



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **12 April 2016 at 7.30 pm.**

John Lynch
Head of Democratic Services

Enquiries to : Zoe Crane
Tel : 020 7527 3044
E-mail : democracy@islington.gov.uk
Despatched : 4 April 2016

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.**

<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 Donovan	- Clerkenwell;
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



A. Formal Matters **Page**

1. Introductions
2. Apologies for Absence
3. Declarations of Substitute Members
4. Declarations of Interest

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business
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B. Consideration of Planning Applications **Page**

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8.	Playground at rear and undercroft area of 21-36 Outram Place, London, N1 0UX	145 - 158
9.	Top Floor Flat, 63 Ambler Road, London, N4 2QS	159 - 174
10.	Worcester Point, Central Street, London, EC1V 8AZ	175 - 194

C. Consideration of other planning matters

D. 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.

E. 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.

F. Confidential/exempt items

G. Urgent exempt items (if any)

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

Date of Next Meeting: Planning Sub Committee A, 7 June 2016

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

London Borough of Islington

Planning Sub Committee A - 23 February 2016

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 23 February 2016 at 7.30 pm.

Present: **Councillors:** Kat Fletcher (Chair), David Poyser (Vice-Chair), Jilani Chowdhury and Robert Khan

Councillor Kat Fletcher in the Chair

152 **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.

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

Apologies were received from Councillor Spall.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

RESOLVED:

1) That the minutes of the meeting held on 5 January 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

2) That a postscript be added to the minutes of the meeting held on 5 January 2016 under Minute 150, Bullet Point 3 to note that:

“The measurements quoted in committee were inaccurate and the correct measurements of the north elevation were 2.6m (a combination of 2.4m wall and 0.2m roof segment) and that the south and rear elevation measured a maximum of 2.65m (a combination of 2.4m and 0.25m)”.

158 **14A PITFIELD HOUSE, Highbury New Park, London, N5 2RA (Item B1)**

Change of use from community use (D2) to create a two bedroom, three person self-contained residential unit (C3).

(Application number: P2015/4046/FUL)

In the discussion the following point was made:

- The application was consistent with policy.

RESOLVED:

That planning permission be granted subject to the conditions and informatives in Appendix 1 of the officer report and subject to the prior completion of a Directors' Service Level Agreement securing the heads of terms set out in Appendix 1 of the officer report.

- 159** **ISLINGTON TENNIS CENTRE, MARKET ROAD, LONDON, N7 9PL (Item B2)**
Erection of a single storey plant enclosure housing new plant to the western end of the site.

(Planning application number: P2015/5007/FUL)

In the discussion the following point was made:

- The application was consistent with policy.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

- 160** **LAND AT RINGCROSS ESTATE SOUTH OF RINGCROSS ESTATE, GEORGES ROAD, LONDON, N7 (Item B3)**

Conversion of the fenced off greenspace fronting George's Road on Papworth Gardens Estate into a new ballcourt enclosed with a 4.5m high rebound fence.

(Planning application number: P2015/2190/FUL)

In the discussion the following points were made:

- The planning officer confirmed that the conditioned opening times of the ballcourt were consistent with those of ballcourts/multi-use games areas recently granted permission as the applicant had not submitted proposed hours with the application.
- The application was consistent with policy.

RESOLVED:

That planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report and subject to a Directors' Level Agreement securing the heads of terms as set out in Appendix 1 of the officer report.

- 161** **PAKEMAN PRIMARY SCHOOL, 21 PAKEMAN STREET, ISLINGTON, LONDON, N7 6DU (Item B4)**

Erection of a single storey detached classroom pod located to the playground area at the rear of the school in place of existing garage.

(Planning application number: P2015/5278/FUL)

In the discussion the following points were made:

- There would be a marginal loss of play space.
- The school would use the pod at break times as play space to compensate for the loss of outdoor play space.
- The application was consistent with policy.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

The meeting ended at 7.47 pm

CHAIR

COMMITTEE AGENDA

1 14 Freegrove Road London N7 9JN

2 1A Sudeley Street, London, N1 8LB

3 32 Fitzwarren Gardens London N19 3TP

4 44 Ecclesbourne Road London N1 3AE

5 52-54 St John Street London EC1M 4HF

6 Canonbury Court
Hawes Street
Islington
London

7 Land at Turk's Head Yard, 75A Turnmill Street, London, EC1M 5SY

8 Playground at rear and Undercroft Area of 21-36 Outram Place,
London
N1 0UX

9 Top floor flat, 63 Ambler Road London N4 2QS

10 Worcester Point
Central Street
London
EC1V 8AZ

1 14 Freegrove Road London N7 9JN

Ward: Holloway

Proposed Development: Construction of a single storey rear extension with flat roof and excavation works to create basement level accommodation with roof lights set in the patio.

Application Number: P2015/4363/FUL

Application Type: Full Planning Application

Case Officer: Pedro Rizo

Name of Applicant: Mr Mark Risner

Recommendation:

2 1A Sudeley Street, London, N1 8LB

Ward: St. Peters

Proposed Development: RECONSULTATION: Management Plan Submitted. (Supplementary information)
Application for Variation of Condition 11 (hours of operation) of Planning Permission (ref: P2015/1015/FUL) dated 07/05/2015 for extension to the approved opening hours, from 11:00 to 00:00 Mondays to Saturdays and 12:00 to 23:00 on Sundays; to 08:00 to 00:00 on Mondays to Saturdays and 08:00 to 23:00 on Sundays, in order to offer a breakfast service between the hours of 08.00 and 11.00 hours Monday to Sunday.

Application Number: P2015/4465/S73

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: Thomas Broomhall

Name of Applicant: Mr Jacob Kennedy

Recommendation:

3 32 Fitzwarren Gardens London N19 3TP

Ward: Hillrise

Proposed Development: Partial demolition of roof and creation of new hipped roof with 2no. rear dormer windows, obscurely glazed rear terrace to create new loft floor (comprising bedroom and bathroom and small terrace) and new roof light on flank elevation facing No 34. Insertion of Partial demolition of garage and erection of single storey extension over remainder; partial over cladding with facing brickwork; creation of new front porch and internal reconfiguration of house.

Application Number: P2016/0128/FUL

Application Type: Full Planning (Householder)

Case Officer: Daniel Power

Name of Applicant: Mr Graham Ling

Recommendation:

4 44 Ecclesbourne Road London N1 3AE

Ward: Canonbury

Proposed Development: Section 73 application for the variation to conditions 2 (approved drawings);

- addition of a storey to accommodate a bedroom and bathroom with green roof and photovoltaic panels
- lowering of the floor level to the ground floor.
- alteration to design of ground floor roof
- enlargement of ground floor and first floors
- alterations to materials including brickwork
- alterations to fenestration and introduction of perforated brick screens with balconies to front and side elevations
- alteration to height and design of front boundary treatment, plus alterations to boundary walls.

Plus removal of conditions 4 (projecting white glazed fame) and 10 (roof terrace) of planning consent ref P112814 dated 29/3/2012.

Application Number: P2015/4462/S73

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: Joe Aggar

Name of Applicant: Ms Elizabeth Monks

Recommendation:

5 52-54 St John Street London EC1M 4HF

Ward: Bunhill

Proposed Development: Refurbishment works comprising of installation of replacement windows, doors and new canopies to front façade, lift overrun and plant enclosure at roof level of front building and glazed infill between front and back building at ground floor level.

Application Number: P2015/1947/FUL

Application Type: Full Planning Application

Case Officer: Sandra Chivero

Name of Applicant: Mr

Recommendation:

**6 Canonbury Court
Hawes Street
Islington
London**

Ward: St. Marys

Proposed Development: Replacement of existing single glazed windows with double glazed aluminium framed windows. Installation of additional railings onto the existing flat roof of the staircase.

Application Number: P2015/0166/FUL

Application Type: Full Planning (Council's Own)

Case Officer: David Nip

Name of Applicant: Islington Council

Recommendation:

7 Land at Turk's Head Yard, 75A Turnmill Street, London, EC1M 5SY

Ward: Clerkenwell

Proposed Development: Construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping

Application Number: P2014/1808/FUL

Application Type: Full Planning Application

Case Officer: Pedro Rizo

Name of Applicant: Mr

Recommendation:

**8 Playground at rear and Undercroft Area of 21-36 Outram Place,
London
N1 0UX**

Ward: Caledonian

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

Application Number: P2016/0339/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Daniel Power

Name of Applicant: Islington Council - John Mooteealoo

Recommendation:

9 Top floor flat, 63 Ambler Road London N4 2QS

Ward: Highbury West

Proposed Development: Second floor addition on top of existing 2 storey flat roofed rear wing.

Application Number: P2015/3283/FUL

Application Type: Full Planning Application

Case Officer: David Nip

Name of Applicant: Mr Ben Heathorn

Recommendation:

10 Worcester Point

Central Street

London

EC1V 8AZ

Ward: Bunhill

Proposed Development: Erection of a single storey structure at sixth floor (roof) level to create 1 x two bedroom flat and 1 x one bedroom flat .

Application Number: P2016/0060/FUL

Application Type: Full Planning Application

Case Officer: Ashley Niman

Name of Applicant: Central Street Properties [Pear Tree] Ltd.

Recommendation:

PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application number	P2015/4363/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Unlisted
Conservation area	Hillmarton Conservation Area
Development Plan Context	Within 100 metres of a SRN
Licensing Implications	None
Site Address	14A Freegrove Road London N7 9JN
Proposal	Construction of a single storey rear extension with flat roof and excavation works to create a rear basement level accommodation with roof lights set in the patio.

Case Officer	Pedro Rizo
Applicant	Mr. Mark Risner

1. RECOMMENDATION

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

1. for the reasons for approval;
2. subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Rear elevation of the semi-detached building



Rear view of the site towards the north side.



Rear view of the site towards the south side.

4. SUMMARY:

- 4.1 The application seeks permission for the construction of a single storey rear infill extension with an additional frameless glazed addition, which would project to the rear from the existing two-storey rear outrigger. Additionally, the development involves the construction of a basement extension.
- 4.2 The main considerations are the impact of the development on the character and appearance of the property and its surrounding residential area, as well as the impact on the residential amenity of neighbouring occupiers and the quality of additional residential accommodation that would be provided at lower ground floor level.

- 4.3 The proposed development is considered to form a modern yet complementary rear addition to the property. The appearance would be lightweight in form and would be considered to form an attractive and visual enhancement to the host building and wider conservation area setting.
- 4.4 The proposed development will not result in the loss of any trees within the site and will create a sustainable form of development.
- 4.5 The proposed development is not considered to be excessive in overall height or in relation to the proposed basement works such that adjoining neighbour's amenity levels would be materially affected in terms of any material loss of outlook, daylight/sunlight, increased enclosure levels or structural concerns. A condition is suggested requiring further detailed information to be submitted in terms of a Structural Method Statement and A Construction Management Plan to be submitted to and approved by the council before any works can be enacted on the site.

5. SITE AND SURROUNDINGS:

- 5.1 The application property is a ground floor flat within a four storey semi-detached building, which has been subdivided into four flats. The building is located on the south-eastern side of Freegrove Road. This stretch of the street is formed by a residential cul de sac with access from Harthman Road, on the western side of the street.
- 5.2 The building contains a two-storey half-width rear outrigger, which is seen as a common feature shared with neighbouring semi-detached buildings on this side of the street.
- 5.3 The properties benefit from rear gardens of a considerable depth, which abut the rear gardens of two two-storey block of flats fronting Hartham Close.
- 5.4 The semi-detached buildings are not uniform when viewed from the rear with half-width rear outriggers that range from two-storeys to three-storeys that have no consistent design. A ground floor rear infill extension has been built on No. 6 Freegrove Road.
- 5.5 The surrounding area is residential in character. Although the application property is not listed, the building is within the Hillmarton Conservation Area.

6. PROPOSAL (IN DETAIL):

- 6.1 The application involves the construction of a single storey rear extension, which would be positioned between the existing two-storey rear outrigger and the boundary shared with No. 16 Freegrove Road. The extension would measure 3.10 metres in depth x 3.10 metres in width and would have a flat roof with a maximum height of 2.90 metres.
- 6.2 The development includes the construction of a frameless glazed ground floor extension, which would project from the existing two-storey rear outrigger by 2.40 metres and would measure 2.70 metres in width. This structure would enclose a proposed spiral staircase between ground floor level and the proposed basement level.

- 6.3 In addition, the scheme involves excavation works to create a basement below the extension, in order to accommodate an ensuite bedroom with 'winter garden' and study room. The proposed basement would extend a maximum of 8.80 metres from the original rear elevation of the building and would therefore project 5.7 metres from the rear of the proposed ground floor extension.
- 6.4 The basement extension would have a maximum depth of 3.70 metres and would have a 1.20 metres soil depth element on the rear section above the 'study/tv room' in order to provide a drainage layer. The proposed 'study/tv' room would therefore have an internal ceiling height of 2.20 metres.
- 6.5 The scheme includes the installation of a glazed roof light that would measure 2.60 metres in length by 1.0 metre in width located 0.5 metres from the proposed ground floor extension's rear elevation.

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 An application (Council Ref. P2015/3046) for the "Construction of a single storey rear/side extension with flat roof and additional glazed projection and excavation works to create basement level accommodation" was withdrawn on 24th September 2015.

Enforcement:

- 7.2 None.

Pre-Application Advice:

- 7.3 None

8. CONSULTATION

Public Consultation:

- 8.1 Letters were sent to occupants of 9 adjoining and nearby properties at Freegrove Road and Hartham Close on 28 October 2015. Site and press notices were also displayed. The public consultation of the application therefore expired on 18 November 2015.

Given the concerns raised over the initial submission of the Construction Management Statement, a second document for a "Basement Construction and Underpinning Method Statement" dated February 2016 was submitted. Reconsultation took place on 29 February 2016.

- 8.2 A total of 7 letters of objection were received in response to the initial consultation. The following issues were raised (the paragraph numbers responding to the issues are shown in brackets).

- (i) Proposed basement extension would affect the structural integrity of the building. The Construction Management Statement submitted with the application is inadequate. Whilst an "Amended Structural Method Statement" was submitted, this document is generic and lacks specific details. The

document does not comply with the Basement Supplementary Planning Document SPD (adopted 2016). [paragraphs 10.18 to 10.22].

- (ii) Proposed extension would not be in keeping with the character of the building [paragraphs 10.3 to 10.06].
- (iii) The building works would disrupt the amenities of neighbouring residents [paragraphs 10.25].
- (iv) The proposed basement extension would create a precedent with the conservation area [paragraph 10.6].
- (v) The proposed extension would be an overdevelopment to the property [paragraphs 10.6 to 10.08].
- (vi) The proposed development would affect the trees of neighbouring properties [paragraphs 10.23 and 10.24].
- (vii) The proposed extension would enable access to the upper floor rear windows and would affect the security of the upper floor flat. (10.26)

Internal Consultees:

- | | | |
|-----|--------------------------------|---|
| 8.3 | Conservation & Design Officer: | No objections. The proposed extension is considered acceptable in terms of design and scale. The proposed glass addition would not harm the original appearance and detailing of the building. |
| 8.4 | Tree Preservation Officer: | The site has restricted space for construction activity. There is no protection for the trees at the front of the property (T10) and the obvious impact to this tree is damage from construction activity. A condition requiring an arboricultural method statement is therefore required, in order to ensure the safe, healthy retention of the existing trees through construction phase. |

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT:

10.1 The main issues arising from the proposal relate to:

- Design and Appearance
- Impact on Neighbouring Amenity
- Sustainable Design
- Trees

Design and Appearance

10.2 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, Policies DM2.1 and DM2.3 of the Islington's adopted Development Management Policies require all forms of development to be of high quality for making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.

10.3 The site is situated within a predominantly residential area and this side of Freegrove Road is formed by six pairs of semi-detached buildings that have been extended with rear outriggers of different form, height and width, which range from two storeys to three-storeys.

10.4 There is no consistent symmetry with the adjoining semi-detached building No. 16 Freegrove Road, as the neighbouring building contains a three-storey rear outrigger and the application property contains a two-storey rear addition. Although the application building has no visual unity shared with neighbouring properties, any form of rear extension should aim to preserve the integrity of the semi-detached form and respect the proportions of the buildings within the immediate setting.

10.5 The proposed scheme involves three different forms of development, which consist of a ground floor rear extension, a frameless glazed addition that would enclose a proposed spiral staircase and a rear basement extension.

10.6 The proposed basement extension would not result in a prominent external alteration to the semi-detached property. Although the basement would involve the installation of a roof light on the rear garden, this roof light would have a limited floor area of 2.86 square metres and would be positioned 0.5 metres away from the extension's rear elevation. Given that the scheme includes 1.2 metres of top soil on the rear section of the basement, the proposed basement would not compromise the perceived garden space of the property. A letter of objection mentions that the basement extension would create a precedent within the conservation area. However, the basement is considered acceptable in terms of design, scale and siting and it would be expected that in the event that any separate basement is proposed within the immediate conservation setting, this would be assessed on its own individual planning merits.

10.7 The proposed ground floor rear extension would measure 3.1 metres in depth and would infill the open garden space between the two-storey outrigger and the boundary shared with No. 16 Freegrove Road. The extension would have a flat roof that would measure 2.9 metres in height. Given that the extension would be in line with the existing two-storey rear outrigger's rear wall that the extension would not project further to the rear, its light weight design it is considered to be acceptable in terms of scale and design, remaining subservient to the main building.

- 10.8 In addition, the scheme involves the construction of a light weight glazed enclosure which would project from the existing two-storey outrigger by 2.4 metres and would measure 2.7 metres in width. Although the glazed addition would introduce a new modern feature at ground floor level, this element is considered modest in scale (6.48 square metres in floor area). Due to its position at ground floor level, its setback of 2.3 metres from the boundary shared with No. 12 Freegrove Road, this form of development would not be seen as a prominent addition to the building and would not detract from the character and appearance of the conservation area, when viewed from the rear windows of neighbouring properties at Freegrove Road and Hartham Close.
- 10.09 In light of the above, the proposed forms of development would be acceptable on design grounds and would have no detrimental impact on the character and appearance of the property, conservation area and street scene.

Impact on Neighbouring Amenity

- 10.10 All forms of extensions are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and or increased sense of enclosure. The proposal is therefore assessed against London Plan Policies 7.4 and 7.6 as well as Development Management Policy DM2.1, which require for all development to maintain a good level of amenity.
- 10.11 The proposed forms of development are therefore reviewed in terms of impact on amenity against adjoining properties, No. 12 and No. 16 Freegrove Road. The following considerations are noted:

No. 12 Freegrove Road:

- 10.12 The ground floor infill rear/side extension would not be visible from No. 12 Freegrove Road, as this rear addition would be screened by the existing two-storey rear outrigger.
- 10.13 The proposed glazed and frameless extension that would enclose the spiral staircase would have a 2.3 metres setback from the boundary shared with No. 12 Freegrove Road. Given the structure's position and limited depth of 2.4 metres, this extension would not be highly visible from the rear windows at No. 12 Freegrove Road. Furthermore, this addition would be glazed and lightweight in character. As such, the glazed addition would not affect the sunlight/daylight or outlook provided to the upper windows at No. 12 Freegrove Road.

No. 16 Freegrove Road:

- 10.14 Any impact on sunlight/daylight and outlook should be considered against the ground floor window on No. 16 Freegrove Road, which is the nearest window facing directly onto the proposed development. The proposed ground floor infill/rear extension would measure 3.10 metres in depth and would have a 2.9 metres high flat roof. The extension would have a 1.8 metres setback from the centre of this window and as such, the extension would not result in a significant loss of daylight/sunlight to this property.
- 10.15 The proposed basement extension would involve the installation of a roof light at ground floor level, which would have a 30 centimetres distance from the boundary shared with No. 16 Freegrove Road. The proposed roof light would have a limited size of 3.96 square metres. Given the modest size of the roof light and its position

abutting the rear elevation of the proposed ground floor extension, the roof light would be largely screened by the ground floor extension and would not cause unreasonable levels of light pollution.

- 10.16 In terms of privacy, consideration should be given to the potential for overlooking between windows within the proposed extension and neighbouring properties. The proposed extensions would not have side windows and given the position at ground floor, there would be no ability to overlook neighbouring habitable rooms.
- 10.17 Overall, the proposal is not considered to result in any significant impact on residential amenity in terms of loss of daylight, sunlight, privacy or an increased sense of enclosure. The proposed development would therefore be in accordance with Policy DM2.1 of the Islington's Development Management Policies (2013).

Basement development and structural implications

- 10.18 The site is not within a Local Flood Risk Zone and the proposed basement extension would have a 1.2 metres soil depth on its rear section, which would provide a drainage layer and would not result in a significant loss of the property's open space/open aspect. Under these terms, the proposal meets the requirements of the Islington's Basement Development SPD (adopted January 2016), in that it would occupy less than 50% of the original garden/unbuilt upon area of the property, would be subordinate to the above ground building element by not exceeding the 11.3 metres overall length of the semi-detached building and by having a 2.2 metres floor to ceiling height on its rear section ('study/tv room').
- 10.19 Due to the scale and site conditions of the semi-detached building, the proposed basement would not harm the existing landscaping and biodiversity value of the property and its surrounding setting.
- 10.20 A Construction Method Statement, which was re-submitted in February 2016 has been examined by the Council's Building Control Team. As advised, the proposed basement would not result in any new structure that would abut adjacent properties.
- 10.21 A letter of representation advises how the "amended structural method statement" fails to meet all the requirements of the Basement Supplementary Planning Document adopted in January 2016. However, it is noted that the application was submitted on the 16th October 2015, prior the adoption of the Basement SPD. Whilst the requirements of the SPD are a material consideration when reviewing the acceptability of the proposed basement extension, the submission of a Construction Method Statement or a Structural Method Statement was not a validation requirement at the time the case was registered.
- 10.22 Nonetheless the applicant has sought to address this area in good faith by submitting an amended Construction Method Statement as part of the application. The details provided are considered to be of a good level of detail and subject to final detailed conditions requiring a final Construction Method Statement and a Structural Method Statement to be submitted for approval prior to the commencement of any works on site, it is considered that structural and basement concerns can be adequately addressed and mitigated against through these conditions.

Trees:

- 10.23 The scheme has been reviewed by the Council's Tree Officer, who advised that the existing trees are positioned sufficiently far enough from the proposal and would remain largely unaffected. Whilst the applicant submitted a drawing (number PRI20189-03) that shows a Tree Protection Plan and Method Statement, the drawing fails to consider appropriate tree protection measures for trees on the front of the property that could suffer impact threat from construction activity.
- 10.24 In the absence of a complete Arboricultural Method Statement (AMS), the Tree Officer has requested a condition requiring methods and tree protection measures, in order to ensure that existing trees through the construction phase of the development are retained in a safe and healthy form.

Other matters

- 10.25 Concerns raised by objectors regarding noise and disruption the development may cause as it is built out have been fully considered. A condition requiring details of construction management is suggested to ensure that the development can be enacted carefully while considering adjoining residential amenity.
- 10.26 Concerns regarding the potential of the development to harm security with access over the proposed extensions to the upper floor flats have been considered. The reasonably sized proposed rear additions are unlikely to materially impact the security levels of these flats in this residential location with the rear garden area being heavily overlooked by adjoining units at present. It would not be reasonable to refuse appropriately designed rear extensions on this basis.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The application seeks permission for the erection of a ground floor rear infill extension and a separate frameless glazed element that would enclose a spiral staircase that would connect to a proposed basement. The principle of the residential extension to the semi-detached building is considered acceptable.
- 11.2 The impact on visual and residential amenity has been assessed and it is not considered that the development would have a harmful effect on the character and appearance of the semi-detached building and its visual relationship with the adjoining semi-detached building. In addition, the proposed development would be at the rear and would not affect the character of the Hillmarton Conservation Area, when observed from the public realm.
- 11.3 The proposed basement extension would on balance meet the guidelines under the Supplementary Planning Document SPD for basement extensions (adopted January 2016), in that the basement would not alter the perceived garden area of the property and would enable the replacement of landscaping on the rear garden of the property, while it would not affect the trees within the immediate setting.
- 11.4 Whilst representations have been received objecting to the basement extension, noting that it would affect the structural integrity of the application property and neighbouring buildings, the scheme is acceptable as it would not abut neighbouring buildings and the amended Construction Method Statement provides acceptable

calculation details. The structural impact would also be picked up by building regulations and the planning consent would be issued subject to conditions requiring a final comprehensive Construction Method Statement and a Structural Method Statement which would need to be submitted and fully approved by officers before any works can be carried on site.

- 11.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

12. CONCLUSION

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A:

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List: (Compliance)
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>E-001, E-101, E-102, E-103, E-104, E-201, E-202, E-301, E-302, E-303, E-304, E-401, P-001, P-101, P-102, P-103, P-201, P-202, P-203, P-301, P-302, P-401, P-402, P-403, P-404, P-405, P-501, P-502, P-503, P-601, P602, P-603 and PRI20189-03</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials to Match (COMPLIANCE):
	<p>The facing materials of the extensions 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>
4	Construction Method Statement (Details)
	<p>CONDITION: No development works shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. measures to control the emission of dust and dirt during construction v. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>

5	Structural Methods Statement
	<p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring buildings.</p>
6	Tree Protection (Details)
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the appropriate working methods and tree protection (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Design, Demolition and Construction has been submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS3, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013</p>

Informative:

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

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

- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban Greening
- Policy 5.12 Flood risk management
- Policy 5.18 Construction, excavation and demolition waste
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.19 Biodiversity and Access to Nature
- Policy 7.21 Trees and Woodlands

B) Islington Core Strategy 2011

- Policy CS3 (Nags Head and Upper Holloway Road)
- Policy CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS15 (Open Space and Green Infrastructure)

C) Development Management Policies June 2013

- DM2.1 Design
- DM2.3 Heritage
- DM3.3 Residential conversions and extensions
- DM3.5 Private outdoor space
- DM6.5 Landscaping, trees and biodiversity
- DM7.1 Sustainable design and construction statement
- DM7.4 Sustainable design standards

3. Designations

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

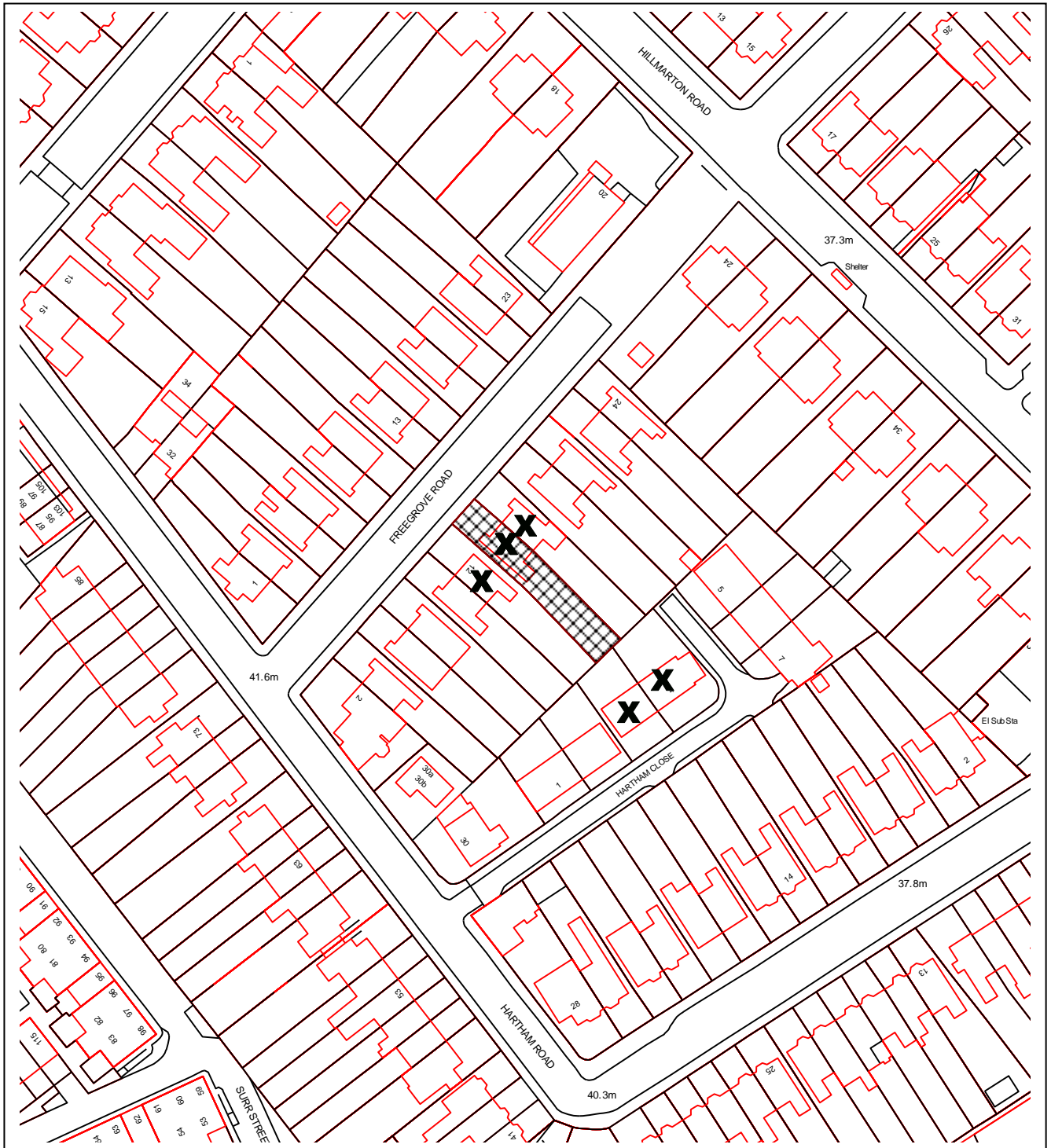
4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines
- Urban Design Guide
- Basement Development

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Islington SE GIS Print Template



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

PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application number	P2015/4465/S73
Application type	Variation of Condition (Section 73)
Ward	St. Peter's ward
Listed building	Not listed
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area
Development Plan Context	Conservation area
Licensing Implications	Yes (Opening hours) Applicant will need to apply to vary its license.
Site Address	1A Sudeley Street, London, N1 8LB
Proposal	Application for Variation of Condition 11 (hours of operation) of Planning Permission (ref: P2015/1015/FUL) dated 07/05/2015 for extension to the approved opening hours of the Public House, from 11:00 to 00:00 Mondays to Saturdays and 12:00 to 23:00 on Sundays; to 08:00 to 00:00 on Mondays to Saturdays and 08:00 to 23:00 on Sundays, in order to offer a breakfast service between the hours of 08.00 and 11.00 hours Monday to Sunday.

