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## AGENDA FOR THE PLANNING SUB COMMITTEE B

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Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **14 March 2016 at 7.30 pm.**

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

Enquiries to : Jackie Tunstall  
Tel : 020 7527 3068  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 4 March 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](mailto:enquiriesplanning@islington.gov.uk)**

### Committee Membership

Councillor Klute (Chair)  
Councillor Nicholls (Vice-Chair)  
Councillor Convery  
Councillor Donovan  
Councillor Picknell

### Wards

- St Peter's;  
- Junction;  
- Caledonian;  
- Clerkenwell;  
- St Mary's;

### Substitute Members

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

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

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

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<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
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2.	Land at Turk's Head Yard, 75A Turnmill Street, EC1M 5SY	37 - 58
3.	London Canal Museum, No 12-13 New Wharf Road, N1 9RT	59 - 72
4.	Municipal Offices, 222 Upper Street, N1 1XR	73 - 86
5.	Pakeman Primary School, 21 Pakeman Street, N7 6QN	87 - 100
6.	Yerbury Primary School, 67 Foxham Road, N19 4RR	101 - 112

**C. Consideration of other planning matters**

**D. Urgent non-exempt items**

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

**E. Exclusion of press and public**

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

**F. Confidential/exempt items**

**Page**

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

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

**Date of Next Meeting:** Planning Sub Committee B, 10 May 2016

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

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

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

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

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

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

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

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

#### COMMITTEE AGENDA

1 1 Barnsbury Street, London, N1 1PW

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

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3 London Canal Museum  
No. 12-13  
New Wharf Road  
London  
N1 9RT

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4 Municipal Offices Islington Council, 222 Upper Street, London  
N1 1XR

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5 Pakeman Primary School 21 Pakeman Street London N7 6QN

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6 Yerbury Primary School 67 Foxham Road London N19 4RR

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1 1 Barnsbury Street, London, N1 1PW

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Ward: St. Marys

**Proposed Development:** Demolition of existing building and erection of a three storey building over basement comprising of showroom on lower ground and ground floor and 1no. 2 bedroom dwelling on upper floors.

**Application Number:** P2015/3012/FUL

**Application Type:** Full Planning Application

**Case Officer:** Daniel Power

**Name of Applicant:** Mr David Smith

**Recommendation:**

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

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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:**

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**3 London Canal Museum  
No. 12-13  
New Wharf Road  
London  
N1 9RT**

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**Ward:** Caledonian

**Proposed Development:** Installation of one air conditioning unit at roof level

**Application Number:** P2015/5323/FUL

**Application Type:** Full Planning Application

**Case Officer:** Joe Aggar

**Name of Applicant:** Martin Sach

**Recommendation:**

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**4 Municipal Offices Islington Council, 222 Upper Street, London  
N1 1XR**

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**Ward:** St. Marys

**Proposed Development:** Provision of permanent standby generator to service 222 Upper Street and associated flue, along with relocation of cycle stands.

**Application Number:** P2015/4616/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mr Steve Cross

**Recommendation:**

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**5 Pakeman Primary School 21 Pakeman Street London N7 6QN**

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**Ward:** Finsbury Park

**Proposed Development:** Retention of new replacement higher fence on top of the boundary walls to Hornsey Road and adjacent to Emmanuel Church.

**Application Number:** P2015/4521/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mr Lee Griffiths

**Recommendation:**

---

**6 Yerbury Primary School 67 Foxham Road London N19 4RR**

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**Ward:**

**Proposed Development:** Creation of a new visitor entrance gate in existing brick boundary wall fronting Foxham Road and formation of an associated new entrance door in place of existing window to the east elevation.

**Application Number:** P2015/3606/FUL

**Application Type:** Full Planning Application

**Case Officer:** Sandra Chivero

**Name of Applicant:** Ms Cassie Moss

**Recommendation:**

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London Borough of Islington

## Planning Sub Committee B - 25 January 2016

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 25 January 2016 at 7.30 pm.

**Present:**           **Councillors:**           Martin Klute (Chair), Tim Nicholls (Vice-Chair), Paul Convery, Alice Donovan and Angela Picknell

### Councillor Martin Klute in the Chair

**176**           **INTRODUCTIONS (Item A1)**

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

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

There were no apologies for absence.

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

There were no substitute members.

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

There were no declarations of interest.

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

The order of business was B1, B2, B6, B11, B10, B12, B3, B4, B5, B7, B8, B9, B13, B14, B15 and B16.

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

**RESOLVED:**

That the minutes of the meeting held on 17 December 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**182**           **4 COLONY MEWS, N1 4RB (Item B1)**

Erection of a roof extension over existing first floor flat roof to form an additional small living space at second floor level.

(Planning application number: P2015/4168/FUL)

In the discussion the following points were made:

- The officer stated that a north elevation drawing had been received. This had not changed the application.
- The relationship between the proposed extension and the nearby property 37L was considered.
- Although the council had a policy on unaltered rooflines, this had to be considered along with other policies and applied in a pragmatic way. The property was on back land in a modern development and was not in a terrace fronting the highway.

## Planning Sub Committee B - 25 January 2016

- The distance between habitable rooms was 13.6m was therefore lower than the 18m required. Where there was a departure from that required, mitigation measures had to be put in place. In this case the window was at an oblique angle, the size and location of the window mitigated overlooking as did the window being half obscurely glazed. It would be inappropriate to require the living room window to be completely obscurely glazed.
- In response to an objector's point that there was an assurance when the existing building was built that the height would not exceed 5.5m, the planning officer advised that there was no condition on the original planning permission relating to height.
- A member commented that policies may have changed since the existing building was granted planning permission.
- The design of the proposed extension was discussed.

### **RESOLVED:**

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

183

### **BATH STREET HEALTH CENTRE, 60 BATH STREET, EC1V 9DP (Item B2)**

Temporary change of use of existing health centre (Class D1) to general offices (Class B1).

Planning application number: P2015/4749/FUL)

### **RESOLVED:**

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

184

### **CANONBURY ROAD NEAR THE JUNCTION WITH ESSEX ROAD, N1 (Item B3)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on the pavement outside Essex Road Station on Canonbury Road, close to the junction with Essex Road.

(Planning application number: P2015/4853/ADV)

### **RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

185

### **FARRINGDON ROAD (LAND NEAR THE JUNCTION WITH FARRINGDON LANE AND PEAR TREE COURT), EC1R 3BP (Item B4)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement on Farringdon Lane opposite the junction with Pear Tree Court.

(Planning application number: P2015/5133/ADV)

### **RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

186

### **FINSBURY SQUARE (LAND NEAR JUNCTION WITH CITY ROAD), EC2 (Item B5)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement on the north side of Finsbury Square.

(Planning application number: P2015/5141/ADV)

In the discussion the following points were made:

- There was a substantial amount of advertising in the area.
- The conservation officer had concerns about the proximity to listed buildings.
- The site was in a conservation area.

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**187 HOLLOWAY ROAD (LAND NEAR THE JUNCTION WITH MERCERS ROAD) N7 6LJ (Item B6)**

Single panel – 6 sheet advertisement display freestanding illuminated panel.

(Planning application number: P2015/5135/ADV)

In the discussion the following points were made:

- The planning officer advised that comments had been received from TfL in relation to drivers' safety as they considered the sign was likely to cause a distraction to drivers turning into Mercers Road.
- This application was in a conservation area and there was a policy on street clutter.

Councillor Donovan proposed a motion to refuse advertisement consent as the application was in a conservation area and the sign would contribute to street clutter and be a distraction for drivers. This was seconded by Councillor Nicholls and carried.

**RESOLVED:**

That advertisement consent be refused for the reasons outlined above, the wording of which was delegated to officers.

**188 JUNCTION WITH CANONBURY VILLAS AND BRAES STREET, CANONBURY ROAD, N1 (Item B7)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on the pavement at the junction of Canonbury Villas and Braes Street.

(Planning application number: P2015/4854/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**189 LAND OUTSIDE CANONBURY STATION, WALLACE ROAD, N1 2PQ (Item B8)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on the pavement outside Canonbury Station on Wallace Road.

(Planning application number: P2015/4855/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**190**      **PAVEMENT AREA AT THE JUNCTION OF ROSEBERRY AVENUE AND PINE STREET, EC1 (Item B9)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement at the junction of Roseberry Avenue and Pine Street.

(Planning application number: P2015/5132/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**191**      **PAVEMENT AT CORNER OF JUNCTION ROAD AND BREDGAR ROAD, N19 (Item B10)**

Installation of free standing internally illuminated advertisement display panel (6 sheet) on pavement at the corner of Junction Road and Bredgar Road.

(Planning application number: P2015/5099/ADV)

In the discussion the following points were made:

- Concern was raised that the proposed advertisement display panel would be visible from the conservation area. It was also next to a zebra crossing which could have road safety implications.
- In relation to future applications, the planning officers were asked to provide a map of approved applications so the cumulative impact could be considered.

Councillor Nicholls proposed a motion to refuse the application for road safety reasons and the site being in close proximity to the conservation area. This was seconded by Councillor Convery and carried.

**RESOLVED:**

That advertisement consent be refused for the reasons outlined above, the wording of which was delegated to officers.

**192**      **PAVEMENT AT THE JUNCTION OF CAMDEN ROAD AND CALEDONIAN ROAD, N7 (Item B11)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement at the junction of Camden Road and Caledonian Road.

(Planning application number: P2015/5101/ADV)

In the discussion the following points were made:

- TfL had not objected.
- The location of the proposed sign was set back from the road.
- In terms of the advertisement display panel being outside a college the planning regime did not restrict the type of adverts used, however the council had restricted the type of adverts that could be displayed.

**RESOLVED:**

That advertisement consent be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

**193**      **PAVEMENT AT THE JUNCTION OF FREDERICA STREET AND CALEDONIAN ROAD, N7 (Item B12)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement at the junction of Frederica Street and Caledonian Road.

(Planning application number: P2015/5100/ADV)

In the discussion the following points were made:

- The application did not comply with the Cally Panel SPD which encouraged improved design, tidying up of the public realm and the removal of street furniture.
- The site was near Pentonville Prison, the largest listed building in Islington and the proposed advertisement display panel could cause harm to the setting of the historic building.

Councillor Convery proposed a motion to refuse advertisement consent due to proximity to a historical building, road safety concerns and non-compliance with the Cally Plan. This was seconded by Councillor Nicholls and carried.

**RESOLVED:**

That advertisement consent be refused for the reasons outlined above, the wording of which was delegated to officers.

**194 PAVEMENT ON THE JUNCTION OF CITY ROAD AND WORSHIP STREET, EC2 (Item B13)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement at the junction of City Road and Worship Street.

(Planning application number: P2015/4869/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**195 PAVEMENT ON THE NORTH SIDE OF CITY ROAD (OUTSIDE DUNCAN TERRACE GARDENS) LONDON EC1 (Item B14)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement outside Duncan Terrace Gardens.

(Planning application number: P2015/4868/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**196 PAVEMENT ON THE SOUTH SIDE OF ESSEX ROAD (OUTSIDE ANNETTE CRESCENT), CLOSE TO THE JUNCTION WITH HALLIFORD STREET, LONDON, N1 (Item B15)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement outside Annette Crescent.

(Planning application number: P2015/4870/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

**197**     **SITE ADJOINING THE PUBLIC CONVENIENCE AT ISLINGTON GREEN, ESSEX ROAD, N1 8DU (Item B16)**

Installation of freestanding internally illuminated advertisement display panel (6 sheet) on pavement adjacent to the public convenience.

(Planning application number: P2015/4874/ADV)

**RESOLVED:**

That advertisement consent be refused for the reason set out in Appendix 1 of the officer report.

The meeting ended at 9.10 pm

**CHAIR**

**WORDING DELEGATED TO OFFICERS**

**MINUTE 191**

**PAVEMENT AT CORNER OF JUNCTION ROAD AND BREDGAR ROAD, N19**

**REASON FOR REFUSAL:** The proposed advertisement sign by reason of its size, siting and method of illumination would result in additional street clutter and would have a harmful visual impact on the surrounding urban area and would adversely affect the setting of the nearby St John's Grove conservation area. The proposed advertisement is also considered to have a detrimental impact on highways safety and movements in the vicinity of the site. The proposal would fail to preserve and enhance the character and appearance of the surrounding urban area and as such, would be harmful to local amenity contrary to policies CS8 and CS9 of the Adopted Islington Core Strategy (2011), policies DM2.3 and DM2.6 of the Adopted Islington Development Management Policies (2013).

**MINUTE 193**

**PAVEMENT AT THE JUNCTION OF FREDERICA STREET AND CALEDONIAN ROAD, N7**

**REASON FOR REFUSAL:** The proposed advertisement sign by reason of its size, siting and method of illumination would result in additional street clutter and would have a harmful visual impact on the surrounding urban area, nearby Grade 2 listed Pentonville Prison. The proposed advertisement is also considered to have a detrimental impact on highways safety and movements in the vicinity of the site. The proposal would fail to preserve and enhance the character and appearance of the surrounding urban area and as such, would be harmful to local amenity contrary to policies CS8 and CS9 of the Adopted Islington Core Strategy (2011), policies DM2.3 & DM2.6 of the Adopted Islington Development Management Policies (2013) and the Caledonian Plan SPD 2014.

**MINUTE 187**

**HOLLOWAY ROAD (LAND NEAR THE JUNCTION WITH MERCERS ROAD) N7 6LJ**

**REASON FOR REFUSAL:** The proposed advertisement sign by reason of its size, siting and method of illumination would result in additional street clutter and would have a harmful visual impact on the surrounding Mercers Road/Tavistock Terrace conservation area and wider urban setting. The proposed advertisement is also considered to have a detrimental impact on highways safety and movements in the vicinity of the site. The proposal would fail to preserve and enhance the character and appearance of the surrounding urban area and as such, would be harmful to local amenity contrary to policies CS8 and CS9 of the Adopted Islington Core Strategy (2011), policies DM2.3 and DM2.6 of the Adopted Islington Development Management Policies (2013) and the Mercers Road/Tavistock Terrace Conservation Area guidance note.

