, the applicant will need to fit full acoustic enclosures around the units, which should also be installed on anti-vibration mounts to isolate the plant and prevent noise transmission into the building. The proposal is therefore consistent with this advice and a condition is recommended ensuring that 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. A condition is recommended that restricts the use of the comfort cooling system to only be used during the hours of operation of the nursery (8am to 6:30pm) to prevent undue impacts on neighbouring residents. As an informative the applicant is further advised that the units and mitigation should be regularly checked, maintained and serviced to ensure noise levels do not rise.

- 10.9 The application clearly demonstrates, subject to compliance with the condition, that the proposal will not result in unacceptable disturbance to the existing residential units in accordance with Development Management policy DM2.1, DM3.7 and DM6.1 and subject to conditions should be approved. There is no reason that the proposal should be not be supported by the Committee on amenity impact grounds.

### **Other Matters**

- 10.10 Concerns were raised in regards to the impact on property values as a result of the proposal. This is not a material planning consideration and therefore is not addressed in this report.
- 10.11 Concern was also raised in regards to health impacts arising from the condensing units. However, it is proposed to use a comfort cooling system and the domestic scale of the system and enclosed condenser unit would be unlikely to cause adverse health impacts. Furthermore, because the condenser unit is not a cooling tower and/or evaporative condenser (with exposure of water to air) it would not be a Legionella issue.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed condensing units for the comfort cooling system would be concealed from view protect the appearance of the building and would be contained within an acoustic enclosure on anti-vibration mountings to prevent noise and vibration disturbance to the existing residential flats. The proposed location of the condensing units also allows a much easier installation process without having to inconvenience the residents in the building by constructing flue pipes through the walls of the upper level units. It would also be maintained with direct access through the existing plant room and it would gain cool airflow through the lightwell to allow it to function properly.
- 11.2 For the above reasons the design of the condensing units and enclosure is also considered to be acceptable in accordance with Development Management policies DM2.1, DM2.3, DM3.7 and DM6.1.

### **Conclusion**



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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION

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

#### List of Conditions:

1	<p><b>Commencement (Compliance)</b></p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p><b>Approved Plans List: (Compliance)</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Numbers: Drawing Numbers: 496/181, 496/182, 496/183, 496/312, Site Plan, Statement titled “Review of options for location of condensing units for comfort cooling system”, Cover letter dated 26th May 2015 (prepared by David Wood Architects), Plant Noise Assessment dated 28th April 2015 (prepared by RBA Acoustics), Ecolution FDT Standard Cassette specifications brochure and Report titled "Consultation with Neighbours".</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Noise Mitigation: (Compliance)</b></p> <p>The design and installation of new items of fixed plant shall be contained within an acoustic enclosure supported on anti-vibration mountings such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interests of neighbour amenity.</p>
4	<p><b>Noise (Compliance)</b></p> <p>Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the comfort cooling system to between the hours of 07:00 to 18:30 only. The timer shall be maintained as such thereafter.</p>

	REASON: In the interests of neighbour amenity.
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**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
<b>2</b>	<b>Noise</b>
	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.
<b>3</b>	<b>Other legislation</b>
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations & Equalities Act.
	<b>Construction hours</b>
<b>5.</b>	<p>You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations as well as Environment Health Regulations.</p> <p>Any construction works should take place within normal working day. The Pollution Control department lists the normal operating times below.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Delivery and operating times - the usual arrangements for noisy works are</p> <ul style="list-style-type: none"> <li>○ 8am –6pm Monday to Friday,</li> <li>○ 8am – 1pm Saturdays;</li> <li>○ no noisy work on Sundays or Public Holidays (unless by prior agreement in special circumstances)</li> </ul> </div>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

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

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

Policy 7.4 (Local character)

Policy 7.6 (Architecture)

Policy 7.8 (Heritage Assets and archaeology)

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

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

Policy CS10 Sustainable design

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

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

Policy DM2.1 (Design)

Policy DM2.3 (Heritage)

##### **Housing**

Policy DM3.7 (Noise and Vibration)