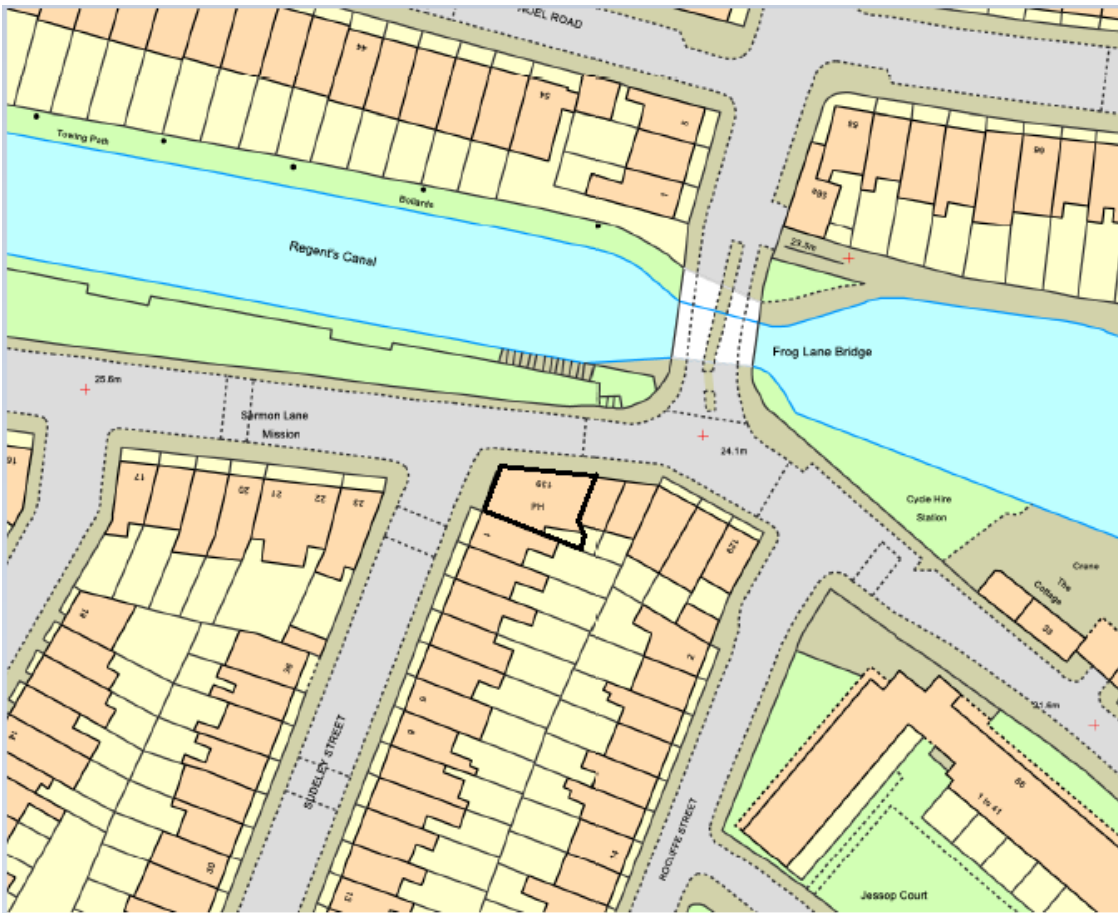
Case Officer	Thomas Broomhall
Applicant	Mr Jacob Kennedy
Agent	Nan Atichatpong

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

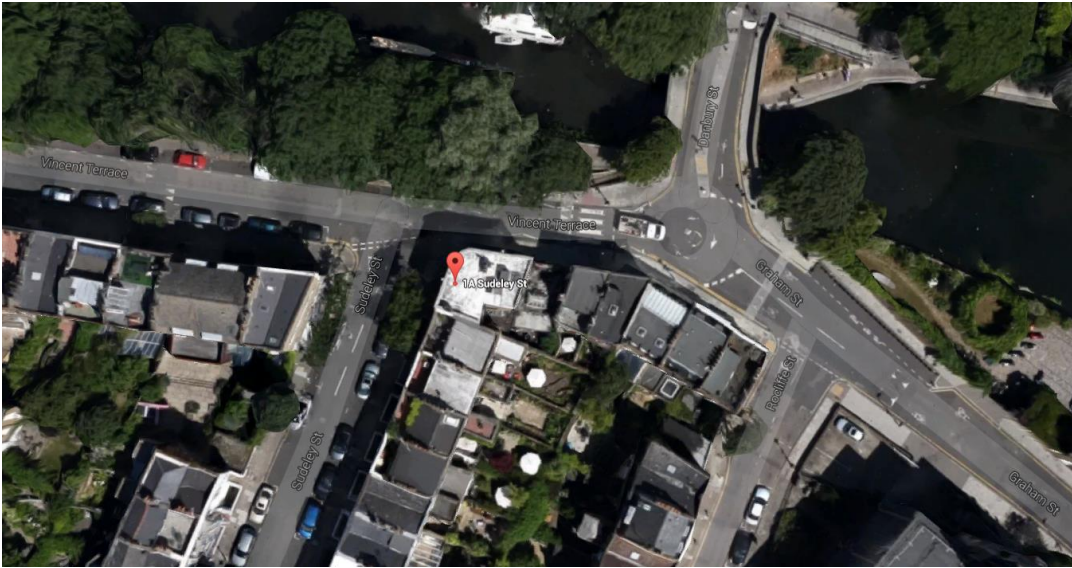


Image1: Aerial view of the site



Image 2: View of frontage of building from Vincent Terrace



4. SUMMARY

- 4.1 Planning permission is sought for the variation of condition 11 of planning permission P2015/1015/FUL for an extension to the approved opening hours of the Public House, from 11:00 to 00:00 Mondays to Saturdays and 12:00 to 23:00 on Sundays; to 08:00 to 00:00 on Mondays to Saturdays and 08:00 to 23:00 on Sundays, in order to offer a breakfast service between the hours of 08.00 and 11.00 hours Monday to Sunday.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the impact of the extension to the opening hours to the public house on the amenities of the adjoining and surrounding residential properties. No external works are proposed in connection with the variation of condition to extend the approved opening hours.
- 4.4 The impact of the additional hours of operation of the public house on amenities of the adjoining and surrounding properties is considered to be acceptable.

5. SITE AND SURROUNDING

- 5.1 The application site is a part three storey, part two storey over basement commercial property formerly known as Prince of Wales Public House. The property is currently a vacant A4 public house on ground and basement levels with ancillary residential accommodation over the first and second floors. The site is located on the corner of Sudeley Street, Graham Street and Vincent Terrace and is situated adjacent the Regent's Canal. The surrounding area is predominantly residential. Surrounding buildings are generally three storeys.
- 5.2 The property is within the Duncan Terrace/Colebrooke Row Conservation Area. The building is not listed however it adjoins a residential terrace of Grade II listed buildings at 1 Sudeley Street.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the variation of condition 11 of planning permission P2015/1015/FUL dated 07/05/2015 for an extension to the approved opening hours of the public house, from 11:00 to 00:00 Mondays to Saturdays and 12:00 to 23:00 on Sundays; to 08:00 to 00:00 on Mondays to Saturdays and 08:00 to 23:00 on Sundays, in order to offer a breakfast service between the hours of 08.00 and 11.00 hours Monday to Sunday.
- 6.2 A Management Plan has been submitted by the applicant which sets out a self-imposed strategy for managing early morning noise. In particular it identifies that deliveries will not be accepted before 8am and encouraged to deliver between 10 and 11am on weekdays. The management plan states that there shall be no outside seating for breakfast customers whilst there is no pavement licence in place for the pub and that there shall be no queuing outside the public house at any time. Finally the management plan states that breakfast will only be served to customers seated on chairs or stools in the dining areas.
- 6.3 Planning permission was granted on the site in May 2015 for the erection of a two storey infill extension fronting Graham Street, erection of a two storey rear extension, ground floor rear extension, creation of first floor flat roof terrace and associated timber balustrade, rear basement excavation, installation of extract duct to rear elevation, external alterations, installation of green roof, and refurbishment of vacant public house.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 May 2015 Planning Permission (ref: P2015/1015/FUL) granted for *erection of a two storey infill extension fronting Graham Street, erection of a two storey rear extension, ground floor rear extension, creation of first floor flat roof terrace and associated timber balustrade, rear basement excavation, installation of extract duct to rear elevation, external alterations, installation of green roof, and refurbishment of vacant public house* at 1A Sudeley Street, London, N1 8LB.

ENFORCEMENT:

- 7.3 None.

PRE-APPLICATION ADVICE:

- 7.4 October 2014 Pre-application (ref: Q2014/3706/MIN) at 1A Sudeley Street advised that the proposed two storey side extension and rear extension as proposed would be unacceptable due to the mis-match in heights. Self-containment of the existing residential unit would require a Unilateral Undertaking for a financial contribution to Small Sites Affordable Housing. A roof terrace on the main roof would be unacceptable in principle.
- 7.5 January 2015 Pre-application (ref: Q2014/4968/MIN) at 1A Sudeley Street advised that a two storey side infill extension would not be supported by the Design and Conservation Team due to the need to maintain gaps in the terrace which contribute to its character. However the Council will assess the merits of every scheme. The

revised two storey rear extension with spiral staircase, is not desirable. The proposed terrace area needs to be substantially reduced before officers can realistically consider and justify its overall design and scale to be appropriate within its urban setting.

8. CONSULTATION

Public Consultation

- 8.1 An initial round of public consultation took place which saw letters sent to occupants of adjoining and nearby properties on 18 November 2015. The public consultation therefore expired on 17 December 2015. A total of 29 no. objections were received from the public in response to the initially submitted application. 30 responses were received in support of the proposed extension to the opening hours.
- 8.2 Following receipt of a Management Plan in March 2016, a second period of public consultation has taken place which expired on 31 March 2016. In response to the revised application a further 3 objection were received. At the time of writing this report 30 additional responses have been received in support of the proposal.
- 8.3 In total 32 objections have been received, the issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Increase in hours of opening represents a change of use from A4 public house to A3 café (**See paragraph 10.7**)
 - No precedent to serve alcohol before 11am (**See paragraph 10.9**)
 - Preparation of the pub prior to the proposed 8am opening will lead to noise disturbance at an unreasonably early time in the day. (**See paragraph 10.15**)
 - Unacceptable time for noise disturbance from deliveries from lorries and vans and waste disposal before 8am (**See paragraph 10.15**)
 - Increase in noise disturbance from dining outside in the mornings (**See paragraph 10.16**)
 - Inappropriate time of opening of a pub for a residential area (**See paragraph 10.17**)
 - Increase in hours that odours from cooking smells can arise (**See paragraph 10.18**)
 - Increased traffic congestion during school run creating a danger to children attending nearby school (**See paragraph 10.20**)
 - Degrade character and nature of conservation area (**See paragraphs 10.21**)
 - Increase in duration of the time for impact on canal wildlife (**See paragraphs 10.22**)

Internal Consultees

- 8.4 Noise Officer – No objections
- 8.5 Licensing – No objections

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.2 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the fact that the structure itself is constructed.
- 10.3 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application.
- 10.4 The main issues arising from this proposal relate to:
- Land Use
 - Licensing
 - Neighbouring amenity
 - Traffic and Highways
 - Design and Conservation
 - Environmental impact

Land Use

- 10.5 Policy DM4.10 sets out that the Council supports the retention of Public Houses, and opposes their redevelopment, demolition and change of use.
- 10.6 The proposal is for a variation of condition to the approved opening hours for the existing public house on the site. No change of the use of the premises has been proposed by the application.
- 10.7 Objections have been received concerned that the alterations to the opening hours would result in a change of the use of the premises from an A4 Public House to an A3 Café use. However, there is no change of use from the proposed extension to the opening hours to provide a breakfast service. This breakfast service would operate as an ancillary use to the main public house A4 use of the premises and would not change the primary use of the premises. Therefore the proposal is not contrary to the aims of policy DM4.10 and is therefore acceptable in this regard.

Licensing

- 10.8 No objection has been raised by the Council's Licensing Department to the proposed extension to the opening hours. The applicant would need to submit an application to vary the hours of use to the councils licensing department.
- 10.9 An objection was received expressing concern that there is no precedent to serve alcohol before 11am. The proposal presents an ancillary breakfast service rather than the sale of alcohol before 11am. Restrictions on the time for the sale of alcohol are a matter for the Licensing Authority.

Neighbouring Amenity

- 10.9 The proposal results in an extension to the approved opening hours to enable the premises to operate from 8am from Monday to Sunday, rather than 11am Mondays to Saturdays and from 12pm on Sundays.
- 10.10 Part (x) of policy DM2.1 sets out that development should 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, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.11 The public house adjoins the end of a residential terrace of properties on Sudeley Street and also on Graham Street. There are residential properties adjacent to the rear of the site fronting Rocliffe Street.
- 10.12 It should be noted that the condition restricting the hours of opening was recommended as being attached to the grant of consent for alterations to the vacant public house approved under planning permission ref: P2015/1015/FUL granted in May 2015. The condition was attached to match the existing licensing hours at the time for the public house allowing operation from Monday to Saturdays from 11am until midnight and Noon until 11.30 pm on Sundays. It should be noted that at the time the application did not seek to vary the existing permitted opening hours for the public house which was vacant since closure by the previous licensee.

- 10.13 Consideration has been given to the impact of the additional hours of opening on the amenities of neighbouring occupiers and in particular the earlier time of day for opening. The additional hours are clearly intended to provide an ancillary breakfast service within the public house rather than primarily for the additional sale of alcohol. The intensity of the use of the premises for a breakfast service during the extended hours is not considered to change the use of the premises as to harm the amenities of the neighbouring residential properties. The breakfast use will operate using the approved facilities and physical alterations already permitted on the site.
- 10.14 Consideration has been given to the premises location adjoining and adjacent to a large number of residential properties and the need for a sensitive operation in order to prevent an unacceptable impact on neighbouring amenity. The time for noise disturbance from deliveries servicing the premises may be shifted to earlier in the morning as a result of the proposal. The applicant has detailed in the Management Plan and in email correspondence that they would be happy for a condition preventing deliveries (including food, alcohol or other consumables) to only be made after 8am (weekdays) and 9am (weekends). To minimise the opportunity for noise disturbance and impact on neighbouring amenity, a condition is attached to this effect.
- 10.15 Objections have been received raising concern of the impact of noise disturbance prior to 8am in connection with the extended hours from the preparation of the premises and from deliveries. The proposed additional condition to prevent deliveries prior to 8am on weekdays and 9am on weekends is considered sufficient to reduce any impact to an acceptable level, to address this issue in accordance with the requirements of part x of policy DM2.1.
- 10.16 Objections have been received concerning the impact of customers dining outside the public house in the morning and queuing outside the premises. There is no licence for tables and chairs outside the premises and the applicant's Management Plan states that this will not take place whilst there is no licence for it. Therefore it would be unreasonable to refuse the application on this basis.
- 10.17 Objections have been received concerning concern that the proposal would result in an inappropriate opening time for a public house in a residential area. The proposal does not change the use of the public house or detract from its primary function. There is no evidence to suggest the intensity of the use or operation would cause direct harm to neighbouring amenity as to justify refusal of the application on this basis.
- 10.18 Objections have been received concerning the increase in the time for the generation of cooking smells and the impact on neighbouring residential amenity. However there is no evidence to suggest that any modest additional impact from odours due to a longer period of operation of the kitchen would result in a significantly harmful impact on the amenities of neighbouring properties as to sustain a refusal of the application on this basis. However previously attached noise and our conditions are suggested under condition numbers 7, 8 , 9 & 11.

Traffic and Highways

- 10.19 The proposed extension to the opening hours will extend the time which customers will visit the premises. No alterations to the existing access in to the premises from the public highway are proposed. Consideration is given to the nature of the proposed breakfast service, and that no physical alterations are proposed from those already approved, as to suggest an increase its capacity. As a result there are no grounds to

suggest that the proposal would result in a larger increase in visitors both on foot, or by vehicle, than at the already approved opening hours as to have a harmful impact on pedestrian or traffic safety. The proposal is therefore considered to be acceptable in accordance with policy DM8.2

- 10.20 Objections have been received concerning the impact on traffic and highways due to deliveries and customers visiting during morning rush hour and at the same time that children would be travelling to the nearby school. There is no evidence to suggest that the extended operation of the premises for an ancillary use would result in a direct impact on pedestrian or highway safety as to sustain a refusal of the application on this basis.

Design and Conservation

- 10.21 An objection has been received that the proposal degrades the nature and character of the conservation area. However no physical alterations are proposed from those granted consent in May 2015. The extended opening hours enable an additional breakfast function within the premises which will operate as ancillary to the primary operation as a public house. As such the proposals do not harm the character and appearance of the host building or surrounding conservation area and are therefore acceptable in this regard in accordance with policy DM2.3 of the Islington Development Management Policies and the Duncan Terrace/Colebrooke Row Conservation Area Design Guide.

Environmental Impact

- 10.22 Objections were received concerning the increase in the impact on the wildlife of the adjacent Regent's Canal. The proposed additional hours of opening will not change the physical operation of the premises. The impact of the additional hours of operation of the flue and of visitors attending the premises are not considered to have a demonstrable impact on the surrounding environment as to sustain a refusal of the application on this basis and there are conditions in place to control the noise impacts and odour emissions from the operation of the uses main extraction equipment.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The impact of the proposal on the amenities of the adjoining and surrounding properties is considered to be acceptable.
- 11.2 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of [07 May 2018].</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on [07 May 2015] [LBI ref: [P2015/1015/FUL]. Furthermore, to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>dNA JKR 00 000 P0, dNA JKR 00 001 P0, dNA JKR 00 100 P0, dNA JKR 00 101 P0, dNA JKR 00 102 P0, dNA JKR 00 103 P0, dNA JKR 00 104 P0, dNA JKR 00 200 P0, dNA JKR 00 201 P0, dNA JKR 00 202 P0, dNA JKR 00 203, P0, dNA JKR 00 300 P0, dNA JKR 00 301 P0, dNA JKR 00 350 P0, dNA JKR 00 351 P0, dNA JKR 01 100 P0 April 2015, dNA JKR 01 101 P0 April 2015, dNA JKR 01 102 P1, dNA JKR 01 103 P0 April 2015, dNA JKR 01 104 P0, dNA JKR 02 200 P0, dNA JKR 02 201 P0, dNA JKR 02 202 P0 April 2015, dNA JKR 02 203 P0, dNA JKR 03 300 P0, dNA JKR 03 301 P0, dNA JKR 03 350 P0, dNA JKR 03 351, dNA JKR 09 202 P0 April 2015, Planning Statement dated March 2015, Structural and Civil Engineering Notes to Support Planning Application Prepared for Mr Jacob Kenedy dated March 2015, Letter from Design-NA Architects ref: 14JKR dated 10 March 2015, Letter from Jacob Kenedy dated 6th March 2015, Appendix 1: Design and Heritage Statement, Letters of Support dated 6th March 2015, Internal/External Building Fabric Report ref: 20729/IEBF1 dated 10 March 2015, Plant Noise Assessment Report 20729/PNA1, Report Daylight & Sunlight to Neighbouring & Proposed Accommodation, Report Right to Light, Supporting Statement from Design-NA Architects, Prince of wales management plan V1.3 updated 01/03/2016</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>MATERIALS TO MATCH (COMPLIANCE):</p> <p>CONDITION: The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>

4	Timber Balustrade
	<p>CONDITION: The proposed timber balustrade shall be installed on the rear roof terrace prior to first use of the terrace and maintained as such thereafter.</p> <p>REASON: For the protection of the amenities of neighbouring residential amenity.</p>
5	Use of first floor rear roof terrace
	<p>CONDITION: The proposed rear roof terrace at first floor level shall be used for residential amenity purposes only and not for any other purpose.</p> <p>REASON: To protect the amenity of the neighbouring residential properties.</p>
6	Use of main roof at second floor level
	<p>CONDITION: The main roof at second floor level shall be accessed for maintenance purposes only, and shall not be used for amenity purposes whatsoever.</p> <p>REASON: For the protection of visual amenity and neighbouring residential amenity.</p>
7	Flue stack
	<p>CONDITION: Notwithstanding the plans hereby approved, the flue/stack shall discharge the extracted air no less than 1.0m above the roof eaves of the building to which it is affixed. The flue shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.1 second resistance time) or alternatively fine filtration followed by coneractant/neutralising system to achieve the same level as above.</p> <p>The flue shall be installed prior to the first operation of the use and be strictly erected and operated in accordance with the amended details and shall be maintained as such thereafter.</p> <p>REASON: To ensure that odours/fumes from the extraction are dispersed correctly and appropriately so to prevent harm.</p>
8	Noise Levels
	<p>CONDITION: "The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014."</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
9	Details of sound insulation
	<p>CONDITION: "Full particulars and details of a scheme for sound insulation between the proposed public house and the residential use of the building along with residential neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning</p>

	<p>Authority."</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
10	Ancillary residential accommodation
	<p>CONDITION: The hereby approved ancillary residential accommodation shall be retained as an ancillary residential unit linked to the use of the basement and ground floors public house and shall not form an independent self-contained residential unit(s) in any form.</p> <p>REASON: To ensure that the facility remains in use as ancillary Public house space (A4).</p>
11	Hours of operation
	<p>CONDITION: The Class A4 use hereby approved shall not operate except between the hours of 08.00 and 00.00 Monday to Saturdays and 08.00 to 23.00 on Sundays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
12	Delivery times
	<p>CONDITION: No deliveries to the premises shall take place prior to 08:00 on Mondays to Fridays and 09:00 on Saturdays and Sunday</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Use of ancillary residential accommodation
	<p>The applicant should be made aware that the use of the residential accommodation at first and second floor level shall be retained in use as ancillary residential accommodation to the public house. The self-containing of the existing residential accommodation would require planning permission and a signed Unilateral Undertaking to make a financial contribution towards affordable housing.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

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

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

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM4.10 – Public Houses
Policy DM8.2 – Managing Transport Impacts

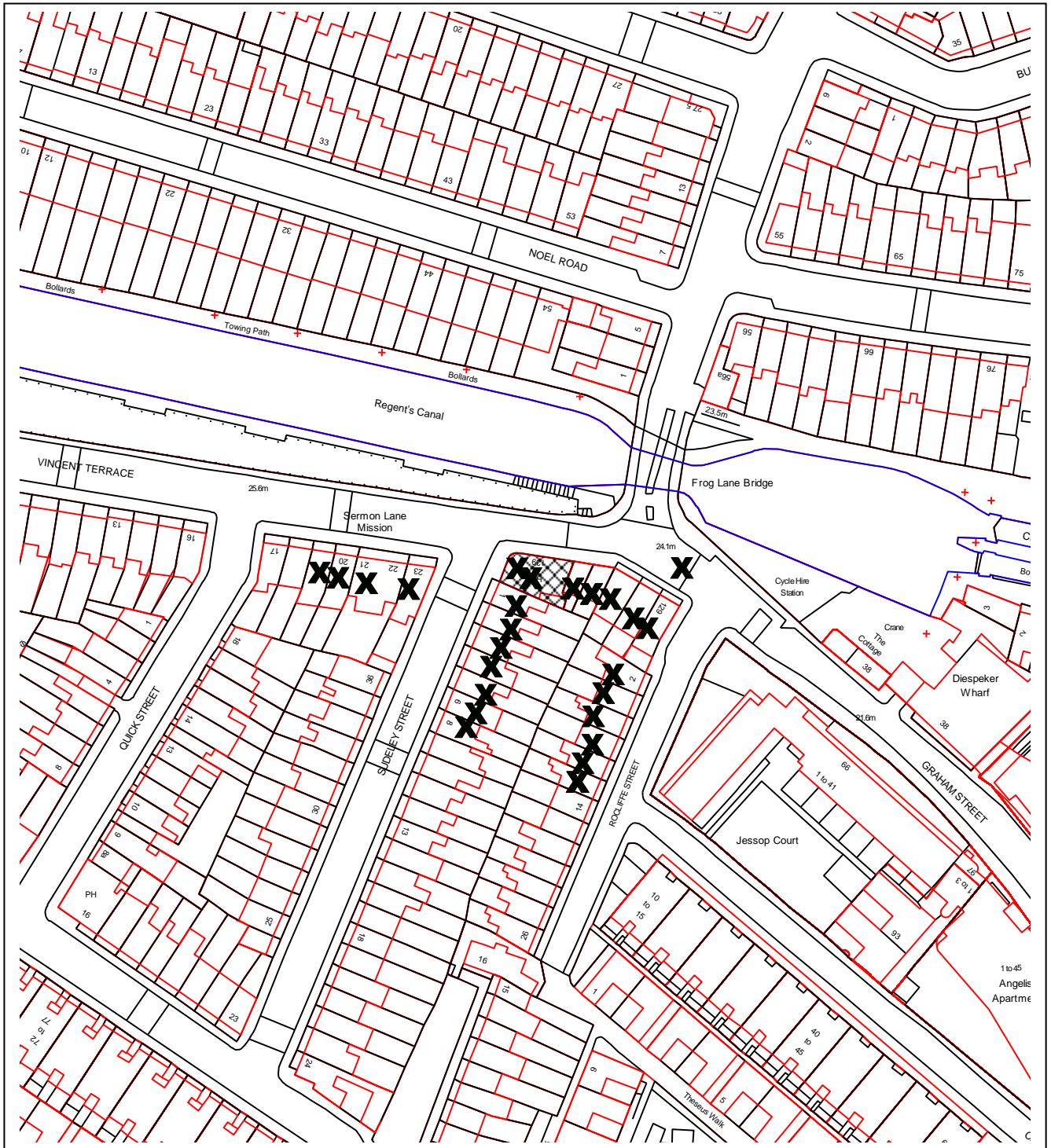
3. Designations

Duncan Terrace/Colebrooke Row Conservation Area

4. SPD/SPGS

Conservation Area Design Guidelines
Islington Urban Design Guidelines
Environmental Design SPD

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		
Date:	12 April 2016	NON-EXEMPT

Application number	P2016/0128/FUL
Application type	Full Planning Application
Ward	Hillrise Ward
Listed building	Not Listed
Conservation area	Whitehall Park Conservation Area
Development Plan Context	N/A
Licensing Implications	None
Site Address	32 Fitzwarren Gardens, London, N19 3TP
Proposal	Partial demolition of roof and creation of new hipped roof with 2no. rear dormer windows, obscurely glazed rear terrace to create new loft floor (comprising bedroom and bathroom and small terrace) and new roof light on flank elevation facing No 34. Partial demolition of garage and erection of single storey extension over remainder; partial over cladding with facing brickwork; creation of new front porch and internal reconfiguration of the existing single family dwelling house.

Case Officer	Daniel Power
Applicant	Mr Graham Ling
Agent	Mr Graham Ling

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: Front of the Site



Image 2: Aerial Photo of the Rear of the Site

4. SUMMARY

- 4.1 Planning permission is sought for the part demolition of the roof to create a new loft floor (comprising bedroom and bathroom extension & small terrace) within a hipped roof, insertion of 2 rear dormer windows and a roof light on the flank elevation facing No 34; part demolition of garage and erection of a two storey side extension; partial over cladding with facing brickwork of property; erection of front porch and the retention of a single storey rear extension.
- 4.2 The proposed extensions and alterations to the building will neither harm the character or appearance of the building nor the wider street scene or the Whitehall Park Conservation Area. Given the size of the proposal it will not materially affect the amenity of adjacent residents by virtue of loss of day/sunlight, sense of enclosure, overbearing/dominant or overlooking.
- 4.3 The application is brought to committee because of the level of objections received. It is recommended that planning permission be granted subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site consists of a two storey detached dwelling and as a result of the slopping site the rear of the existing dwelling has a lower ground floor level opening onto the rear garden. The original dwelling has been altered and extended and includes a single storey, flat roof side garage with a two storey element to the rear of this. A lawful development certificate (proposed) was issued in 2013 that confirms that a single storey flat roof extension to the rear was permitted development. This was commenced but was not completed in accordance with the approved plans, with the resultant rear extension being built in accordance with the plans forming part of this application. The existing dwelling has a hipped roof with red brick elevations and tile hanging at first floor level facing onto Fitzwarren Gardens.
- 5.2 The property is not listed but is located within the Whitehall Park Conservation Area. The property is located on the south side of Fitzwarren Gardens, close to where the road curves to the north. This part of the conservation area slopes down from its highest point in the north towards the south, with the properties to the rear of the site,

which front onto Whitehall Park, are set at a significantly lower level than the application site.

- 5.3 The three trees sited along the rear boundary of the site are protected by a Tree Protection Order (TPO).
- 5.4. The existing property at the site is of a much more recent construction than the predominant property type within this part of the conservation area and has a typical mid-20th century design and construction. The Whitehall Park Conservation Area is characterised by medium to large scale semi-detached and detached houses, with those along Fitzwarren Gardens comprising good examples of high quality 1920's semi-detached family dwellings.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for part demolition of the existing roof to create a new loft floor which would include a rear roof terrace. The new roof would be hipped with the addition of two rear dormer windows and roof light on the flank elevation facing No. 34. The application also proposes the part demolition of a side garage and the erection of a two storey, flat roof side extension; partial over cladding of the building with facing brickwork; a new front porch and the retention of a single storey rear extension.
- 6.2 The proposed two-storey side extension, following the partial demolition of the existing garage would measure 2.1 metres in width, 6 metres in depth and 5.5 metres in height to the front and 8 metres to the rear elevation with a flat roof. The proposed extension will be set back 0.6 metres from the front of the existing dwelling.
- 6.3 The single storey rear extension measures 2.4 metres in depth, 10.9 metres in width and 3.4 metres in height to the top of the parapet roof.
- 6.4 It is proposed that the existing roof will be removed at the rear and replaced with two dormer windows with a recessed rear terrace set between these. The terrace will include a 0.45 metre high obscurely glazed privacy screen which will be located on top of the existing parapet. It is also proposed that a new conservation style roof light will be installed on the flank elevation of the roof facing No. 34 Fitzwarren Gardens.
- 6.5 The proposed front porch will measure 0.4 metres in depth, 2.45 metres in width and 2.9 metres in height with a sloping roof. In addition, the roof of the existing single storey rear extension will be replaced with a new green roof.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2015/3741/FUL** - Partial demolition of roof and creation of new hipped roof with 2no. rear dormer windows, obscurely glazed rear terrace to create new loft floor (comprising bedroom and bathroom and small terrace) and new roof light on flank elevation facing No 34. Insertion of Partial demolition of garage and erection of single storey extension over remainder; partial over cladding with facing brickwork; creation of new front porch and internal reconfiguration of house. **Withdrawn.**

P2014/4487/FUL - Part demolition of garage to create bike store and erection of a two storey infill extension at first and second floor level, balcony/Terrace at ground and second floor level; replacement of hipped roof with flat roof to facilitate a new second

floor (comprising bedroom and bathroom extension); partial over-cladding of masonry with terracotta insulating render; together with alterations to front hard standing to retain an on plot car parking space as well as associated landscaping and internal reconfiguration of two storey detached dwelling. **Refused Permission** (16/12/2015).

Reason for Refusal: The proposed development, by virtue of its inappropriate design, scale, bulk, increased massing, fenestration pattern and inappropriate materials would fail to preserve or enhance the character and appearance of the Whitehall Park Conservation Area. The proposed development is considered to form an overdominant and discordant feature when viewed from the public realm and wider Conservation Area setting. As such the proposed development is considered to be contrary to section 12 of the National Planning Policy Framework 2012, policy 7.8 of the London Plan 2011, policies CS8 and CS9 of Islington's Core Strategy 2011, policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013, guidance contained within the Conservation Area Design Guidelines 2002 and Islington Urban Design Guide 2006.

The application was dismissed at appeal on 07/05/2015.

P2014/2371/FUL - Demolition of garage projection to form bike store and two storey infill of re-intrant corner (first and additional second floor level) as part of proposed extension including replacement of hipped roof with flat roof to facilitate a new second floor (comprising bedroom and bathroom extension); partial over-cladding of masonry with insulating render; roof terrace at ground floor and narrow balcony at rear second floor level; together with alterations to front hard standing to retain an on plot car parking space as well as associated landscaping. (Please note some proposed plans located within Design & Access Statement uploaded 23/07/14). **Withdrawn**.

P2013/0652/COL - Certificate of lawfulness for a proposed single storey rear extension – **Certificate Granted** (04/04/2013)

P2013/0487/FUL - Erection of a glazed rear extension, roof extension incorporating glazed atrium to front and rear, and rear balcony, a first floor front/side extension, alterations to elevations, replacement boundary wall, alterations to hardstanding and erection of bin store and shed to side elevation – **Refused Permission** (16/04/2013)

Reason for Refusal: The proposal, by virtue of its design, excessive scale, increased massing and inappropriate materials would fail to preserve or enhance the character and appearance of the Whitehall Park Conservation Area which fails to accord with policy 12 of the National Planning Policy Framework 2012, policy 7.8 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011 and policy DM3 (Heritage) of Islington's Emerging Development Management Policies (June 2012 submission), policies D3, D4, D11 and D24 of the Unitary Development Plan (2002) and guidance contained within the Conservation Area Design Guidelines 2002 and Islington Urban Design Guide 2006.

P051872 - Erection of a glazed rear extension, loft conversion incorporating glazed atrium to front and full width rear extension to rear balcony – **Granted Conditional Permission** (17/11/2005).

ENFORCEMENT:

7.2 None

PRE-APPLICATION ADVICE:

7.3 None

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 16 occupants of adjoining and nearby properties at Fitzwarren Gardens and Whitehall Park on the 29 January 2016. A site notice was placed outside the site and the application was advertised in the Islington Gazette on 4 February 2016. Therefore the public consultation expired on 25 February 2016 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 three objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Concerns about the new French doors leading onto the terrace on the roof of the rear extension and the principle of a terrace in terms of overlooking, noise and disturbance, impact on privacy and amenity of neighbouring occupiers (10.15-10.16)
- Concerns over the increase in the loft floor windows, which has the effect of significantly altering the roofline and increasing both the size of the building and the sense of overlook to the neighbouring properties
- Single storey rear extension was not built according to plan (10.7)
- Scale and massing of the proposal and its impacts on the character and appearance of the Whitehall Park Conservation Area (10.4-10.14)
- Protected trees along the boundary with neighbouring properties requires adequate protection (10.21)

Internal Consultees

8.4 **Design and Conservation Officer:** Raise no objection to the development following the amendments

8.5 **Trees and Landscaping:** Raise no objections subject to condition.

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 (NPPF) 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals. Development Plan

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

Designations

- 9.3 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:
- Whitehall Park Conservation Area
 - Article 4.2 Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land Use
- Design and Conservation
- Amenity
- Sustainability
- Other matters

Land Use

- 10.2 The application site is currently a single family dwelling house, this application seeks to extend and alter the existing building. As such, the use of the building would remain the same and therefore the principle of extensions and alterations to an existing dwelling is acceptable, subject to design and impact on neighbouring amenity.

Design and Conservation

- 10.3 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics. It is also considered that policy DM2.3 is important in this application to ensure all development continues to preserve and enhance the character and appearance of the conservation area.
- 10.4 The application site is located in the Whitehall Park Conservation Area. The site itself is much more recent construction than the predominant property type within this part of the conservation area and has a typical mid-20th century design and construction. Whilst the site is not of the same high quality design as other detached and semi-detached dwellings which form part of the character within this part of the conservation area, it is important to ensure that any new development continues to preserve and enhance the character and appearance of the conservation area and should ensure that these works would not be visible from the street scene.