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### PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	14 <sup>th</sup> March 2016		

Application number	P2015/3012/FUL
Application type	Full Planning Application
Ward	St. Marys
Listed building	Not listed
Conservation area	Upper Street North Conservation Area
Development Plan Context	Archaeological Priority Area (APA3) Upper Street Local Shopping Area
Licensing Implications	None
Site Address	1 Barnsbury Street, London, N1 1PW
Proposal	Demolition of existing building and erection of a three storey building over basement comprising of an A1 retail showroom on lower ground and ground floor and the creation of a 1 x 2 bedroom residential dwelling on upper floors.

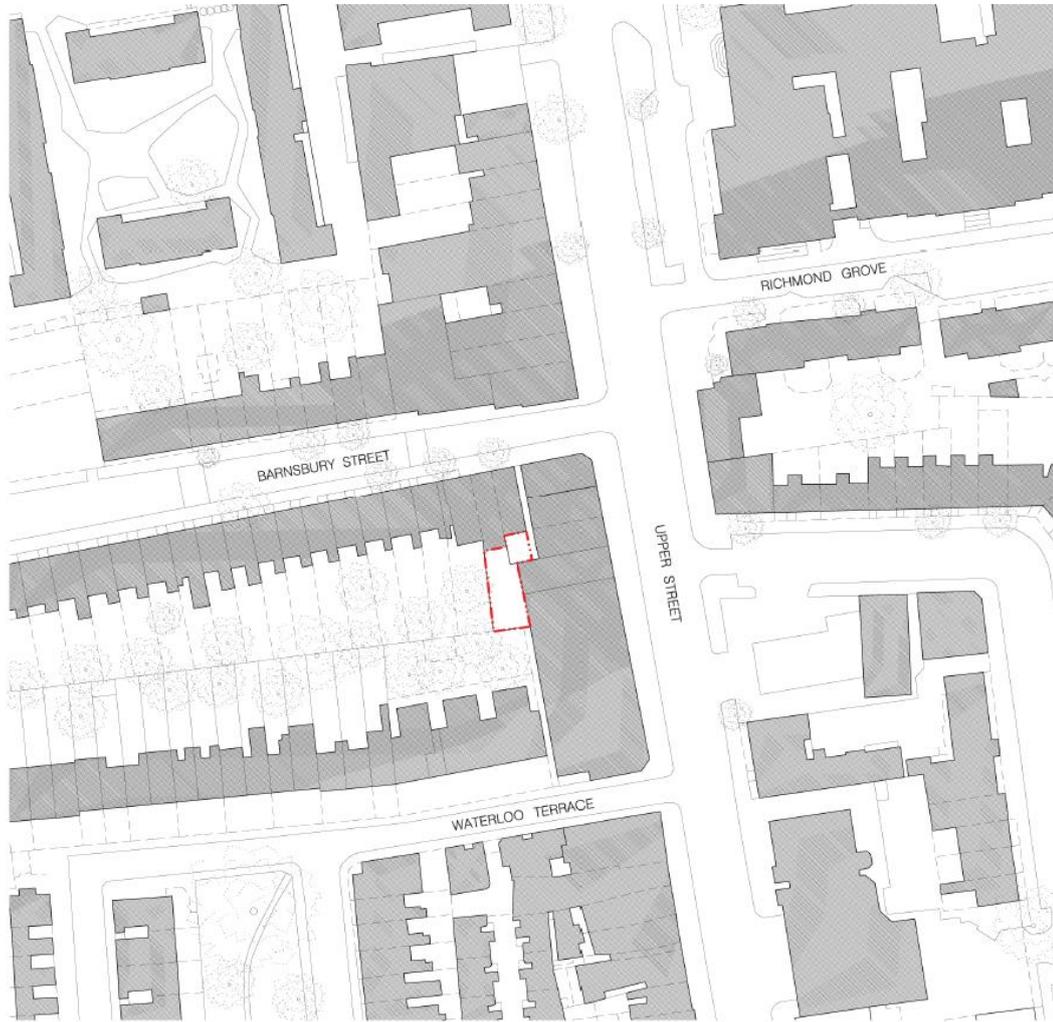
Case Officer	Daniel Power
Applicant	Mr David Smith
Agent	Amin Taha Architects - Mr Jason Coe

#### 1. RECOMMENDATION

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

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

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



3. PHOTOS OF SITE/STREET



IMAGE 1: View of existing building from roof of Upper Street terraces



IMAGE 2: South elevation of existing building.



Fig.13

IMAGE 3: View of 157-165 Upper street from 1 Barnsbury Street



IMAGE 4: Properties to the north of the existing building



IMAGE 4: View to the south of the existing building

#### 4. SUMMARY

- 4.1 This application seeks full planning permission for the demolition of the existing flat roofed brick building and the erection of a three storey building plus full basement level building. The proposed building would comprise of a A1 retail showroom and storage room on lower ground and ground floors which would be ancillary and linked to the main retail unit under construction at present at 168 Upper Street which will be used by a well-established retail outlet in Upper Street known as Aria. The proposal also seeks permission to create a 2 bedroom self-contained residential on the first and second floors of the proposed building.
- 4.2 The introduction of further retail spaces linked to the main retail unit and residential use on the site is considered acceptable in principle. The frontage of the surrounding buildings are characterised by a wide variety of A1/A2 /A3 units with residential units above commercial uses at lower ground and ground floor levels. In July 2014 Planning Committee granted permission for the redevelopment of a site on the corner of Barnsbury Street and Upper Street to provide a 6 storey plus basement building with retail A1 uses at basement and ground floor level and the creation of 3 self-contained residential units. This current application would allow a similar land use with further retail and storage space for retail uses and self-contained accommodation above.
- 4.3 Prior approval for the conversion of the existing building from a B1 (a) office a dwelling C3 in 2013, the permission was implemented and the building was used as a dwelling until recently. The site is located within Upper Street Conservation Area and abuts the boundary of the Barnsbury Conservation Area. The layout, scale and massing of the proposed development is considered to offer a contemporary yet high quality in its design. Subject to the submission of detailed conditions regarding the final finishing materials the proposed development is considered to enhance the character and appearance of the surrounding conservation area.

- 4.4 The impact of the development on neighbours has been considered. It is important to note the existing potential for overlooking and the scale of the existing building. The submitted plans have sought to address the potential for overlooking by the use of deep window reveals and partly obscure glazed windows. It is therefore considered that the overall proposed massing and height of the development combined with the position and use of privacy glazing, would not have a significant impact on the amenity levels of adjoining occupiers in this case. It is not considered that the proposed development would give rise to any material adverse impacts on adjoining properties in terms of increased enclosure levels, loss of outlook or loss of daylight/sunlight in this case.
- 4.5 It is noted that the existing structure which is proposed to be demolished is located close to some residential properties and gardens. A condition has been attached for the applicants to submit a Structural Methods statement before the works are commenced for approval by the council.
- 4.6 The quality and sustainability of the resulting scheme is considered to be acceptable. The dwelling would comply with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov, 2012). The redevelopment of the site has no vehicle parking on site and is therefore in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free.
- 4.7 There are limited views from the wider public of the application site and while the proposed is of contemporary design it is not considered that the development would become a dominant or incongruous feature when seen within the local context surrounding the site. The proposed building offers a high quality in design that is sympathetic to its context in terms of its scale, massing and materials, yet different in its design in comparison to the surrounding development.
- 4.8 In summary, the proposal is considered to be acceptable and to be broadly in accordance with the Development Plan policies.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located at the rear corner of Barnsbury Street and Upper Street, with Highbury and Islington immediately to the north and Angel to the south. The local area is largely residential which sit alongside a high concentration of retail and employment uses along the length of Upper Street. The site is located with the Upper Street Conservation Area and abuts the boundary of the Barnsbury Conservation Area. The building to the north of the site No. 5 Barnsbury Street is locally listed with the terrace of dwelling to the west grade II listed, in addition the eastern boundary of the site is an Employment Growth Area.
- 5.2 The existing building of 1 Barnsbury Street is of post war design and constructed from red bricks, whilst the surrounding buildings are constructed from yellow London stock bricks. The existing building has a flat roof with a large number of openings along its southern elevation.
- 5.3 The surrounding built form is mainly 6 storey buildings to the north, east and south with garden areas to the west, with a large number of mature trees. Upper Street to the east comprises of commercial on the lower floors and residential above, with Barnsbury Street to the north and Waterloo Terrace being predominantly residential.

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

- 6.1 This application seeks full planning permission for the demolition of the existing flat roofed brick building and the erection of a three storey building with a full basement level. The proposed building would comprise of showroom and storage room at lower ground and ground floors which would be ancillary to the main retail unit and 1no. 2 bedroomed dwelling on upper floors.
- 6.2 The proposed building is on the same footprint as the existing building and while the height of the proposal is similar to the existing building, the overall mass has been increased by raising a single storey element to a full three storeys. The building's design reflects the constraints of the

site and the scale of the existing building. The walls of the proposal would be yellow London stock brick, in keeping with the surrounding buildings, however the design of the proposed building is contemporary. The centre part of the roof would have a terrace with the remainder being a green roof with roof lights.

- 6.3 The proposed building would measure 6.3 metres at the eave rising to 7 metres at the centre of the building. The length of the building is 23 metres on the western elevation, with the width of the southern 10 metres and the north being 7 metres. The north elevation has a curved entrance door, which project to the west curved round the proposed courtyard. The proposed building comprises of a basement approximately 3.5 metres in depth, which is accessed via an internal staircase within the west of the building. The proposed building would be on the same footprint as the existing building and would be the same overall height as the existing building but would increase the bulk in parts. The main increase in proposals bulk over the existing is on the southern elevation, which projects a further 7 metres of three storey building on the existing footprint. The proposed building's materials would be yellow London stock brick for the walls, with a green roof and painted brass windows and doors.
- 6.4 As a result of the constrained site the building has a minimal amount of windows, with the windows proposed having deep reveals and angled glazing with privacy glass to reduce overlooking to neighbouring properties.

**7. RELEVANT HISTORY:**

**PLANNING APPLICATIONS:**

- 7.1 168 Upper Street, London N1: P2014/0189/FUL: Redevelopment of the site to provide a 6 storey plus basement building with retail A1 uses at basement and ground floor level, the creation of 3 self contained residential units (3 x 2 beds), new ground floor shop frontages and associated alterations.



Artists Impression of approved scheme at 168 Upper Street.

- 7.2 P2013/2161/PRA: Application for prior approval of the Local Planning Authority for the change of use from B1 (a) office accommodation to one (1) self-contained flat (C3 Use Class)
- 7.3 168 Upper Street, London N1: P2013/0499/ADV: Refused advertisement and subsequent dismissed appeal at Advertisement hoarding. 2.84m high hoardings with 'Aria' logo painted four times.
- 7.4 P110603: Planning permission granted on the 31<sup>st</sup> October 2013 for the change of use of ground and basement floors to create 4 retail units (A1 use) and one restaurant/bar (A3/A4 dual use) together with external alterations at ground floor level to street frontages and rear. (Adjoining site 159-167 Upper Street)
- 7.5 The majority of the upper floors of 159-167 Upper Street have numerous recent prior approvals allowing the change of use of the vacant office floorspace to residential units of a variety of mix's and numbers under the government relaxed change of use allowances.

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

- 7.6 No Pre-application advice was sought.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 175 adjoining and nearby properties at Upper Street, Barnsbury Street and Waterloo Terrace on 17 November 2015. A site notice and press advert was displayed on 5 November 2015. The public consultation of the application therefore expired on 26 November 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of 4 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Feel the building would tarnish the skyline (See paragraphs 10.8 to 10.10)
  - Loss of a period building (See paragraphs 10.8 to 10.10)
  - Harmful to the character of the street (10.8 to 10.10)
  - Requesting conditions with regard to materials (See paragraphs 10.8 to 10.10)
  - The green roof could discolour the bricks. (See paragraphs 10.8 to 10.10)
  - Concerns with the materials proposed (See paragraphs 10.8 to 10.10)
  - Increase of footfall as a result of the storage room and showroom. (See paragraph 10.22)
  - Basement concerns and structural issues ( See paragraphs 10.11- 10.14)

#### **Internal Consultees**

- 8.3 **Access Officer:** The Council's access officer made a series of requests to amend the drawings to improve the accessibility of the proposed development. Amended drawings have been received which address many of the requests made. The officer raised no objections overall to the scheme subject to a further access condition to achieve category 2 accessibility standards.

8.4 **Design and Conservation:** Officers have no objection to the proposal noting both the very limited views of the site form the public realm and also welcomed the high quality contemporary design of the proposal.

8.5 **Planning Policy:** Have no objections to the proposal. The officer welcomes the additional retail floorspace in the Upper Street Local Shopping Area

## 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 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 2011, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

- Archaeological Priority Area (APA3)
- Upper Street Local Shopping Area
- Upper Street North Conservation Area

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

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

## 10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use;
- Design, scale, appearance and impacts of the proposed development on the character and appearance of the surrounding conservation area.
- Neighbouring amenity impacts;
- Quality of resulting accommodation;
- Sustainability & Energy efficiency and renewable energy;
- Affordable housing and small sites contributions
- Transport and highways
- Accessibility
- Refuse facilities

## **Land-use**

- 10.2 The site is located to the west of the Local Shopping Frontage and the Employment Growth Area as allocated within Islington's Development Management Plan.
- 10.3 Prior approval was granted under planning ref P2013/2161/PRA dated for for the conversion of the existing building onsite from a B1 (a) office to a C3 dwelling in 2013, the permission was implemented and the building was used as a dwelling up until Christmas of last year. This current application seeks permission for the creation of a residential unit at the upper floors and storage and retail space/showrooms in connection with the main retail Aria shop under construction at present at 168 Upper Street on the ground and basement levels.
- 10.4 The site is located behind an existing frontage of retails and commercial uses, with residential above. The application proposes that the proposed retail element of the building will be link to the existing retail uses recently approved and currently being constructed. The proposed building would be accessed via an entrance to the side of the main retail shop as such the proposed retail element of the proposed building would not have a shop frontage. Given the access of the proposed unit through the entrance of the existing shop, this would result in its use being linked to the main shop. In additional given the proposed buildings location and means of access this would limit the extent of the building use and the times it could be used. Therefore given the sites close proximity to the shop for which it will be ancillary to and the extant A1 unit currently under construction at 168 Upper Street. The proposed uses in this case are considered to be acceptable in principle.