##### **Health and Open Space**

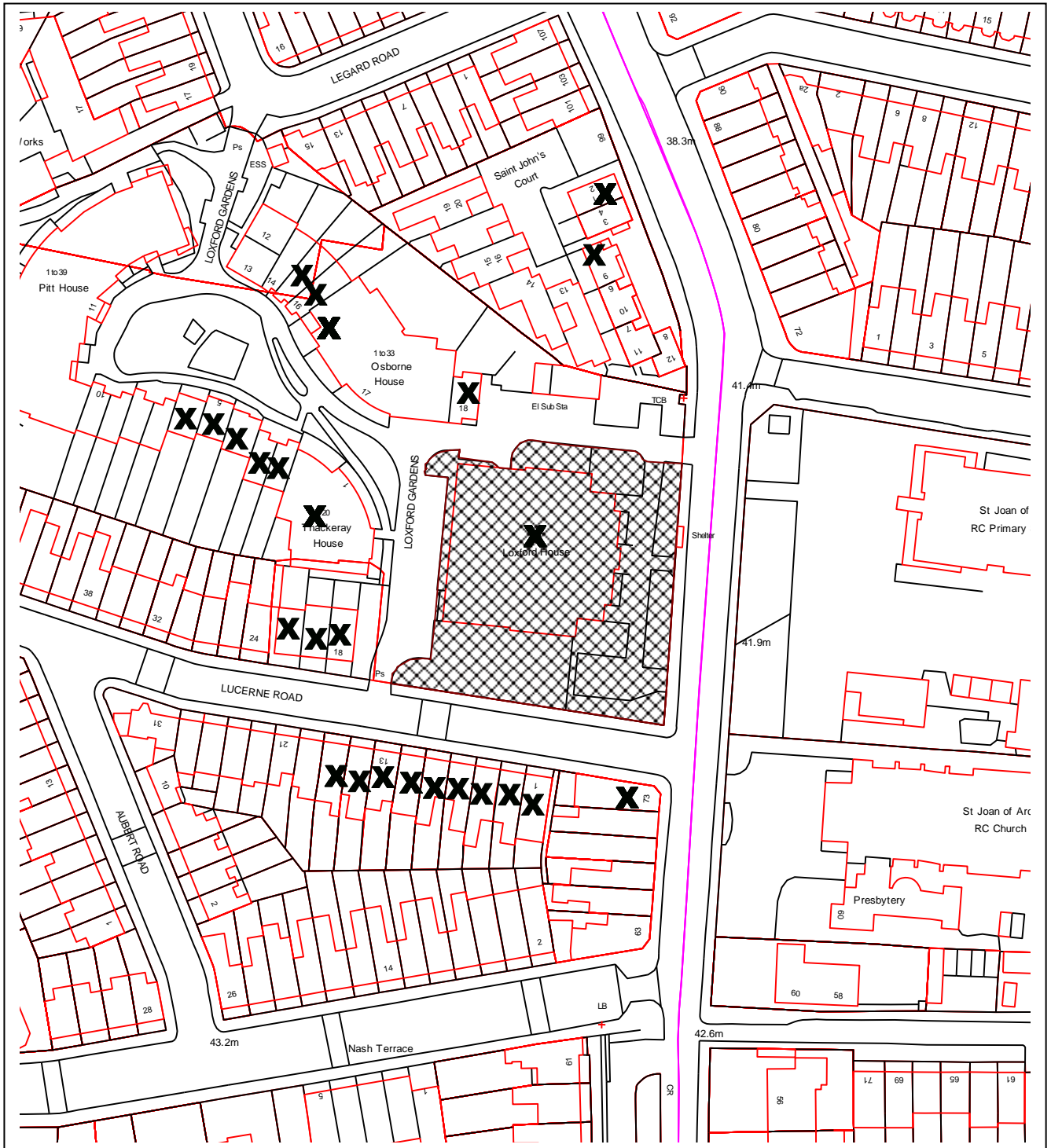
Policy DM 6.1 (Healthy Development)

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

The following SPGs and/or SPDs are relevant:

- Urban Design Guide
- Conservation Area Design Guidance

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