- 10.5 With reference to roof extensions, the Conservation Area Design Guidelines for Whitehall Park (2002) states in paragraph 7.17 that “*roof lights will only be allowed where they are not visible from the street.*” Paragraph 7.22 of the same guidance also notes that whilst side extensions will normally be resisted, “*where new existing side extensions are to be rebuilt or new extensions are proposed, they should have a flat or low pitch roof hidden behind a front and side parapet. The design must be sympathetic and use matching materials, such as stock brick, timber windows and timber doors, to the main house.*”
- 10.6 The proposed two storey side extension will be set back from the front building line of the existing property by 0.6 metres and will project along the north side of the property. Planning permission was granted in September 2015 on the land adjacent to the site in the rear of 55 Whitehall Park and immediately adjacent to the application site for a new three storey single family dwelling house. This new dwelling is of a contemporary design with a flat roof and the proposed side extension will have a flat roof which will replicate the style of the new dwelling. Whilst this new dwelling has not yet been constructed, the principle of a contemporary design has been considered acceptable in this location. Therefore it is considered that the proposed side extension would be in keeping with the surrounding context and the Council’s Design and Conservation Officer raised no objection to this aspect of the scheme. Furthermore, the extension will appear subservient to the main dwelling and has been sensitively designed with materials to match the existing building. It is therefore considered that given the size and siting of the extension and having special regard to the impact on the Conservation Area, it would not create an overly dominant feature within the street scene.
- 10.7 The rear extension which is currently under construction is higher than the plans submitted under the Lawful Development Certificate which was approved in 2013. This application seeks to regularise and obtain planning permission for the larger rear extension as proposed within these submitted plans. The Certificate was issued based on a 3 metre high extension while this application proposes an extension of 3.4 metres in height and a green roof. Given the small increase in height in comparison to what would be permitted development and its design and form it is considered to be a subservient addition to the main property and is in keeping with the character and appearance of the property and wider locality.
- 10.8 The Islington Urban Design Guide (IUDG) (paragraph 2.4.3) states that:
- “Dormer windows are typically incorporated within pitched roofs and mansard roofs. They generally should be designed so they do not draw the eye. Dormer windows usually work best where they are no wider overall than the windows in the façade, especially where they line up with the windows below.”*
- The IUDG also explains that roof lights in conservation areas will only be acceptable where they do not crowd the roof and should be limited to one or two per roof slope. In addition, side extensions along the street frontage are normally only permitted where they do not undermine the overall rhythm of the street frontage or dominate the existing building.
- 10.9 With regards to the roof extension the two proposed dormer windows will sit comfortably within the existing roof and will not create overly dominant features. The height of the building will not be increased as a result of the proposed roof extension and the proposal will therefore not obscure views through the site or impact on the character of the area. It is proposed that the glazing will replicate the windows below although with two paned glass instead of the three panes used at the lower levels. In

addition, a light weight, obscurely glazed privacy screen will be located above the existing parapet measuring no more than 0.45 metres in height from the top of the parapet and will create a recessed roof terrace. Given the light weight nature of the roof materials it is not considered to be overly dominant or visually obtrusive within the existing roof scape. It is noted that the neighbouring property at No 30 Fitzwarren Gardens has a recessed terraced with balustrade and in this context the proposed roof terrace is considered to be acceptable.

- 10.10 It is also proposed that a new roof light will be installed on the flank elevation facing the new dwelling at No 34 Fitzwarren Gardens. Given the position of the dwelling at the bend in the road it is considered that the proposed roof light will not be visible from the street scene and will therefore not cause harm to the character and appearance of the conservation area.
- 10.11 The application also proposes a front porch which would have a sloping pitched roof and a traditional door flanked by small windows on either side. The porch design is considered to be acceptable by the Council's Design and Conservation Officer and is considered to be more in keeping with and having special regard to the character and appearance of the conservation area. It should be noted that as the property is located in an Article 4.2 Area it is only the windows to the front that require planning permission, whereas the alterations to the rear fenestration can be carried out under permitted development. That being said, it is proposed that the new windows on the ground and first floor levels will be obscurely glazed and no objection is raised in terms of design.
- 10.12 The proposed over-cladding consists of the removal of the tile hanging on the front elevation and replacement with facing brickwork to match the existing property, which is considered to be acceptable.
- 10.13 It should be noted that the proposal has been significantly changed and scaled back since the previous application P2014/4487/FUL was refused and subsequently dismissed at appeal. The previous application proposed a very modern redesign of the property with projecting front bay windows, large amounts of glazing, timber panels and white render. The side extension was not subordinate to the dwelling and there was no front porch. Furthermore, the roof extension was cantilevered with large amounts of glazing on all elevations and a full width balcony. It is considered that the current scheme is more traditional in terms of its design and is also more respectful to the character and appearance of the conservation area.
- 10.14 Having special regard to the Conservation Area the proposal is considered to be acceptable in design terms.

Neighbouring Amenity

- 10.15 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy, safety and an increased sense of enclosure. A development's likely impact in terms of light pollution, safety, security, noise and disturbance is also assessed. London Plan Policies 7.14 and 7.15 as well as Development Management Policies DM 2.1 and DM6.1 require all developments to be safe and inclusive and maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.16 The proposed development involves the creation of two rear dormer windows with a roof terrace set between them. The proposed roof terrace includes 0.45 metre high obscurely glazed balustrade which will be located on top of the parapet roof and

ensure there are no views from the terrace below a height of 1.35 metres; this is also intended to raise the eyeline. It is also noted that there are substantial differences in levels between the application site and the properties to the rear in Whitehall Park which are located at a much lower level. In addition, these properties in Whitehall Park benefit from substantial rear gardens and there will be a separation distance of 24 metres between the proposed roof terrace and the existing neighbouring conservatory at No 55 Whitehall Park. Given the distances between the two properties, it is not considered that the proposed roof terrace will result in loss of privacy, or overlooking to the occupiers of the neighbouring residential properties.

- 10.17 The single storey rear extension is considered to be a subservient addition and given its size and siting as well as its relationship to the neighbouring properties would not have an overbearing impact on neighbouring amenity. It is proposed that a new green roof would be installed on top of this extension. As details of the green roof have not been provided at the application stage, a condition has been attached to ensure the details are submitted prior to the commencement of any superstructure works. Objections have been received in relation to this area being used as a terrace or balcony. The recommended green roof condition specifies that the green roof cannot be used as an outdoor terrace or for amenity space and can only be accessed for maintenance purposes. This will alleviate the neighbour's concerns regarding loss of privacy and overlooking, as well as noise and disturbance from the roof terrace of the rear extension.
- 10.18 With regards to the windows on the side elevation facing the new dwelling at No 34 Fitzwarren Gardens, it is noted that this new dwelling does not have any windows on the flank elevation facing the application site and it is therefore considered that the inclusion of windows on the flank elevation will not prejudice the residential amenity of future neighbouring occupiers.
- 10.19 The proposal is not considered to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington Development Management Policies June 2013.

Sustainability

- 10.20 The proposal will not result in the significant loss of the garden area and the inclusion of a green roof on the roof of the existing single storey rear extension is welcomed.

Other Matters

- 10.21 Concern has been raised by neighbouring properties regarding the loss of protected trees. The majority of the proposed extensions and alterations to the property will take place either on the existing building (roof extension) or following the demolition of an existing structure on site (the garage). The footprint of the rear extension has previously been approved as part of a Lawful Development Certificate. Notwithstanding this, the plans have been reviewed by the Council's Tree Preservation Officer who, subject to a condition relating to appropriate working methods and tree protection, raised no objection to the scheme.
- 10.22 Representations have been received regarding the accuracy of the plans. The Council accepts plans on the basis that they give an accurate representation of the site. It is considered that the drawings submitted provide sufficient information to determine the application.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed loft extension, two storey side extension, single storey rear extension and new front porch are considered to be acceptable with regards to the design, neighbour amenity and sustainability.
- 11.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement, G740/EX Site, G740/EX000, G740/EX001, G740/EX002, G740/EX003, G740/EX004, G740/EX101 B, G740/EX201, G740/EX202, G740/EX203, G740/EX204, G740/PA000 A, G740/PA001 A, G740/PA002 B, G740/PA003 A, G740/PA004 B, G740/PA005 B, G740/PA101 B, G740/PA201 A, G740/PA202 B, G740/PA203 B, G740/PA204 B, G740/PA205.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Green/Brown Biodiversity Roofs (Details):
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) laid out in accordance with plan G740/PA002 B hereby approved; and</p> <p>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential</p>

	<p>maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
5	Arboricultural Method Statement and Protective Fencing
	<p>CONDITION: Prior to the commencement of the development hereby approved (including all preparatory work), details of a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction shall be submitted to and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2011, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
6	Privacy Screen
	<p>CONDITION: Prior to the first use of the roof terrace hereby approved, the rear privacy screen shall be installed and shall be retained thereafter unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To protect the future amenity and privacy of residents.</p>

List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

2	Definitions
	<p>INFORMATIVE: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Hours of Working
	<p>The applicant is advised that the accepted working hours for development within the borough are:</p> <p>8:00am-6:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

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

3 London's people

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

Energy and Environmental Standards

DM 7.2 Energy efficiency and carbon reduction

DM7.4 Sustainable Design Standards

4. 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:

- Whitehall Park Conservation Area
- Article 4.2 Area

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

The following SPGs and/or SPDs are relevant:

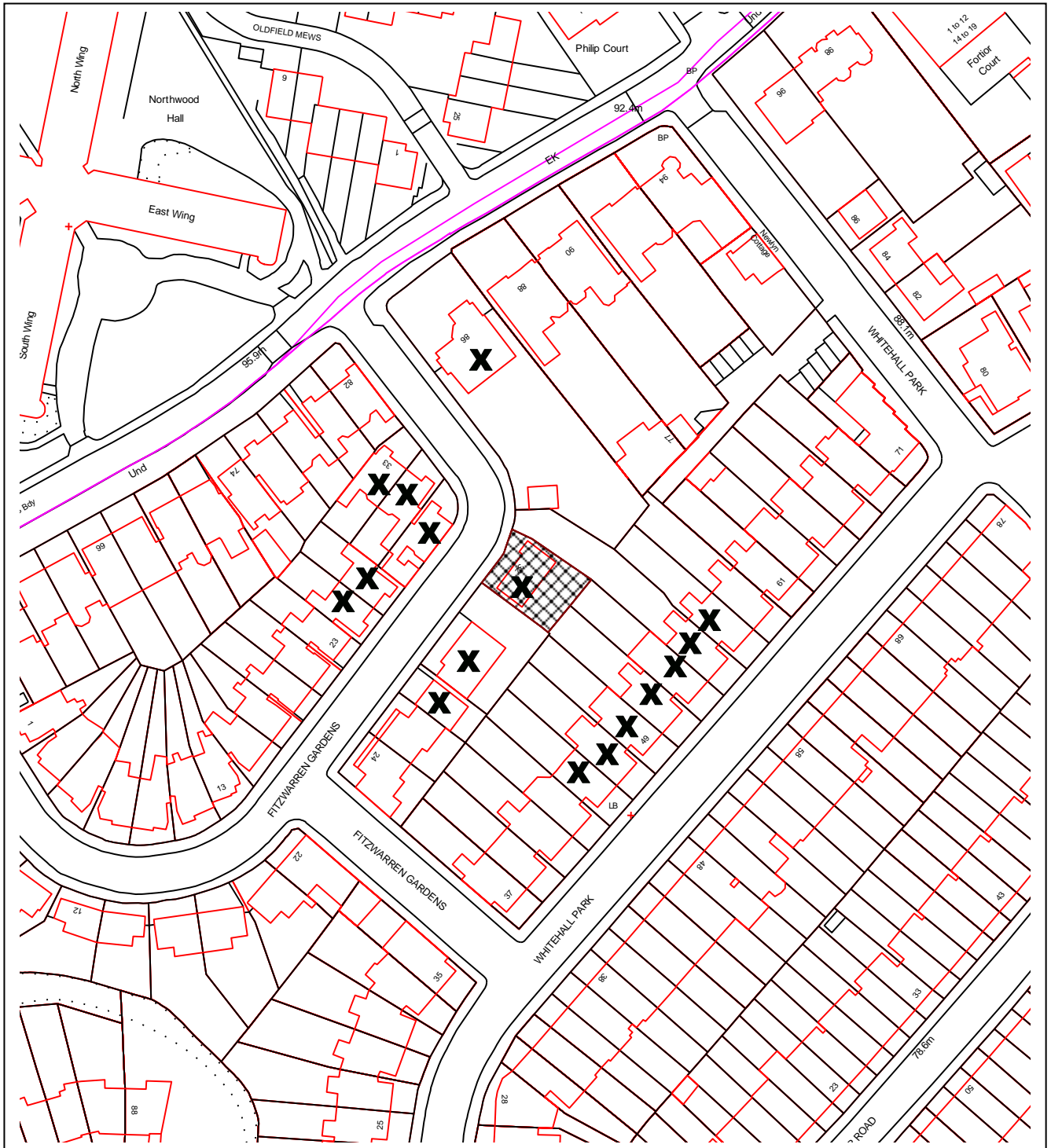
Islington Local Development Plan

London Plan

Urban Design Guide (2006)

**Conservation Area Design Guidelines
(2002)**

Islington SE GIS Print Template



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

PLANNING COMMITTEE REPORT

PLANNING SUB COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application numbers	P2015/4462/S73
Application types	Full Planning
Ward	Mildmay Ward
Listed building	N/A
Conservation area	East Canonbury
Development Plan Context	East Canonbury Conservation Area
Licensing Implications	None
Site Address	44 Ecclesbourne Road London N1 3AE
Proposals	<p>Section 73 application for the variation to conditions 2 (approved drawings) & removal of conditions 4 (projecting white glazed fame) and 10 (roof terrace) of planning consent ref P112814 dated 29/3/2012 for the :</p> <p>Erection of a two storey two bedroom house and associated landscaping works and alterations</p> <p>The variation of the approved plans condition 2 seeks permission for the following alterations to the approved development:</p> <ul style="list-style-type: none"> - addition of a storey to accommodate a bedroom and bathroom with green roof and photovoltaic panels - lowering of the floor level to the ground floor. - alteration to design of ground floor roof - enlargement of ground floor and first floors - alterations to materials including brickwork - alterations to fenestration and introduction of perforated brick screens with balconies to front and side elevations - alteration to height and design of front boundary treatment, plus alterations to boundary walls.

Case Officer	Joe Aggar
Applicant	Ms Elizabeth Monks
Agent	Paul Archer Design Ltd

1 RECOMMENDATION

The Committee is asked to resolve to **REFUSE** planning permission for the reasons set out in Appendix 1 – Recommendations.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1 - Aerial view of the site and surroundings



Image 2 - View of rear of the site



Image 3 – View of elevation of the adjoining property at no. 10 St Paul's Road



Image 4 – View of rear elevation at 1 Halliford Street

4 SUMMARY

- 4.1 The proposal would involve an additional storey at third floor level to an extant permission (construction has begun) for a two storey single family dwelling approved in 2012 (P112814) to accommodate a further bedroom and bathroom at third floor. Other external alterations include a perforated brick screen to the front and side elevations with terraces behind. The proposal would also include raising the height of the front brick wall and introducing solar thermal collectors on the roof.
- 4.1 The area is residential in character and the site is located within a Conservation Area.
- 4.2 The design, layout scale and massing of the proposed development is considered unacceptable. The proposed extension would detract from the character and appearance of the application property and character and appearance of the conservation area by virtue of its scale, massing and lack of subservience to the host property.
- 4.3 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013.
- 4.4 The application is referred to committee as two councillors have requested the planning application to be heard at planning committee.
- 4.5 The proposal is considered to be unacceptable and not in accordance with the Development Plan policies and planning permission is recommended for refusal.

5 SITE AND SURROUNDING AREA

- 5.1 The site is located at the junction of Halliford Street and Eccelsbourne Road within the East Canonbury Conservation Area. The area is characterised by early Victorian three storey (including basement), semi-detached villas constructed from yellow London stock bricks with slate roofs and stucco detailing, they are typical of buildings of this period.
- 5.2 The house at 1 Halliford Street, a locally listed building, was divided into three flats with planning permission several years ago. The rear garden was divided into two sections, one half for the flat and one half formerly in use by the coach house. The coach house has since been demolished and the site has been vacant for several years.

6 PROPOSAL (in Detail)

- 6.1 The application seeks a variation of conditions 2 and the removal of conditions 4 and 10 to facilitate the introduction of an additional storey to the extant permission for the two storey dwelling. The proposed additional storey would accommodate a bedroom and bathroom. The proposal would alter the brick work from a dark brick to a yellow stock brick, new boundary walls, and propose a perforate brick finish to the side and front elevations.
- 6.2 The proposal would raise the building up by a further storey to the eave height of the adjacent properties on Ecclesbourne Road and would read as three storeys when viewed from the street. The ground floor would be located behind the front boundary wall.
- 6.5 The application has been referred to the planning sub-committee due to the application being called in by two councillors.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 **September 2015** (P2015/3157/AOD) **approved** for Submission of details pursuant to conditions 3 (detailed drawings or samples of materials), 5 (details of boundary treatments) and 8 (Lifetime Homes Standards) of Full Planning application Ref: P112814 dated 29 March 2012.
- 7.2 **March 2015:** (P2015/0253/AOD) **approved** for Submission of details pursuant to condition 6 (Tree Protection Measures) of planning consent ref P112814 dated 29/03/2012.
- 7.3 **March 2012:** (P112814) **approved** for 'Erection of a two storey two bedroom house and associated landscaping works and alterations'.
- 7.4 **November 2011:** (P111461) **refused** for 'Erection of new three storey 2 bedroom (3 person) house'.

REASON: The resulting house, by reason of its excessive height, scale and mass and design at the boundary with the public footway, its prominent position forward of the established building line and the unsatisfactory use of materials would be an harmful and obtrusive development, out of scale and keeping with the character and appearance of the East Canonbury Conservation Area and surrounding street-scenes contrary to policies D4, D5, D8, D22, D24 of the Islington Unitary Development Plan (2002), policies CS8 and CS9 of the Islington Core Strategy 2011, policies 7.4, 7.6 and 7.8 of the London Plan 2011, the East Canonbury Conservation Area Design Guidelines and the Islington Urban Design Guide.

- 7.5 **January 2011:** (P081910) **withdrawn** for 'Erection of a two bedroom dwelling at rear of Halliford Street'
- 7.6 **November 2007:** (P072354) **granted** for 'Change of use from 2 x s/c maisonettes into 2 x s/c flats & 1 x s/c maisonette and new side & rear single-storey extensions'
- 7.7 **September 2007:** (P071864) **refused** for 'Erection of new 3 bedroom house at rear garden to replace demolished garden / workshop'

REASON 01: The proposed development by reason of its overall height and bulk would have a harmful impact on the setting of the adjoining locally listed dwelling houses and on the character and appearance of the East Canonbury Conservation Area. The proposal is contrary to policies D1, D4, D5, D8, D22, D23 and D42 of the Islington Unitary Development Plan 2002 and is also contrary to the Council's adopted SPG 'Conservation Area Design Guidelines'.

REASON 02: The proposed development, by virtue of its scale, would provide an inadequate amount of outdoor amenity space for both the proposed residential dwelling and the existing residential dwelling. The proposal is contrary to policies H6, H7 and D3 of the Islington Unitary Development Plan 2002 and is also contrary to the Council's adopted SPG 'Planning Standards Guidelines'.

REASON 03: The proposed development, by virtue of its scale, bulk, design and proximity to neighbouring buildings would have an adverse impact on the amenity currently enjoyed by the surrounding residential properties, due to an unacceptable loss of privacy. The proposal is therefore contrary to Policy D3 of the Islington Unitary Development Plan 2002 and is also contrary to the Council's adopted SPG 'Planning Standards Guidelines'.

REASON 04: The proposed development, by virtue of its internal layout, would provide minimal natural light and ventilation to the bedroom marked "bedroom 1" on plan number 104. The proposal is contrary to policies D3, H6, and H7 of the Islington Unitary Development Plan 2002 and is also contrary to the Council's adopted SPG 'Planning Standards Guidelines'.

ENFORCEMENT:

7.5 None

PRE-APPLICATION ADVICE:

7.6 None

8 CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 22 adjoining and nearby properties at Orchard Close, Ecclesbourne Road and Halliford Street.

8.2 A site notice and press advert was also displayed. Consultation expired on the 7th January 2016 however it is the Council's practice to continue to consider representations made up until the date of a decision. Members will be updated at committee of any additional responses received.

8.3 Cllr Russell and Cllr Jeapes requested that the application be decided at committee by members.

8.4 At the time of writing this report 4 responses have been received from the public with regard to the application. A further period of consultation was carried out which commenced on the 08/03/2016 due to an inaccurate description of the proposed development. This consultation period expires on the 31/03/2016. Members will be updated at committee of any additional responses received. The issues raised at the time of the writing of this report can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- Supportive of self-build (10.58)
- The house will fit in better with the rhythm of the street (10.20)
- Sensitive choice of materials and treatment of boundary walls respect the conservation area (10.20-10.21)
- Objection to outside sitting area (10.57)
- Additional storey is inappropriate in terms of design (10.20)

External Consultees

8.5 None

Internal Consultees

8.4 Design and Conservation Officer: objects to the principle of the additional storey. The officer considers that the additional floor adds harmful bulk and dominance to the streetscene which would detract from the setting of the adjacent locally listed building and wider conservation setting.

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.

9.3 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

Development Plan

9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 1 to this report.

Designations

9.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011 and Development Management Policies 2013.

East Canonbury Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Background (P111461)
- Land Use
- Design, appearance and impacts on the Conservation Area
- Impact on the amenity of neighbouring residents.
- Quality of Accommodation
- Accessibility
- Community Infrastructure Levy
- Other Matters

Background (P111461)

10.2 Permission was granted by the Council in March 2012 (Council Ref. P112814) for a smaller, 2 bedroom dwelling on a similar footprint but occupying the ground floor and first floor levels.

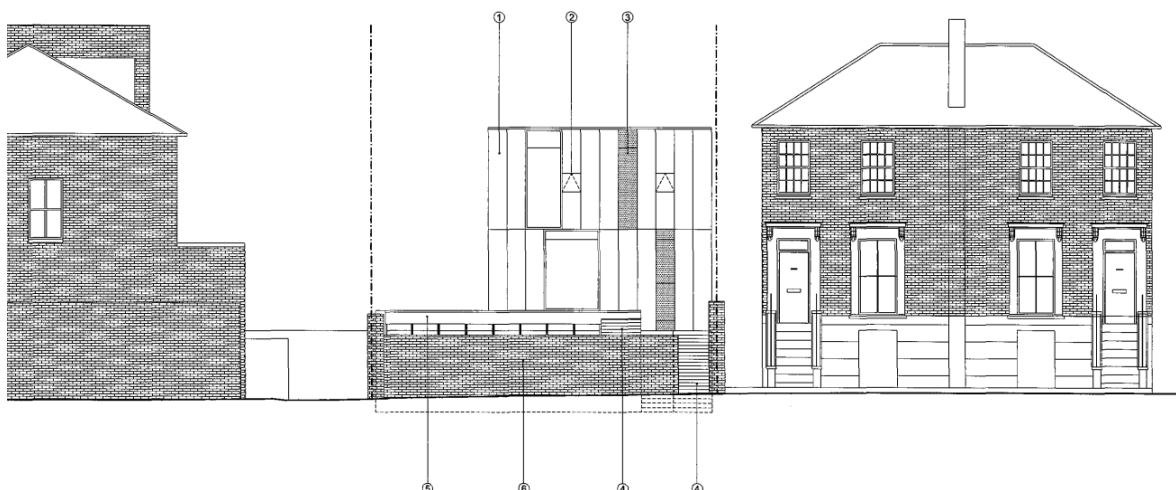


Approved extant scheme at this address

10.3 It would include a floor at ground level, slightly sunken with a sitting room and kitchen. The bedrooms and bathroom would be provided at first floor level and there would be a small courtyard garden area sunk down into the ground, accessed from the kitchen and sitting area. The ground floor would largely be obscured by the boundary wall when viewed from Ecclesbourne Road.

10.4 Prior to this approval application P111461 and P071864 were refused by the council. Both applications were refused based by reason of their overall height and bulk. Application P111461 was three storeys in height overall, similar to the proposed scheme (P2015/4462/S73).

cladding
render
g brick wall



Previously refused dwelling on the application site.

- 10.5 Given the previous decisions are a material consideration, the merits of the current scheme (P2015/0947/FUL) are in direct conflict with the concerns raised previously by the Council in terms of the impact on the character and appearance of the conservation area and the adjacent locally listed buildings in relation to planning application P111461.
- 10.6 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.7 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the fact that the permission is extant.

Design and Conservation

- 10.8 The site occupies a gap where terraced dwellings on Ecclesbourne Road meet those running at right angles on Halliford Street. The proposed dwelling would be positioned at the rear of the garden to 1 Halliford Street. Building work has commenced on planning permission P112814 and this permission is considered extant.
- 10.9 The site is located in a prominent position close to the junction of Halliford Street and Ecclesbourne Road. The Conservation Area itself is, as the Council's CA Design Guidelines refer, principally residential. The area is characterised by traditional streets where mainly terraced properties have short front gardens and longer rear gardens. The street consists of 3 storey, semi-detached villas with an established character.
- 10.10 There has been substantial new adopted planning policies used by the council since this previous decision was made. These policies are considered to be material and strengthen the council's role in ensuring that proposed developments either preserve or enhance the character and appearance of the area even more so than the Councils UDP policies which were in place at the time of the last approval. While the conservation area guidance and Urban design guidance remain extant in policy terms the council has adopted, Development Management Policies.

- 10.11 Policy CS9 of the Council's adopted Core Strategy outlines general principles to protect Islington's built environment. It is supplemented by Policy DM2.1 of its Development Management Policies Development Plan Document (DPD), which sets out design criteria for new development and, more specifically, Policy DM2.3, which covers Heritage issues. Section B of Policy DM2.3 deals with Conservation Areas and carries forward the statutory requirement to give special consideration to preserving or enhancing the character or appearance of such areas and the advice on such matters in the National Planning Policy Framework ('the Framework').
- 10.12 The policies on conservation areas and heritage assets are in line with the requirement of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.13 Most of the streets in this area were developed between 1820 and 1860 and many of the original houses survive including many fine terraces and groups of properties. There is a harmonious 19th century quality worthy of protection and enhancement.
- 10.14 The applicant contends this is an unusually large gap. The gap between existing buildings is similar to that which exists where other terraces in the area meet one another perpendicularly, contributing to their character and local distinctiveness. In affording views from the street of the rear of properties and the spacious open area created behind them by domestic gardens to the rear of the urban perimeter block, this gap makes a positive contribution to the character and appearance of the area.
- 10.15 In considering the acceptability of proposals in such end of terrace infill locations the Islington Urban Design Guide Supplementary Planning Document (UDG) provides guidance at 2.4.7. This recognises the positive contribution such gaps can make to character and appearance of an area. It consequently recommends such gaps should remain unchanged unless there is an especially long gap or it replaces a poor quality structure. However, there is no evidence to suggest that the gap is an especially long one and it appears to be of comparable proportions to other corner relationships between terraces in the surrounding area. Nearly all Victorian / Edwardian terraces are characterised by a gap in the corner return that allows light and air in to the rear elevation and gardens. By allowing a glimpse of the rear gardens, they can also provide a soft backdrop to the street. The extant permission allows the gap to be read by sitting a full storey lower than the established building along Ecclesbourne Road and Halliford Street.
- 10.16 The proposed dwelling, which would have a contemporary appearance, which has been designed to respond to the scale and proportions of the terrace of houses on Ecclesbourne Road. Whilst this approach would satisfy one of the two approaches set out in the UDG, it does not meet the qualifying criteria within which such approaches are considered acceptable.
- 10.17 The removal of conditions 4 (window frame to front elevation) and 10 (roof terrace) are to facilitate the external alterations to the proposed dwelling. The proposal would introduce an additional floor to the property to accommodate a bedroom and bathroom. The proposed additional storey would read as a continuation to the storey below. The additional floor proposed would add to the bulk and massing of the building. It would further increase the scale of the property and also intensify the prominence of this building. The increase in height would disturb the established rhythm to the street.

- 10.18 This subdivision of the garden to 1 Halliford Street has already truncated and enclosed the garden in an uncomfortable manner. The proposal would cause harm as the additional width at first floor level and second storey would close the gap and give rise to a loss of openness and to an erosion of spatial quality. It is considered the further loss of the gap would not be harmful in townscape terms and harm the character and appearance of the conservation area
- 10.19 The resultant increase in height and mass would be emphasised by the construction of a building significantly larger than any previous structures on site or in relation to the extant scheme. Whilst consent exists for a smaller dwelling on the site, by virtue of that scheme's height, bulk and scale it would have a materially different effect on the area's character and appearance, in particular its considerably less intrusive effect on the gap between the two terraces.
- 10.20 The proposed new build would be unduly prominent and would be out of context within the street scene. The proposed building has been designed to have equal status with those adjoining. However the approved scheme was considered appropriate as it was subservient to the adjacent locally listed buildings on Halliford Street and Ecclesbourne Road. These buildings have an important group and street value and are of a distinctive symmetrical design. Moreover, both the pattern of fenestration, especially the perforated brick screens, recessed balconies and flat roof would demonstrate little harmony with neighbouring development. More generally, the new property would close off views along the rear of the properties in Halliford Street that add an important element of openness to the street scene.
- 10.21 The proposal also involves increasing the height of the front wall. This is considered undesirable and adds to the concerns of the scheme as a whole. However, under approval of details application P2015/3157/AOD the increase in height of wall was approved and therefore the council cannot raise this specific area of concern.
- 10.22 Taking into account the fact that the existing building is prominent and visible within the overall street scene, the additional accommodation proposed would increase the dominance of this building, causing material harm to the street scene as a result. It would fail to respect the relationship of the property and to the neighbouring terraces located within the East Canonbury Conservation Area. The size and bulk of the proposal would harm the character and appearance of the host building and the wider area contrary to Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies Development Plan Document (DPD), Policy CS9 of Islington's Core Strategy 2011 (CS) as well as guidance in the Council's Urban Design Guide Supplementary Planning Document 2006 (SPD). Collectively these seek to ensure that heritage assets are conserved and enhanced in a manner appropriate to their significance and that development respects and responds positively to existing buildings, the streetscape and the wider context.

Neighbouring Amenity

- 10.23 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.

Daylight/Sunlight

- 10.24 A Daylight, Sunlight and Shadow Analysis was submitted dated February 2016 in support of the application. Relevant windows to 1 Halliford Street have been tested. The report identifies that one of the five windows would fail in terms of Vertical Sky Component. VSC measures the total amount of skylight. This window serves the rear basement living room referred to as W3. The five rooms tested would comply with the BRE Guidance for daylight in Average Daylight Factor and Daylight Distribution. Although the rear window to the basement window (W3) would have a reduction of more than 20% contrary to the BRE

Guidelines reductions of between 20-30% which is considered to be a lesser/minor infringement in densely developed urban areas which is the case here.

Outlook and Sense of Enclosure

- 10.25 No 1 Halliford Street has accommodation at lower ground floor. The lower ground floor extends further into the garden of 1 Halliford Street and have habitable rooms which are closer to the application site than those in the main rear elevation of the building. Due to their relative lower position in relation to it, these lower ground floor rooms have a particularly sensitive relationship to the appeal site.
- 10.26 The effect of the proposal would be to bring a flank wall closer and higher than the approved scheme (P112814). This would lead to a considerable area of the outlook directly in front of those windows to the rear of 1 Halliford Street being occupied by the unrelieved masonry elevation. This would create a sense of enclosure and loss of outlook of a considerably greater degree than can reasonably be expected to the rear of properties in the terrace to Halliford Street and the increase in mass, height and bulk is an area of concern raised by officers which adds further weight to the excessive design, scale, dominance and height of the proposed additional floor in this case.

Overlooking/Loss of Privacy

- 10.27 The proposal would introduce perforated brick glazing to the side elevation. The elevation treatment to this opening is intended to prevent direct overlooking. However there are clear gaps in the brick from which this could arise to the habitable windows to the rear elevation of 1 Halliford Street. If the proposal was considered acceptable overall, a condition could be attached to overcome overlooking.

Quality of Accommodation

- 10.28 The proposed addition of a bedroom would cause an uplift by one room resulting in a three bedroom single family unit.
- 10.29 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.
- 10.30 A new nationally described space standard (NDSS) was introduced on 25 March 2015 through a written ministerial statement as part of the New National Technical Housing Standards. These new standards came into effect on 1 October 2015 which post-dates the determination of the application by the Council. From this date Councils are expected to refer to the NDSS in justifying decisions.
- 10.31 A three storey, 5 person dwelling should be a minimum of 99sqm. The proposal would exceed the floor area required by the above prescribed standards in the NDSS and Development Management Policies. 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.
- 10.32 The Development Management policy DM3.5 requires the provision of 30 square metres of good quality private outdoor space on ground floors. The proposed development would comprise approximately 14sqm of ground floor private amenity space to the rear and 3m on

the first and second floors. Whilst this is below the amount of private space under policy DM3.5 it is considered that the site constraints due not allow the further creation of functional and useable outside space in this case. The overall provision is considered to be acceptable.

Accessibility

- 10.33 As a result of the change introduced by the Deregulation Bill (Royal Assent 26th March 2015) 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 This new dwelling was approved prior to the New Housing Standard. There was no level access under the previous permission. If the council found Given the permission is extant; it is not considered that these accessibility requirements of a Category 2 home can be applied to this scheme.

Affordable Housing 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 the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units which do not provide social rented housing on site.
- 10.53 The proposed residential unit was granted permission prior to the adoption of this document. As the principle of a new dwelling has been established and the applicant has a strong fall back position under a previous permission, Small Site Contributions and Carbon Offsetting would not be applicable in this instance.