## **Design and Appearance**

- 10.5 Policy DM2.1 of Islington's Development Management Policies state 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. Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.6 The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.
- 10.7 The site is located within the Upper Street Conservation Area and adjacent to the Barnsbury Conservation Area. The application site is located to the rear of Barnsbury Street, Upper Street and Waterloo Terrace and accessed from Barnsbury Street. The existing building is not widely visible from public views and is only visible from within the site or from the rear of adjacent buildings.
- 10.8 The application proposes to demolish the existing building and erect a three storey building with a basement. The building would comprise of a showroom on lower ground and ground floor which would be ancillary to the main shop and 1no. 2 bedroomed dwelling on upper floors with a roof terrace and a green roof. The proposed building would be located on the same footprint as the existing building and similar in terms of its massing and scale to the existing building, but would increase a single storey element to a full three storeys. The building's design reflects the constraints of the site and the scale of the existing building. The walls of the proposal would be yellow London stock brick, in keeping with the surrounding buildings, however the design of the proposed building is contemporary. The central part of the roof would have a terrace with the remainder being a green roof with roof lights.

- 10.9 As a result of the sites context and constraints in terms of overlooking and surrounding uses the architects have chosen to explore a contemporary design yet using materials that are in keeping with the surrounding development. The proposal design sets a clear definition between the modern proposed buildings and the surrounding development. The Councils Design and conservation officers were consulted on the scheme and commented that the development represents a high quality, contemporary design and they have no objections to the proposal.
- 10.10 Objections have been received stating the proposal would tarnish the surrounding skyline and would fail to preserve or enhance the character and appearance of the surrounding conservation area. The proposed building would be of a similar scale and massing than the existing building, while there would be an increase in the size of the building in comparison to the existing, the proposed building would not be higher than the existing. The existing building is considered to offer a rather neutral visual appearance and it is considered that the proposed replacement building is of a high quality and would enhance the character and appearance of the conservation area. The existing building is not locally or statutory listed in any way. Following the submission of amendments the building would have a green roof which would soften the mass of the new built form. It is considered that high quality finished and final facing materials can be secured via condition in this case.
- 10.11 Basement Development: In January 2016 the Council adopted its Basement development supplementary planning document (SPD). The document seeks that all basement development potential impact in terms of structural impact is appropriately assessed and is appropriate to its location.
- 10.12 This application includes the provision of a basement for retail and storage space, which would be accessed internally. The basement SPD states that for all development involving the provision of a basement that a Structural Method Statement must be submitted with the application. The application was submitted prior to the adaptation of the SPD, therefore it is recommended a condition is attached to any permission require a Structural Method Statement be submitted prior to commencement of works on site. In addition the SPD states that basement should occupy less than 50% of the original garden/unbuilt upon area. The proposed basement would be confined to the footprint of the proposed building and would not extend further. It is noted that the site is tightly constrained area surrounded by residential gardens and a mix of residential and commercial properties. A construction methods statement is suggested as a condition for approval so officers can be sure that the development can be adequately planned and mitigation measures taken to adequately safeguard the amenity levels of adjoining occupiers.
- 10.13 The basement SPD also states a basement should not involve excavation of more than one storey. The proposal would only involve the creation of one storey below ground level. The proposed basement would serve retail and storage areas for the linked site at 168 Upper Street.



Image: Existing and proposed views of the site from the rear of Upper Street Properties.

- 10.14 It is considered that the proposed building offers a high quality in design that is sympathetic to its context in terms of its scale, massing and materials, yet different in its design in comparison to the surrounding development. It is also important to note the limited views from the wider public of the application site and while the proposed is of contemporary design it is not considered that the development would become a dominant or incongruous feature when seen within the local context surrounding the site. In addition it is recommended that a condition is attached to any permission granted requiring samples of the proposed materials. It is therefore considered that the proposal is in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2011, CS9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013

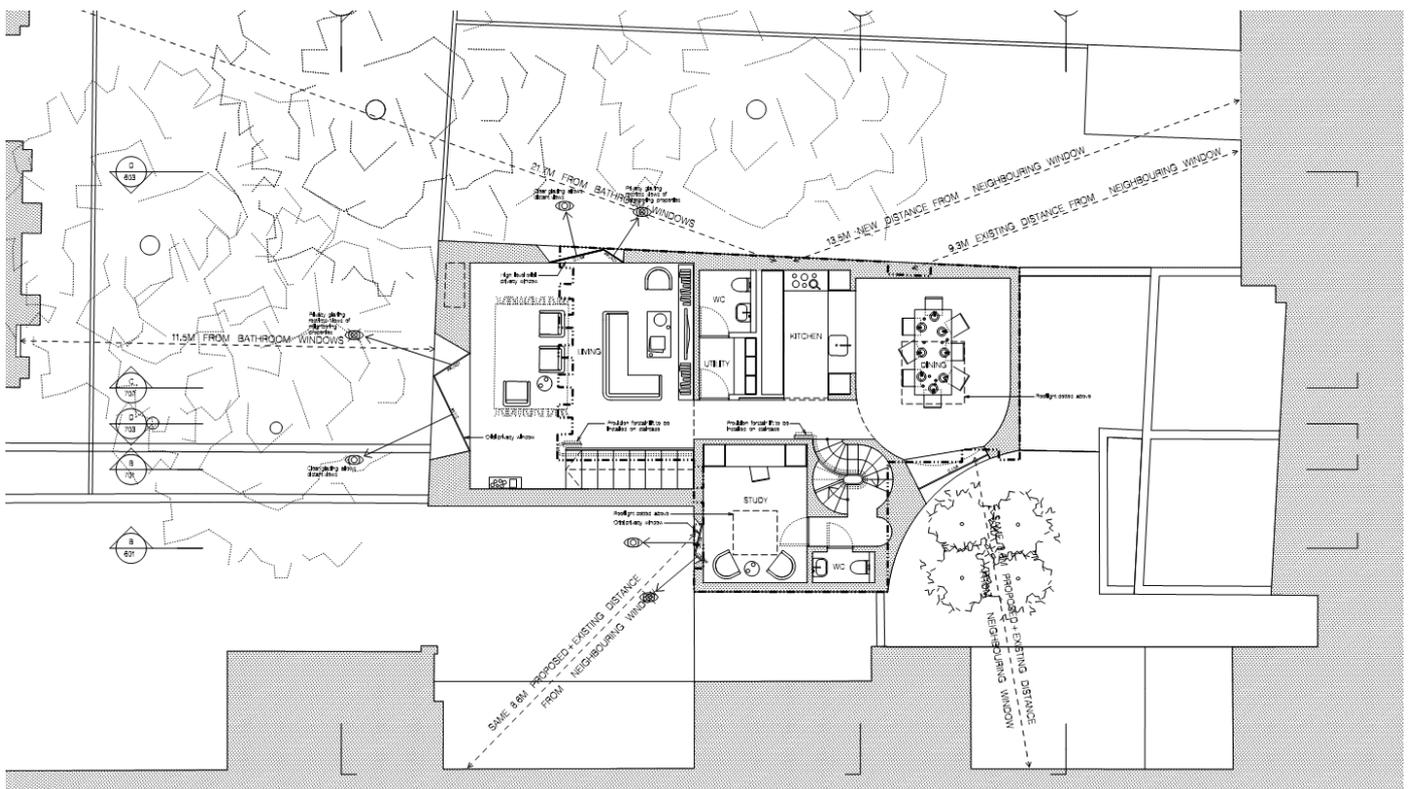
### **Neighbouring Amenity**

- 10.15 Policy DM2.1 of the Council's Development Management Policies state that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, overlooking, privacy, direct sunlight and day light, over dominance, sense of enclosure and outlook.
- 10.16 There have been no objections received from any adjoining residents highlighting concerns regarding any potential adverse impacts of the development on their amenity levels apart from concerns from the increased footfall to the showrooms and storage room.
- 10.17 **General context:** The application proposes retail and storages rooms at the ground and basement which would be ancillary to the main shop. These could be accessed via the new shop currently being constructed on Upper Street or via a separate entrance currently on Barnsbury Street. In addition a residential unit would be located on the upper floors. The overall height and design of the scheme has been broken up into component parts to ensure there is no overwhelming mass that would materially affect light or sense of enclosure to adjoining properties.
- 10.18 **Daylight and overshadowing:** A detailed study was carried out by Lighting Analysts Ltd on behalf of the applicant. The study follows the guidance and methodology provided under BRE practice. The study tested 126 windows around the site. The report concluded that *the Development will not adversely impact upon the daylight amenity received to the neighbouring properties and will have limited effect on the sunlight amenity levels received to one property, which, in the main, will retain levels in accordance with and above the expectations of occupants in urban areas.* Based on the submitted information and studies as part of the Sunlight/daylight report officers are satisfied that the results in terms of potential loss of sunlight/daylight to all adjoining and

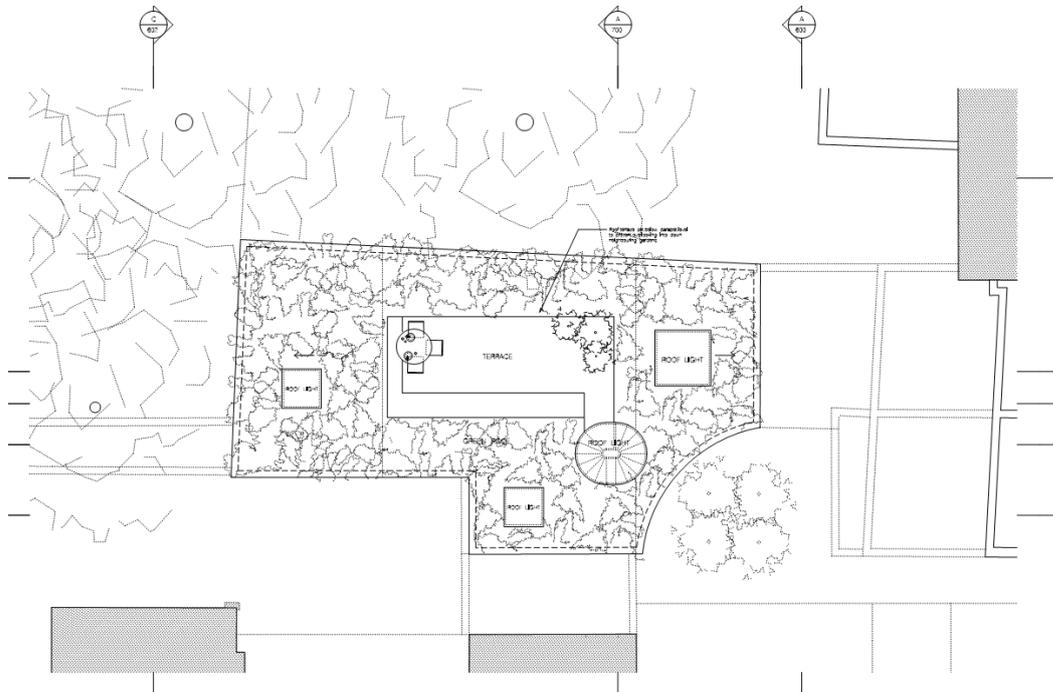
relevant windows facing the site are within acceptable limits and these residents amenity levels will not be materially adversely affected. .

10.19 Overlooking and privacy: The existing building has windows on three elevations facing, east, south and west. The existing windows on the southern elevation are large and while set back over a single storey element are not obscurely glazed. The existing window to the east serve a stair case and the window to the west serve a bathroom. The site is surrounded by residential properties with view to the west over garden areas.

10.20 The proposed windows would be located on the same elevations as the existing building. The windows on the southern elevation would be closer to the dwellings to the south however all the windows on the proposal have been designed in such a way to minimise overlooking. The proposed windows are within deep reveals with angled glazing and using privacy and clear glazing to allow limited views, while also allowing light into the building. Some windows limit views to areas which would not cause overlooking to neighbouring properties, but would give external views future occupiers. The proposed roof terrace area is central located and is set back from the edge of the building and would not give rise to any adverse material impacts in terms of increased overlooking or loss of privacy in this case due to its acceptable scale, location and proposed distances from adjoining residential uses and rear and side windows. The drawing below shows typical distances between the facades of the proposed building and the rear of adjoining properties.



Proposed 1<sup>ST</sup> floor plan showing relationship and distances of this floors main windows to adjoining properties.



Proposed roof plan showing proposed roof terrace in relation to adjoining properties.

- 10.21 **Sense of enclosure:** Overall the acceptable scale, massing acceptable distances between adjoining uses around the site and the final design of the proposal are considered to ensure that the development will not have discernible adverse impact on the amenity levels of adjoining occupiers in this case.
- 10.22 Given the buildings location to the rear of residential units and its means of access it is recommended that a condition is imposed to any grant of permission limiting its use to be linked to the A1 use of the extant A1 unit at 168 Upper Street. Given the assessment above it is therefore considered that the proposed building and its use would not have a detrimental impact on the amenity of surrounding properties in terms of privacy and security as both the residential and commercial uses function from day to day. It is considered that the backland nature of the site and linkage to the extant permission at 168 Upper Street will ensure that the intensity of the use can be controlled to ensure that there is no material increases in noise and disturbances to adjoining occupiers during normal commercial hours.

### **Quality of Resulting Residential Accommodation**

- 10.23 The National Planning Policy Framework acknowledges the importance of planning positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2015) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality.
- 10.24 The existing building received prior approval for both floors of the building to be used as residential. The proposed residential unit exceed the required internal space standards and are therefore in compliance with local and national standards. A detailed study was carried out by Lighting Analysts Ltd on behalf of the applicant. In respect to the proposed building the report stated that *all habitable rooms would achieve daylight levels that meet or exceed BRE Report guidance and all rooms deemed to have a greater requirement for daylight and sunlight amenity, being the living room and the kitchen/diner, would see adequate distribution of daylight, in line with guidance set out in the BRE Report. In terms of sunlight amenity, the roof garden will achieve levels that exceed criteria given in the BRE Report, and assessment of the habitable rooms served by windows facing within 90 degrees due south demonstrates that all would meet or exceed BRE Report Criteria for annual-sun, and would achieve levels of winter-sun that exceed expectations for the area, particularly given the city centre location and the enclosed nature of the site.*

- 10.25 As a result of the constrained site the outlook has been restricted, however the dwelling would offer a good level of living accommodation as the unit is well laid out and would form attractive and high quality internal living environments, with some room's double height. In addition the application proposes a roof terrace which would provide sufficient outside amenity space.
- 10.26 There would be provision for a stair lift which would allow access from the street to the internal stairwell to the first floor and basement. With a number of the access officers concerns address following the submission of amended plans.
- 10.27 The proposal includes the use of the courtyard as a secure residential entrance. This area would be improved and would include the provision for cycle storage for the residential unit and the shop, in a safe and secure storage area. The courtyard would also allow the store the refuses bins. Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies Document state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight. On the basis of the above, it is considered that the proposed residential unit would provide an acceptable living environment for future occupiers.

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

- 10.28 The applicant has submitted a Sustainability Statement that confirms the development will make a positive contribute towards renewal energy and climate change and a condition would be placed on any approval of permission requiring compliance. The proposal is designed to be a low and passive consumer of energy with high insulation values and appropriate sourcing of material.
- 10.29 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1,000 per unit). The applicant has submitted a draft agreement to pay sum in respect of carbon offsetting. If members are minded to approve this application no decision would be issued until the UU is fully completed to secure both these necessary contributions.
- 10.30 Further conditions are suggested within Appendix 1 to secure adequate SUDS features for the development and to secure that the new dwelling be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013.

### **Highways and Transportation**

- 10.31 The development would be car free, as required by Core Strategy Policy CS10 and as per a condition to the application, which restricts future of occupiers of both the retail space and residential units, from obtaining a residents permit. This will ensure adequate provision of spaces for existing users.

### **Accessibility**

- 10.32 Since the application has been submitted, the lifetime homes standard has been revoked and replaced with National Standards for Housing Design, set out within the Building Regulations. On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via

Written Ministerial Statement issued 25th March 2015

- Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
- Deregulation Bill received Royal Assent 26th March 2015

- 10.33 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 Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 10.34 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, these emerging revised London Plan policies are given weight and inform the approach below.
- 10.35 Amendments have been made to the scheme to address the concerns expressed by the Councils Access officer. The residential unit embraces lifetime home standards and have spaces to accommodate a chair lift into the future if required. Generally the development is considered to create an acceptably inclusive development bearing in mind the scale and physical constraints of the site. The final accessibility credential of the site will be secured via condition to ensure the development merits as many as possible of the council flexible home standards prior to the implementation of the scheme

### **Refuse facilities**

- 10.36 There is a designated refuse facility located in the courtyard to the front of the proposed building which is considered to provide adequate refuse facilities for the units. As this application seeks ancillary retail space to the main shop, the commercial elements of the proposal will use the existing facilities proposed by the previous permission.

### **Small Sites affordable housing contribution**

- 10.37 As there is an existing lawful dwelling on the site this application would not result in the net increase in residential units so therefore the proposal would not be liable to make a financial contribution forwards affordable housing policy. The proposed development would still be liable for the Mayor's CIL
- 10.38 The site is located within Archaeological Priority Area, therefore it is recommended to attach a condition stating that in the event of a buried heritage asset being found during site clearance or construction works no further works shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The application would result in the introduction of further retail spaces linked to the main retail unit and residential use in an area which similar mixture of development. In July 2014 Planning Committee granted permission for the redevelopment of a site on the corner of Barnsbury Street and Upper Street to provide a 6 storey plus basement building with retail A1 uses at basement and ground floor level and the creation of 3 self-contained residential units. This current application would allow a similar land use with further retail and storage space for retail uses and self-contained accommodation above.
- 11.2 The proposed design, scale and massing of the proposed new building is considered to be of a high quality which respects its surrounding context while creating an attractive and contextual design bearing in mind the constraints of the site. The creation of a new full site basement level is not considered excessive bearing in mind the size of the plot and overall scale of the development. A condition is also suggested to ensure that works can be carried out without adversely affect the structural integrity of adjoining properties through the submission of a Structural Methods Statement for approval.

- 11.3 The submitted plans have addressed the potential for overlooking by the use of deep window reveals and partly obscure glazed windows. Given the proposed massing and scale of the development combined with the position and use of privacy glazing, it is considered that the development would not have a significant impact on the amenity levels of adjoining occupiers in this case.
- 11.4 On balance the quality and sustainability of the resulting scheme is considered to be acceptable. The dwelling would comply with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (Nov, 2012). The redevelopment of the site has no vehicle parking on site and is therefore in accordance with Islington Core Strategy policy CS10 Section which identifies that all new development shall be car free.
- 11.5 In summary, the proposal is considered to be acceptable and to be 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**

- 11.6 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

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.

The Heads of Terms are:

- £1,000 towards carbon off-setting.

## RECOMMENDATION B

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

### List of Conditions:

<b>1</b>	<p><b>Commencement</b></p> <p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved plans list</b></p> <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>235-160 Rev C, 235-161 Rev C, 235-162 Rev C, 235-163 Rev C, 235-170 Rev C, 235-171 Rev C, 235-100 Rev D, 235-101 Rev C, 235-102 Rev C, 235-503 Rev G, 235-504 Rev F, 235-502 Rev G, 235-500 Rev G, 235-600 rev D, 235-610 Rev E, 235-601 Rev D, 235-611 Rev E, 235-602 Rev D, 235-612 Rev E, 235-603 Rev D, 235-613 Rev E, 235-700 Rev D, 235-701 Rev D, 235-702 Rev D, 235-703 Rev D,</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<p><b>Materials</b></p> <p>MATERIALS (DETAILS): 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> <ol style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) render (including colour, texture and method of application);</li> <li>c) window treatment (including sections and reveals);</li> <li>d) roofing materials;</li> <li>e) balustrading treatment (including sections);</li> <li>f) any other materials to be used.</li> </ol> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

<p><b>4</b></p>	<p><b>Green Roof Details</b></p> <p>GREEN/BROWN BIODIVERSITY ROOFS (DETAILS): Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>d) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>e) laid out in accordance with plan [xxxx] hereby approved; and</li> <li>f) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <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><b>5</b></p>	<p><b>Accessible Housing</b></p> <p>ACCESSIBLE HOUSING - MINOR SCHEMES (DETAILS): Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit shall be constructed to meet the requirements of 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 Local Planning Authority 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.</p>
<p><b>6</b></p>	<p><b>Waste Management</b></p> <p>WASTE MANAGEMENT STRATEGY (DETAILS): Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <ul style="list-style-type: none"> <li>a) the layout, design and appearance (shown in context) of the dedicated refuse / recycling enclosure(s);</li> <li>b) a waste management plan</li> </ul> <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development 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><b>7</b></p>	<p><b>Linked retail use to 168 Upper Street</b></p>
	<p>CONDITION : The hereby approved A1 retail showroom and storage space shall be used in conjunction with the retail unit at 168 Upper Street. The unit shall not be used as an independent or self-contained retail unit in any form.</p> <p>REASON: In the interests of adjacent residential amenity.</p>

<p><b>8</b></p>	<p><b>Car free housing</b></p> <p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> <li>i) In the case of disabled persons;</li> <li>ii) In the case of units designated in this planning permission as "non car free"; or</li> <li>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.</li> </ul> <p>REASON: To ensure that the development remains car free.</p>
<p><b>9</b></p>	<p><b>Archaeological evidence condition</b></p> <p>CONDITION: In the event of a buried heritage asset being found during site clearance or construction works no further works (including demolition works) shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis, which considers building structure, architectural detail and archaeological evidence along with details of mitigation and asset protection.</p> <p>This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with English Heritage) wishes to secure the protection of archaeological assets if they are discovered</p>
<p><b>10</b></p>	<p><b>Structural Method Statement Details</b></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 listed buildings has been submitted to and agreed in writing by the Local Planning Authority.</p> <p>This strategy shall be fully implemented in accordance with the approved details.</p> <p>REASON: to ensure that the proposed development would have no undue impact on the structural integrity of the neighbouring listed buildings.</p>
<p><b>11</b></p>	<p><b>Construction Method Statement (Details):</b></p> <p>CONDITION: Construction Method Statement (Details): No development (including demolition works) shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>viii. mitigation measures of controlling noise from construction machinery during business hours</li> <li>xi. site access plan - detailing which roads will be used to access the site.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local</p>

	<p>Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
<b>12</b>	<b>A Sustainable Design and Construction Statement</b>
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: In the interest of sustainable development.</p>
<b>13</b>	<b>Window details</b>
	<p>CONDITION: Notwithstanding the details submitted, scaled elevations and cross sections detailing the levels and extent of obscure glazing to all the hereby approved residential units windows shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
<b>2</b>	<b>Superstructure</b>
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov">www.planningportal.gov</a>.</p>

<b>4</b>	<b>Car-Free Development</b>
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. 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.

## 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

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

Policy 2.2 London and the wider metropolitan area  
 Policy 2.5 Sub-regions  
 Policy 2.9 Inner London predominantly local activities

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

Policy 3.3 Increasing housing supply  
 Policy 3.4 Optimising housing potential  
 Policy 3.5 Quality and design of housing developments  
 Policy 3.11 Affordable housing targets  
 Policy 3.13 Affordable housing thresholds

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

Policy 5.1 Climate change mitigation  
 Policy 5.2 Minimising carbon dioxide emissions  
 Policy 5.3 Sustainable design and construction  
 Policy 5.6 Decentralised energy in development proposals  
 Policy 5.7 Renewable energy  
 Policy 5.9 Overheating and cooling  
 Policy 5.10 Urban greening  
 Policy 5.11 Green roofs and development site environs  
 Policy 5.13 Sustainable drainage

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

**safeguarding land for transport**  
 Policy 6.9 Cycling  
 Policy 6.10 Walking  
 Policy 6.13 Parking

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

Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture

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

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

## B) Islington Core Strategy 2011

### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

### **Strategic Policies**

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

## C) Development Management Policies June 2013

### **Design and Heritage**

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

### **Transport**

DM8.3 Public Transport

DM8.4 Walking and cycling

DM8.5 Vehicle Parking

### **Housing**

DM3.4 Housing Standards

DM3.5 Private Outdoor Space

DM3.7 Noise and Vibration (residential uses)

### **Infrastructure**

DM9.1 Infrastructure

DM9.2 Planning Obligations

DM9.3 Implementation

### **Health and Open Space**

DM6.1 Healthy development

DM6.5 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

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

## 5. Designations

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

- **Core Strategy Key Area**
- **Upper Street North Conservation Area**

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

### **Islington UDP**

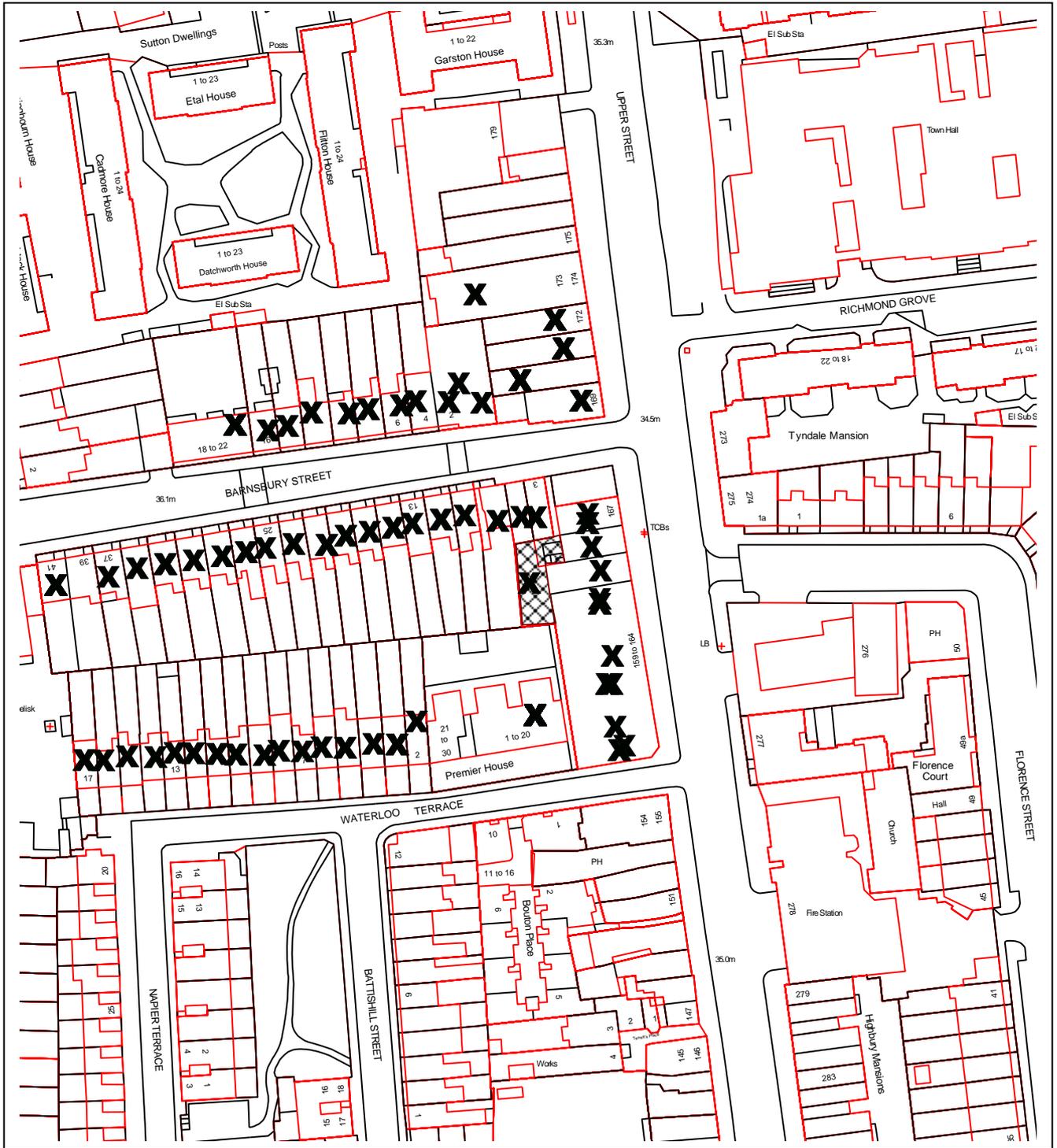
- Accessible Housing in Islington
- Car Free Housing
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Standards Guidelines
- Planning Obligations and S106
- Urban Design Guide