Highways

- 10.54 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. If the proposal was to be found acceptable, although no parking is proposed this would be ensured by condition.
- 10.55 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. Two cycle spaces are indicated on the drawings. One bicycle space short would not form a reason for refusal in this instance.

Community Infrastructure Levy

- 10.56 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.

Other Matters

- 10.57 An objection has been received regarding the noise from the terraces. The proposed use for a single family dwelling would not give rise to such noise issues as to warrant refusal of the application.
- 10.58 There is already an extant permission for a new dwelling at this site. The support for a self-build property under this application would not be outweighed by the visual harm identified above.

11 SUMMARY AND CONCLUSION

Summary

- 10.34 The additional accommodation proposed would increase the dominance of this building, causing material harm to the street scene as a result. By virtue of the design, increased size, bulk and mass the proposal would fail to respect the relationship of the property to the neighbouring terraces within the street and not preserve or enhance the character and appearance of the East Canonbury Conservation Area contrary to Policies DM2.1 and DM2.3 of Islington's Local Plan: Development Management Policies Development Plan Document (DPD), Policy CS9 of Islington's Core Strategy 2011 (CS) as well as guidance in the Council's Urban Design Guide Supplementary Planning Document 2006 (SPD). Collectively these seek to ensure that heritage assets are conserved and enhanced in a manner appropriate to their significance and that development respects and responds positively to existing buildings, the streetscape and the wider context.

Conclusion

- 11.1 It is recommended that planning permission be refused for the reasons set out in Appendix 1 – Recommendations.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A - APPLICATION FOR FULL PLANNING PERMISSION -

That planning permission be refused for the following reasons:

REASON: The proposed additional storey and external alterations including the perforated brick screens and recessed balconies to the front elevation by reason of their inappropriate design, scale, bulk, massing and height would form a visually dominant and detrimental feature when seen from both the public and private realm. For these reasons the proposed alterations are harmful to the appearance of the building, the character of the streetscene, fails to preserve the character and appearance of the East Canonbury Conservation Area. The proposal is contrary to the guidance within the Urban Design Guide 2006, Conservation Area Design Guidelines, Islington's Development Management Policies DM2.1 and DM2.3, CS8 and CS9 of the Core Strategy 2011 and the NPPF (2012).

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 and Regional 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.

- NPPF - Policy 12 - Conserving and Enhancing the Historic Environment
- Planning Practice Guide (2014)

2. Development Plan

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

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

7 London's living places and spaces
Policy 7.4 Local character
Policy 7.6 Architecture
policy 7.8 Sustaining and enhancing the significance of heritage assets

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Development Management Policies June 2013

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

3. Designations

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

Islington Local Plan

East Canonbury Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

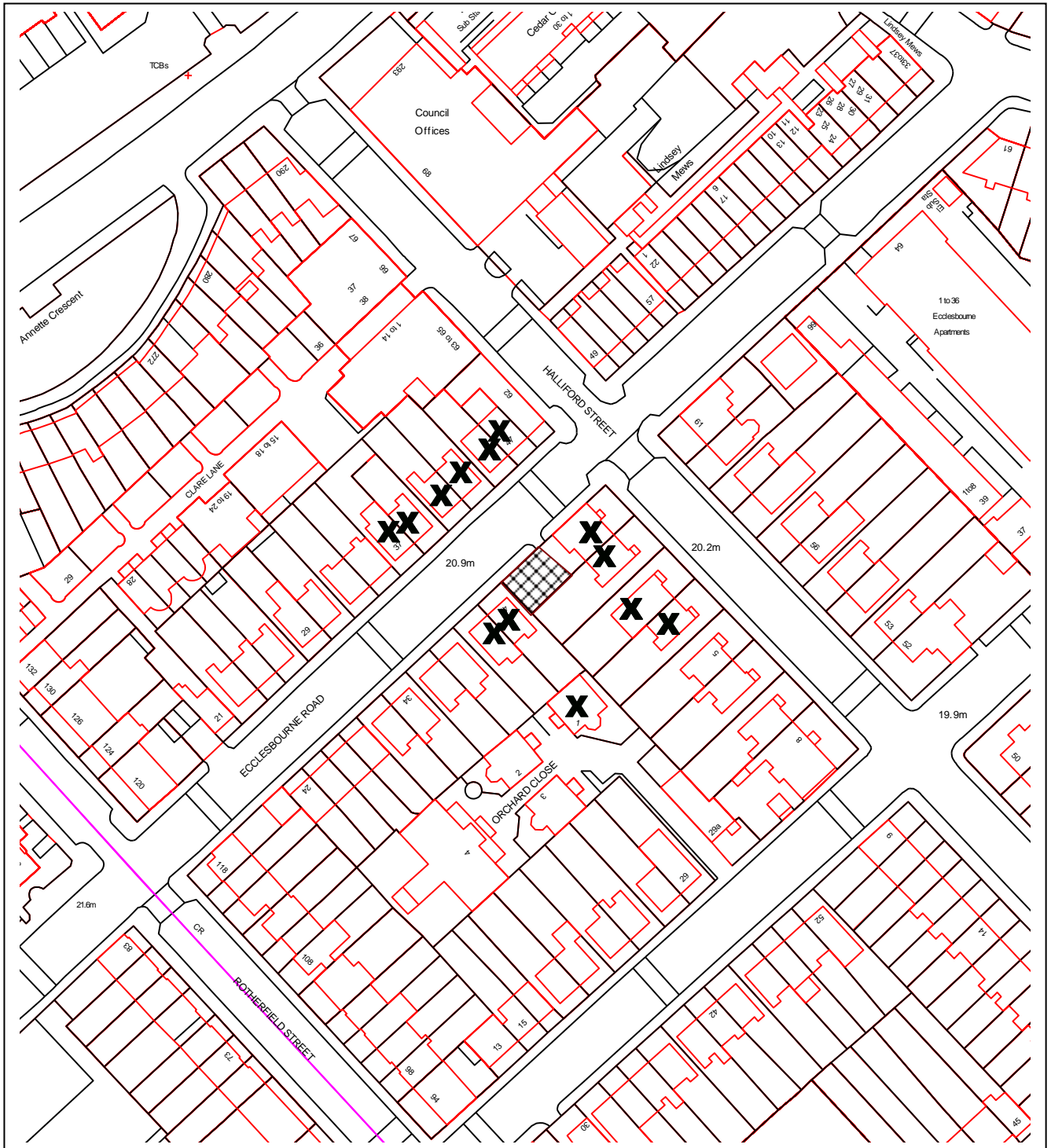
East Canonbury Conservation Area

Design Guide

Urban Design Guide

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application number	P2015/1947/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not Listed
Conservation area	Clerkenwell Green
Development Plan Context	<ul style="list-style-type: none"> - Clerkenwell Archaeological Priority Areas - Bunhill & Clerkenwell Core Strategy Key Areas 7 - Clerkenwell Green Conservation Areas - Central Activities Zone (CAZ) - Major Cycle Route - Employment Priority Areas - Finsbury Local Plan Area Bunhill & Clerkenwell - Local view from St. John Street - Local view from the Angel - Local view from Archway Road - Local view from Archway Bridge - Mayors Protected Vistas - Alexandra Palace viewing terrace to St Paul's Cathedral - Within 50m of Charterhouse Square Conservation Area
Licensing Implications	None
Site Address	52-54 St John Street London EC1M 4HF
Proposal	Refurbishment works comprising of installation of replacement windows, doors and new canopies to front façade, lift overrun and plant enclosure at roof level of front building and glazed infill between front and back building at ground floor level.

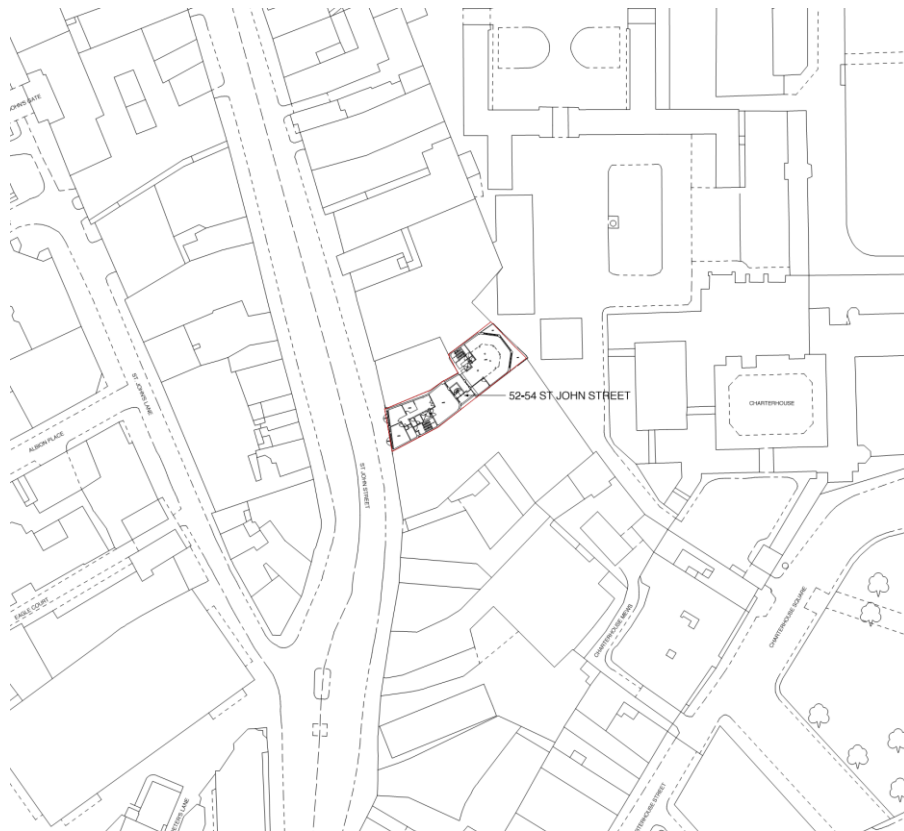
Case Officer	Sandra Chivero
Applicant	C/O Agent

Agent	Indigo Planning
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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: Front Elevation of the application site

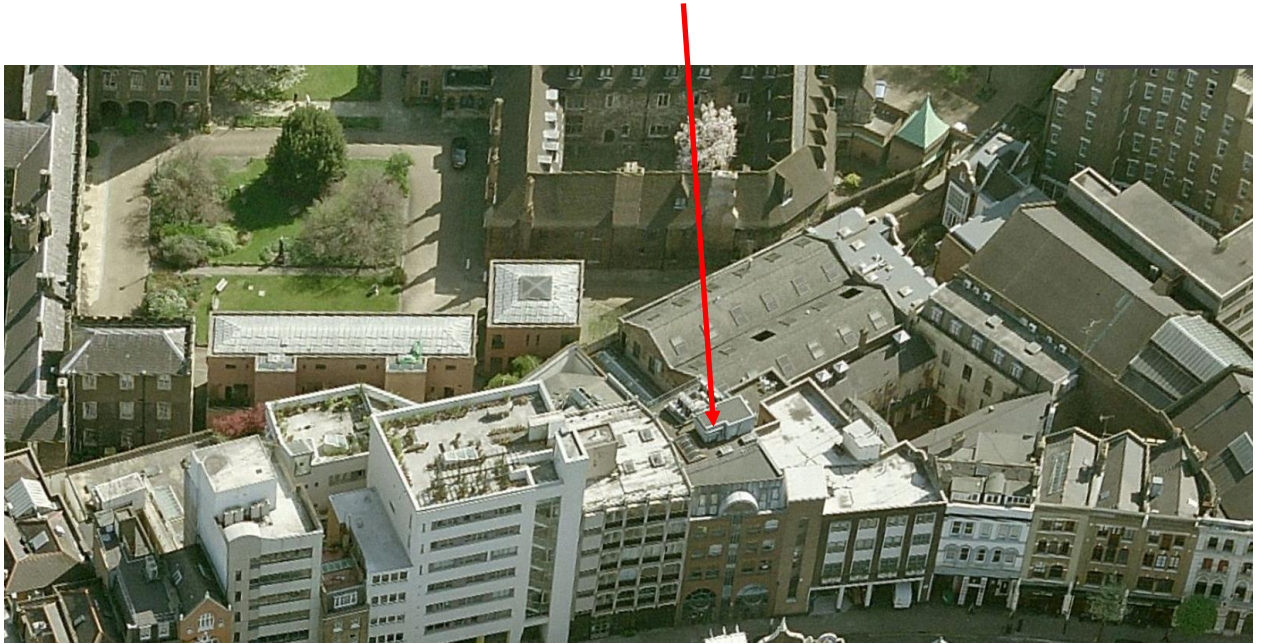


Image 2: Aerial View of site

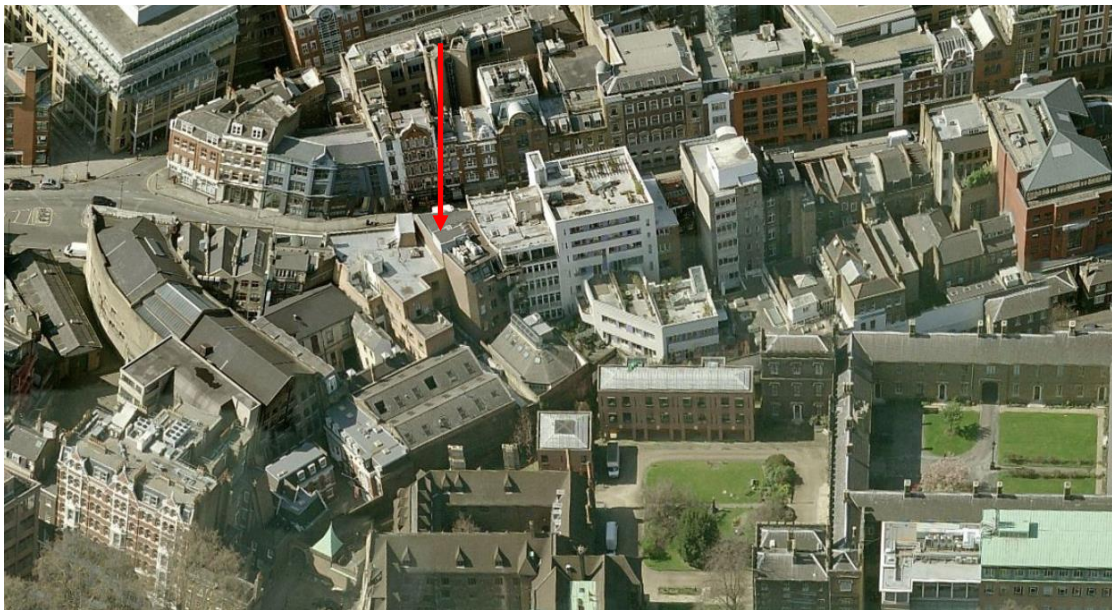


Image 3: Aerial View of site

4. SUMMARY

- 4.1 The application has been subject to detailed discussions with officers. Serious concerns were previously raised regarding the loss of business floor space at ground and basement level; impact on neighbouring amenity and the unacceptable bulk, scale and massing of the originally submitted scheme. During the course of the application amended drawings were received showing a significantly scaled back scheme to address the concerns raised.

- 4.2 It is now proposed to retain the existing B1 floor space at basement and ground floor levels; retain and refurbish all facades, cover the lightwell between the front and rear buildings at ground floor level resulting in provision of additional 25sqm business floor space. It is further proposed to provide a new mechanical plant deck with screens to the front building roof with the existing enclosure remodelled to accommodate the relocated lift core.
- 4.3 There is an anticipated high degree of change and the range of conflicting pressures present in the business floor space in the Bunhill and Clerkenwell. The increase in net business floorspace and improvement of existing business floor space is therefore welcome at this site as this would help meet the need for accommodating additional business jobs within the Bunhill and Clerkenwell area.
- 4.4 The remodelled lift-overrun and plant enclosure are sufficiently set back and would not be visually prominent and would not spoil the integrity of the host building. The replacement lead to the roof is also considered to be in keeping with the architectural character of the host building.
- 4.5 Overall due to materials, design and appearance the refurbishment works are not considered to harm the architectural character of the building, the character and appearance of the surrounding Clerkenwell Green Conservation Area would be preserved.
- 4.6 A noise limit condition has been attached in order to control the noise impact on nearby residential properties. A further condition has been attached to the permission requiring a noise report to be commissioned to assess the noise from the proposed mechanical plant to demonstrate compliance with the noise limiting condition. This is to ensure that the operation of fixed plants does not impact on residential amenity.
- 4.7 The proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of overshadowing, loss of light, over-dominance, increased sense of enclosure nor loss of outlook.

5. SITE AND SURROUNDING

- 5.1 The application site is a four-storey modern office block located on the south-eastern side of St John's Street. The building is not listed but it is located within the Clerkenwell Green Conservation Area. The surrounding area is a mix of commercial and residential uses.

6. PROPOSAL (IN DETAIL)

- 6.1 Originally submitted plans proposed the change of use of part ground floor and part basement level from B1 Use class (a) to flexible showroom/office use (A1/B1 (a) Use Class), with the erection of multi stories to the front and rear of the building and the erection of a 5 storey infill extension to the courtyard. These have all been removed from the proposed plans and planning permission is no longer being sought for these elements.
- 6.2 It is now proposed to retain and refurbish all the building facades, cover the lightwell between the front and rear buildings at ground floor level with a new glazed roof, install replacement aluminium windows, replace central glazing to the front façade, install new entrance canopies, glazed doors and fixed panels at front ground floor level and replace existing lead to the existing mansard roof extension. It is further

proposed to install a new mechanical plant deck to the front building at roof level with the existing enclosure remodelled to accommodate the relocated lift core. New screens will also be installed to shield plant equipment.

- 6.3 The existing basement and ground floor levels will be retained as B1 Use Class (offices).

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 May 2015: Planning application (Ref. P2015/0927/FUL) for change of use of ground floor and part of basement from Use Class B1 (a) to flexible showroom/office use (Use Class A1/B1 (a)); refurbishment of existing building including replacement of external facades, the infill of the existing courtyard between the two buildings (front and rear) and erection of front and rear roof extensions to create a part 6, part 4 storey building. Withdrawn by the applicant.
- 7.2 December 2011: Planning application (Ref. P111266) Granted for the change of use of ground floor from B1 (office use) to A1 (shops)/A3 (restaurant). Alterations to ground floor elevation and shopfront, along with the closing up of the garage entrance. Installation of new extraction vent, ducting and skylight to rear elevation. Associated works and alterations.
- 7.3 August 2006: Planning application (Ref. P061256) for installation of 3No. air conditioning condenser units to an existing roof mounted platform, and the installation of 1 No roof mounted satellite dish Withdrawn.
- 7.4 May 1989: Planning application (Ref. 882185) Granted for redevelopment to provide 1110sq.m. Business use (Class B1) at the front with a basement and two storey (plus gallery) Business use at the rear (493sq.m.).
- 7.5 October 1987: Planning permission (Ref. 870473) Granted for redevelopment to provide (1110 sq.m.) offices on basement and six storey building at the front with a basement and two storey (plus gallery) light industrial building at the rear (493 sq.m.)

ENFORCEMENT:

- 7.6 None

PRE-APPLICATION ADVICE

- 7.7 **Pre-application Advice:** It was advised that the scheme as proposed would be contrary to policy in terms of its height, and the additional bulk and massing to the rear would detract from the setting of Charterhouse. The Design & Conservation officer objected to the design and materials proposed.

It was advised that the showroom/B1 use on the ground floor is considered to be acceptable as the loss of the B1 ground floor space will be compensated by the additional floorspace in the central core and the improvement to the existing space.

8. CONSULTATION

Public Consultation

- 8.1 Three consultations were carried out. Originally consultation letters were sent to occupants of 44 adjoining and nearby properties along Charterhouse Square and St John Street on 22 May 2015 and 11 September 2015. Site notices and press adverts were also displayed in May 2015 and September 2015. Further consultation took place for a period of 14 days from 25 November 2015 ending on 10 December 2015. It is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report a total of 7 objections had been received from the public. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Previous scheme

- Loss of light and overshadowing
- Loss of privacy and overlooking
- Over dominance and increased sense of enclosure
- Visual impact
- Drawings inaccurate
- Inappropriate height, bulk, scale and massing
- Impact on building line, street frontage, Charterhouse Square and surrounding area
- Overdevelopment in terms of use
- No community gain and only commercial gain
- Proposal contrary to the NPPF and Development Plan

These areas of concern relate to the earlier scheme which has been removed from the proposal and are no longer under consideration within this submission before members.

Amended current scheme

- Noise disturbance (Paragraph 10.23 & 10.24)
- No details for plant room area and type of plant to be used (Paragraph 10.24)
- Overlooking to Grant House from potential roof terrace (Paragraph 10.22)
- Details of entrance canopies (Paragraph 10.13)
- Extent of painting of existing brickwork to the front elevation (Paragraph 10.11 & 10.12)
- Proposed north-south cross section not provided (Paragraph 10.27)

Internal Consultees

The Planning Policy Officer: raises no objections to the reduced and revised plans under consideration.

- 8.3 **The Acoustic Officer** stated that the accompanying noise report measures background noise levels and advises plant noise limits only. A noise limit condition has therefore been recommended to control the noise impact on nearby neighbours.

- 8.4 It was further stated that the plant has not been specified yet and there will need to be work on the design and mitigation to enable the criteria to be met. A further condition has therefore been recommended requiring a noise report to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with the noise control condition.
- 8.5 **The Design and Conservation Officer.:** The Design and Conservation officer does not object to the amended scheme provided the brickwork to the building remains unpainted. A condition was attached to this effect.
- 8.6 **The Inclusive Design Officer** commented that the new entrance doors are not ideal appearing to be frameless and featureless. A number of features were recommended to ensure that the new entrances are identifiable and are of sufficient width and opening weight. It was also recommended that there should be an accessible WC on each floor within both buildings and Tea points should be wheelchair accessible.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Designations

- 9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Clerkenwell Archaeological Priority Areas
 - Bunhill & Clerkenwell Core Strategy Key Areas 7
 - Clerkenwell Green Conservation Areas
 - Central Activities Zone (CAZ)
 - Major Cycle Route
 - Employment Priority Areas

- Finsbury Local Plan Area Bunhill & Clerkenwell
- Local view from St. John Street
- Local view from the Angel
- Local view from Archway Road
- Local view from Archway Bridge
- Mayors Protected Vistas - Alexandra Palace viewing terrace to St Paul's Cathedral
- Within 50m of Charterhouse Square Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land-Use
- Design and conservation impacts
- Neighbouring Amenity

Land-use

10.2 The amended application proposes to retain the existing B1 floor space at basement and ground floor levels. The entire building will be refurbished resulting in improved quality office space. In particular, the basement area will be brought back into actual office use from ancillary B1 storage, plant and machinery rooms. The single storey infill extension would result in provision of additional 25sqm of business floorspace. Overall, the proposal would result in a net increase of actual usable business floor space.

10.3 The Bunhill and Clerkenwell area is identified as Islington's most important employment location. Paragraph 2.8.1 of the Core Strategy states that overall, it is estimated that the Bunhill and Clerkenwell area may need to accommodate an additional 14, 000 B-Use jobs. Due to the anticipated degree of change and the range of conflicting pressures present in Bunhill and Clerkenwell, the increase in net floorspace is therefore welcome at this site. This would help meet the need for accommodating additional business jobs within the Bunhill and Clerkenwell area.

10.4 The retention and improvement of existing business floor space would accord with policy CS13 (B) which seeks safeguarding of existing business spaces throughout the borough by protecting against change of use to non-business use, particularly in the CAZ. This is supported by policy BC8 of the Finsbury Local Plan which seeks retention and enhancement of business floorspace.

10.5 The net increase of business floorspace albeit modest and the improved quality of the existing business floor space accords with policy CS13 (B) which encourages development which improves the quality and quantity of existing provision. This is supported by policy CS7 of the Core Strategy which supports and encourages employment development within Bunhill and Clerkenwell.

- 10.6 The proposal complies with policy CS13 (A) which encourages new employment floorspace, in particular business floorspace, to be located in the CAZ (and town centres) where access to public transport is greatest.
- 10.7 The omission of the additional storeys to the front and rear buildings and the 5 storey infill extension is considered to address the concerns raised regarding overdevelopment.

Design, Conservation and Heritage Considerations

- 10.8 It was previously proposed to erect additional storeys to the front and rear building, erect a 5 storey infill extension and refurbish the existing building including replacement of external facades.
- 10.9 The proposed scheme has been scaled back and the proposed, infill and rear extensions have been omitted from the proposal. It is now proposed to refurbish all façades, including cover the lightwell between the front and rear building with a new glazed roof, install replacement aluminium windows, replace central glazing to the front façade, install new entrance canopies; install new glazed doors and fixed panels at front ground floor level and replace existing lead to the existing mansard roof extension. It is further proposed to install a new mechanical plant deck at roof level with the existing enclosure remodelled to accommodate the relocated lift core. The plant screens will be installed to shield plant equipment.
- 10.10 The retention of the existing frontage with a more contextual approach is preferable to the previous scheme which failed to relate positively to the Victorian buildings in the area.
- 10.11 Concerns have been raised regarding the painting of existing brickwork being harmful to the architectural character of the host building and the character and appearance of the surrounding conservation area, and a condition is therefore proposed stipulating that planning permission is not granted for the painting of existing brickwork and the unpainted brickwork shall remain in situ.
- 10.12 The remodelled lift-overrun and plant enclosure are sufficiently set back and would not be visually prominent and would not spoil the integrity of the host building. The replacement lead to the roof is considered to be in keeping with the architectural character of the building.
- 10.13 The proposed new entrance doors and entrance canopies are visually appropriate and acceptable in design terms. These additions would preserve the character and appearance of the building and wider conservation area setting.
- 10.14 The omission of the roof extensions and the five-storey infill extension address the concerns raised regarding bulk, scale and massing of the proposal not being in keeping with its surroundings and harm to Charterhouse Square.
- 10.15 Overall, due to materials, design and appearance, the refurbishment works are not considered to harm the architectural character of the building. The character and appearance of the surrounding Clerkenwell Green Conservation Area would therefore be preserved. The proposal is also consistent with policies DM2.1 and DM2.3 of the Development Management Policies and would accord with guidance

contained within the Conservation Area Design Guideline and the Islington Urban Design Guide.

Inclusive Design

- 10.16 Whilst the new entrances would be visible as they incorporate canopies and arches above, the actual doors are not ideal being frameless and featureless. A condition has therefore been proposed requiring the opening to be clearly identified within the elevation; door ironmongery to be tonally contrasted with its surroundings and capable of being opened with a closed fist. The condition stipulates that the full height glazing should be identified by surface manifestation, at least one leaf of any entrance should provide a clear opening width of at least 1000mm and their opening weights should not exceed 30N.
- 10.17 There is just one accessible WC in the building at basement level and that is combined with a shower shown on the submitted drawings. There should be an accessible WC wherever general needs facilities are provided i.e. on each floor with both buildings. This is secured by the Inclusive Design condition attached.
- 10.18 An informative has been attached recommending that provision should be made to meet the travel and transport needs of mobility impaired employees and visitors, by way of accessible cycle storage and storage and charging facilities for mobility scooters. Tea points should be wheelchair accessible.
- 10.19 At present there are no evacuation lifts, compartments or safe refuges shown. Two of the three stairwells are not large enough to accommodate a refuge and two of the lifts have lobbies that would not facilitate assisted escape. A condition has therefore been attached requiring the submission of a fire escape strategy, specifically for mobility impaired building users.
- 10.20 Subject to conditions the proposal is considered to facilitate and promote inclusive communities in line with the objectives of policy DM2.2 of the Development Management Policies and the Guidance contained within the Inclusive Design SPD.

Neighbouring Amenity

- 10.21 As stated above the proposed additional storeys to the front and rear building and the 5 storey infill extension have all been omitted from the proposal. This is considered to address the concerns raised regarding impact on neighbouring amenity.
- 10.22 Concerns were also raised regarding overlooking to Grant house from the potential roof terrace. The applicant has confirmed that the structural engineers have confirmed that the roof structure is not strong enough to support a terrace, therefore the roof area would not be used as outdoor amenity space. A condition has also been attached to the permission stipulating that the roof of the main building shall not be used as outdoor amenity space.
- 10.23 Concerns were raised regarding noise disturbance from the new plant. The accompanying noise report measures background noise levels and advises plant noise limits only. A noise limit condition has therefore been attached in order to control potential noise impact on nearby neighbours.
- 10.24 The proposed plant has not been specified yet and there will need to be work on the design and mitigation to enable the criteria to be met. A further condition has

therefore been attached requiring a noise report to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with the attached noise control condition.

- 10.25 The plant enclosure and lift overrun would not be located adjacent to habitable room windows and would be set in from the north, east and west building lines. The proposal is therefore considered not to result in harmful loss of light and loss of outlook to neighbouring properties.
- 10.26 Overall, the proposal is considered to accord with policy DM2.1 which requires development to provide good level of amenity including consideration of noise, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Other Matters

- 10.27 Concerns had been raised regarding drawings being unclear, lift overrun and plant screen not detailed properly and 3d drawings in relation to the previous drawings submitted. Amended drawings including a north-south cross section were submitted in March 2016. These drawings clearly show the proposed external alterations including the entrance canopies. No further concerns have been received in relation to the quality of the amended drawings.
- 10.28 Concerns were raised regarding no community gain and only commercial gain. As stated above the proposal has been scaled back to being largely refurbishment works and a modest increase of 25sqm business floor space. This is a minor development and there is no policy requirement for S106 contributions in this case.