### **London Plan**

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

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# Islington SE GIS Print Template



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P2015/3012/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

<b>PLANNING SUB-COMMITTEE B</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	14 <sup>th</sup> March 2016	<b>EXEMPT NON-EXEMPT</b>

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

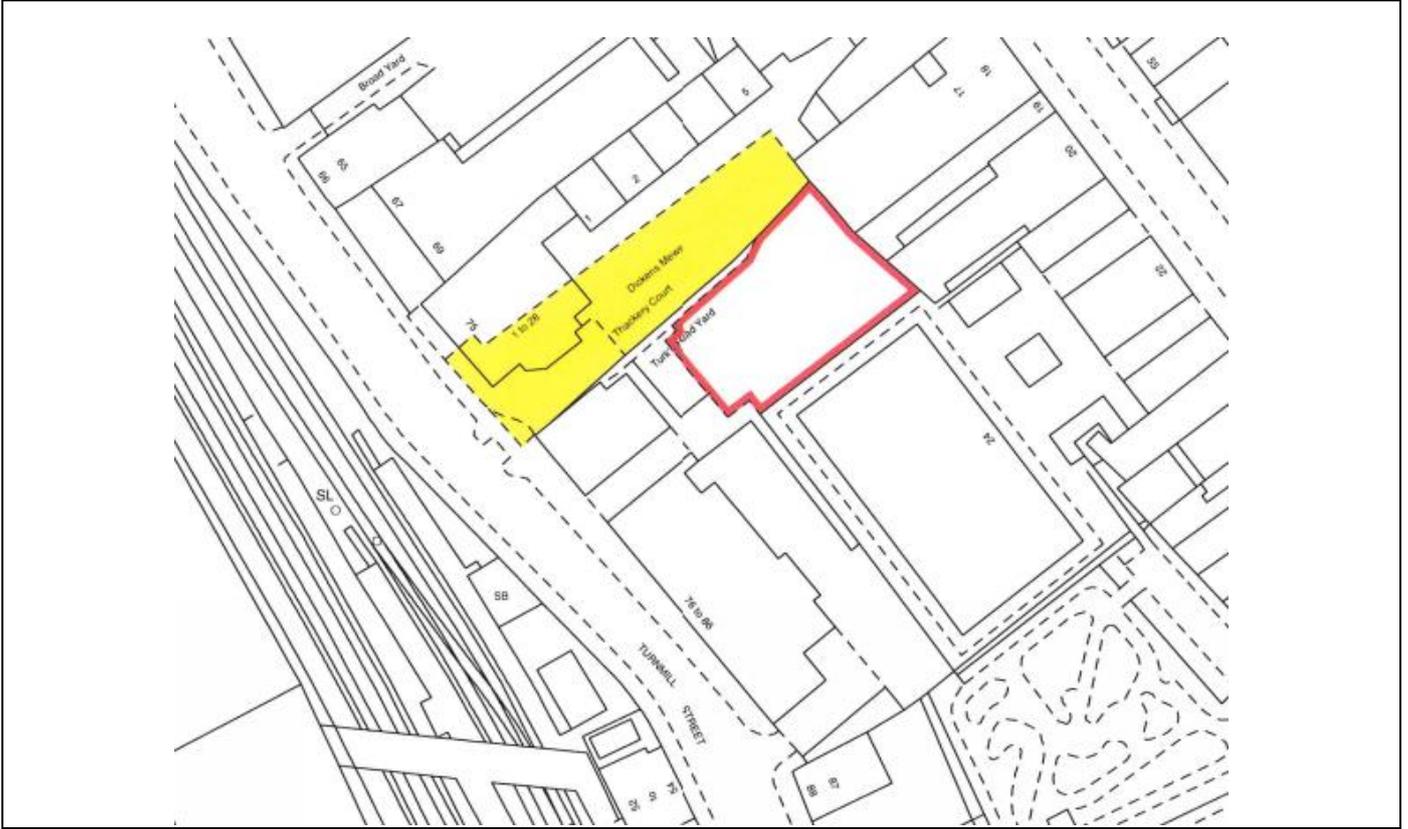
Case Officer	Pedro Rizo
Agent	Mr Matt Bailey

### 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 Road.



**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 for 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.

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 the 29<sup>th</sup> 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 the 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”.*

**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 on the 10<sup>th</sup> June 2014. A site notice was also displayed. The public consultation of the application therefore expired on the 01<sup>st</sup> July 2014. However, it is the Council’s practice to continue to consider representations made up until the date of a decision.

- 8.2 A total of 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 Association:** An email has been received from an agent acting on behalf of the LGA saying they have reservations, as the access goes across Local Government Association Land. No further comments have been received at the time of preparing the committee report.
- 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 would 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, by reason that it is positioned within the Clerkenwell Green Conservation Area and is also extremely significant and sensitive in terms of its 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 has been subject to a recent appeal (ref. APP/V5570/A/13/2203832). The appeal was 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 previous scheme subject to the appeal proposed a four-storey in height 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 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*".

12.4 The amended scheme under this committee report 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. It is therefore considered that the proposed development would conform to its immediate setting and would no longer result in a dominating form of structure within the small scale character 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 conditions are recommended 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 Construction Method Statement and a Sustainable Design and Construction Statement 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 is private open space with no planting and contains a small coverage of hard standing that facilitates parking within the western side of the site.

### **14. Neighbouring Amenity**

- 14.1 Development Management Policy DM2.1 states that developments are required to 'provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook'.
- 14.2 There is a requirement to safeguard existing residential amenity of the occupiers of these 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 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”.*
- 14.7 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.
- 14.8 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. For example, the previously proposed double bedrooms contained the following floor area, which is smaller than the proposed floor area set out in the table above.

<b>Flat Number</b>	<b>Previously Proposed Floor Space (Application P2013/0976)</b>	<b>Minimum Required Floor Space</b>
Flat 2	173.20 sq. m	95.00 sq. m
Flat 3	169.30 sq. m	95.00 sq. m
Flat 6	131.20 sq. m	95.00 sq. m

- 15.4 Previous planning application P2013/0976 was not refused by reason of the excessive floor area of the residential units and the proposed standard of accommodation was not considered inadequate by the Planning Inspector in appeal decision APP/V5570/A/13/2203832. The proposed standard of accommodation is therefore considered acceptable, by reason that the proposed floor area has not been increased from the previous scheme and meets the requirements of policy DM3.4.
- 15.5 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.
- 15.6 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.
- 15.7 Overall, it is concluded that the proposed development would provide acceptable living conditions to future occupiers and acceptable levels fo 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 to 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. This would need to be secured by condition if the development was supported. 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, 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. SUMMARY AND CONCLUSION**

### **Summary**

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 A unilateral planning obligation with reference to contributions for the provision of affordable housing and offset carbon dioxide emissions was signed on the 15<sup>th</sup> January 2016.
- 20.5 The proposal is considered to be acceptable and to be broadly in accordance with the Development Plan Policies.

### **Conclusion**

21. 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	<b>Commencement (Compliance)</b> 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	<b>Approved Plans List: (Compliance)</b> 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.
3	<b>Biodiversity Roofs (Details)</b> 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>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 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>
4	<p><b>Construction Method Statement (Details)</b></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"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. measures to control the emission of dust and dirt during construction</li> <li>v. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <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	<p><b>Sustainable Design and Construction (Details)</b></p> <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: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
6	<p><b>Refuse and Recycling Store (Details)</b></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>
7	<p><b>Materials (Details)</b></p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p>

	<p>a) brickwork;  b) cladding;  c) window treatment (including sections and reveals);  d) roofing materials;  e) balustrading treatment (including sections);</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>
8	<p><b>Parking (Compliance)</b></p> <p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <p>(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> <p>REASON: In the interests of sustainability.</p>
9	<p><b>Archaeology (Details)</b></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 secured 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 that 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>
10	<p><b>Sound Insulation (Details)</b></p> <p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any 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</p>

	<p>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>
11	<p><b>Plant Noise (Compliance)</b></p> <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>
12	<p><b>Crossrail (Compliance)</b></p> <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>
13	<p><b>Construction Environmental Management Plan (Details)</b></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>
14	<p><b>Land Contamination (Details)</b></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>

	REASON: In the interest of sustainability.
15	<b>Noise Exposure (Details)</b>
	CONDITION: Groundborne noise shall not exceed 35dB LAmax, Slow as measured in the centre of any residential room.  REASON: To safeguard residential amenity.
16	<b>Privacy Screen (Details)</b>
	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.  The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.  REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
17	<b>Inclusive Design (Compliance)</b>
	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).  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.  The development shall be constructed strictly in accordance with the details so approved.  REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance to LPP 3.8.
18	<b>Cycle Parking (Details)</b>
	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.  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.  REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.
19	<b>Parking (Compliance)</b>
	CONDITION: Notwithstanding the drawings hereby approved, the retention of the three parking spaces shall not be used in connection to the approved residential units and shall be retained for the exclusive use of the surrounding B1 Office Space.  REASON: In the interest of sustainability.

**Informatives:**

1	<b>Positive statement</b>
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.  A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt,

	<p>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	<b>Car-Free Development</b>
	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.
3	<b>Foundations</b>
	FOUNDATIONS: The foundations of the new buildings must comply with the National House Building Council's Guidance NHBC Standards 2007, part 4.
4	<b>Section 106</b>
	SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
5	<b>Sustainable Sourcing of Materials</b>
	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

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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	14 <sup>th</sup> March 2016	<b>NON-EXEMPT</b>

Application number	P2015/5323/FUL
Application type	Full Planning Application
Ward	Caledonian Ward
Listed building	No
Conservation area	Kings Cross
Development Plan Context	Article 4 Direction – office to residential Core Strategy Key Area Conservation Area Employment Growth Area Locally listed building Mayors Protected Vista Within 100m SRN Within 50m of Conservation Area
Licensing Implications	None
Site Address	London Canal Museum, No. 12-13, New Wharf Road, London, N1 9RT
Proposal	Installation of one air conditioning unit at roof level and acoustic screen

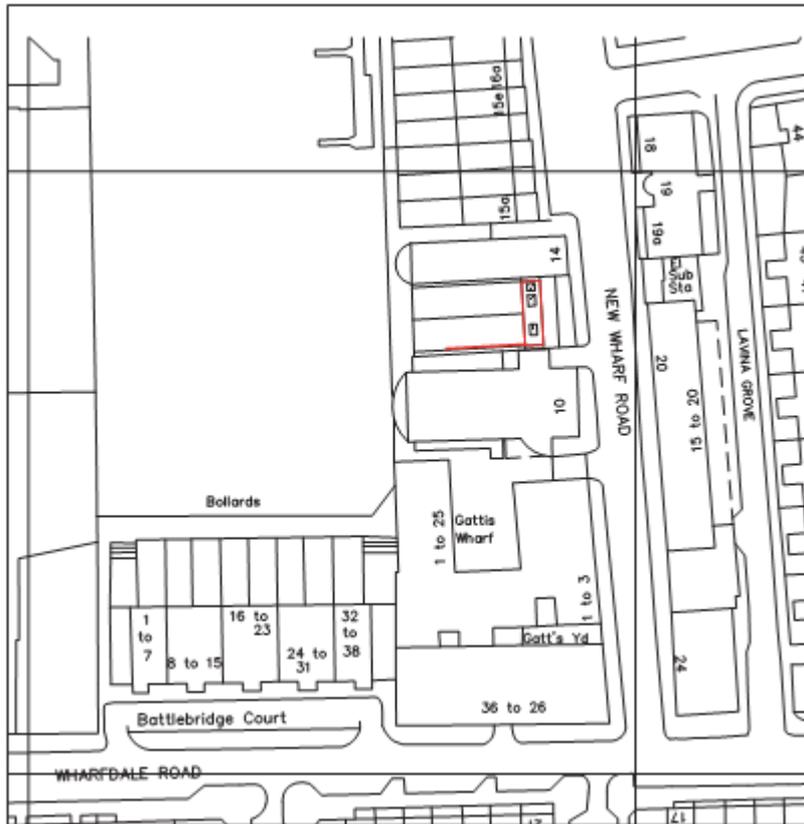
Case Officer	Joe Aggar
Applicant	Martin Sach
Agent	Ms Judith Livesey