11. SUMMARY AND CONCLUSION

- 11.1 The increase in net business floorspace and improvement of existing business floor space is welcome at this location as it would help meet the need for accommodating additional business jobs within the Bunhill and Clekernwell area.
- 11.2 The remodelled lift-overrun and plant enclosure are sufficiently set back and would not be visually prominent and would not spoil the integrity of the host building. The replacement lead to the roof is considered to be in keeping with the architectural character of the building.
- 11.3 Overall due to materials, design and appearance the refurbishment works are not considered to harm the architectural character of the building. The character and appearance of the surrounding conservation area would be preserved.
- 11.4 A noise limit condition has been attached in order to control the noise impact on nearby residential properties.
- 11.5 Subject to conditions, the proposal is considered to accord with relevant policies.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>Commencement</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	<p>Approved Plans List</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1289_001Rev.A, 002Rev.C, 009Rev.B, 010Rev.D, 011Rev.B, 012Rev.B, 013Rev.B, 014Rev.B, 015Rev.B, 016Rev.B, 020 Rev. B, 021 Rev. B, 022, 024 Rev. C, 999 Rev.1, 1000 Rev.1, 1001 Rev. 1, 1002, 1003, 1004, 1005, 1006Rev.D, 1007Rev. C, 1010Rev.D, 1011Rev.C, 1012, 1020; 1021 Rev. B, 1080, 1081; Design and Access Statement – 07.03.16; Existing and Proposed Gross Internal Area.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials to Match (Compliance)</p> <p>CONDITION: The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
4	<p>Brickwork</p> <p>CONDITION: Notwithstanding the approved drawings, no exterior brickwork may be painted. The unpainted brickwork shall remain in situ.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
5	<p>Flat Roof Not Used As Amenity Space (Compliance)</p> <p>CONDITION: The flat roof area at 6th floor level as shown on plan no. 1289_1006Rev.D 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>

6	Fixed Plant (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq, Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90, Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
7	Noise Report (Details)
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 6. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commissioning of the plant hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
8	Inclusive Design (Compliance)
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <ul style="list-style-type: none"> - Door openings clearly identified within the elevation - Door ironmongery tonally contrasted with its surroundings and capable of being opened with a closed fist, - Full height glazing identified by surface manifestation, - At least one leaf of any entrance with a clear opening width of at least 1000mm and opening weights which would not exceed 30N, - An accessible WC wherever general needs facilities are provided on each floor level within both building, - Maximum gradient 1:12 for 2m at ground floor level, a platform lift will need to be provided for anything steeper or longer - Wheelchair accessible Tea points <p>The development shall be carried out prior to the completion of the hereby approved works, strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
9	Fire Escape Strategy for mobility impaired building users (Details)
	<p>CONDITION: A fire escape strategy, specifically for mobility impaired building users shall be submitted and approved in writing.</p> <p>The measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that an adequate fire escape strategy is provided for mobility</p>

	impaired building users.
--	--------------------------

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Travel and transport needs of mobility impaired employees and visitors
	<p>INFORMATIVE: Provision should be made to meet the travel and transport needs of mobility impaired employees and visitors, by way of accessible cycle storage and charging and storage facilities for mobility scooters.</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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS13 (Employment Spaces)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

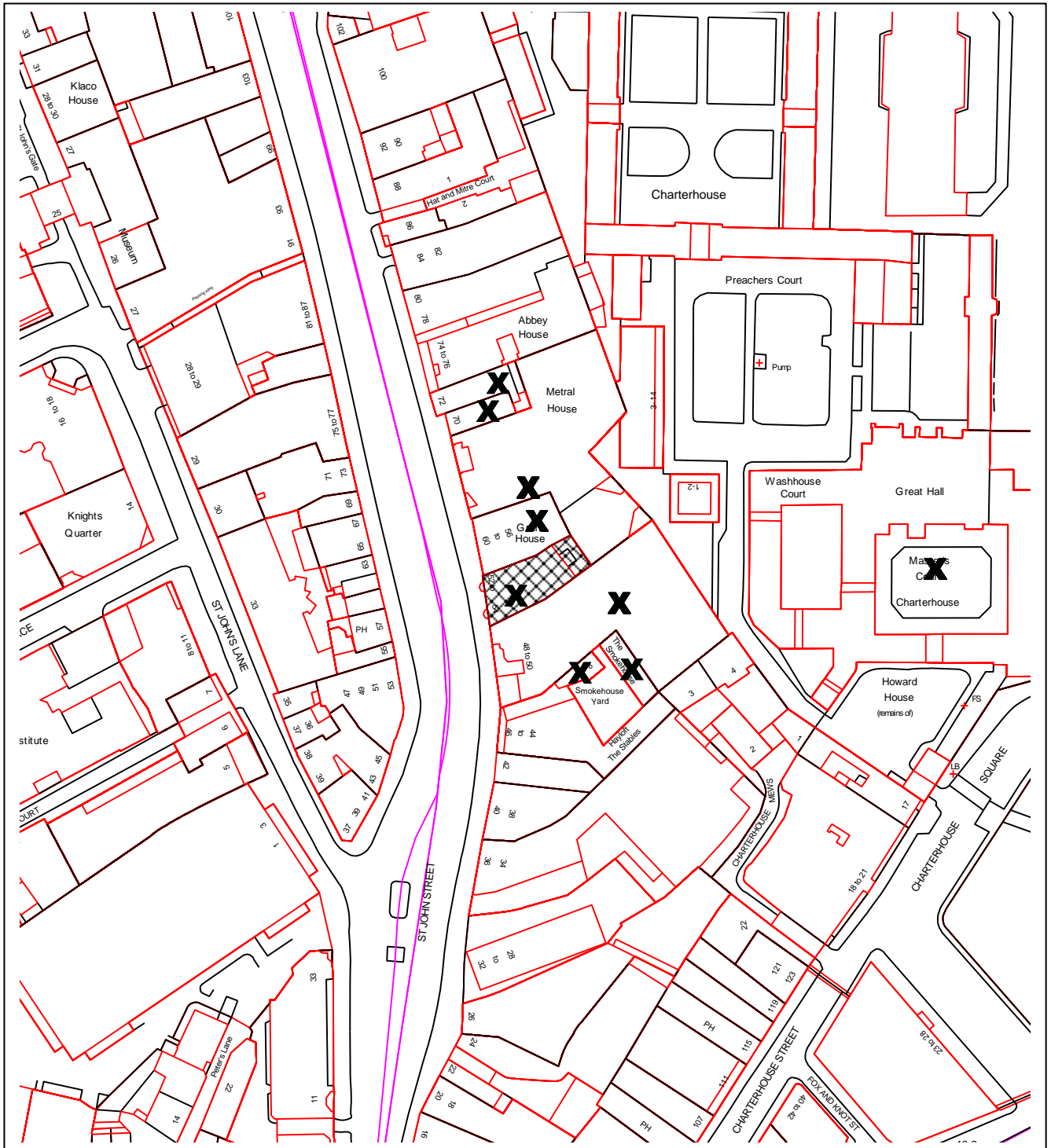
- Conservation Area Design Guidelines
- Urban Design Guide
- Inclusive Design SPD

London Plan

- Accessible London: Achieving and Inclusive Environment

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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

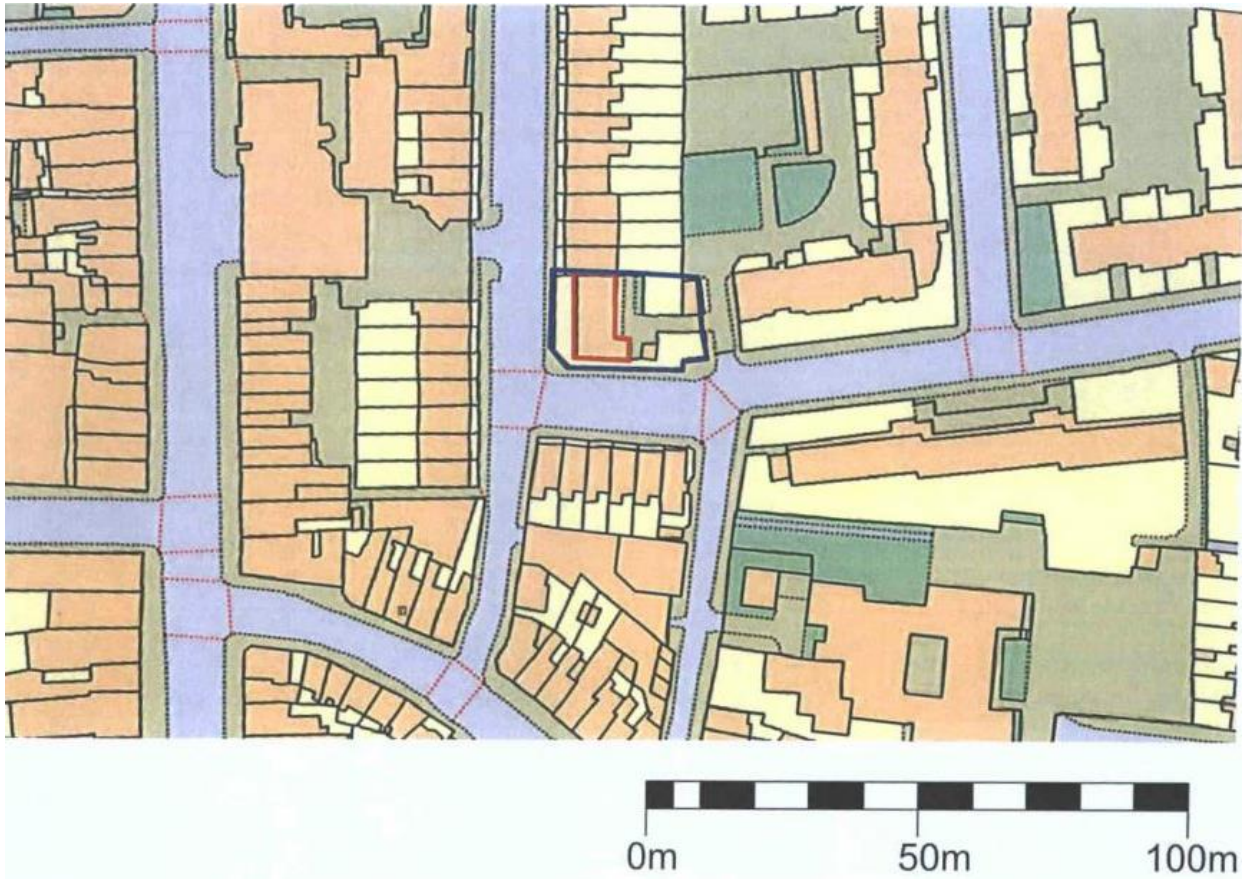
PLANNING SUB- COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT
Application number	P2015/0166/FUL	
Application type	Full Planning (Council's Own)	
Ward	Canonbury	
Listed building	Unlisted	
Conservation area	No	
Licensing Implications	None	
Site Address	Canonbury Court, Hawes Street, Islington, London N1 2DZ	
Proposal	Replacement of existing single glazed windows with double glazed aluminium framed windows. Installation of additional railings onto the existing flat roof of the staircase.	
Case Officer	David Nip	
Applicant	Mr Konstantinos Gavrilis-Vythoukias, Islington Council	
Agent	Mears Projects Ltd	

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



The site sits at the corner of Hawes Street (South) and Florence Street (East).

3. PHOTOS OF SITE/STREET



IMAGE 1: The west elevation of the building fronting Florence Street



IMAGE 2 The west elevation of the building, it is noted that some uPVC windows have been installed on this elevation and the south elevation (see image 4) without planning consent.



IMAGE 3: The east elevation of the building fronts a small courtyard. Apart from the top floor, most of the windows and doors on this elevation are less visible from the streetscene.



IMAGE 4: The south elevation of the building on Hawes Street, the railings will be installed at the top of the stairwell.

4. SUMMARY

- 4.1 Full planning permission is sought for the replacement of all single glazed crittall metal windows with double glazed, aluminium framed windows to a 9-unit residential block at Canonbury Court. The proposal also comprises the installation of security steel railings on the flat roof of the stairwell.
- 4.2 The site is not located within a designated conservation area, however, it is at close proximity to two conservations areas, Cross Street and Upper Street (North).
- 4.3 The replacement of the existing single glazed crittall metal windows with double glazed aluminium framed windows, and the installation of the railings are considered to be acceptable in design terms.. Taken into account the design of the aluminium windows and other material considerations including the justification based on the cost of replacement windows, it is considered that the proposed replacement aluminium windows is acceptable in this instance and in accordance with relevant planning policies.
- 4.4 In addition, the proposed windows and railings are not considered to be unacceptable as they would not cause an adverse material impact on residential amenity in terms of loss of light, loss of privacy, sense of enclosure or overlooking as a result of the proposed development in compliance with policy DM2.1 and DM2.3 of Islington's Development Management Policies 2013.
- 4.5 The application is recommended for approval subject to conditions.
- 4.6 This application is brought to Committee as it is a council's own application.

5. SITE AND SURROUNDING

- 5.1 The application site consists of a single residential block which is four storeys in height and is located on the corner of Florence Street and Hawes Street.
- 5.2 The host building significantly contrasts with the majority of the surrounding properties on Florence Street, in terms of scale, form and appearance. The prevailing character of the area is three storey Victorian terraces which consist of traditional timber sash windows. In contrast, the host building consists of mainly single glazed crittall casement windows, although some of the flats have been previously modified with uPVC windows installed without planning consent.

6. PROPOSAL (IN DETAIL)

- 6.1 Full planning permission is sought for the replacement of all single glazed crittall windows with double glazed, aluminium framed windows to three elevations (East, South and West, no windows at North elevation as the building attaches to the adjoining property at 25 Florence Street). The proposed windows comprise a dark grey finish externally.
- 6.2 The application also seeks permission to install security steel railings on the existing flat roof of the stairwell. The railings will measure up to 800mm in height.

7. RELEVANT HISTORY:

- 7.1 P2015/0163/FUL - Replacement of existing single glazed steel windows with double glazed UPVC windows. Installation of additional railings onto the existing flat roof of the staircase – Withdrawn (Case officer note: The proposed uPVC units are not acceptable in principle, the application is unlikely to be supported at officer's level, the application is withdrawn)

ENFORCEMENT:

- 7.2 It is noted there are some uPVC windows installed on site (see images 2 and 4) but there is no enforcement history.

PRE-APPLICATION ADVICE:

- 7.3 Discussion between the applicant and the planning department was carried out during the Property Services and Planning Liaison Meeting on 24 July 2015, the use of appropriate materials and details of window design was discussed during the meeting.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 57 adjoining and nearby properties at Hawes Street and Florence Street on 03/06/2015. A site notice and press advert were displayed. The public consultation of the application therefore expired on 24/06/2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report no objections had been received from the public with regard to the application.
- 8.3 Following amendment of the windows design, re-consultations were carried out in August 2015 and February 2016 respectively. No objections were raised.

External Consultees

- 8.4 GLAAS: No comment.

Internal Consultees

- 8.5 Design and Conservation Officer:

- The replacement aluminium windows and the loss of the original critchall windows are not desirable. Due to the excessively thick frames, smaller areas of glazing as well as having a poor quality visual appearance, the alteration will cause some degree of harm to the appearance of the building and the character of the adjoining conservation area. The dark grey finishes to the aluminium units would reduce the visual impact and this is welcomed; however, the only appropriate windows for this building would be steel windows. (Case officer's note: comment noted and the proposed aluminium windows has been altered to provide a slimmer profile with dark grey external finishes)
- The proposed steel railings are considered acceptable.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Designations

- 9.3 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:
- Archaeological Priority Areas
 - Core Strategy Key Areas
 - Within 100m TLRN

- Within 50m of Conservation Area (Cross Street)
- Within 50m of Conservation Area (Upper Street North)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ENVIRONMENTAL IMPACT ASSESSMENT

10.1 Not required.

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Design and appearance
- Neighbouring amenity

Land-use

11.2 The proposed development comprises the replacement of crittall metal windows with aluminium windows and the installation of railings. The use of the site remains in residential use. Therefore, there is no land use issue in relation to this application.

Design and appearance

11.3 The proposed alterations will result in the removal of the original single glazed crittall steel windows and replace with double glazed aluminium windows. Although there are a number of unauthorised uPVC windows which are visible from the Florence Street elevation, the traditional form and fenestration of the building remains largely evident.

11.4 The original windows are constructed in steel, the proposed aluminium windows would slightly alter the overall appearance of the building. It is considered that the proposed alteration would not result in a materially different overall appearance such that would cause significant harm to the character and appearance of the existing building and surrounding conservation area.

11.5 The detail of the aluminium window design has been extensively discussed between the applicant and the planning department, it has also been discussed during a Property Services/Planning Liaison Meeting in 2015. The design of the proposed windows has been amended during the course of the application, the latest proposal consists of aluminium windows in dark grey finishes with black beading, which was suggested by the Design and Conservation Team. It is considered that this revised design would ameliorate the visual harm initially identified.

11.6 The applicant has provided justification to the cost of the replacement windows. Evidence has been provided to justify the long term maintenance cost of the aluminium windows unit compared to steel windows. Other materials have also been explored and it is considered that due to the budget of the improvement work project, the choice of aluminium windows are reasonably justified and evidenced in this case.

- 11.7 The proposed railings will be located on the roof area the stairwell. The proposed railings would provide safety measures for maintenance workers who will be working at height when accessing the main roof, it is a health and safety requirement of Islington Council. Although part of the proposed railings will be visible from Hawes Street, however, it is considered that the installation of the railings would not cause unacceptable harm to the appearance of the building and character of the conservation areas.
- 11.8 Overall, it is considered that the proposed works to replace the existing crittall windows would not harm nor detract from the appearance of the building, the surrounding streetscene and the adjoining conservation areas. The proposed safety railings are also considered acceptable. The proposal is considered acceptable in accordance with policy CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013.

Neighbouring Amenity

- 11.9 Consideration has been given to the effect of the proposed development on neighbouring amenities in terms of overlooking, loss of privacy, loss of light and outlook. It is not considered that the proposed replacement windows and the installation of railings would cause adverse impact to the residential amenity of the surrounding occupiers.
- 11.10 The proposal is considered in accordance with policy DM2.1A(x) of Islington's Development Management Policies.

12. 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 The proposed development is considered to be acceptable as it would not cause detrimental impact on the character and appearance of the host building and the adjoining conservation area. Nor would it have an undue effect on the amenities of surrounding residents. In addition, the double glazed aluminium units would improve the living environment of residents by improved thermal capacity and noise insulation. The proposed development is in accordance to the aforementioned policies.
- 12.3 It is recommended that planning permission be granted subject to conditions for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT planning permission subject to conditions to secure the following:

List of Conditions:

1	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>DRAWING AND DOCUMENT NUMBERS:</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>[Design and Access Statement, Can SLP, 01, 02, 03, 11, 12, 13, window section ref Asset/1000, Comparative cost analysis of the life cycle costing dated 21 Oct 2015, Casement window system by Sapa Building Systems Ltd]</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>Finishing materials</p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the submitted plans, the “Crown Casement window system” brochures and within the application form. The external appearance of the windows shall be in dark grey finishes including black beadings. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>CONDITION: Notwithstanding the approved materials schedule and plans, the proposed railings hereby approved shall be painted black, and shall be maximum 800mm 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:

1	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	<p>Building Control</p> <p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
3	<p>Hours of construction</p> <p>Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

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

5 London's response to climate change
Policy 5.3 Sustainable design and construction

7 London's living places and spaces
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Design and Heritage
DM2.1 Design
DM2.3 Heritage

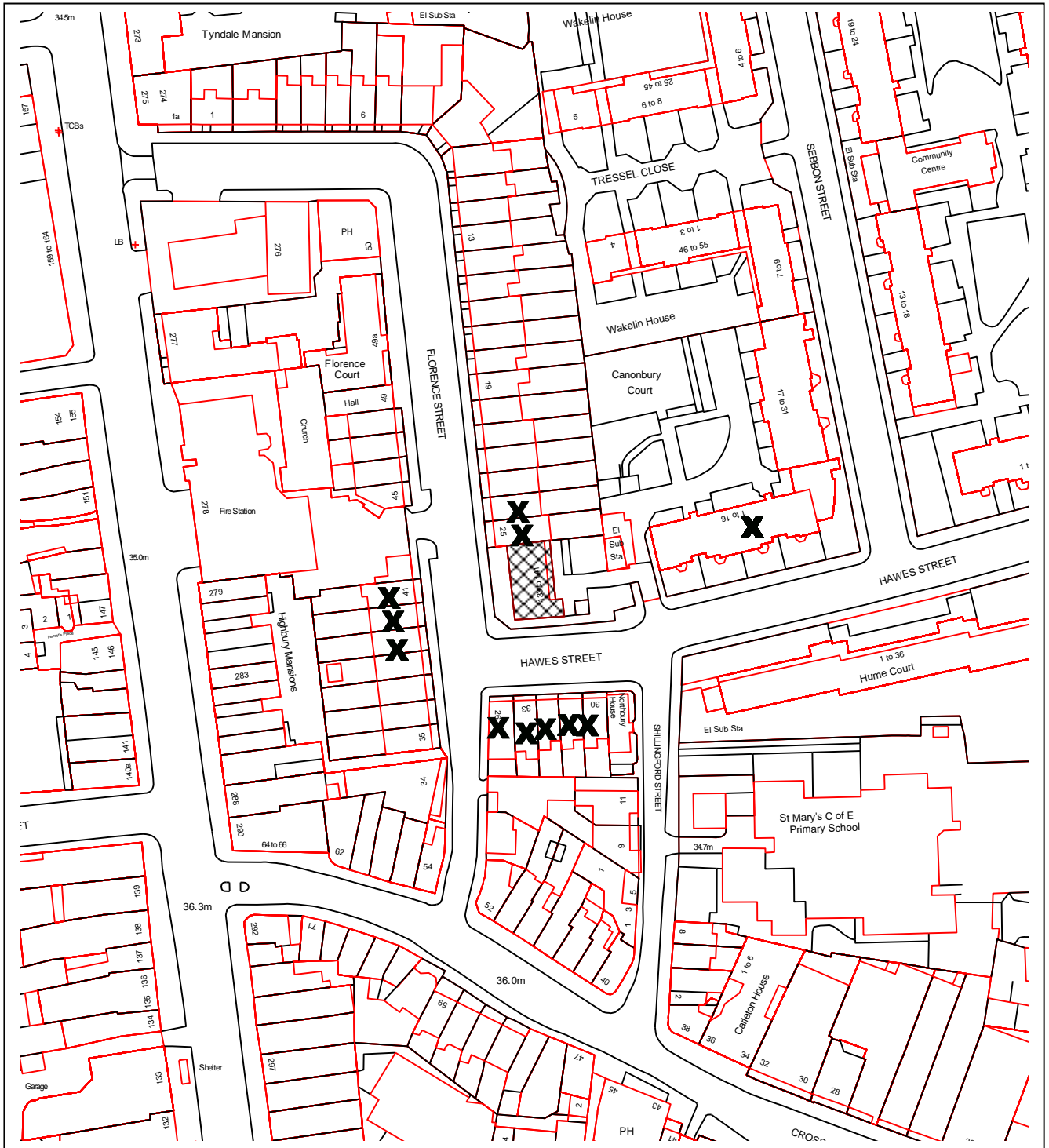
3. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

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

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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		
Date:	12 April 2016	NON-EXEMPT

Application number	P2014/1808/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Clerkenwell Green
Development Plan Context	Archaeological Priority Area; Central Activities Zone, Clerkenwell Green Conservation Area, Employment Priority Area, Bunhill and Clerkenwell Core Strategy Key Area, Mayors Protected Vista
Licensing Implications	None
Site Address	Land at Turk's Head Yard, 75A Turnmill Street, London, EC1M 5SY
Proposal	Construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping

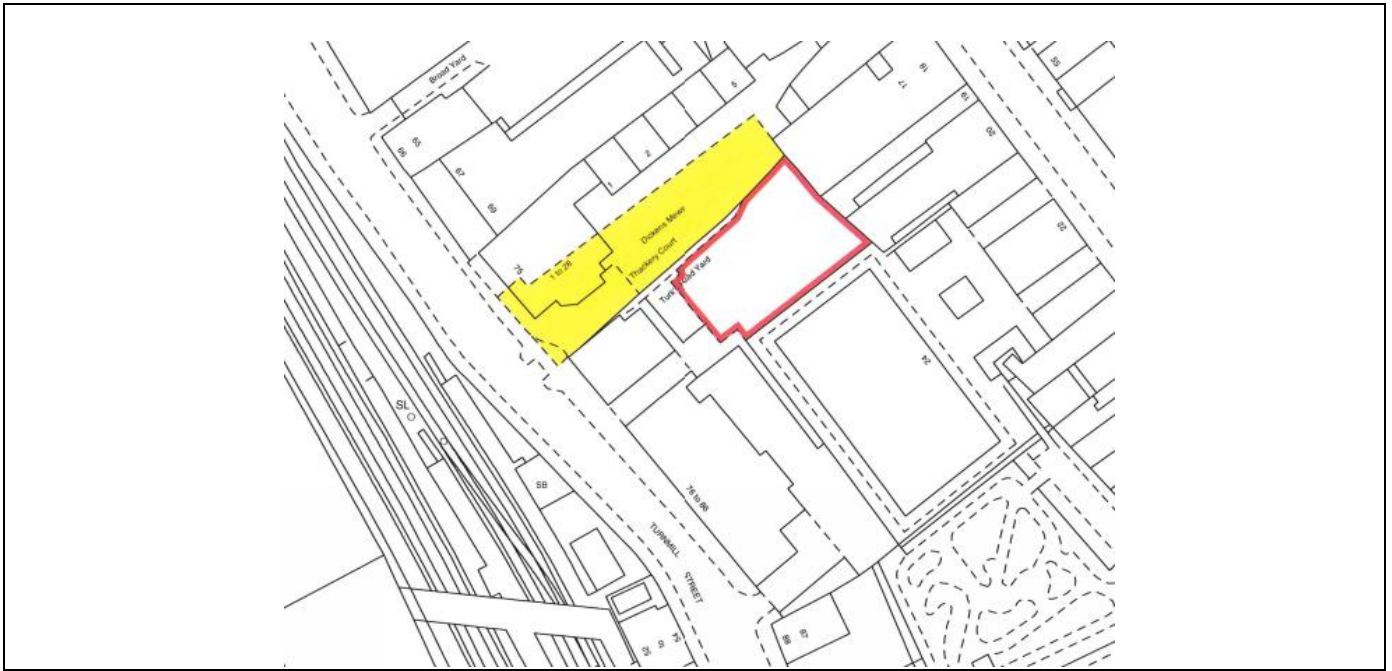
Case Officer	Pedro Rizo
Agent	Mr Matt Bailey

1. RECOMMENDATION

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

- 1.1 Subject to the conditions and legal agreement set out in Appendix 1;

2. Site Plan (Site outlined in BOLD)



3. PHOTOS OF SITE/STREET



Image 1 – View from the site towards Thackery Court and Dickens Mews



Image 2 – View from the site towards 6-storey office building fronting Turnmill Street.



Image 3 – View from the site towards the rear elevation of office buildings at Britton Street.

4. SUMMARY:

- 4.1 The application seeks permission for the construction of a three-storey over basement building, comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping.
- 4.2 The main considerations are the acceptability of the proposed residential use of the site, design and impact on the character and appearance of the site and the Clerkenwell Green Conservation Area, amenity, standard of accommodation, transport, sustainability, archaeology and affordable housing.
- 4.3 The development would be acceptable on visual terms and the proposed building would have no significant harm on amenity in terms of loss of light, outlook or privacy. The proposed standard of

residential accommodation is considered adequate and the proposed building raises no concerns with reference to sustainability, energy efficiency and transport.

4.4 A legal agreement secures the full small sites affordable housing and offset carbon dioxide emissions contribution. The development will be car free and this will be secured via condition.

4.5 The proposal is considered acceptable and it is recommended for approval subject to conditions.

5. SITE AND SURROUNDINGS:

5.1 The application site is a rectangular piece of land to the east of Turnmill Street which is surrounded on 3 sides by buildings and to the northwest by a garden wall. It has most recently been in use as an ad hoc car park for surrounding offices and is accessed via an underpass onto Turnmill Street, adjacent to number 76. There are no buildings on the site. The ground level slopes down from east to west.

5.2 Adjoining the site to the west is a six storey office building and a residential block known as Thackery Court, which front onto Turnmill Street. Adjoining the site to the north is Dickens Mews, which is a 3 storey residential development and an outdoor amenity area immediately adjacent to the shared boundary. To the east of the site lie offices and residential units at 17-20 Britton Street and to the south is a five storey office building.

5.3 The site is located within the Clerkenwell Green Conservation Area and is within an Archaeological Significance Area, Rail Safeguarding Area and Central Activities Zone (CAZ).

6. PROPOSAL (IN DETAIL):

6.1 The application involves the construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping.

6.2 The proposed three bedroom flats would be positioned at basement and ground floor levels and would provide external amenity spaces at basement level.

6.3 The two two-bedroom proposed flats and the one bedroom flat would be positioned at first and second floor levels and would provide external amenity spaces at first floor level.

6.4 As background information, the proposed scheme follows a previous planning application (Ref. P2013/0976/FUL) for the creation of a four-storey over basement building comprising seven new dwellings (2 x three bed flats, 4 x two bed flats and 1 x one bed flat), with associated landscaping. This application was subject to an appeal for non-determination. This appeal was dismissed on 29 January 2014.

7. RELEVANT HISTORY:

Planning Applications:

7.1 **P2013/0976/FUL** - Creation of a 4 storey plus basement building comprising seven new dwellings- 2 x three bed flats, 4 x two bed flats and 1 x one bed flat, with associated landscaping.

This was appealed under reference APP/V5570/A/13/2203832. Following a full assessment the LPA would have been minded to refuse the application for the following reasons:

REASON: The proposed development, by reason of its size, height and footprint, would detract from the appearance of the surrounding area and would fail to preserve or enhance the character of the Clerkenwell Green Conservation Area, contrary to policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Clerkenwell Green Conservation Area design guidance and the Urban Design Guide (2006).

REASON: *The proposed development, by reason of the inadequate levels of light, outlook and significant sense of enclosure that would be afforded to the future occupiers of the basement units, would provide an unacceptable substandard residential accommodation contrary to policies DM2.1 and DM3.4 of the Islington Development Management Policies 2013.*

REASON: *The site lies within an area of high archaeological potential within the precinct of a heritage asset of national significance. The proposed development, by reason of the failure of the applicant to provide an adequate desk based assessment or archaeological evaluation, would be likely to cause harm to the heritage assets of archaeological interest, contrary to paragraph 128 of the National Planning Policy Framework 2012, policy 7.8 of the London Plan 2011, policy CS9 of the Islington Core Strategy 2011 and policy DM2.3 of the Islington Development Management Policies 2013.*

REASON: *The applicant has failed to provide an adequate contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit an agreed viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. As such, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.'*

REASON: *The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Environmental Design SPD for carbon offsetting, contrary to policy CS12 Part A of the Islington Core Strategy 2011, policy DM7.2 of the Development Management Policies 2013 and the Environmental Design SPD.'*

The appeal was dismissed on 29 January 2014 for one reason. The Inspector concluded the following:

"Although I have found no harm, on the basis discussed above, in relation to archaeology or living conditions, I consider that this is outweighed by the harm in relation to character and appearance. The proposal would make more efficient use of an urban brownfield site and add to the Borough's housing stock through provision of seven sustainably designed dwellings in a sustainable location. However, while acknowledging the importance of these matters, I do not consider that they would outweigh the harm that I have found in this case.

*Similarly, while the harm to the significance of the Conservation Area itself would be less than substantial, this would not be outweighed by the benefits just outlined. For the reasons given above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed".⁹ (The appeal decision is attached as **Appendix 3** for member's consideration)*

Enforcement:

7.2 None.

Pre-Application Advice:

7.3 None relevant

8. CONSULTATION

Public Consultation:

8.1 Letters were sent to occupants of 93 adjoining and nearby properties the 10 June 2014. A site notice was also displayed. The public consultation of the application therefore expired on the 1 July 2014. It is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 A total of 3 letters of objection were received in response to the consultation. The following issues were raised (and the paragraph numbers responding to the issues are included in brackets):

- (i) The proposed building would result in an over-development for the site [paragraphs 12.3 and 12.4].
- (ii) The proposed building would affect the sunlight/daylight and outlook provided to neighbouring residents [paragraphs 14.6, 14.7 and 14.8].
- (iii) The proposed development would have a detrimental impact on the character and appearance of the Clerkenwell Green Conservation Area [paragraphs 12.4, 12.5, 12.6 and 12.7].

Internal Consultees:

- 8.3 **Conservation and Design Officer:** No objections subject to conditions.
- 8.4 **Waste and Recycling Officer:** The plans are acceptable for waste and recycling.
- 8.5 **Licensing:** No objections.
- 8.6 **Acoustic officer:** No objections subject to conditions.
- 8.7 **Inclusive Design Officer:** A number of the detailed design and layout of the units do not meet Category 2 of the National Housing Standards. However, these points can be secured via a condition.

External Consultees:

- 8.8 **Transport for London:** London Underground Infrastructure Protection has no comment to make on this application.
- 8.9 **Local Government Management Board:** A formal letter of objection dated 16th March 2016 received, on a number of grounds. The paragraph number in response to each point of concern is included in brackets as follows:
 - Due process has not been carried out in relation to the application. Despite Certificate B was completed in the application form, the applicant did not serve formal notification of the proposed development. This should therefore make the application invalid [paragraph 20.1]
 - Due process has not been followed by the Council [paragraph 20.2].
 - The proposed development would prejudice the existing operation of 76-86 Turnmill Street [paragraph 14.6].
 - The proposed development would not provide an acceptable level of residential amenity [paragraphs 14.5, 14.6, 14.7 and 14.8].
 - The proposed development would not provide a satisfactory servicing access and prejudices the turning circle to the rear of 76-86 Turnmill Street, meaning that the development cannot be legally implemented [paragraph 20.3].
- 8.10 **Crossrail:** In response to the previous application, the following comments were provided which remain relevant. The site of the planning application is identified within the limits of land subject to consultation under the Safeguarding Direction. As such, a condition should be placed on any approval of planning permission to ensure that no works below ground level affect the construction of Crossrail.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT:

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

- Land Use
- Design
- Neighbouring Amenity
- Standard of Accommodation
- Highways and Transportation
- Sustainability and Accessibility
- Archaeology
- Affordable Housing

11. LAND USE:

- 11.1 The site is vacant and currently used as a car park, surrounded by commercial and residential developments on all sides. The site has been vacant for many years and may have an established sui-generis use as a car park. In the absence of policy objections against the loss of car parking space and given the pattern of residential development in the area, the principle of residential development on this site is considered to be acceptable. There are therefore no policy objections against the introduction of residential use on this site. The proposed residential flats would therefore be compatible to neighbouring land use and the Policy Team has raised no concerns against the proposed scheme with reference to land use.

12. DESIGN:

- 12.1 The site is considered sensitive, as it is positioned within the Clerkenwell Green Conservation Area. It is also extremely significant and sensitive in terms of history, as it sits on potential ground heritage assets. The Clerkenwell Green Conservation Area Design Guidance states how the Council will operate special policies within Clerkenwell Green, in order to preserve and enhance the special character and appearance of the conservation area.
- 12.2 The site was subject to a recent appeal (ref. APP/V5570/A/13/2203832), dismissed purely on design grounds and by reason of harmful impact on the character and appearance Clerkenwell Conservation Area. Overall, it was deemed that in this historically significant and sensitive context and given the existing pattern of development in the area, the previous scheme would neither preserve nor enhance the appearance of the conservation area.
- 12.3 The scheme subject to the appeal proposed a four-storey building. The proposed height and massing was not considered to conform to the height and scale of existing developments within the immediate area. The inspector agreed with the Council's stance and mentioned how "*...I do consider that, in its context and read in conjunction with the news, the building would not be*

sufficiently sympathetic in scale and would be unduly dominant, despite the softening effect of the curved profile of the roof on the north side and the various setbacks proposed”.

- 12.4 The current proposal is for a reduced three-storey above basement building. The scale of surrounding development is relatively modest and is formed by buildings that range from three to six storeys in height, including the three-storey residential mews to the north side of the site, with higher buildings fronting the main street of Turnmill Street within the wider setting. The proposed development would conform to its immediate setting and would not result in a dominating structure within the scale of development in the immediate area.
- 12.5 As with the previous scheme, the articulation in the building’s brick façade and balcony features provide some relief from the proposed massing. The development would be contemporary in design terms and this would not detract from the character and appearance of this part of the Clerkenwell Conservation Area, by reason of the position of the plot of land that is screened by existing buildings with similar height, massing and modern design.
- 12.6 The scheme has been reviewed by the Design and Conservation Team who do not object to the proposed design and scale of the development subject to final conditions in order to ensure that all external materials, including brickwork, are submitted to and approved by the Local Planning Authority prior to works commencing on site.
- 12.7 Overall, the proposed development is considered acceptable on design terms and in accordance with policies CS8 and CS9 of Islington’s Core Strategy 2011, policies DM2.1 and DM2.3 of Islington’s Development Management Policies Document June 2013 and the Conservation Area Design Guidelines.