### 1 RECOMMENDATION

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

- i) subject to the conditions set out in Appendix 1

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

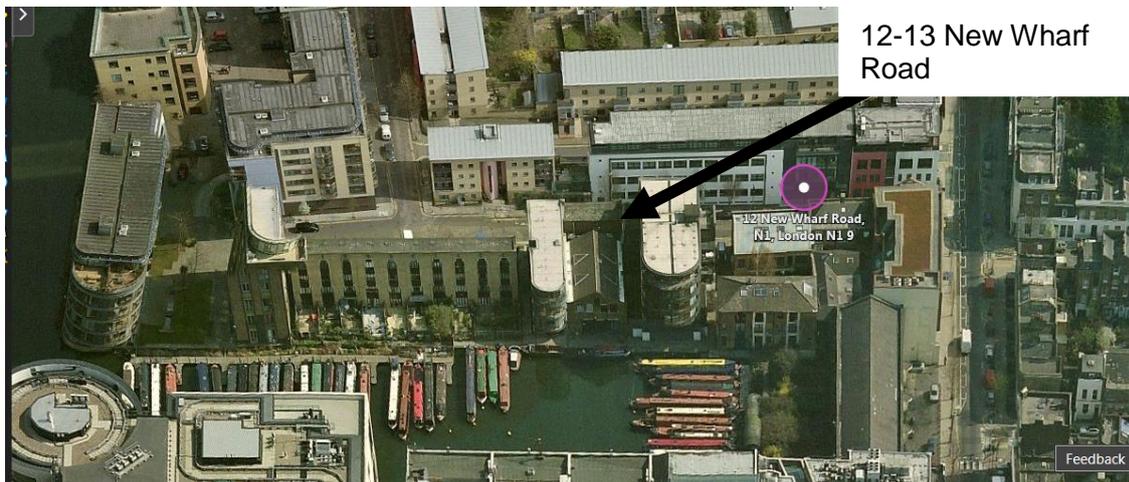
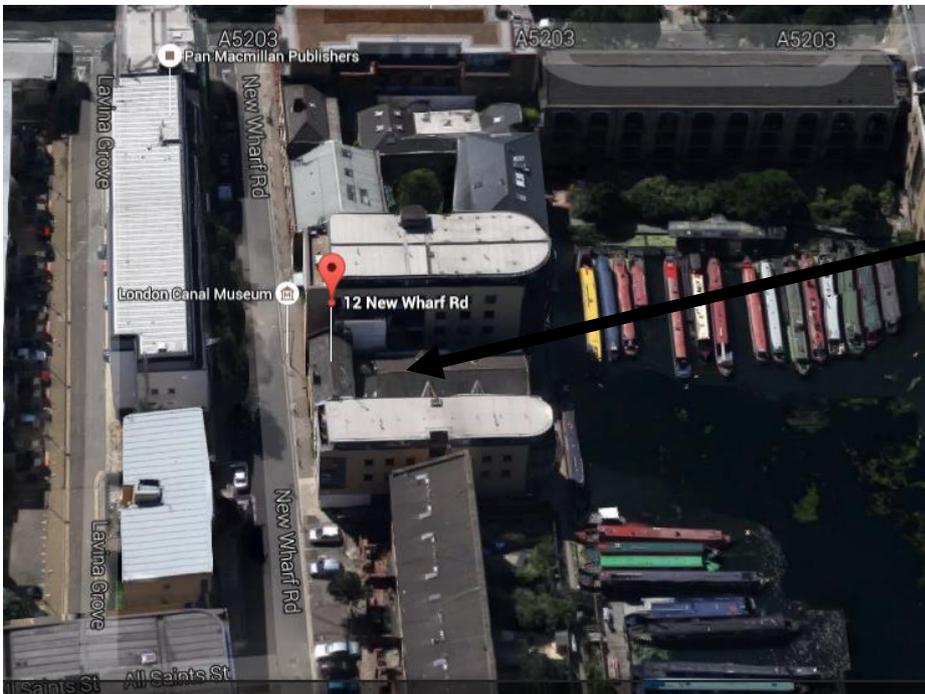


Image 1: Aerial photograph showing the rear of 12-13 New Wharf Road



12-13 New Wharf Road

Image 2: Aerial photograph showing the northern side of 12-13 New Wharf Road.



Image 3: approximate location of air conditioning unit to gable end

#### 4. SUMMARY

- 4.1 The application seeks permission for the installation of an air conditioning unit and acoustic enclosure at roof level of 12-13 New Wharf Road, the London Canal Museum. The air conditioning unit is proposed to be located on the flat roof behind the main facade of the building and in front of a pitched roof to the rear as part of a new air-sourced heat-pump air conditioning system. A number of objections have been received from neighbouring properties in relation to the potential for noise disturbance to occur, as a result of the installation of the proposed plant.

- 4.2 The area is characterised by mixed uses with commercial and residential uses. The building is locally listed, and located within the King's Cross Conservation Area.
- 4.3 The applicant has submitted an acoustic report in support of the application, which has been assessed by the Council's Acoustic Officer. It is confirmed that the proposal will not give rise to any adverse noise emissions to the detriment of neighbour amenity, provided that appropriate conditions are imposed. The proposal is therefore considered to be in compliance with policy DM 6.1 and DM2.1 of the Development Management Policies.
- 4.4 The design of the air conditioning unit is also considered to be acceptable, and is not considered to harm the character and appearance of the conservation area. The unit would not lead to any adverse impact on the amenity of neighbouring properties in respect of the loss of outlook, daylight and sunlight. The design and amenity impact is therefore considered to be acceptable, and in compliance with policy DM 2.1.
- 4.5 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

## **5. SITE AND SURROUNDING**

- 5.1 The application site comprises a three storey, three bay building with a centrally located ground floor arch and a double pitched roof. The building was built circa 1904, originally as ice warehouse and now houses the London Canal Museum. The property fronts New Wharf Road and backs onto the Battlebridge Basin. The adjacent properties no. 10 and no. 14 New Wharf Road are higher than the application building and contain residential units.
- 5.2 The site is located in the King's Cross Conservation Area and the building is locally listed Grade B. The surrounding area is mixed in character and use.

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

- 6.1 The application seeks to install a new air conditioning unit between the existing air conditioning units, as part of the installation of a new air-sourced heat-pump air conditioning system. The plant is proposed to be located on the east facing gable end of the pitched roof to the rear of the 3 storey part of the museum. The plant would be installed with an acoustic enclosure and located in a central area of the roof.
- 6.3 The application has been referred to the planning sub-committee due to the level of objections received.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 Planning application re: 080031 for the '*Installation of two air conditioning units at roof level*' was GRANTED on 29/10/1984 at Planning Committee
- 7.2 Planning application re: 881448 for the '*Change of use to museum within Class D1(e) of the schedule to the Town and Country Planning (Use Classes) Order 1987.*' was GRANTED on 22/03/1989.

## **ENFORCEMENT:**

7.3 None

## **PRE-APPLICATION ADVICE**

7.4 None

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 59 adjoining and nearby properties at New Wharf Road.

8.2 A site and press notice was also displayed and published. The consultation therefore expired on the 04th February 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 At the time of writing this report 13 response has been received from the public with regard to the application. The issues raised so far can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

- High noise levels from existing plant (10.9)
- Music from events at the Canal museum (10.9)
- The noise report is misleading (10.11)
- Noise will be for prolonged periods (10.7-10.10 )
- The new unit will be visible from some balconies (10.5-10.6 )
- Increased noise/humming/disturbance/nuisance (10.7-10.10)

### **Internal Consultees**

8.4 **Design and Conservation:** no concerns were raised.

8.5 **Acoustic Officer:** The noise report is reasonable. The Pollution Team gave no objection subject to the recommended condition (condition no.3).

### **External Consultees**

8.8 None

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

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

### **Development Plan**

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

### **Designations**

- 9.5 The site is located within the King's Cross Conservation Area, a Core Strategy Key Area, an Employment Growth Area. The property is a Locally Listed Building and located within Mayors Protected Vistas.

### **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:
- Design and Appearance
  - Neighbouring Amenity

### **Design and Appearance**

- 10.2 The application building has a three storey height fronting onto New Wharf Road and has a double pitched roof to the rear that fronts onto Battlebridge Wharf. In-between these two parts of the building is a flat roof. The proposed air conditioning unit would measure 1.2m in height, 1.35m in width and would be 0.7m in depth and located in the central part of a flat roof set behind and below a pitched roof.
- 10.3 There are other physical additions to this part of the roof including two existing air conditioning units, skylights and a flue. The proposed air conditioning unit and acoustic screen would be located centrally on the flat roof.
- 10.4 The Conservation Area Design Guidance advises that all plant rooms and lift over-runs should be located so as to be invisible from the street, including long views from adjacent streets. The flat roof sits lower than the three storey frontage to New Wharf Road and the double pitched roof behind. There are no significant public views of the air-conditioning unit or the acoustic enclosure from New Wharf Road or Battle Bridge Basin. There are some private views of the flat roof, however these would not significantly change as a result of the proposal.
- 10.5 The building is locally listed, and whilst this affords no statutory protection, it reflects the significance of the building to the conservation area. The proposal is considered to comply with the above guidance and would not detract from the appearance of the locally listed building or wider area. From ground level it is not possible to see the proposed alterations. If installed the air conditioning unit and acoustic enclosure would preserve the character of the conservation area in so far as any effect on it would be no worse than neutral. The proposal would comply with policy CS9 of the Islington Council Core Strategy and policies DM2.1 and DM2.3 of the DMP which

require development to be of a high quality design that would conserve or enhance the significance of a conservation area.

### **Neighbouring Amenity**

- 10.6 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.
- 10.7 The application is supported by an acoustic report which has been assessed by the Council's Acoustic Officer who has confirmed that while the site is sensitive, due to the close proximity of residential dwellings at nos. 10 and 14 New Wharf Road, the information in the acoustic report is reasonable. The proposal for daytime and night time noise levels would operate below the background noise levels in the vicinity. Therefore there would be no contribution to noise in the area that would adversely affect the neighbouring residential occupiers. As such, it is considered there is no requirement to limit the hours of operation of the unit.
- 10.8 The Council's Environmental Health Team have received one complaint for the property, listed in March 2015, concerning loud music from the canal museum. However, none complaints have been reported regarding plant noise. Should there be any future complaints into excess noise levels generated these would be addressed through planning control in relation to this application and through noise and Environmental Health regulations in relation to music or the existing plant.
- 10.9 The proposal is therefore considered acceptable subject to condition 3 to ensure there is no adverse impact on surrounding neighbouring occupier's amenity. As such there would no undue harm is caused in this instance in terms of increased noise overlooking, increased sense of enclosure or loss of light to neighbouring occupiers in accordance with DM2.1 of the Development Management Policies.

### **Other Matters**

- 10.10 An objection has been received that the acoustic report is misleading. The information has been reviewed by the Council's specialist Acoustic Officer within the Pollution Team and the information submitted found reasonable.

## **11 SUMMARY AND CONCLUSION**

### **Summary**

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

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>IL6544/018; IL6544-014; IL6544-015; IL6544-016; IL6544-017; IL6544-010; Technical report Ref DTJ723/R1/1 dated 28 November 2015; KXZ Outdoor units; Rooftop Building Services Support Systems.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Noise</b>
	<p>CONDITION: The design and installation of new item of fixed plant shall be such that when operating the cumulative noise level LAeq TR arising from the proposed plant, measured or predicated at 1m from the façade 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 predication of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.</p> <p>REASON: To protect neighbouring resident's amenity.</p>
<b>3</b>	<b>Enclosure</b>
	<p>CONDITION: The acoustic enclosure shall be installed prior to the first operation of the air conditioning unit and maintained as such thereafter.</p> <p>REASON: To protect neighbouring resident's amenity.</p>

#### List of Informatives:

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

	the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.
<b>2</b>	<b>Hours of Working</b>
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

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

4 London's Economy  
Policy 4.6 Support for and  
Enhancement of Arts, Culture, Sport  
and Entertainment  
Policy 4.8 Supporting a successful and  
diverse retail sector and related facilities

7 London's living places and spaces  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.15 Reducing noise and  
enhancing soundscapes

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

Spatial Strategy  
Policy CS8 (Enhancing Islington's  
Character)

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

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

##### Housing

DM3.7 Noise and Vibration

##### Health and Open Space

DM6.1 Healthy Development

##### Design and Heritage

DM2.1 Design

DM2.3 Heritage

##### Energy and Environmental Standards

DM7.4 Sustainable design standards

## 5. **Designations**

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

- Locally listed building Grade B
- Article 4 Direction – office to residential
- Core Strategy Key Area
- Conservation Area
- Employment Growth Area
- Mayors Protected Vista
- Within 100m SRN
- Within 50m of Conservation Area

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

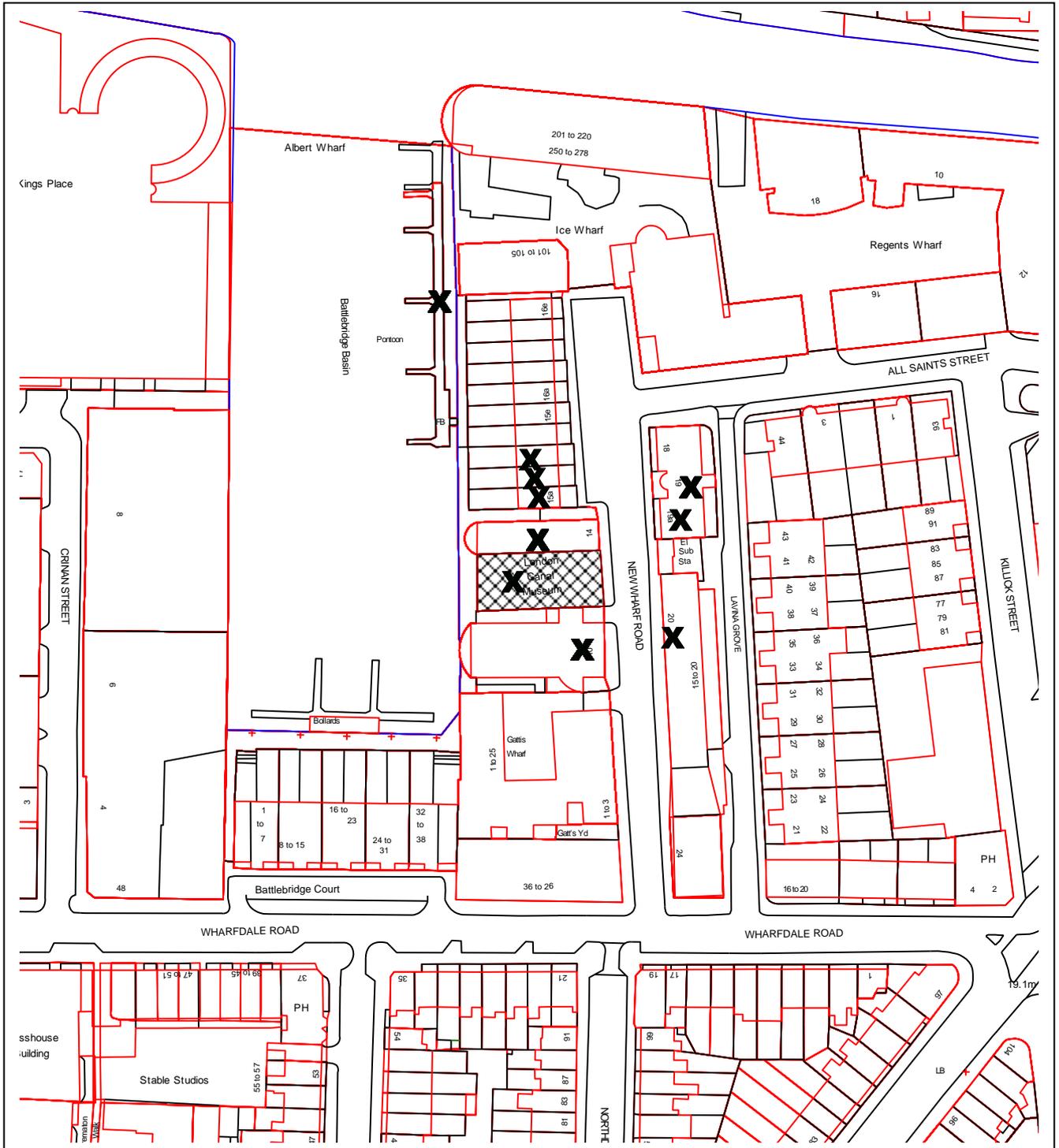
The following SPGs and/or SPDs are relevant:

### Islington Local Development Plan

- Urban Design Guide (2006)
- Conservation Area Design Guidelines

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# Islington SE GIS Print Template



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P2015/5323/FUL

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	14 March 2016	<b>NON-EXEMPT</b>

Application number	P2015/4616/FUL
Application type	Full Planning Application (Council's Own)
Ward	St Mary's
Listed building	Building not Listed
Conservation area	Upper Street (North)
Development Plan Context	Article 4 Direction - Office to residential Angel & Upper Street Core Strategy Key Areas Upper Street (North) Conservation Areas Local cycle routes Strategic Cycle Route Employment Growth Areas Site within 100m of a TLRN Road
Licensing Implications	None
Site Address	Municipal Offices Islington Council 222 Upper Street London N1 1XR
Proposal	Provision of a permanent standby generator to service 222 Upper Street and installation of an associated flue, along with the relocation of cycle stands.

Case Officer	Sandra Chivero
Applicant	Mr Steve Cross Islington Council
Agent	Fiona Hunter – Ingleton Wood LLP



used in the case of power outages, shortages or disruption from the national grid, and will allow critical Council services to continue.

- 4.2 The single storey structure would be within the car park of 222 Upper Street which accommodates Islington Council offices and is considered acceptable in terms of size, scale and location in a concealed position. The associated flue viewed in the context of the rear roofscape, it is considered not to unacceptably affect the appearance of the building and the character of the area.
- 4.3 The loss of open space used for cycle parking and a small section of landscaping is regrettable. However, the need for the generator in case of a power shortage is considered to outweigh the harm and the cycle spaces are relocated.
- 4.4 It is also considered that the proposal would not result in potential damage or loss of important amenity trees in the nearby garden.
- 4.5 The generator will only operate in the case of power network failure of insufficient capacity (in the network) accordingly, any noise arising from the development will be infrequent. In addition, an acoustic enclosure is proposed which provides noise mitigation.
- 4.6 The proposed development is also 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. The continuation of critical Council services in case of a power outage is considered to warrant the provision of the structure in this location.
- 4.7 The reinstatement of the existing 12 cycle parking within the car park inclusive of an accessible cycle space is welcome and would be conveniently located, adequately lit and step-free.
- 4.8 The application is presented to the Planning Committee because it is a Council own application.

## **5. SITE AND SURROUNDING**

- 5.1 The site consists of a part four and part five storey office building on the west side of Upper Street. The property houses the Council Offices and has a red/brown brick elevation with large repeated window openings. The offices are currently accessed from Upper Street. The car park is accessed via Laycock Street.
- 5.2 The site is located partially within the Upper Street (north) Conservation Area and within the Angel and Upper Street Core Strategy Area. Only the front site is located within the Conservation Area and the rear of the site where the standby generator and cycle stands will be located are located outside of the conservation area.

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

- 6.1 The proposal seeks planning permission for a permanent standby generator to service 222 Upper Street. The associated flue will be affixed to the rear of the wind turbine (southern) wing to 222 Upper Street and extend 1500mm above roof level. The proposal includes the relocation of the existing 12 cycle parking space for the offices, within the car park area. The proposal would involve the loss of 3 no. car parking spaces.

- 6.2 The generator will be used in the case of power outages, shortages or disruption from the national grid, and will allow critical Council services to continue. The fuel for the generator would be stored within the generator.
- 6.3 The site is within the car park of 222 Upper Street which accommodates Islington Councils offices. The site is bounded a by wall on its north and west sides, the offices to the south and the ground is currently laid in tarmac. The area of the proposed generator is currently occupied by 12 bicycles stands and a single car parking space.
- 6.4 The generator enclosure is 9.9m in length, 2.9m in width and 3.7m in height. The flue bridges the generator to the building of 222 Upper Street, extends up the full height of the building (5 storeys) and projects 1.5m above the roof.

#### **Revision 1**

- 6.5 Amended drawings were received on 24<sup>th</sup> February detailing the re-provision of 12 cycle parking spaces in the car park area.

### **7. RELEVANT HISTORY:**

#### **PLANNING APPLICATIONS:**

- January 2014: Planning permission (Ref. P2013/4584/FUL) Granted for Replacement of glazing and doors with two access doors and replacement of existing access with glazing.
- November 2012: Planning permission (Ref. P120760) Granted for Installation of an additional wall mounted air condition unit to the rear fronting the car park.
- February 2011: Planning permission (Ref. P102674) Granted for Alterations to a section of frontage to bring forward entrance doors and glazing at ground floor level.
- January 2009: Planning permission (Ref. P082511) Granted for Erection of canopy with automatic double sliding doors to main entrance on Upper Street.
- November 2008: Planning permission (Ref. P081718) Granted for Replacement of generator at rear including exhaust flue to side elevation.
- July 2007: Planning permission (Ref. P062869) Granted for Installation of a freestanding handrail surrounding the roof.
- February 2007: Planning permission (Ref. P062853) Granted for Installation of a wind turbine on a 9 metre high mast on the roof of the south wing of the building.
- February 2006: Planning permission (Ref. P060031) Granted for Erection of glazed sides to main entrance canopy to form enclosed lobby.
- October 2004: Planning permission (Ref. P042153) Granted for Installation of aluminium solar shading to west face of block C, fixed above four window bays on third floor.

- February 1996: Planning permission (Ref. 960048) Granted for Formation of new entrance to building and associated alterations including new canopy and removal of existing entrance doors.

## **PRE-APPLICATION ADVICE**

- 7.1 **Pre-application Advice:** Discussion regarding generator and reprovision of cycle space.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 34 adjoining and nearby properties at Edwards Mews, Laycock Street, Upper Street and Transenna Works on 09 December 2015. A site notice and a press advert were displayed on 17 December 2015. The public consultation of the application therefore expired on 07 January 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 writing this report no responses had been received from the public with regard to the application.

### **Internal Consultees**

- 8.3 **The Design and Conservation Officer** did not raise any objections.
- 8.4 **The Inclusive Design Officer:** at the pre-application stage it was recommended to improve the quality of walkways through the car park. It was also highlighted that cycle parking should be accessible to ambulant disabled people.
- 8.5 **The Tree Officer** stated that the application has no impact to the existing trees to the adjoining garden and therefore has no objection. It is also stated that the loss of some landscaping along the side of the wall would have very limited impact on amenity.
- 8.6 **The Acoustic Officer** recommended condition requiring a written code for the management of noise from emergency plant and equipment. A further noise control condition was recommended.

## **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:

- Article 4 Direction - Office to residential
- Angel & Upper Street Core Strategy Key Areas
- Upper Street (North) Conservation Areas
- Local cycle routes
- Strategic Cycle Route
- Employment Growth Areas
- Site within 100m of a TLRN Road

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

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

## **10. ASSESSMENT**

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

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

### **Principle of Development**

- 10.2 The back-up generator will provide energy in case of a network failure or shortages, allowing the Council to continue to provide essential services. The proposed generator would facilitate the continued B1 Use of the site and is therefore considered acceptable in principle.

### **Design**

- 10.3 The electrical generator would be located towards the rear of the site bounded by large boundary walls to the north and west. The proposed new structure would not be overseen or visible from Laycock Street and would sit below the boundary wall with Laycock Primary School and the office block and adjoining residential block. The proposal is therefore considered not to be significantly harmful to the visual amenity of the surrounding area. The proposed generator is located in a concealed location to the rear of the site and would not be prominent from public views. It is therefore considered not to be visually harmful and would not significantly harm the setting character and appearance of the Upper Street North Conservation Area.

- 10.4 The proposed structure is considered acceptable in terms of materials, bulk and appearance. In addition, due to its scale and mass of the proposed structure is considered to be appropriate within this context and remains subordinate to the host 5 storey office block.
- 10.5 The associated flue is positioned to the rear of the southern wing of the host building. Whilst the flue would be visible, it would be positioned to the non-principle elevation located outside of the conservation area and it would be viewed in the context of the roofscape against the backdrop of the Council office building. Given the context the flue is considered not to unacceptably affect the appearance of the building and the character of the area.
- 10.6 Overall the proposal would accord with policy DM2.1 of the Development Management policies (2013) which requires new development to respect and respond positively to existing building and wider context.

### **Neighbouring Amenity**

- 10.7 The generator and associated flue would not be positioned adjacent or directly facing habitable windows to neighbouring properties and it abuts high boundary walls to the north and west. The proposal given its location, size and scale would not result in overshadowing, loss of light, over-dominance, increased sense of enclosure nor loss of outlook to any neighbouring residential properties.
- 10.8 The generator will only operate in the case of power network failure of insufficient capacity (in the network) accordingly, any noise arising from the development will be infrequent. In addition, an acoustic enclosure is proposed which provides noise mitigation.
- 10.9 A Noise Assessment has been submitted in support of this application. The report identified existing background levels and anticipated noise levels using another similar generator. The report found that with sufficient acoustic measures, in this case the noise enclosure, identified noise limits could be met. The acoustic enclosure has been designed to meet these requirements.
- 10.10 Operation of the generator would be in emergency circumstances only in case of a power cut, with a short monthly system test to be carried out during normal hours. The generator is proposed to be installed within a bespoke acoustic enclosure, with the exhaust venting via a flue running up the side wall of the Turbine building to 1.5m above the eaves. With the height and distance from the termination point to nearby residential properties and school there should be appropriate dispersal of fumes when the diesel operated generator is in operation. The generator is also screened by the rear walls of the Municipal Offices. Given these details it would not result in any adverse impact on sensitive adjoining residential and educational uses.
- 10.11 In order to protect the amenity of neighbouring properties, a noise control condition has been attached. A further condition has been attached to the application requiring the submission of a written code for the management of noise from emergency plant and equipment, including testing.
- 10.12 Subject to conditions, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

### **Inclusive Design**

- 10.13 The existing pedestrian priority routes and accessible parking bays will be retained. The proposal would not interfere with the pedestrian and vehicle access through the car park is considered acceptable in principle. The provision of disabled cycle parking is welcome. The proposal would therefore be in line with the Inclusive Design SPD which requires cycle parking to be accessible to ambulant disabled people, step free as well as be located within easy reach of the final destination and lifts to all floors as in this instance.

### **Trees and Sustainability**

- 10.14 The application has no impact to the existing trees on the adjacent site. The Tree Officer had no arboricultural objections. The loss of the existing landscaped area adjacent to the wall is regrettable, however, this is minimal and the need for the generator is considered to outweigh the harm.

### **Transport and highways**

- 10.15 At the pre-application stage the Transport Planning Officer highlighted that the existing 12 cycle stands in the car-park area are well used. This is mainly due to their convenient location and because they are of better quality and are easier to use compared to other sheltered staff cycle parking located on the south side of the building. The Transport Planning Officer further highlighted that there are a number of ongoing problems with the sheltered cycle parking area which accommodates the majority of the staff cycle parking.
- 10.16 The proposed relocation of cycle stands has been subject to detailed discussions with Officers.
- 10.17 Concerns were raised regarding the relocation of 6 cycle stands located to the south east near the existing battery store. Amended drawings were received showing all 12 cycle parking spaces located within the car park area. This is welcome and would accord with policy DM8.4 which requires provision of conveniently located, adequately lit, step-free and accessible cycle parking.
- 10.18 The proposal includes the removal of 3 car parking spaces to facilitate the generator and to provide space for cycle parking. The loss of 3 car parking spaces is welcome and would not contradict the objectives of policies CS10 and DM8.5 which are clear that all development should be car free.

## **11. SUMMARY AND CONCLUSION**

- 11.1 Due to its modest scale and mass, the proposed structure is considered to be appropriate within this context and remains subordinate to the host 5 storey office block. The proposed generator is located to the rear of the site and would not be prominent from public views. It is therefore considered not to be visually harmful and would not significantly harm the character and appearance of the adjoining Upper Street North Conservation Area.
- 11.2 The generator will only operate in the case of power network failure of insufficient capacity (in the network) accordingly, any noise arising from the development will be infrequent. In addition, an acoustic enclosure is proposed which provides noise mitigation.

11.3 The relocation of the existing 12 cycle parking inclusive of an accessible cycle space in the car park area is welcome and would be conveniently located, adequately lit and step-free.