13. Principle of Basement Development:

- 13.1 The application was made valid prior the adoption of the Islington’s Supplementary Planning Document for Basement Extensions. Although the submission includes a ‘Structural Engineering Planning Report’ (dated February 2013) and an ‘Archaeological desk-based Assessment’ of the site (dated March 2013), the planning application is being recommended for approval subject to conditions requiring the approval of a Structural Method Statement and a Construction Management Plan before any building works commence.
- 13.2 The site is rectangular and has multi-storey buildings on three sides and a garden wall at the rear. The Structural Engineering Planning Report mentions that *“it is clear that properties on at least three sides have existing basements. There is also an existing basement beneath the site which extends approximately three quarters of the length of the North West elevation. It is thought that this basement extends into the site by approximately 5 metres, but this is subject to further investigation”.*
- 13.3. Given the predominance of basement developments within the immediate setting, the prevailing scale of development in the area and the fact that there is an existing basement underneath the site, the principle of a basement development to enable the creation of additional floorspace under ground level is considered acceptable.
- 13.4. In the absence of trees within the site or any other structure that might be affected with the construction of a basement, the construction of a basement development within the site is considered acceptable, subject to conditions. The site has no planting and contains some coverage of hard standing that facilitates parking on the western side of the site.

14. Neighbouring Amenity

- 14.1 Development Management Policy DM2.1 states that development is required to 'provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook'.
- 14.2 There is a requirement to safeguard existing residential amenity of the occupiers of adjacent residential units and ensure there is no unacceptable overlooking. It is crucial that careful consideration is given to ensure that there is no loss of privacy to the existing occupiers of adjoining units, and also that the occupiers of the proposed residential units have sufficient privacy.
- 14.3 The proposal has been reduced in height/scale and is now deemed acceptable. This issue and the resultant impact on the surrounding Clerkenwell Green Conservation Area has been addressed above in the character and appearance section.
- 14.4 Adjoining the site to the southwest is a 6 storey office building and a residential block known as Thackery Court, which front onto Turnmill Street. Adjoining the site to the northwest is Dickens Mews, a 3 storey residential development with small 'pods' on top and an outdoor amenity area immediately adjacent to the shared boundary. To the southeast of the site lies the rear of offices with residential flats at 17-20 Britton Street and to the south the 5 storey office building behind Montford House.
- 14.5 The main area of contention is to the northwest where the residential mews development is located. The distance between the proposed development and the existing residential use fails to meet the 18 metre distance between windows serving habitable rooms. There is just one window being proposed at second floor facing towards the Mews. A condition is required to ensure the window is obscurely glazed/fixed shut. There is another window serving this living room so natural light would be adequate.
- 14.6 Although concerns have been raised over how the proposal would prejudice any further development at No. 76 – 86 Turnmill Street, the application is assessed upon the conditions of the site and the current visual relationship of the proposed building with neighbouring buildings as these stand when the scheme is reviewed for determination. Whilst it has been advised that there is a future intention to extend this building in order to provide additional office space, this point is not a factual consideration over the current site constraints of the site and its immediate setting and cannot be seen as a reason to refuse the application. At the time of writing of this report there is no submitted planning application for any works to 76-86 Turnmill Street.
- 14.7 The Council previously expressed concern about the impact on outlook from the proposed new units. However, the Inspector concluded on appeal decision (ref. APP/V5570/A/13/2203832) that the development would not have a materially harmful effect on the living conditions of future occupiers or neighbouring residents. As advised, the Planning Inspector considered the following: *"As regards outlook, the windows of the basement rooms concerned would be surrounded by retaining walls of one or two storeys. However, they are bedrooms (office/study in one case) and, given their relationship with the proposed amenity spaces (which would have hard and soft landscaping), I do not consider that the effect would be unduly enclosing or overbearing, or the outlook of the rooms otherwise unacceptable, allowing for the existing buildings in the vicinity. Similarly, at ground-floor level, I do not consider that the outlook from living room windows would be unduly compromised, or feel unacceptably enclosed, by the presence of a wall (to the north) or buildings (to north and west), given the distances involved"*.
- 14.8 In terms of impact on daylight/sunlight, the 'Site layout and planning for daylight and sunlight: A guide to good practice' commonly known as the BRE guidelines would be considered. Additionally, adopted Development Management policy DM3.4 (Housing standards) sets out the required standards for new residential accommodation, including part A which requires consideration of light and outlook to habitable rooms and part E which requires that the design of residential accommodation maximise natural light into rooms and states that glazing to habitable rooms should aim to be not less than 20% of the internal floor area of the room.

14.9 The surrounding residential uses are to the northwest at Thackery Court and the northeast at 19 and 20 Britton Street. Overall, the daylight and sunlight results show that all the surrounding residential properties would experience very minimal impact. The report concludes that no windows within Thackery Court and the upper parts of 19 and 20 Britton Street would fail to meet the BRE recommendations and would satisfy the overall sunlight standard. Where there are reductions, these are within the parameters set out in the BRE guidelines.

15. Standard of Accommodation

15.1 The applicant is proposing 3 x 3 bed units, 2 x 2 bed units and a 1 x 1 bedroom unit. This is an acceptable mix with regard to DMP policy DM3.1. Development Management Policy DM3.4 sets out the various housing standards which residential development is required to meet. Policy DM3.4 part B and table 3.2 sets out minimum space standards for residential units.

15.3 The table below sets out the spatial standards that are provided for the residential units. The proposed flats would exceed the spatial requirements set out in policy DM3.4.

Flat Number	Floor Space Provided	Minimum Required Floor Space	Amenity Space Provided	Amenity Space Required
Flat 1	144.00 sq. m	95.00 sq. m	13.00 sq.m	25.00 sq. m
Flat 2	167.30 sq. m	95.00 sq. m	34.00 sq. m	25.00 sq. m
Flat 3	166.90 sq. m	95.00 sq. m	54.00 sq. m	25.00 sq. m
Flat 4	144.80 sq. m	70.00 sq. m	38.00 sq. m	7.00 sq. m
Flat 5	69.00 sq. m	61.00 sq.m	20.00 sq. m	5.00 sq. m
Flat 6	142.10 sq m	70.00 sq.m	44.00 sq. m	7.00 sq. m

Although the floor space provided per each unit largely exceeds the minimum required spatial standards, the proposed flats have been reduced in size from the previous submission reference P2013/0976/FUL.

15.4 Policy DM3.5 of the Islington's DMP details that all new residential development should provide good quality private outdoor space in accordance with the minimum required figures. The policy requires a minimum of 7 square metres on upper floors for four occupants and 35 square metres on ground floor/lower ground floor for five occupants. Although proposed Flat 1 fails to meet the above criteria, additional communal external amenity space (44.00 square metres) would be provided in the development. Due to the site constraints and the additional communal external amenity space provided, the failure to provide the minimum required private amenity space for one flat would not warrant a refusal of the planning application.

15.5 In terms of noise and disturbance, the Council's Pollution Team were consulted and advised that the development is conditioned in order to protect the future occupiers from the plant noise from the neighbouring offices.

15.6 Overall, it is concluded that the proposed development would provide acceptable living conditions to future occupiers and acceptable levels of amenity space.

16. Transportation

16.1 The application site has a PTAL rating of 5. The development would be car free with future occupiers prohibited from obtaining parking permits. Therefore, the proposal would not result in a material increase in parking pressure on surrounding roads. It is considered that the proposed development would not have a material impact on highway safety or the free flow of traffic on surrounding roads.

16.2 Although the approved scheme retains three parking spaces from the existing car park, these are subject to a lease with the adjoining office building fronting Turnmill Street, which is positioned above the arched entrance to the site. A condition is recommended which secures these car parking spaces to remain in use for the office and not used as residential parking.

16.3 The proposed drawings include the provision of cycle parking on the north-western side of the site. Whilst no clear details are provided in the drawings, a condition is recommended requiring the provision of fourteen cycle parking spaces (one per bedroom), in accordance with the requirements of policy DM8.4.

17. Sustainability

17.1 Policy DM7.2 (Energy efficiency and carbon reduction in minor schemes) of the Islington Development Management Policies 2013 requires that all new residential developments should meet Code for Sustainable Homes level 4. However policies have changed and a condition will secure a reduction on CO2 emissions of 19% over 2013 building regulations. A condition is recommended to ensure the development achieves the water consumption target of 95l/p/d in accordance with policy CS10 (Sustainable design) of the Islington Core Strategy 2011.

18. Archaeology

18.1 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasizes that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments (DBA), and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision.

18.2 The application lies within the Clerkenwell Archaeological Priority Area (APA1) as defined in Islington's Local Plan. The site lies in an area of high archaeological potential within the precinct of a heritage asset of national significance.

18.3 As concluded in the Inspector's Report on appeal for the previous proposal, the proposed development would not have a materially harmful effect on heritage assets of archaeological interest. As such, there is no conflict with the objectives of LP Policy 7.8, CS Policy CS 9 or DMP Policy DM2.3.

19. Affordable Housing

19.1 The proposal is a minor application for six residential dwellings, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). The applicant has agreed to pay the full affordable housing and small sites contribution of £360,000 (£60,000 per new unit).

19.2 The applicant has also agreed to pay the environmental off-set contribution of £12,000 (£1,500 per unit). The unilateral agreement has been signed.

19.3 The proposed development would also be liable for the Mayor's CIL.

20. Other Matters:

20.1 A letter of objection claims due planning process was not followed in this application, in that no formal notification of the proposed development was served in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 14, despite Certificate B being completed in the application form. However, the agent has provided a copy of the notification notice (dated 28 April 2014) in relation to the planning application, as declared in the application form. The application is therefore determined with the documentation submitted during the application process in good faith.

20.2 A letter of objection also raises that due process has not been followed by the Local Authority, as additional representations were not followed-up, after alterations were carried out during the application process. The only amendments that were proposed during the application process relate to replacing the initially proposed render with new brickwork and minor alterations to the internal layout of the residential units, in order to meet inclusive design guidelines. Given the minor nature of these works, which followed the amendments provided by Inclusive Design Officers and

Design and Conservation Officers, the changes did not warrant additional consultation and the Local Planning Authority has followed proper procedures during the application process.

- 20.3 Concerns with reference to accessibility to the site via a right of way have also been noted. However, this concern is not a planning consideration and constitutes a civil matter.

21. SUMMARY AND CONCLUSION

Summary

- 21.1 The application seeks permission for the erection of a three-storey building in order to enable the creation of six flats. The principle of residential development on this land is considered acceptable and the proposed building would not detract from the character and appearance of the Clerkenwell Green Conservation Area.
- 21.2 The impact on neighbours has been assessed and it is considered that the development would not harm the amenities of adjoining neighbouring properties in terms of loss of light, overlooking or overbearing effect. The internal layout and spatial standards of the proposed flats meet the policy standards and would provide adequate outdoor amenity space in accordance with the Council's objectives and planning policies.
- 21.3 The redevelopment of the site does not provide additional vehicle parking on site and the occupiers would have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people) in accordance with Islington Core Strategy CS10 Section H, which identifies that all new development shall be car free. The site also has sufficient space for cycle storage in accordance to the Council's Policies.
- 21.4 A unilateral planning obligation with reference to contributions for the provision of affordable housing and offset carbon dioxide emissions was signed on the 15th January 2016.
- 21.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

Conclusion

22. It is recommended that planning permission be granted subject to conditions and S106 Agreement for the reasons and details as set out in Appendix 1 – RECOMMENDATIONS:

APPENDIX 1 – RECOMMENDATION:

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:

- £360,000.00 contribution towards affordable housing within the Borough
- £6,000.00 towards carbon off-setting.

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

Recommendation B:

Grant of planning permission subject to **conditions** to secure the following:

List of Conditions:

1	Commencement (Compliance) 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved Plans List: (Compliance) DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: A-PL010 (Rev. A), A-PL-099 (Rev. A), A-PL-100 (Rev. A), A-PL-101 (Rev. A), A-PL-102 (Rev. A), A-PL-103 (Rev. A), A-PL-201 (Rev. B), A-PL-202 (Rev. B) and area schedule sheet dated 11/07/2014. 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>	<p>Biodiversity Roofs (Details)</p> <p>GREEN/BROWN BIODIVERSITY ROOFS (DETAILS): Details of the biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out prior to the first occupation of the hereby approved residential units and be strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<p>4</p>	<p>Construction Method Statement (Details)</p> <p>CONDITION: No development works shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. measures to control the emission of dust and dirt during construction v. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>
<p>5</p>	<p>Structural Methods statement</p> <p>CONDITION: No development shall be commenced on site unless and until an updated structural engineers report and excavation strategy including methodology for excavation and its effect on all neighbouring boundaries and neighbouring buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the requirements of Islington's Basement SPD 2016 and with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring buildings.</p>

<p>6</p>	<p>Sustainable Design and Construction (Details)</p> <p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. 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 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, 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>
<p>7</p>	<p>Refuse and Recycling Store (Details)</p> <p>CONDITION: Details of the dedicated refuse / recycling storage shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The approved refuse / recycling stores shall be completed prior to the first occupation of the new flats and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<p>8</p>	<p>Materials (Details)</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork; b) cladding; c) window treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<p>9</p>	<p>Parking (Compliance)</p> <p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> (1) In the case of disabled persons; (2) In the case of units designated in this planning permission as 'non car free'; or (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>REASON: In the interests of sustainability.</p>
<p>10</p>	<p>Archaeology (Details)</p> <p>CONDITION: A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.</p>

	<p>B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.</p> <p>C) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).</p> <p>D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.</p>
11	Sound Insulation (Details)
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq, Kitchens, bathrooms, WC compartments and utility rooms (07.00 - 23.00 hrs) 45 dB LAeq</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: To protect the residential amenities of the future occupiers.</p>
12	Plant Noise (Compliance)
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To protect the residential amenities of the future occupiers.</p>
13	Crossrail (Compliance)
	<p>CONDITION: No works below ground level comprised within the development hereby permitted shall be undertaken at any time when crossrail are undertaking tunnelling or shaft works within 100m of the land on which the development hereby permitted is situated, unless specifically agreed in advance and in writing by Crossrail Limited.</p> <p>REASON: To ensure that no works below ground level would affect the construction of Crossrail.</p>

<p>14</p>	<p>Construction Environmental Management Plan (Details)</p> <p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including, but not limited to noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To protect the residential amenities of the future occupiers.</p>
<p>15</p>	<p>Land Contamination (Details)</p> <p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: In the interest of sustainability.</p>
<p>16</p>	<p>Noise Exposure (Details)</p> <p>CONDITION: Groundborne noise shall not exceed 35dB LAmax,Slow as measured in the centre of any residential room.</p> <p>REASON: To safeguard residential amenity.</p>
<p>17</p>	<p>Privacy Screen (Details)</p> <p>CONDITION: Notwithstanding the hereby approved plans, detailed drawings of an appropriate screening treatment for the roof top terrace space shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

18	Inclusive Design (Compliance)
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, all residential units shall be constructed to Category 2 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 to 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> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance to LPP 3.8.</p>
19	Cycle Parking (Details)
	<p>CONDITION: CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance of the bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 14 cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
20	Parking (Compliance)
	<p>CONDITION: Notwithstanding the drawings hereby approved, the three parking spaces shall not be used in connection with the approved residential units and shall be retained for the exclusive use of the surrounding B1 Office Space.</p> <p>REASON: In the interest of sustainability.</p>

Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Car-Free Development
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>

3	Section 106
	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.
4	Sustainable Sourcing of Materials
	SUSTAINABLE SOURCING OF MATERIALS: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

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

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

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality of Design and Housing Developments
- Policy 3.8 Housing Choice
- Policy 3.9 Mixed and Balanced Communities
- Policy 3.10 Definition of Affordable Housing
- Policy 3.11 Affordable Housing Targets
- Policy 3.13 Affordable Housing Thresholds
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.11 Green Roofs and Development Site Environs
- Policy 5.14 Water Quality and Wastewater Infrastructure
- Policy 5.18 Construction, Excavation and Demolition Waste
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.2 An Inclusive Environment
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy

B) Islington Core Strategy 2011

- Policy CS7 (Bunhill and Clerkenwell)
- Policy CS8 (Enhancing Islington's Character)
- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)
- Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM2.4 Local Views
- Policy DM3.1 Mix of housing sizes
- Policy DM3.4 Housing standards
- Policy DM3.5 Private outdoor space
- Policy DM3.7 Noise and vibration (residential uses)
- Policy DM6.5 Landscaping, Trees and Biodiversity
- Policy DM7.1 Sustainable Design and Construction
- Policy DM7.2 Energy Efficiency and Carbon Reduction in Minor Schemes
- Policy DM8.4 Walking and Cycling
- Policy DM8.5 Vehicle Parking
- Policy DM9.1 Infrastructure
- Policy DM9.2 Planning Obligations
- Policy DM9.3 Implementation

D) Finsbury Local Plan

Finsbury Local Plan Policy BC8 (Achieving a balanced Mix of Uses)

3. Designations

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

- Archaeological Priority Area
- Central Activities Zone
- Clerkenwell Green Conservation Area
- Mayors Protected Vista
- Bunhill and Clerkenwell Core Strategy Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan:

- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan:

- Housing
- Sustainable Design & Construction

Appeal Decision

Hearing held on 12 December 2013

Site visit made on 12 December 2013

by Christopher Bowden MA (Oxon)

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

Decision date: 29 January 2014

Appeal Ref: APP/V5570/A/13/2203832

Turk's Head Yard, Turnmill Street, Clerkenwell, London EC1

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
 - The appeal is made by Sennen Capital Limited against the Council of the London Borough of Islington.
 - The application Ref. P2013/0976/FUL is dated 28 February 2013.
 - The development proposed is: *creation of seven new dwellings comprising one x three-bed flats, four x two-bed flats and two x one-bed flats, with associated landscaping.*
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's statement indicates that, had the Council determined the application, it would have been refused for reasons concerning character and appearance, archaeology, living conditions, and financial contributions towards affordable housing and carbon offsetting. The reasons cite Policies CS 8, CS 9 and CS 12¹ (Parts A and G) of Islington's Core Strategy, adopted in 2011 (CS), Policies DM2.1, DM2.3, DM3.4 and DM7.2 of the Council's Development Management Policies, adopted in 2013 (DMP), and Policy 7.8 of the London Plan 2011 (LP).
3. CS Policies CS 8, CS 9, CS 10 and CS 12 and LP Policy 7.8 appear to be consistent with the thrust of the National Planning Policy Framework, published in 2012, as do the DMP policies mentioned above, adoption of which post-dates publication of the Framework. At the Hearing, it was agreed that the changes made to the text supporting LP Policy 7.8 by the Revised Early Minor Alterations to the LP (adopted in October 2013) made no material difference to consideration of the main issues in this appeal.
4. After the reasons mentioned above were framed, the appellant reached agreement with the Council on financial contributions and submitted a related unilateral undertaking, signed and dated 11 December 2013.
5. During the course of the appeal, the appellant submitted a revised basement floor plan (drawing No. A-PL-099 Rev C) to clarify the proposed use of one room shown in the version considered by the Council. It was agreed at the

¹ At the Hearing, the Council confirmed that Part A of Policy CS 10 was intended (and Part G of Policy CS 12)

Hearing that this did not alter the scheme materially and I have taken the drawing into account (in place of the previous version) in determining the appeal.

Main issues

6. Having regard to the above, and to third party representations, I consider that these are the effect of the proposed development on:
 - the character and appearance of the Clerkenwell Green Conservation Area;
 - heritage assets of archaeological interest; and
 - the living conditions of future occupiers, with particular reference to outlook and daylight, and of neighbouring residents, with particular reference to outlook, sunlight and daylight, and privacy.
7. The unilateral undertaking is considered under 'Other matters' below.

Reasons

Character and appearance

8. The site is a compact area of vacant land, currently used as a car park, surrounded by commercial or residential development on all sides. It lies to the rear of buildings fronting Turnmill Street (from which it is reached) and Britton Street and is adjacent to other backland development to north and south. Although vacant for many years, the site was once part of the distillery that was in this area.
9. The site is in the Clerkenwell Green Conservation Area (CA), a designated heritage asset whose significance lies in its mix of uses, its architecture and its history, reflected in a street pattern that includes narrow side streets, courtyards and alleyways. This and neighbouring CAs are subject to "special policies" designed to ensure that the tightly-built and small-scale character and appearance of the area and variety of land-uses are protected and enhanced.² These include a requirement that new development should conform to the scale of existing buildings in the area.
10. Although the site, by virtue of its openness, provides some visual relief from the surrounding built form, the car park itself makes no great contribution to its appearance. As noted above, there was development on the site at one time and the Council does not object in principle to residential development on it now. Neither do I. Any such development would be likely to have some impact on the site's current openness.
11. However, the footprint of the building proposed in the appeal scheme would cover most of the site. There would be gaps at ground level to the west and to the south (partly above basement amenity space) roughly opposite the access from Turnmill Street. Setbacks at higher levels (including the gap above ground level to the east) would add to a sense of space and distance from various perspectives, as would the large courtyard of the mews development to the north. Nevertheless, I share concern that, in this urban backland setting and taking account of the historic pattern of development, the building proposed would be insufficiently linear in form and occupy too great a proportion of the site. Viewed in conjunction with existing buildings, the

² Islington's Conservation Area Design Guidelines 2002

development would still appear too dense and cramped for this site, an effect compounded by its height.

12. Development in the immediate area is of varying heights. However, in terms of application of the requirement mentioned above, I consider that it is the mews to the north that is most relevant in this backland setting. The taller buildings to east and west relate to the streets that they front and, at the Hearing, the Council said that the building to the south was a refurbishment of one constructed in the 1970s that would not be permitted under current planning policy. I understand the point about the transitional role of the proposal in stepping down from taller structures and mediating between the surrounding levels. Nevertheless, I do consider that, in its context and read in conjunction with the mews, the building would not be sufficiently sympathetic in scale and would be unduly dominant, despite the softening effect of the curved profile of the roof on the north side and the various setbacks proposed.
13. Although the appellant says that the maximum height of the proposed roof would be some 1.3m higher than the top storey of the mews (and the parapets in line), I consider that the comparison has its limitations as the "top storey" comprises no more than a series of fairly small "pods" (or "access lobbies" to the roof terraces) that are set well back and have appreciable gaps between them. The building would be significantly higher than the main body of the mews.
14. I have no objection to the contemporary design of the building. Its articulation would help to break up the bulk and use of hard and soft landscaping (including green roofs) would add to visual amenity compared to the present car park. However, I do not consider that these features would outweigh the harm discussed previously, recognising that views from the street itself would be limited.
15. On balance, therefore, although the harm to its significance would be less than substantial³, I consider that the proposed development would have a materially harmful effect on the character and appearance of the Clerkenwell Green Conservation Area. It would not therefore preserve or enhance the character or appearance of the CA as a whole. As such, it would conflict with the objectives of CS Policies CS 8 and CS 9 and of DMP Policies DM2.1 and DM2.3 and of the CA Design Guidelines mentioned above.

Archaeology

16. The site also lies within the Clerkenwell Archaeological Priority Area and within the outer precinct of the priory of the Order of the Hospital of St John of Jerusalem (Clerkenwell Priory). The appellant submitted an archaeological desk-based assessment (DBA) carried out by Museum of London Archaeology. This looked at the potential for and significance of buried remains and the likely impact of the development. Its findings and recommendations have been reviewed by English Heritage (EH).
17. There is no dispute that the DBA should be supplemented by field evaluation on-site. There is, however, a difference of view on whether such an evaluation should take place before the proposed development could be approved (other things being equal) or whether it would suffice to proceed on the basis of a

³ Paragraph 134 of the Framework; weighed in the conclusions below

suitable condition requiring an evaluation before development began to determine any further investigation and mitigation that might be needed.

18. While the inner precinct of the priory may be considered of national or even international significance, it is not evident that this extends to the outer precinct on the basis of the information provided about archaeological investigations on other sites that lie within it. I acknowledge the EH view that the whole of the priory site should be regarded as a non-designated heritage asset of equivalent significance to a scheduled monument⁴ but I do not consider that the submitted information supports this approach in relation to the outer precinct.
19. In relation to the site itself, the DBA includes the assessment that both the potential for later mediaeval remains and their likely significance is high. However, it considers that in-situ preservation would not be warranted in view of subsequent development on the site (which included basement construction) and thus that a suitable programme of investigation before construction of the proposed scheme and its own basement would be sufficient to mitigate the effect on any surviving remains⁵. This seems a reasonable approach, bearing in mind existing evidence of the chronology and pattern of development in the outer precinct derived from archaeological investigations.
20. In light of the above, therefore, and taking account of discussion at the Hearing, I consider a field evaluation would not be "necessary"⁶ before determination of the appeal and that the imposition of a suitable condition would suffice in this case. This approach also appears to be consistent with that adopted in relation to other planning applications for development within the outer precinct.
21. I conclude that the proposed development would not have a materially harmful effect on heritage assets of archaeological interest. As such, I find no conflict with the objectives of LP Policy 7.8, CS Policy CS 9 or DMP Policy DM2.3.

Living conditions

22. The Council raised concerns about the effect of the proposal on the amenities of future residents in terms of outlook and daylight (and confirmed at the Hearing that this did not extend to enjoyment of sunlight).
23. As regards outlook, the windows of the basement rooms concerned would be surrounded by retaining walls of one or two storeys. However, they are bedrooms (office/study in one case) and, given their relationship with the proposed amenity spaces (which would have hard and soft landscaping), I do not consider that the effect would be unduly enclosing or overbearing, or the outlook of the rooms otherwise unacceptable, allowing for the existing buildings in the vicinity. Similarly, at ground-floor level, I do not consider that the outlook from living room windows would be unduly compromised, or feel unacceptably enclosed, by the presence of a wall (to the north) or buildings (to north and west), given the distances involved (with landscaping also proposed adjacent to flat 1).

⁴ Thereby engaging paragraph 139 of the Framework

⁵ Including potential remains preserved within the channel of the 'Little Torrent' watercourse

⁶ Paragraph 128 of the Framework and taking account of the advice in paragraph 141

24. Turning to daylight, the GVA report⁷ submitted with the application indicates that all the basement bedrooms would achieve average daylight factor (ADF) values well in excess of the 1% recommended for bedrooms in the BRE guidelines⁸. Having regard to discussion at the Hearing, I accept that ADF is the appropriate measure for new-build dwellings and that this approach and the values achieved address the concerns set out in the Council's statement (eg in relation to areas of glazing and the Vertical Sky Component (VSC)). In short, the amount of daylight would be adequate.
25. There were a number of representations about the effect of the proposals on neighbours' amenity, although I note that the Council itself did not object on this basis. The development would bring built form appreciably closer to the dwellings of existing residents and their communal courtyard. It would be plainly visible but, taking account of the distances involved and the size and nature of the courtyard, I do not consider that a building of the height and design proposed would damage outlook unacceptably. The GVA report found that the proposals would not have a material effect on the daylight and sunlight enjoyed by existing dwellings, on the basis of the BRE guidelines. As discussed at the Hearing, given the relative positions and orientations of the proposed building and the existing courtyard, and the height and design of the former, I do not consider that unacceptable loss of daylight or sunlight to the courtyard itself would arise. The Council's suggestion of obscure glazing and fixing shut a north-facing first-floor living room window⁹ would meet concerns about overlooking, bearing in mind the position of other windows in the proposed development.
26. On the above basis, therefore, I conclude that the proposed development would not have a materially harmful effect on the living conditions of future occupiers or neighbouring residents. As such, I find no conflict with the objectives of DMP Policies DM2.1 or DM3.4.

Other matters

27. The unilateral undertaking makes provision for financial contributions of £130,399 towards affordable housing in the Borough and of £7000 towards measures to reduce carbon dioxide emissions from the Borough's existing building stock. Contribution on the latter is required in the interests of sustainability in accordance with CS Policy CS10 and DMP Policy DM7.2 and the amount is in line with the methodology in the Council's *Environmental Design Supplementary Planning Document (SPD)*, adopted in 2012.
28. As regards the former, the Council's policy is to provide more affordable housing. In the case of a scheme of this size, CS Policy CS12 requires a financial contribution towards the provision of such housing off-site. This is elaborated in the Council's *Affordable Housing Small Sites Contributions SPD*, adopted in 2012. This document requires a sum of £60,000 per unit in relation to schemes in this part of the Borough. The appeal proposal would involve seven dwellings, producing a required contribution of £420,000. However, the SPD allows for submission of viability assessments to justify making less than the full contribution. In this case, such an assessment was submitted in support of the lower sum that is included in the undertaking. In the light of the

⁷ Daylight and Sunlight Report March 2013

⁸ *Site Layout Planning for Daylight and Sunlight* A guide to good practice (BRE: Second edition: 2011)

⁹ The room would also be served by another window (not facing north)

assessment, which the Council has accepted, I agree that this amount is justified.

29. The undertaking also makes suitable provision to ensure that the development would be car free, except in defined circumstances. This is justified in the circumstances of the site and in the interests of sustainability in accordance with CS Policy CS10 and DMP Policy DM8.2.
30. In the light of the above, I am satisfied that the undertaking meets the relevant policy and statutory tests. I therefore give it significant weight in this appeal.

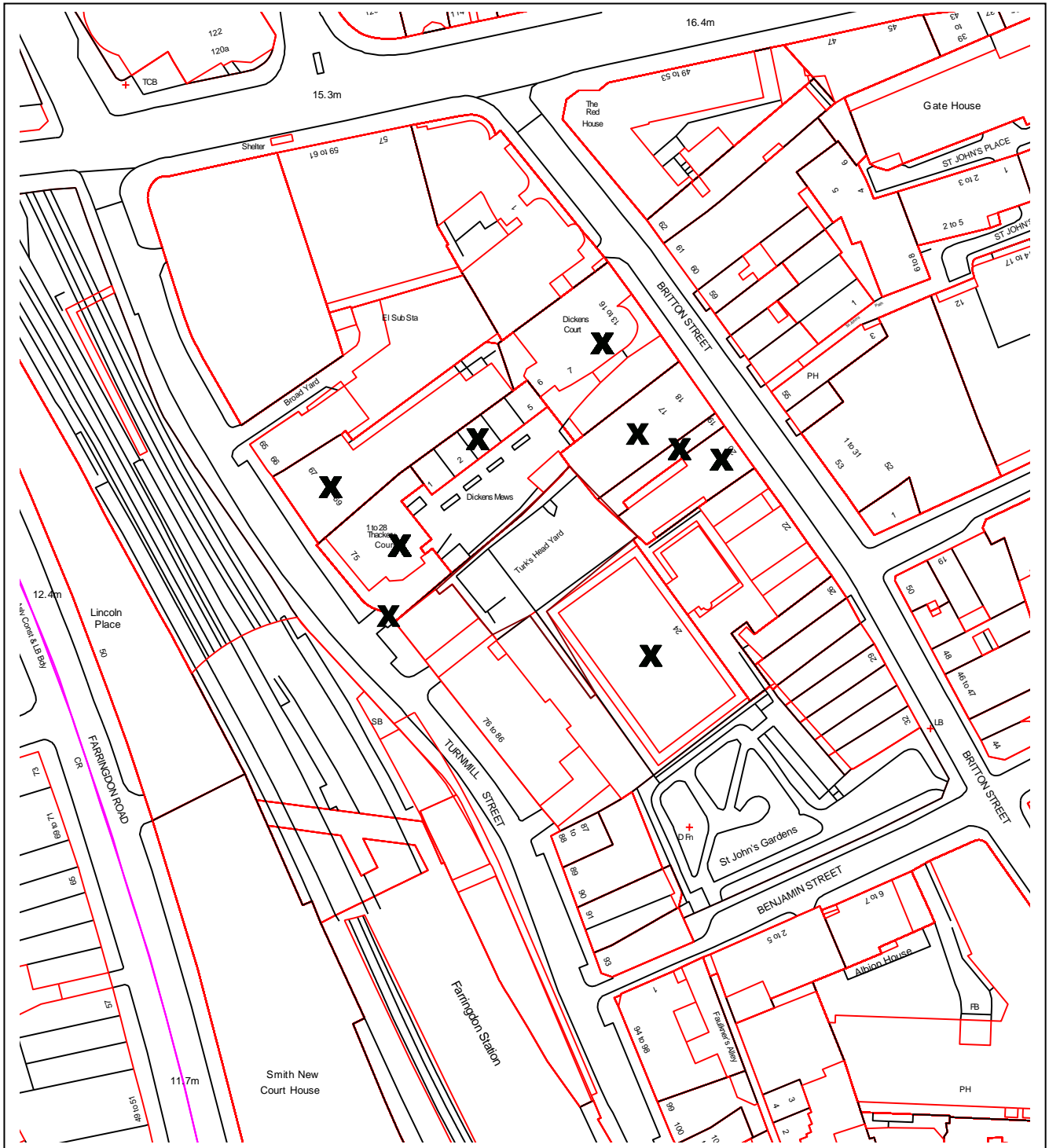
Conclusions

31. Although I have found no harm, on the basis discussed above, in relation to archaeology or living conditions, I consider that this is outweighed by the harm in relation to character and appearance. The proposal would make more efficient use of an urban brownfield site and add to the Borough's housing stock through provision of seven sustainably designed dwellings in a sustainable location. However, while acknowledging the importance of these matters, I do not consider that they would outweigh the harm that I have found in this case. Similarly, while the harm to the significance of the CA itself would be less than substantial, this would not be outweighed by the benefits just outlined.
32. For the reasons given above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed.

Christopher Bowden

INSPECTOR

Islington SE GIS Print Template



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P2014/1808/FUL

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PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	12 April 2016	NON-EXEMPT

Application number	P2016/0339/FUL
Application type	Full Planning (Council's Own)
Ward	Caledonian
Listed building	Listed/unlisted & grade
Conservation area	No
Development Plan Context	None
Licensing Implications	None
Site Address	Playground at rear and Undercroft Area of 21-36 Outram Place,, London, N1 0UX
Proposal	Retention of the construction and conversion of undercroft car parking area into offices, locker rooms, storage and kitchen facilities and the use of the playground, to the north of Bingfield Street for the parking for service vehicles.

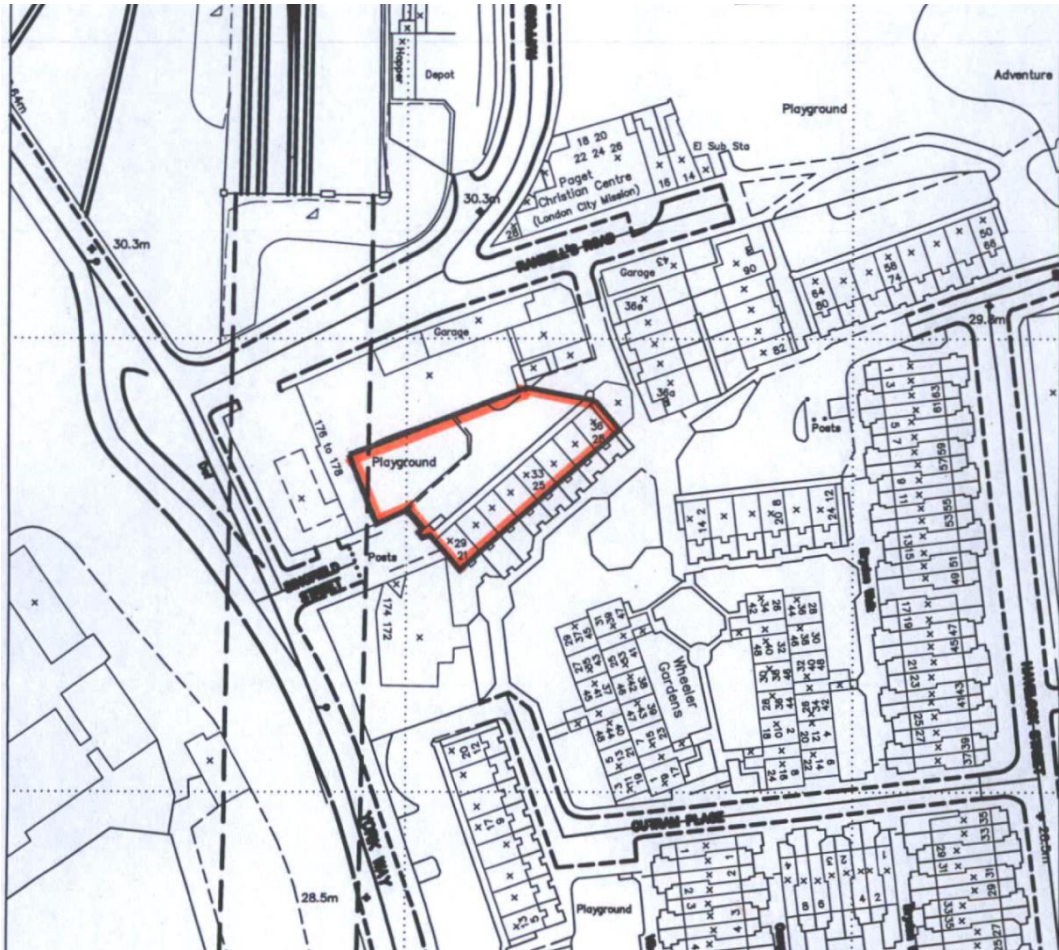
Case Officer	Daniel Power
Applicant	Islington Council - John Mooteealoo
Agent	N/A

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



Photo 1: View of office space (previous undercroft)



Photo 2: View of storage space (previous undercroft)



Photo 3: View of parking area (former playground)



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



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

4.0 SUMMARY

- 4.1 This application is a re-submission of the previous planning permission sought for the permanent retention of office space and the change of use of the former playground to provide parking for service vehicles used by the Council's Mechanised Services Department. The site has been operating in this use since 2009 and the application seeks to continue the use.
- 4.2 The previous permission was initially submitted for a permanent retention, however a one year permission was granted following the resolution to grant at Planning sub-committee B in May 2015.
- 4.3 The loss of the open space has been off-set by the extension and improvement of other play facilities within the Estate. The loss of the residential car parking in the undercroft area and the use of the site for the parking of the Council's vehicles would be in accordance with the Council's car free policy.
- 4.4 Like the previous permission, the hours of operation proposed are 0800 to 1600 hours, and there would be a limited number of both employees and vehicles at any one time at the site. The works to the undercroft and the physical works to the parking area fall within permitted development.
- 4.5 The Directors' Agreement associated with the previous planning permission requiring an improvement and extension of the playground at Delhi Outram Estate opposite 9-15 Delhi Street from the previous permission is not required with this application as the works are now complete.
- 4.6 The proposal is recommended for approval with conditions on a permanent basis.

5.0 SITE AND SURROUNDING

- 5.1 The site previously consisted of a rear undercroft below flats No. 29 to 36 Outram Place and a former playground area to the north of the undercroft, all set within the Council owned Dehli Outram Estate. The proposed works have been undertaken, with Mechanised Services occupying the site since 2009. The works enclosed the undercroft area to provide office space and the playground area had a vehicular access created and a surrounding fence erected. The current parking area was previously in use as a playground, but is anecdotally understood to have not been used as a play space since 2004. The vehicular parking area also includes a number of temporary container structures.

5.2 No. 21-36 Outram Place consist of a four storey residential block incorporating an undercroft to the north. The playground is set to the south of a former petrol station, which is currently in use as a car sales outlet, and a two storey warehouse/office building. The site is accessed from a driveway leading onto Randell's Road to the north.

5.3 The site falls within the Kings Cross and Pentonville Road Core Strategy Area and the former playground area falls within site KC4 of the Site Allocations (June 2004).

6.0 PROPOSAL (in Detail)

6.1 The proposal is to permanently retain the works to the site to provide office space and change the use of a former playground to provide parking for service vehicles for the Mechanised Services provided to council estates.

6.2 The works to the office space consist of the infilling of 4 bays with facing brickwork, metal grill covered windows and steel doors; the infill of two bays with steel grilles/chequer plates and the partial infill of one bay with a secure weldmesh screen.

6.3 The works to create the parking area consist of the erection of a 2.8 metre high black painted metal fence around the south and east extent of the former playground, the creation of a vehicular crossover on the east side.

7.0 RELEVANT HISTORY:

Planning Applications

7.1 **P091512** - Construction of a service depot for central estate services - Withdrawn (20/03/2013).

7.2 **P2013/3432/FUL** - Provision of office space and parking for service vehicles for mechanised services provided to council estates. Approved with conditions (07/01/2014)

7.3 **P2014/4049/FUL** - Retention of the construction and conversion of undercroft car parking area into offices, locker rooms, storage and kitchen facilities and the use of the playground, to the north of Bingfield Street for the parking for service vehicles. Approved with conditions (21/05/2015)

Enforcement:

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

Pre-application Advice:

7.5 No formal pre application advice has been sought.

8.0 CONSULTATION

Public Consultation

8.1 Letters were sent to 19 occupants of adjoining and nearby properties on 24th February 2016. The public consultation of the application therefore expired on 16th March 2016, 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 **Parks and Open Space** – No response received.

8.4 **Design and Conservation**- No objection

8.5 **Housing Department** – No response received.

External Consultees

8.6 **Thornhill Square Association** – No response received.

9.0 RELEVANT POLICIES

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

National Guidance

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

Development Plan

9.2 The Development Plan is comprised of the London Plan 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

9.3 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:

Islington Local Plan – Core Strategy

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

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

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

Land-use

- 10.2 There are two distinct areas to the planning application, the former playground open space and the undercroft area.
- 10.3 The service vehicle parking area replaces a previous playground open space within Dehli Outram Estate Management to No.176-178 York Way. DM6.3 of the Development Management Policies sets out that development is not permitted on semi-private amenity spaces, including open space within housing estates, unless the loss of amenity space is compensated and the development has overriding planning benefits.
- 10.4 This open space has been in use as a service vehicle parking area since at least 2009 and the applicant has detailed that prior to this, the site was fenced off, secured and overgrown for a period of approximately six years. Funding has previously been secured through the original application at the site to improve an existing play area to the south of 9-15 Dehli Street which serves the local community significantly better than the previously vacant open space.
- 10.5 The provision of essential maintenance services is an ancillary function to the housing estates. In light of the fact that the playground has not been used since approximately 2004 and an alternative location has been improved within close proximity, and furthermore, the previous play space falls within Site KC4 of Islington's Local Plan: Site Allocations (2013), where it is stated as being disused and is designated to be redeveloped, the loss of this open space is considered acceptable in this case. The use itself is of a beneficial use which allows the proper and timely maintenance and upkeep of the councils housing estates in the area which is considered to be a material benefit to the local and wider community in this case.
- 10.6 The office/storage space within the undercroft replaces a previous parking area. The loss of parking spaces is not resisted by the Council and it would be in accordance with the Council's car free policy DM8.5. Furthermore, prior to its conversion in 2009 it was a known location for anti-social behaviour.
- 10.7 The previous permission was subject to a Directors' Agreement to secure the improvement of the play area located to the south of 9-15 Delhi Street, as a benefit for the community. This work has now been carried out and therefore another Directors' Agreement is not required this time as the policy has been satisfied.
- 10.8 Previous submissions at the site have included a feasibility assessment of the potential use of the site for residential purposes, detailing that it would not be reasonable. While this has not been submitted with this application, the submitted application does not include any residential use of the site and this is therefore not considered relevant to the consideration of the application.

Neighbouring Amenity

- 10.9 Policies DM2.1, 2.2 and 6.3 of the development plan seek to protect residential amenity when considering development proposals. The office/storage space is created from the infill of the undercroft areas and the works to the playground consist of small scale fences and columns and lights. As such the main amenity consideration relates to potential disturbance from the use.
- 10.10 The site has 18 full time employees, parking for 14 vehicles and the hours of operation are detailed to be between 0800 and 1600 hours Monday to Friday. Due to the limited office space at the site and the nature of mechanised services provision, it is likely that numbers of employees at the site at any one time would be limited. Whilst there would be likely to be a peak of employees at the start and end of the working day, this would be for a limited time and within normal working hours. It is noted that the Public Protection Noise Team have not raised any objection to the use of the site.
- 10.11 Subject to conditions restricting the hours of use, the number of vehicles at the site and the use of the former playground for solely parking use for the mechanised services vehicles and employees, the office and vehicle parking use of the site is considered to be in accordance with

policy DM2.1 of the Development Management Policies and policy 7.15 of the London Plan with regard to neighbour amenity.

Highways and Transportation

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

Design

- 10.17 The built up wall sections and steel walled bays which create the offices incorporate regular spacing and are of a small scale, facing onto the service vehicle parking area, which forms the end part of a cul-de-sac. The fenced area is set back from the rear elevation of the undercroft area and due to its open nature is not intrusive within the locality. The infilled bays provide an active frontage to a previously open and inactive space. By reason of this, the regular bay spacing and the simple form of the development, the office space is considered to be acceptable.
- 10.18 The 2.8 metre high black painted metal fence, vehicular crossover and security light which were erected at the site would fall within the provisions of Schedule 2, Part 12, Class A of the Town and Country planning (General Permitted Development) Order 1995, as amended by the 2015 Order and would therefore do not require express planning permission.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal provides a suitable parking and office space for Mechanised Services Department would not detrimentally impact upon the amenity of the neighbouring occupiers and has secured improvements to a nearby play space area.
- 11.2 As such, the proposal is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Approved plans list
	<p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans: Location plan DO/001/P, Existing plan and elevation to estate with drainage layout, LS006 Rev A,</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
2	Hours of Operations
	<p>CONDITION: The Office space and service vehicle parking area for services vehicles operating as part of the Mechanised Services Department hereby approved shall only operate between the hours of 0800 and 1600 Monday to Friday and not at all on any other day.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
3	Service Vehicle Parking
	<p>CONDITION: The service vehicle parking area hereby approved shall only be used for the parking of vehicles and shall not be used as an area for repair works to be undertaken.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
4	Number of Vehicles
	<p>CONDITION: The service vehicle parking area hereby approved shall have a maximum of 14 vehicles parked at any one time.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Verbal pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a positive manner taking into consideration the</p>

	policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.
--	--

APPENDIX 2: RELEVANT POLICIES

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

National Guidance

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

Development Plan

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

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

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS13 (Employment Spaces)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Shops, culture and services

DM4.12 Social and strategic infrastructure

Health and Open Space

DM6.3 Protecting open space

Transport

DM8.2 Managing transport impacts

DM8.4 Walking and Cycling

and cultural facilities

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Employment

DM5.1 New business floorspace

D) Site Allocations June 2013

SA1 Proposals within allocated sites

KC4 176-178 York Way

Designations

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

Islington Local Plan

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

Supplementary Planning Guidance (SPG) / Document (SPD)

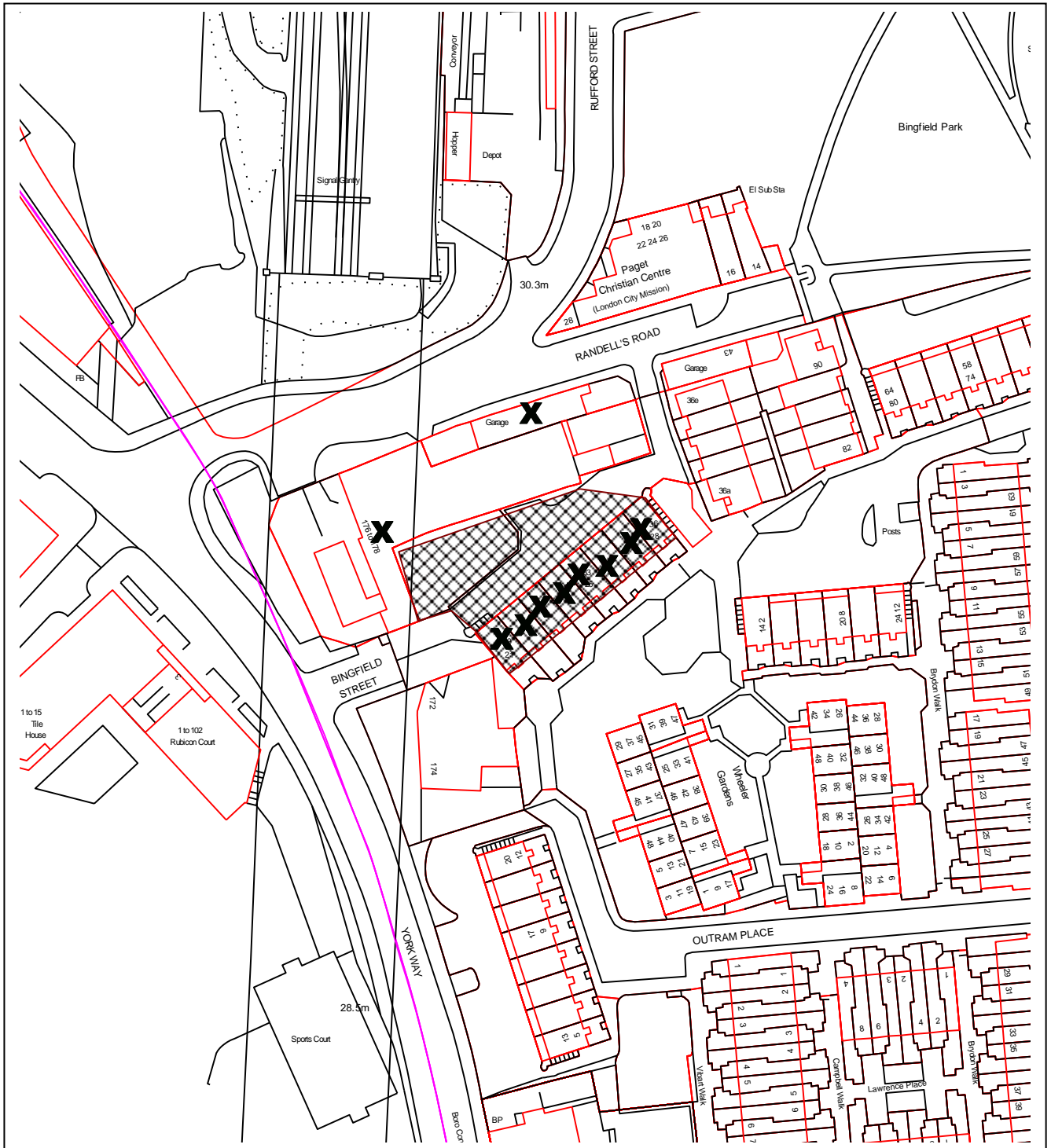
The following SPGs and/or SPDs are relevant:

Islington Local Plan

Urban Design Guide

4.

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

PLANNING SUB COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application number	P2015/3283/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	Unlisted
Conservation area	N/A
Development Plan Context	N/A
Site Address	Top floor flat, 63 Ambler Road London N4 2QS
Proposal	Erection of second floor addition on existing 2 storey flat roofed rear wing.

Case Officer	David Nip
Applicant	Mr Ben Heathorn
Agent	Gabriel Alexander Architecture

1. RECOMMENDATION

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

2. SITE PLAN



3. PHOTOS OF SITE/STREET



Extension at
No.65 Ambler
Road

Image 1: View of the rear elevation of terrace from Monsell Road, an extension was built at No.65, which was refused by the council in 2013 (P2013/2080/FUL), but allowed at appeal (PINS ref 2208260).

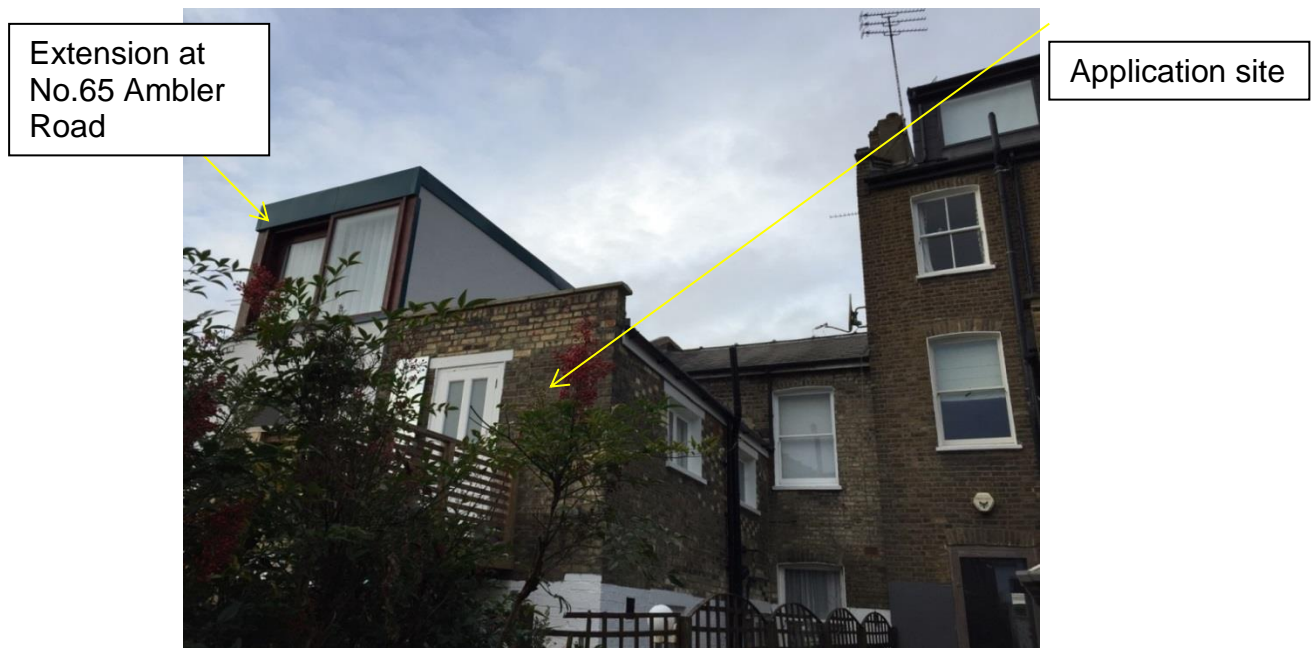


Image 2: View of the rear elevation from No.61 Ambler Road, including the allowed (at appeal) second floor extension at No.65 Ambler Road, the proposed extension at No.63 will be attached to the allowed extension.



Image 3: View of the rear elevation from No.61 Ambler Road, it is noted that No.61 is a three storey property, as opposed to the site property which is only two storey.

4. SUMMARY

- 4.1 The application proposes a single storey rear extension at second floor level over the existing flat roof of the outrigger. The proposed extension will provide an additional bedroom and en-suite bathroom at second floor level.
- 4.2 The existing second floor extension at No.65 Ambler Road was refused and allowed by the Planning Inspectorate (LPA ref: P2013/2080/FUL). The allowed extension has been built (see images above). Due to its close proximity and relevance to the proposed development, the appeal decision has been taken into account in the consideration of this application. The proposed extension would break the existing eaves line and seen as a large addition to the rear of the property, however, it is

considered that the proposed extension would not detrimentally harm the appearance and character of the area.

- 4.3 Objections have been raised from the surrounding neighbouring properties. It is judged that on balance, the proposed development is acceptable in design term and will not result in undue harm to the amenity of the neighbouring properties, due to the distances between host dwelling and the properties on Plimsoll Road, and the development would have an acceptable impact to the outlook, visual intrusion, privacy and access to daylight/sunlight to the occupiers at No.61 Ambler Road. The proposal is considered to be in accordance with Policy DM2.1.
- 4.4 The application is brought to Committee as it has five objections from the surrounding neighbouring properties.

5. SITE AND SURROUNDING

- 5.1 The application relates to 63 Ambler Road, a three storey building sited on the east side of Ambler Road. The building is converted into two self-contained flats. The application site relates to the top floor flat.
- 5.2 The area is predominately residential in character. The application site does not form part of a conservation area nor is it a statutorily listed building.
- 5.3 It is worth noting that adjoining properties immediately to the south (Nos.65-77 Ambler Road) of the site are 2 storeys in height and properties immediately to the north (Nos.41-61 Ambler Road) of the site are 3 storeys in height.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to erect a single storey roof extension over the existing rear outrigger of the building. At second floor level it measures 6.4m in depth (measured from the rear wall of the building to the end of the outrigger), 3.3m in width and 2.1m in height. The extension comprises rooflight, a Juliet balcony at rear and a side window for the proposed wet room.
- 6.2 A similar second storey roof extension on No.65 Ambler Road has been built following an allowed appeal in 2013 (LPA ref: P2013/2080/FUL). The proposed extension will adjoin the extension at No.65 Ambler Road and be similar in scale, appearance and proportion.
- 6.3 The extension will be built of dark timber cladding with double glazed aluminium windows. The contrasting materials proposed will be viewed as a contemporary addition to the existing building; this design approach is similar to the allowed extension at No.65.

7. RELEVANT HISTORY:

7.1 Planning Applications

No.63 Ambler Road (application site)

851208 – Subdivision of the house to become 2
two flats. Approve with no conditions 20/01/1986

No.65 Ambler Road

P2013/2080/FUL - Second floor addition on top of existing 2 storey flat roofed rear wing. Refusal of permission 15/08/2013 Appeal Allowed with Conditions (PINS ref: 2208260)

The proposed second floor extension was refused by the council mainly due to its size, design and siting, would have a detrimental impact on the character and appearance of the host building, it would also be visible from Monsell Road and the proposed extension would detract from the character of the wider streetscene.

At appeal, the Inspector took the view that the extension would be "*viewed against the prominent gable end of 61 Ambler Road and, consequently, the extension would not be visually obtrusive or break the rhythm of the existing dwellings when viewed from Monsell Road*".

Furthermore, the Inspector considered that "*due to the limited height of the scheme, and the design of the roof, which draws the eye upwards, thus maintaining the vertical emphasis of the host property and reflecting the parapet wall feature. The contemporary material choices, in this case, complement the host property and seek to preserve the traditional rear elevation rather than dominate it.*"

The Inspector concluded that the proposed extension is policy compliant and the appeal was allowed on 24/12/2013.

No.67 Ambler Road

P2015/2156/FUL - Loft extension including erection of rear dormer window in the existing loft space and erection of an extension above outrigger. Refusal of permission 20/07/2015. Appeal Dismissed (PINS ref: 3134265).

REASON: The design of the proposed rear dormer extension, by reason of its inappropriate design, scale, bulk and massing, would constitute a dominant and incongruous form of development that would be harmful to the appearance of the building and character of the surrounding area. The proposed development would also harmfully alter the predominantly unbroken and rhythmic rear roofline in this part of the terrace. The application is therefore contrary to the NPPF, policy DM2.1 of the Development Management Policies 2013, CS policies 8 & 9 and the guidance provided in the Islington Urban Design Guide 2006

At appeal, the Inspector considered that "*In my view greater weight should be given to considering the proposal in relation to the similar mainly two storey properties to the south, in this relationship, I consider the full width roof dormer and addition to the outrigger would be materially harmful to the architectural form and setting of these properties.*", furthermore, he added that "*the proposal would give rise to an awkward visual juxtaposition with the more recent work undertaken to No.65 because of the repetition of the building bulk and the further array of materials and fenestration. I find that this impact would be harmful to the character and appearance of the area.*"

The appeal was dismissed on 18/11/2015.

P2015/3024/COLP Erection of a rear dormer roof extension to main roof slope and roof extension to rear outrigger. Certificate of lawfulness was issued on the 09/09/2015.

No.61 Ambler Road

990845 - Erection of a rear extension at second floor level. Approved with conditions

990097 - Conversion of loft space to room with installation of 2 rooflights at front and dormer at rear and rising of roof. Approve with conditions

Enforcement

- 7.2 No relevant enforcement history in relation to the site and surroundings. However, it is noticed from an objection that the finished extension at No.65 as built has not been built in accordance to the approved plans under the allowed appeal in 2013. An enforcement case is opened to investigate whether there is any potential breach of planning control. Also, there is no record of the material condition imposed by the Inspector being discharged by the Council.

Pre-application Advice

- 7.3 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 23 adjoining and nearby properties on 27 July 2015. A site notice was displayed on 30 July 2015. The public consultation of the application therefore expired on 20 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 5 objections have been received.

The following issues raised are materially relevant to the assessment of the application:

- Design (scale, massing, appearance and character) (Please see paragraph 10.3 – 10.8 for discussion)
- Impact on residential amenity, particularly impact on outlook, daylight and sunlight for the adjoining residents (Please see paragraph 10.9 – 10.14 for discussion)

Other matters were raised that are not relevant to the planning material consideration:

- No consultation letters received back in 2013 when the application for No.65 Ambler road P2013/2080/FUL was submitted (Case officer note: the council's register indicates that consultation letters were sent to the adjoining properties on Plimsoll road)
- The refused application at No.67 Ambler Road is mentioned.
- The extension built at No.65 is not in accordance to the drawings. (Case officer note: the investigation of any breach of planning control is referred to the enforcement team, see paragraph 7.2)

Internal Consultees

8.3 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 issues arising from this proposal relate to:

- Land use
- Design
- Neighbouring amenity

Land Use

10.2 The proposed development relates to the top floor self-contained flat. The residential use will be retained and there is no implication on land use in relation to this application.

Design

10.3 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.

- 10.4 The rear roofline of this section of Ambler Road has been altered, most notably with the recent construction of the allowed extension (Aforementioned in paragraph 7.1) at No.65 Ambler Road that was allowed in 2013. Significant weight is given to the appeal decision in relation to the proposed development, due to the proximity of the two proposals and the similarity of the proposed extension in terms of scale, massing and appearance.
- 10.5 The proposal is a sizeable extension to be built over the rear outrigger. Similar to the allowed extension at No.65, the proposed extension would also be readily visible from the public realm along Monsell Road at south, and would cause some degree of visual harm to the character and appearance of the area. It is considered that the existing extension at 65 Ambler road has significantly compromised the visual amenity of this section of the terrace. It is considered that there is a townscape argument that if the proposed extension were built that the development would create a degree of symmetry on the existing pair of rear outriggers which would mitigate the visual harm in this case and lead to a reasonable improvement in visual terms over the existing dynamic on site. This would also not lead to a precedent as the only reason officers are considering the proposed development acceptable on balance is because of the immediate example next door on the other properties adjoining outrigger.
- 10.6 Having regard to the site characteristics and the relevant planning and appeal decisions at no.65 and 67 Ambler Road, it is considered that the proposed extension is acceptable in terms of scale and massing, the appearance and rhythm of the rear elevation of the terrace would not be affected by the proposal. The proposal would have limited visual impact due to the location of the site against the adjoining three storeys original terraces and the proposed extension would not appear over dominant or overbearing to the rear elevation.
- 10.7 To ensure that the proposed development is acceptable in design terms, it is considered reasonable to recommend a condition to secure details of the external materials to ensure that the proposed extension would have an acceptable visual effect.
- 10.8 Overall, it is judged that the proposed development would cause some degree of visual harm to the property, however, it is very similar to the adjoining extension at No.65 in terms of scale, massing and appearance, and it would re-balance the rear outrigger pair. Having inspected the site and the surrounding area, and taken into account of the previous appeal decisions, on balance, it is considered that the proposed development have limited visual impact to the building and the terraces, and would be in keeping with the surrounding properties, and in accordance to the objectives of policy DM2.1 of the Development Management Policies 2013, and CS9 of the Core Strategy 2011.

Neighbouring amenity

- 10.9 Five objections were received from the neighbouring properties on Plimsoll Road and Ambler Road. Concerns were raised with regard to the impact of the proposed extension on visual intrusion, overlooking, outlook, access to daylight and sunlight. It is considered that there is sufficient distance (over 20 metres) between the application property and the buildings on Plimsoll Road and therefore, the proposal is unlikely to cause adverse impact to the neighbouring living conditions.
- 10.10 The potential adverse impacts of the development on the amenity levels of No.61 Ambler Road has been duly considered and carefully assessed. Due to the orientation of the terrace, it is considered that the proposed second floor extension

would have some noticeable impact towards the outlook, access to daylight and sunlight to the rear elevations of the adjoining property at No.61.

10.11 The applicant has submitted a daylight/sunlight report which demonstrates that the side facing kitchen window (see Image 4) on the ground floor is likely to be affected by the proposed extension (see Table 1), as the fraction of the former VSC value is lower than 0.8, however, it is worth noting that the kitchen is open to the rear conservatory (**note:** the case officer has been on site and can confirmed that) and not solely reliant on the window for daylighting. The assessment concluded that the proposed development accords with the guidance set out in BRE Good Practice Guidance and the proposed development would not lead to an unacceptable loss of daylight/sunlight to this adjoining properties rear windows.

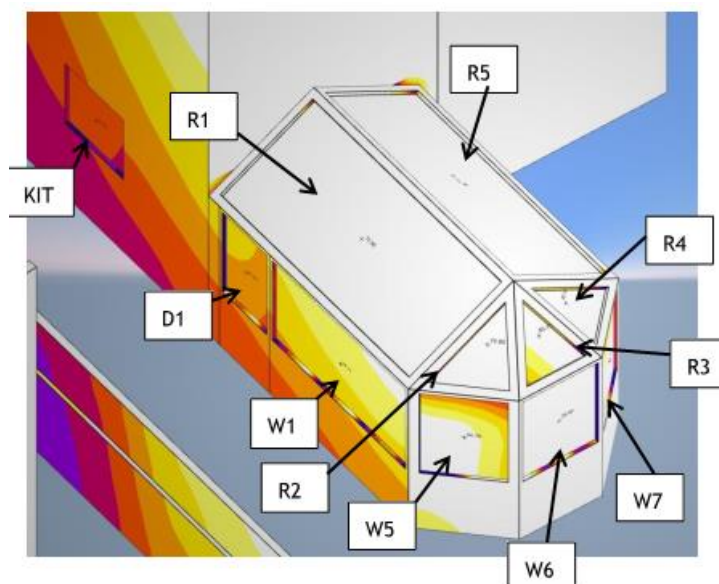


Image 4: The assessment of Vertical Sky Component (VSC). This assessment estimates the potential impact of the extension towards the daylighting of the neighbouring property at No.61 Ambler Road.

Table 1: VSC of windows at 61 Ambler Road

Window/Rooflight	VSC/HSC as Existing (%)	VSC/HSC after Proposals (%)	Fraction of former value
KIT (Kitchen)	13.55	9.15	0.68
W1 (Conservatory)	19.30	15.85	0.82
W2 (Reception)	19.10	16.85	0.88
W3 (First Floor Bedroom)	38.20	35.45	0.93
W4 (Second Floor Bedroom)	38.85	38.85	1.00
R1 (Conservatory)	76.50	71.70	0.94

Table 1: VSC of windows at 61 Ambler Road, it is noted that after the proposal, the kitchen window VSC would be less than 0.8 of its former value, which indicates that the daylight impact will be noticeable to the neighbours. It is considered however that the proposed loss to this window is within acceptable limits and bearing in mind the number of rear windows and the single family nature of the adjoining unit that this slight reduction is acceptable in this case.

- 10.12 It is noted that the proposed side window which serves the new bathroom may allow certain degree of overlooking towards the occupiers at No.61. Therefore, provision of obscure and non-opening glazing is recommended for the bathroom window, in order to protect the neighbours' privacy which is to be secured via condition.
- 10.13 The rear extension would be noticeable from the rear windows of 61 Ambler Road in this case. However these windows do not look directly towards the extension and it is considered that there is adequate separation distance between the rear outrigger in this case and the rear elevation of 61 Ambler Road of 3 to 4 metres to mitigate any material incidences of loss of outlook to justify refusal of permission on this basis.
- 10.14 The proposed development is considered acceptable in amenity term and it is in accordance to policy DM2.1A (x) of the Development Management Policies 2013.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 It is considered that the proposed development would have limited visual impact due to the location of the site against the adjoining three storeys original terraces and the proposed extension would not appear over dominant or overbearing to the rear elevation. The proposed development is visually similar to the adjoining extension at No.65 and would re-balance the rear outrigger pair. In light of the previous appeal decisions and specific design on balance, it is considered that the proposal is in accordance with Policies DM2.1, CS9 and the relevant section of the Urban Design Guide SPD.
- 11.2 The objections from the surrounding neighbours have been considered and it is judged that the development will not have a detrimental impact upon amenities of the adjoining neighbours and complies with policy DM2.1A(x), due to sufficient distance from the Plimsoll Road properties and its acceptable impact on outlook, access of daylight and sunlight towards the adjoining property at No.61 Ambler Road.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	3 Year Consent Period
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans:</p> <p>63 AR P02, 63 AR P03, 63 AR P04, 63 AR P05 (received on 23rd March 2016), 63 AR P06, 63 AR P07, Daylight and Sunlight Assessment prepared by Brooks Development</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Details):
	<p>CONDITION: No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Window specification (COMPLIANCE):
	<p>CONDITION: Before the first occupation of the extension hereby permitted the wet room side window shown on drawing 65 AR P 05 (received on 23rd March 2016) shall be fitted with obscured glass and shall be permanently retained in that condition.</p> <p>REASON: To protect the amenity of the adjoining occupiers.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Building Control
	<p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
3	Hours of construction
	<p>Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none">" 08:00 to 18:00 Monday to Friday" 08:00 to 13:00 Saturday" No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>

APPENDIX 2: RELEVANT POLICIES

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

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

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

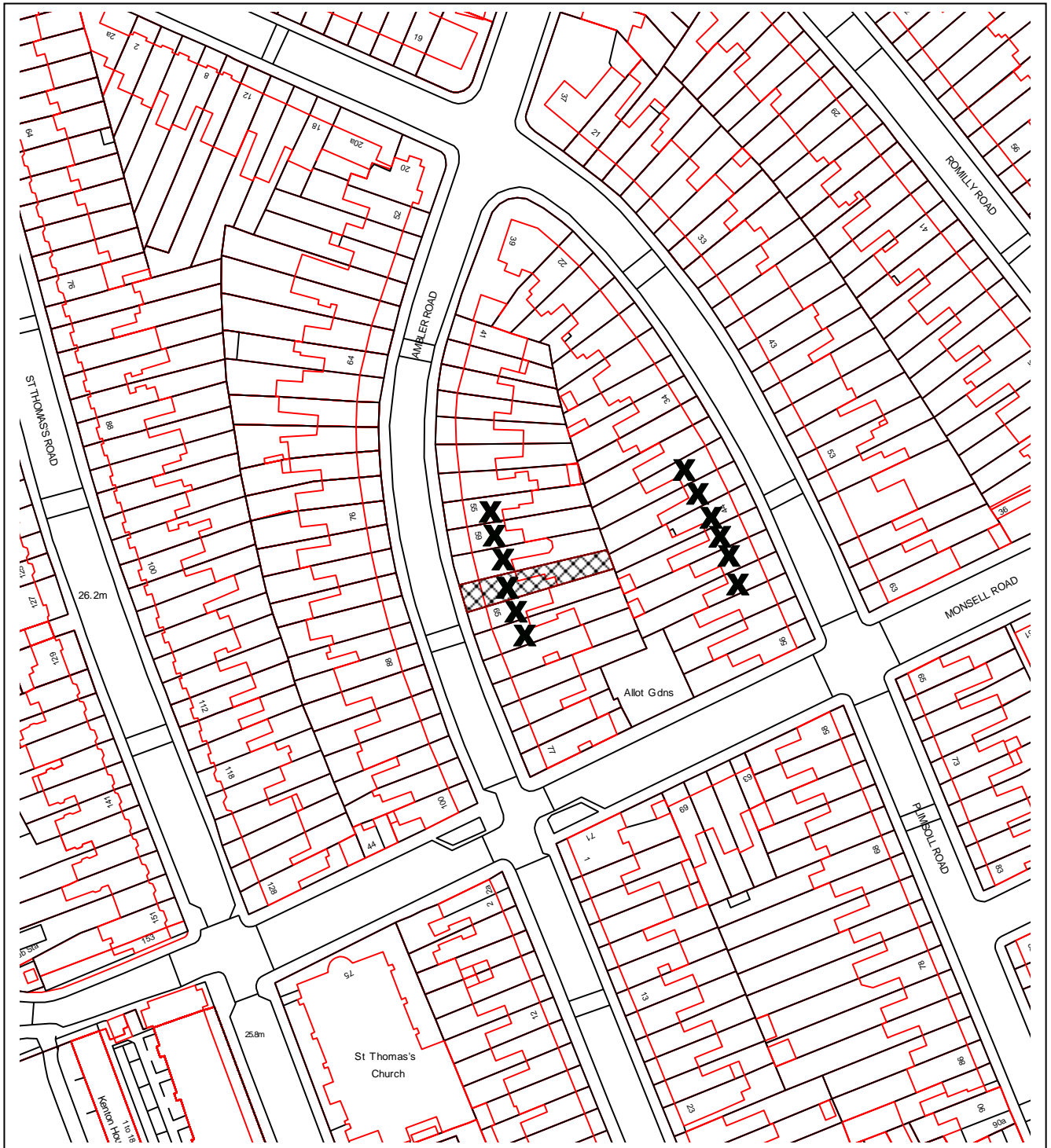
Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Urban Design Guide

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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE A		
Date:	12 April 2016	NON-EXEMPT

Application number	P2016/0060/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Not listed
Conservation area	Not in a conservation area
Development Plan Context	Finsbury Local Plan Area
Licensing Implications	None
Site Address	Worcester Point, Central Street, London EC1V 8AZ
Proposal	The erection of a roof extension over part of the seventh floor to provide 2 self-contained residential units (1 x 2 bedroom & 1 x 1 bedroom) together with private terraces and a green-brown roof.

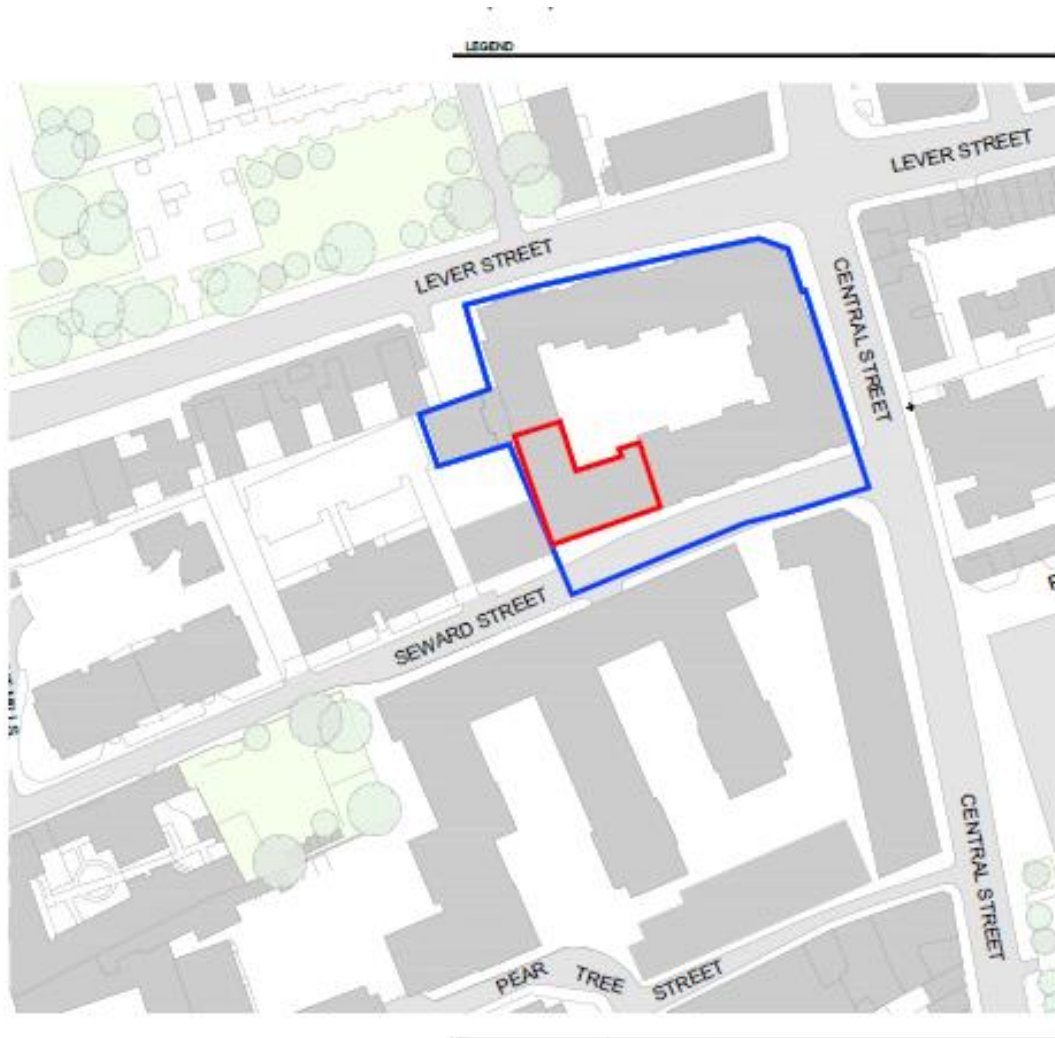
Case Officer	Ashley Niman
Applicant	Central Street Properties (Pear Tree) Ltd
Agent	Edward Ledwidge, Montagu Evans LLP

2. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a 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;

3. SITE PLAN (site outlined in red)



4. PHOTOS OF SITE/STREET



IMAGE 1: WORCESTER POINT, VIEWED FROM CENTRAL STREET



IMAGE 2: THE VIEW FACING WEST DOWN SEWARD STREET

5. SUMMARY

- 5.1 The erection of a roof extension to provide a two bedroom residential unit, and a one bedroom residential unit, over part of the seventh floor, together with private terraces and green-brown roof.
- 5.2 The scale, mass and form of building are considered appropriate for the location at seventh floor level. The extension is well set back from the front roof line of the existing building with short and longer views of this section of the building being limited from both the public and private realm.
- 5.3 The proposal will not materially lead to an overall loss of light, privacy or outlook for the neighbouring residential properties.
- 5.4 The landscaping and quality of materials of the new building will ensure that the proposal is of a good standard and will not be materially harmful to the original design.
- 5.5 The development would create two well sized residential units which would be well laid out and provide useful additional residential units in this case.

6. SITE AND SURROUNDING

- 6.1 The specific location of the proposed flats is located at the south west corner of Worcester Point. They face Seward Street to the south and to the west. There is an existing area of approximately 500sqm of laid green-brown roof.
- 6.2 Worcester Point was completed in 2013 and consists of 3087sqm commercial space at ground floor and basement levels and five upper floors of residential use containing 161 flats between the first and fifth floors, and one additional flat at sixth floor at the south east corner.
- 6.3 The building is not listed nor is it in a conservation area. The site lies within the Central Activities Zone and falls within the Finsbury Local Plan Area Action Plan for Bunhill and Clerkenwell.

7. PROPOSAL (IN DETAIL)

- 7.1 The erection of a two bedroom flat and a one bedroom flat over part of the seventh floor, together with private open terracing, access ways, and green-brown roof. The residential units will consist respectively of two double bedrooms with en suites and additional storage, and one double bedroom with en suite, respectively. A conservatory serves as a visual link between the two wings of the development.
- 7.2 The proposed roof addition would be set back 1.6 metres at the shortest distance but the majority of the addition is set back 2.6 metres from the existing buildings main roof edge facing onto Seward Street.

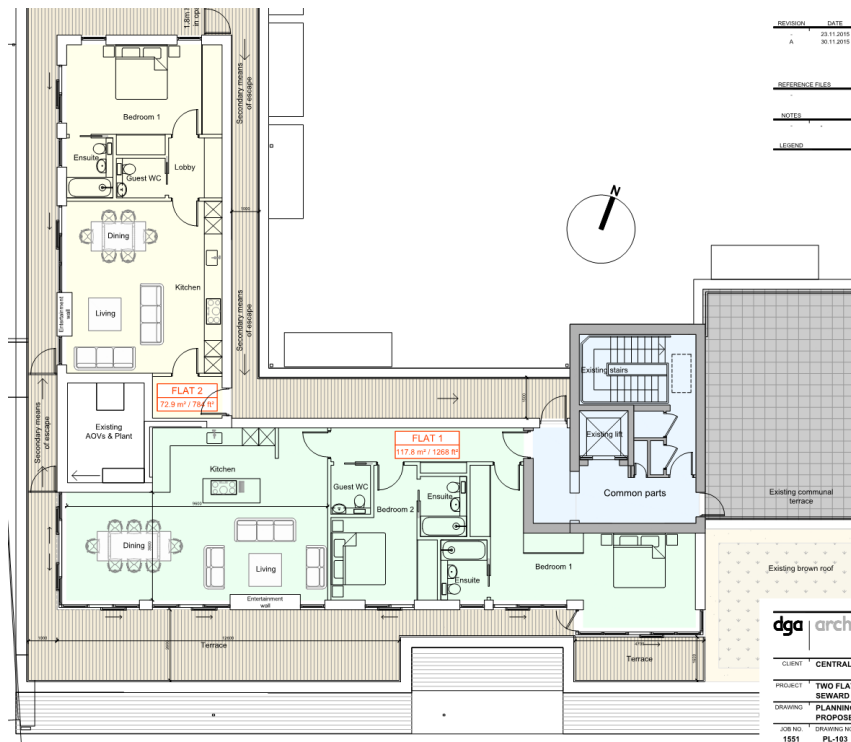


Image: Proposed floor plan showing setbacks along Seward Street

8. RELEVANT HISTORY:

- 8.1 P2014/4344 Erection of a part additional floor at sixth floor (roof) level to provide one two-bedroom flat. This application was withdrawn to enable further discussion over a revised scheme, in particular in regard to the design and prominence of the structure. Withdrawn.
- 8.2 P2015/1147 Erection of a part additional floor at sixth floor (roof) level to provide one two-bedroom flat. Awaiting determination.

PLANNING APPLICATIONS:

- 8.3 **P112417:** Erection of a part 6, part 7 storey building over basement to provide for 161 residential units; 2492sqm for use principally as a conference centre and Masonic meeting venue and ancillary to the main D1 use to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; 595sqm of floorspace for flexible B1/A1/A2/A3/D1/D2 use; with associated bicycle, motorcycle and car parking spaces at basement level. Allowed on appeal following non-determination 20/09/2012.
- 8.4 **P121020:** Change of Use of the ground floor and part basement level from its current permitted use for operations within the B1 (office) use class and 81 square metres of A1 (retail) floor space to use of 2492 square metres of the floor space for a Sui Generis use as a conference centre and Masonic meeting venue to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; and 595sqm of floor space for flexible B1(office)/A1(retail)/ A2 (financial and professional services)/ A3

(cafe and restaurant) /D1 (non-residential institutions)/ D2 (assembly and leisure) use. Refused 09/08/2012.

8.5 **P122148:** Change of Use of ground floor and part basement level from its current permitted use for operations within the B1 (office) use class and 81 square metres of A1 (retail) floor space to use of 2492 square metres of the floor space for a Sui Generis use as a conference centre and Masonic meeting venue to include or permit use for training, presentations, product launches, fashion shows, antique and collectors fairs, weddings, bar mitzvahs, funerals, receptions, private parties, the provision of music, dance, entertainment, bar and lounge area; and 595sqm of floor space for flexible B1(office)/A1(retail)/ A2 (financial and professional services)/ A3 (cafe and restaurant) /D1 (non-residential institutions)/ D2 (assembly and leisure) use. Approved 17/01/2013.

8.6 **P072106:** Demolition of existing buildings and erection of a part 6, part 7 storey building over basement to provide for 161 residential units, 2587sqm of B1 (office) floorspace, 81sqm of A1 (shop/retail) floorspace and ancillary bicycle, motorcycle

8.7 **P2014/4053:** Application is for 3no. Satellite receivers on the roof of Worchester Point plus associated equipment, including walkway and balustrade. Approved 18/02/2015.

ENFORCEMENT:

8.8 None relevant.

PRE-APPLICATION ADVICE:

8.9 None

9. CONSULTATION

Public Consultation

9.1 Letters were sent to occupants of 587 adjoining and nearby properties at Seward Street, Central Street and Lever Street. A site notice was displayed on 26 January 2016. The public consultation of the application therefore expired on 16 February 2016.

9.2 A total of 18 responses were received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Overdevelopment (11.2)
- Loss of daylight (11.17)
- Loss of privacy (11.18)
- Noise and disruption (11.29)
- Loss of the green roof (11.24)
- The extension is too bulky and over scaled (11.3 to 11.6)

- It would set a precedent for more development on the roof (11.7)

External Consultees

9.3 None

Internal Consultees

9.4 Access Officer: No objection and noted the lift access and generous layout. This layout should ensure no unnecessary tight spaces. Other points have been addressed by the agent and on plan.

9.5 Design and Conservation: The proposed additional floor sets a precedent for further extensions at roof level. The height would mean it would be visible in longer views from Seward Street and would break the established roofline of the street.

9.6 Street Environment: No additional issues for waste management and recycling.

10. 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

10.1 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.

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

Development Plan

10.2 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

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

Kings Square and St Lukes Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Principle of Land Use
- Design
- Accessibility
- Neighbouring Amenity
- Quality of Resulting Residential Accommodation
- Dwelling mix
- Affordable Housing and Financial Viability
- Sustainability
- Energy Efficiency and Renewable Energy
- Highways and Transportation

Land-use

11.2 The existing development of Worcester Point provides 161 residential units. The additional two residential units is not considered to represent a significant impact on the present and established land use, and there would be no conflict or incompatibility in regard to the proposed land use in this case.

Design Considerations

11.3 Over the past ten years the area of Seward Street, Central Street and Peartree Street has been redeveloped to a new and greater scale of building with an average height of six storeys, but with other elements rising to nine and ten storeys, including Dance Square. The present south east corner of Worcester Point is seven storeys and the roof also accommodates two further structures at this level. The height, mass and scale of the new south western structure would reflect that to the south east corner although it would be set back further. Therefore the surrounding context adjoining the site has changed and continues to change considerably over time in this central London location.

11.4 There have been two earlier applications for a single residential unit at seventh floor level, with the second application undergoing further alterations. This has resulted in the present application under consideration by members.

11.5 The proposed main setback at roof level is important because although it is recognised that the structure would be visible from higher viewpoints around the site, it would not be visible from street level along Seward Street or Central Street and there would therefore be no increase in the 'canyon effect'.

11.6 It may be possible to view it from Kings Square Gardens to the north west but this would be at a distance of some 100 metres, at which point the impact is slight and within the greater context of built form, not considered to be harmful.

11.7 The issue of precedent has been raised in regard to this scheme, if approved, opening up a series of approvals at roof level and effectively adding an additional

floor. Each scheme is considered on its own individual planning merits and any further proposal(s) would need to fully consider and take into consideration all the relevant planning policies and material considerations in place at that particular time. The acceptance of this new structure does not confer acceptance for a full and complete additional storey. The existing roof has two large communal terraces and their retention is important for communal space, and would be protected against any further proposal. The only remaining area for consideration would be the north west corner, and this would be subject to an independent and full planning assessment, and taking into consideration the points raised above, including those in section 11.6.

- 11.8 The design itself is considered to be an appropriate response to the current building. It remains the case that this is an on-balance proposal but the evolutionary set of modifications and amendments have produced a design that would not be harmful to either the building itself or to the immediate streetscene and longer views across the site. It is not considered that the proposal would detract from the existing south east corner structure, which sits closer to the buildings edge, and is designed to be visible.
- 11.9 Policy BC9 of the Finsbury Local Plan determines that large parts of the area have a clear platform building height of three to six storeys, with small variations. Worcester Point falls within the area with a platform height of around six storeys.
- 11.10 The proposal is set some 60 metres away from the St Luke's Conservation Area boundary, and is not considered to have any material effect on the appearance or setting of the conservation area.
- 11.11 The form of the penthouse flats would consist of an L-plan, with the larger two bedroom unit running parallel to Seward Street, and the smaller one bedroom unit extending northwards. An existing plant will remain between the two flats.
- 11.12 The walls of the structure facing onto the courtyard will be rendered and painted white to match the adjacent elevations. The cladding to the south and west elevations will match that of the existing structures at this level of Worcester Point

Accessibility

- 11.13 The proposal would be designed to Lifetime Homes and Flexible Homes standards.
- 11.14 Access to the new flats would be via the existing stair core 'F' which presently serves the 24 flats at 120-143 Worcester Point. An existing nine person passenger lift will provide access from street level to the new flats, so step-free access is provided, and thresholds will be level.
- 11.15 The layout of the flats is spacious and level, and should not present any particular access problems although the generous floor areas should ensure that there is no particular room that has tight access. The plans indicate wheelchair turning circles to all areas, internal and external, private and common.

Neighbouring Amenity

- 11.16 General context: The overall height and design of the new units has been broken up into component parts to ensure there is no overwhelming mass that would materially affect light or sense of enclosure to neighbours.

- 11.17 Daylight and overshadowing: A Daylight and Sunlight Analysis has been carried out by Brook Vincent and Partners on behalf of the applicant. The findings show that there would be no material loss of daylight, using the Vertical Sky Component, to the windows of existing flats within Telfer House, 35-39 Seward Street or to windows of flats at the Central Street development (Dance Square) to the south. To the east of the site, windows are further away and their daylight would remain unchanged. Turning to sunlight, in all locations tested, sunlight is not reduced by more than 4% and therefore BRE guidelines have been fully satisfied.
- 11.18 Overlooking and privacy: In regard to privacy, the north and east facing elevations to the new flats have only narrow high level windows, and there will be no material loss of privacy to windows of south and west facing flats within Worcester Point. Full length windows and roof terrace face south across Seward Street to Central Point, but these windows are set further back than the existing Worcester Point windows, and moreover, this aspect faces across a public highway.
- 11.19 Sense of enclosure: The adjacent flats to both Worcester Point and Central Point/Dance Square will experience no loss of aspect or outlook as a result of the proposal, which is set back and has a modest height, bulk and mass.

Quality of Resulting Residential Accommodation

- 11.20 The accommodation provides a two bedroom flat with a total internal floor area of 117.8sqm, and a one bedroom flat of 72.9sqm. The accommodation provides triple aspect and provides good standards of light, outlook and privacy to both units.
- 11.21 The flats have external private terraces to the south and west, and although the terracing extends around to the north and east, it is recommended that these parts are restricted to emergency access and maintenance only (to protect neighbour privacy) and this is secured by condition. The total area of proposed private outdoor space is 53.4sqm and 29.8sqm respectively.

Energy Efficiency, Renewable Energy and Sustainability

- 11.22 The proposal is designed to be a low and passive consumer of energy with high insulation values, natural ventilation and appropriate sourcing of materials.
- 11.23 In keeping with the Worcester Point development, the flats will be connected to the existing energy network which distributes power generated locally at the Bunhill Energy Centre.
- 11.24 The existing green roof which currently occupies the area of the proposed flats will be removed and replaced on the new roof structures, an area of 219sqm. There will be no material loss of green roof. This will be secured by condition.

Highways and Transportation

- 11.25 The site has excellent access to public transport and the Public Transport Accessibility (PTAL) rating is 6. Bus routes within five minutes walking distance to the site include the 4 and 43. The site is within a 10-12 minute walking distance of Old Street, Barbican, Farringdon and Angel Stations.
- 11.26 Development Management Policy DM8.4 (Walking and cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For residential land use, Appendix 6 of the

Development Management Policies requires cycle parking to be provided at a rate of one space per bedroom. There is an extensive cycle store within the basement which can be used by future occupiers of the proposed flats. This will be secured by condition.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 11.27 The applicant has agreed to the Small Sites policy contribution in regard to both the commuted payment for affordable housing provision (£120,000) and for the carbon offset contribution (£2000) and the unilateral agreement has been signed to confirm the applicant's commitment to make this contribution

Other Matters

- 11.28 Refuse and recycling: The refuse store adjacent to Core G will be used by occupiers of the proposed flats. There is ample space to accommodate refuse/recycling from two additional flats.
- 11.29 Objections have been raised about noise and disruption during the construction period, were the scheme to be approved. This is a justifiable concern within the block and particularly for flats immediately below the proposed new floor. Therefore conditions are recommended to secure controls and standards during the construction phase.

12. CONCLUSION

Conclusion

- 12.1 It remains the case that this is an on-balance planning decision and that a case can be made to consider the present building as an integrated and complete entity in townscape and design terms. However, the proposed two additional flats at sixth floor level have been designed so as not to be visible at street level, and will not materially affect the amenity of neighbouring residents. It is not considered that the approval of the scheme will create a precedent and that each proposal would be considered on its own particular merits.
- 12.2 Due to the limited visibility of the proposed extension from the public realm it is considered that on balance that the refusal of the application on design grounds or harm to the character and appearance of the host building and wider urban setting would be unwarranted.
- 12.3 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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:

- £120,000 contribution towards affordable housing.
- £2,000 towards carbon off-set.

RECOMMENDATION B

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

List of Conditions:

1	<p>Commencement</p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans,</p> <p>Design and Access Statement (DGA 1551, Issued 02/12/2015), Daylight and Sunlight Report (BVP), 1436-PL-001_A, 1551-PL-204, 1551-PL-301, 1551-PL-302, 1551-PL-303, 1551-PL-304, 1551-PL-101_A, 1551-PL-102_A, 1551-PL-103_A & 1551-PL-104_A.</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>

3	Materials
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <p>a) Samples of all facing render including colour b) Window and door treatment (including sections and reveals); c) Metal Cladding</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>
4	Construction Management Plan
	<p>CONDITION: A Construction Management Plan and Impact Assessment Plan shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to mitigate the impact of the development to nearby residents.</p>
5	Sustainable Design
	<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 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 95L/person/day.</p> <p>REASON: In order to ensure the highest sustainability credentials are achieved within the development.</p>
6	Construction Controls
	<p>CONDITION: During the clearance and construction on site, the developer shall comply with Islington Council's Code of Construction Practice and the GLA's Best Practice Guidance for the control of dust and emissions from construction and demolition. The developer shall ensure that:</p> <p>1 The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.</p> <p>2 The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08.00-18.00 Monday- Fridays, 08.00- 13.00 Saturdays and at no time during Sundays or public holidays.</p> <p>3 All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.</p>

	<p>REASON: In order to safeguard the amenity levels of adjoining occupiers during the construction process.</p>
7	<p>Accessible Housing</p> <p>CONDITION: The accommodation be detailed to meet Category 2 of the National Standard for Housing Design as set out in the Approved Document M 'Accessible and adaptable dwellings' M4(2)</p> <p>REASON: in accordance with LPP 3.8.</p>
8	<p>Car Free Housing</p> <p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) In the case of units designated in this planning permission as "non car free"; or iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: To ensure that the development remains car free.</p>
9	<p>Refuse/Recycling Provided (Compliance)</p> <p>CONDITION: The dedicated refuse/recycling enclosure shown on drawing no. xxxxx shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
10	<p>Green/Brown Biodiversity Roofs (Compliance)</p> <p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 1436-PL-102_C hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
11	<p>Roof Terrace</p> <p>CONDITION: The north and east sides of the proposed roof terrace shall be used for emergency access and maintenance only, and not for amenity or sitting out.</p> <p>REASON: To protect the amenity of adjacent residents of Worcester Point.</p>

List of Informatives:

1	<p>S106</p> <p>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.</p>
2	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>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.</p>
4	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Pre-application discussions were entered into and 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.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

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

2. Development Plan

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

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

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.13 Opportunity areas and intensification areas

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.15 Coordination of housing development and investment

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.9 Cycling

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

8 Implementation, monitoring and review

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 Bunhill and Clerkenwell
Policy CS8 (Enhancing Islington's Character)

Policy CS15 (Open Space and Green Infrastructure)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design

Housing

DM3.1 Mix of housing sizes
DM3.4 Housing standards
DM3.5 Private outdoor space

Health and open space

DM6.5 Landscaping, trees and biodiversity

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.4 Walking and cycling
DM8.5 Vehicle parking

Infrastructure

DM9.1 Infrastructure
DM9.2 Planning obligations
DM9.3 Implementation

D) Site Allocations June 2013

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:

- **Policy BC1 Kings Square and St Lukes**
- **Policy BC9 Tall buildings and contextual consideration for building height**
- **Central Activities Zone**

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

The following SPGs and/or SPDs are relevant:

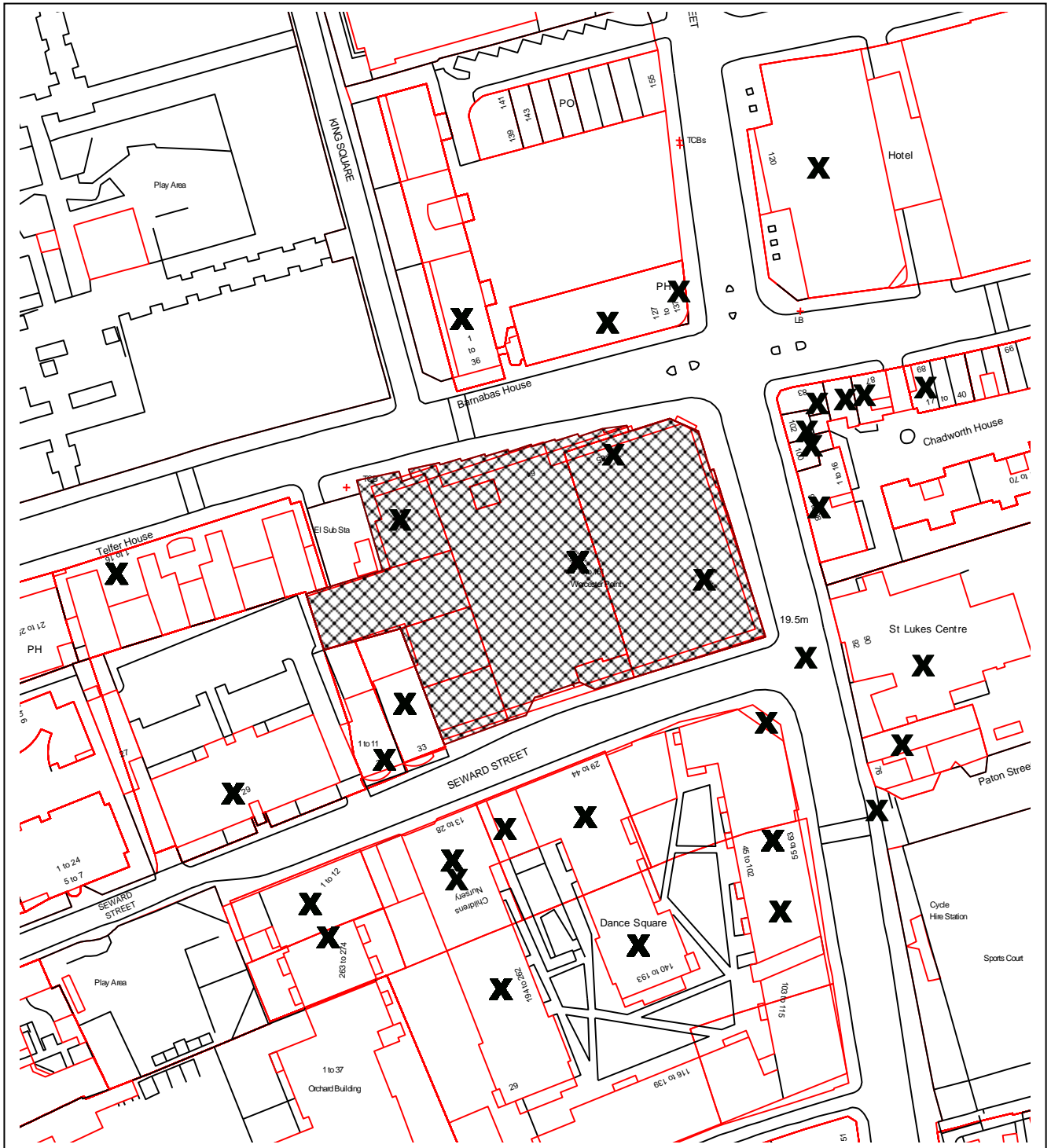
Islington Local Plan

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Urban Design Guide
- Finsbury Local Plan

London Plan

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

Islington SE GIS Print Template



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