11.4 Subject to conditions, the proposal is considered to accord with relevant policies.

**Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan, 102, 103B, 104B, 105B, 106D, 107G, 201D, 202A, 203A, 701A; Planning Statement Incorporating Design and Access Statement – 09.10.15; Standby Generator Noise Assessment – November 2014.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>4</b>	<b>Materials to Match (Compliance)</b>
	<p>CONDITION: The facing materials of the generator hereby approved shall match those as specified in the Planning Statement Incorporating Design and Access Statement – 09.10.15 and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the structure is acceptable.</p>
<b>5</b>	<b>FIXED PLANT (COMPLIANCE)</b>
	<p>FIXED PLANT (COMPLIANCE): The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
<b>6</b>	<b>Management of noise from emergency plant and equipment</b>
	<p>CONDITION: This approval is subject to the prior written approval by the Local Planning Authority of a written code for the management of noise from emergency plant and equipment, the subject of this consent. The code shall be submitted to and approved prior to the commencement of the use to which this consent relates. The code shall be fully implemented and operated at all times in accordance with</p>

	<p>the approved details. The management code shall identify measures to reduce the impact of the noise on the community.</p> <p>The Management code shall include measures to address the following matters:</p> <ol style="list-style-type: none"> <li>1. The testing of equipment not to take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.</li> <li>2. The duration of the testing to be commensurate with the test requirements and not to exceed one hour.</li> <li>3. A list of potential residential receptors to be drawn up and those receptors to be given advance written notification of the time and date of the test.</li> <li>4. The acoustic design and control of the fixed plant and equipment to meet a criterion of a rating level, measured or calculated at 1m from the façade of the nearest noise sensitive premises, of not more than 5dB(A) above the existing background noise level (LA90). The rating level to be determined as per the guidance provided in BS4142:2014 .</li> <li>5. A report to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the plant and machinery. The report is to be submitted to, and approved in writing by the Local Planning Authority, and any noise mitigation measures shall be installed before the commencement of the use hereby permitted and permanently retained thereafter.</li> </ol> <p>REASON: To ensure that the operation of Generator does not impact on residential amenity.</p>
<b>7</b>	<b>Cycle Parking Provision (Compliance)</b>
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be provide for no less than 12 bicycle spaces including an accessible cycle space shall be provided prior to the first use of the development hereby approved 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>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **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**

Policy 6.9 Cycling  
Policy 6.13 Parking

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

##### **Spatial Strategy**

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

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

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

**DM2.1** Design

**DM2.2** Inclusive Design

##### **Transport**

**DM8.4** Walking and cycling

**DM8.5** Vehicle Parking

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

The following SPGs and/or SPDs are relevant:

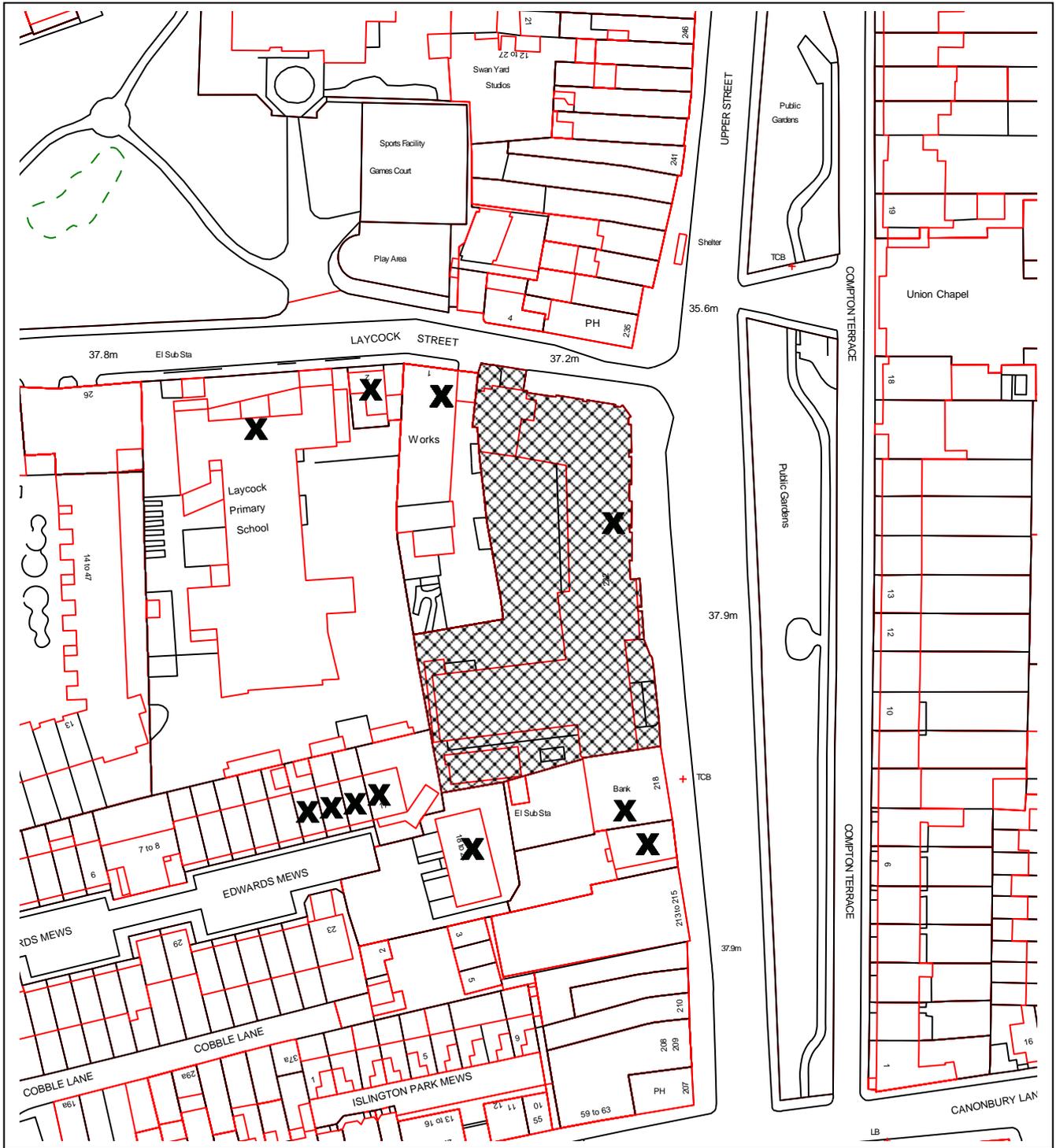
#### **Islington Local Plan**

- Inclusive Landscape Design
- Urban Design Guide

#### **London Plan**

- Accessible London: Achieving an Inclusive Environment

# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	14 March 2016	<b>NON-EXEMPT</b>

Application number	P2015/4521/FUL
Application type	Full Planning Application (Council's Own)
Ward	Finsbury Park
Listed building	Building not Listed. Adjoining Emmanuel Church is Grade II Listed
Conservation area	Building not located within a conservation area
Development Plan Context	<ul style="list-style-type: none"> <li>- Nags Head &amp; Upper Holloway Rd Core Strategy Key Areas</li> <li>- Local cycle routes</li> <li>- Alexandra Palace viewing terrace to St Paul's Cathedral Mayors Protected Vistas</li> <li>- Site within 100m of a TLRN Road</li> </ul>
Licensing Implications	None
Site Address	Pakeman Primary School, 21 Pakeman Street, Islington, London, N7 6DU
Proposal	Retention of new replacement higher fence on top of the boundary walls to Hornsey Road and adjacent to Emmanuel Church.

Case Officer	Sandra Chivero
Applicant	Islington Council
Agent	Javier Benitez

### 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: Looking at new fence to the northern section of the front boundary to Hornsey Road



Image 2: Looking at new fence to the southern section of the boundary wall to Hornsey Road



Image 3: Looking at existing fence adjacent Emmanuel Church

#### 4. SUMMARY

- 4.1 The application seeks permission for the retention of new higher fence on top of the boundary walls to Hornsey Road and adjacent to Emmanuel Church. The fence was required to improve security to the school and is considered acceptable in principle.
- 4.2 The design and appearance of the new fencing is also considered not to detract from the streetscene. In addition, due to its open nature, the new fence maintains the open character of the site and does not exacerbate the apparent height increase. The fence

above the wall to the northern section of the front boundary is maintained at a lower level adjacent to a Grade II Listed church where it is more sensitive. It is therefore considered that the proposal does not significantly harm the setting of the adjoining listed building.

- 10.2 The new fence, given its location, scale and design does not prejudice the amenity of neighbouring residential properties or the surrounding area.

## **5. SITE AND SURROUNDING**

- 5.1 Pakeman School is a 1890s Victorian School of three storeys and of characteristic design, including large areas of glazing and a prominent roof form. The building is not listed nor located in a conservation area. However, the site abuts the Grade II Listed Emmanuel Church to the north.
- 5.2 The school buildings occupy about half of the site, with play areas to the north, south and west of the main building. Access is from the main entrance on Hornsey Road, and there is another access to Pakeman Street.

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

- 6.1 Planning permission is sought for the retention of a higher fence on top of the boundary walls to Hornsey Road and adjacent to Emmanuel Church. The fence is required to improve security to the school building.
- 6.2 The fence on top of the wall to the southern side of the front boundary and the fence to the front northern boundary wall adjacent Emmanuel Church is 2m. The fence on top of the wall to the northern section of the front boundary is 1.2mm high.
- 6.3 The proposal therefore resulted in a height increase of 0.2m to the southern section of the front boundary and 0.6m to the northern boundary adjacent to Emmanuel church. A section of the front boundary is maintained at the same height of as the previous chain-link fence.
- 6.4 The fence as built is a wire mesh, with an open mesh pattern comprising of 50mm x 200mm opening. It is supported by 60x60mm posts with black powder-coated finish.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- February 2015: Planning application (Ref. P2015/5278/FUL) approved at committee for Erection of a classroom pod to the rear school playground in place of a garage.
- July 2014: Planning permission (Ref. P2014/1863/FUL) Granted for the removal of the existing single storey canopy, adjacent to the Hornsey Road frontage, and the construction of a single storey extension with roof lights to provide a dedicated two year old facility for pre -nursery infants.
- September 2012: Non-material (Ref. P120236 (MA01)) Agreed for Non-material amendment of planning permission ref: P120236 dated 21/03/2012 for the: 'Erection of a single storey building in playground next to 141 Hornsey Road and 65 Arthur Road.' The minor amendment applied for is: "change of roofing material from black rubber to grey natural slate".

- March 2012: Planning permission (Ref. P120236) Granted for the erection of a single storey building in playground next to 141 Hornsey Road and 65 Arthur Road.
- April 2012: Planning permission (Ref. P080073) Granted for the erection of a bicycle shelter.
- July 2006: Planning permission (Ref. P060854) Granted for the adaptation of ground floor forming new structural opening. Relocation of toilet and main entrance.
- December 2004: Planning permission (Ref. P042531) Granted for Addition of a first floor mansard roof extension to existing single storey play centre annexe.
- June 1997: Planning permission (Ref. 970599) Granted for Installation of a new entrance ramp to main school building.

7.1 **Pre-application Advice (Informal):** Discuss held regarding height and design of fence.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 37 adjoining and nearby properties at Pakeman Street, Hornsey Road, Roden Street and Arthur Road, on 10 February 2016. A site and press notice was displayed on 18 February 2016. The public consultation of the application therefore expired on 25 December 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of the writing of this report no responses had been received from the public with regard to the application.

### External Consultees

8.3 **The Crime Prevention Officer:** does not object to the construction of the additional fence as it improves the security of the site.

### Internal Consultees

8.4 **The Design and Conservation Officer:** The new fence to the Hornsey Road frontage is considered acceptable. However, it is stated that the new fence between the school and the church should ideally step down in line with that fronting Hornsey Road.

## 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:
- Nags Head & Upper Holloway Rd Core Strategy Key Areas
  - Local cycle routes
  - Alexandra Palace viewing terrace to St Paul's Cathedral Mayors Protected Vistas
  - Site within 100m of a TLRN Road

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

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

## **10. ASSESSMENT**

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

- Principle
- Design
- Neighbouring Amenity

### **Principle of the development**

- 10.2 It is proposed to retain a higher fence on top of the boundary walls to Hornsey Road and adjacent to Emmanuel Church. During the pre-application discussion the head teacher stated that the school has problems with theft. The higher fence is required to prevent intruders accessing the school and improve security to the school. The fencing is considered to maintain the open character of the site and is therefore considered acceptable in principle.
- 10.3 The proposal is for the retention of new higher fencing and is not considered to raise any land-use issues.

### **Design**

- 10.4 The fence on top of the wall to the southern side of the front boundary and the fence to the front northern boundary wall adjacent Emmanuel Church is 2m. The fence on top of the wall to the northern section of the front boundary is 1.2m high.
- 10.5 The previous chainlink fence on top of the wall to the southern side of the front boundary was 1.8m high and the previous chainlink fence to the front northern boundary wall adjacent to Emmanuel Church was 1.2m. The proposal therefore resulted in a height increase of 0.2m to the southern section of the front boundary and 0.6m to the northern

boundary adjacent Emmanuel church. The section of the front boundary is maintained at the same height of 0.2m as the previous chainlink fence

- 10.6 The previous fence was chain link mesh in poor condition, supported on L-shaped stanchions. All materials were painted black. The fence as built is wire mesh, with an open mesh pattern comprising of 50mm x 200mm openings. It is supported by 60x60mm posts with black powder-coated finish.
- 10.7 Boundary walls are an important part of the character of the area, and their maintenance, good repair and appearance is vital to the enhancement of the area. There was previously a low and fence on top of the front boundary wall and side boundary walls but these were removed in November 2015 due to concerns with intruders gaining easy access to the site. The installation of new fencing is therefore considered acceptable in principle at this location. The new fencing respects the original design and character of the host Victorian School building.
- 10.8 The height increase of 0.2m to the southern end of the front boundary is not considered to have a significant impact on the appearance of the school or the adjacent properties. The new fence is open in design and is therefore considered not to be visually intrusive. The fence above the wall to the northern section of the front boundary is maintained at a lower level adjacent to the listed church. Whilst the Design and Conservation Officer would prefer a lower fence, given the fence is required to prevent unlawful access into the school site a balance has been struck on the height and the open design nature of the fence and in this instance it is not considered to cause harm to the setting of the listed building. It is therefore considered that the proposal would not significantly harm the setting of the adjoining listed building.
- 10.9 The design and appearance of the new fencing is considered not to detract from the streetscene. In addition, due to its open nature, the new fencing maintains the open character of the site.
- 10.10 Overall, the proposal is considered to be acceptable and does not harm the character and appearance of the surrounding area. The proposal is therefore considered to be in accordance with policy DM2.1 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the guidance contained within the Islington Urban Design Guide.

### **Neighbouring Amenity**

- 10.11 The new fencing, given its location, scale and design does not result in overshadowing, loss of privacy, loss of light, over-dominance, increase sense of enclosure or loss of outlook to neighbouring residential properties. The proposal therefore accords with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

### **SUMMARY AND CONCLUSION**

- 10.12 The new fence is considered to be appropriate in this context and maintains the open character of this section of Hornsey Road.
- 10.13 The new fence does not result in any adverse impact on the amenity of nearby residents including no. 141 Hornsey Road.
- 10.14 Overall, the proposal is considered to accord with all relevant policies.

## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>(E) 02 Rev. X, (E) 03 Rev. X, (P) 01 Rev. X, (P) 02 Rev. X, (P) 03 Rev. X; Photo-Sheets,</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>

#### List of Informatives:

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

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

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

### **2. Development Plan**

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

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

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

Policy 3.18 Education facilities

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

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

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

##### **Spatial Strategy**

Policy CS6 (Nag's Head and Upper Holloway Road)

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

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

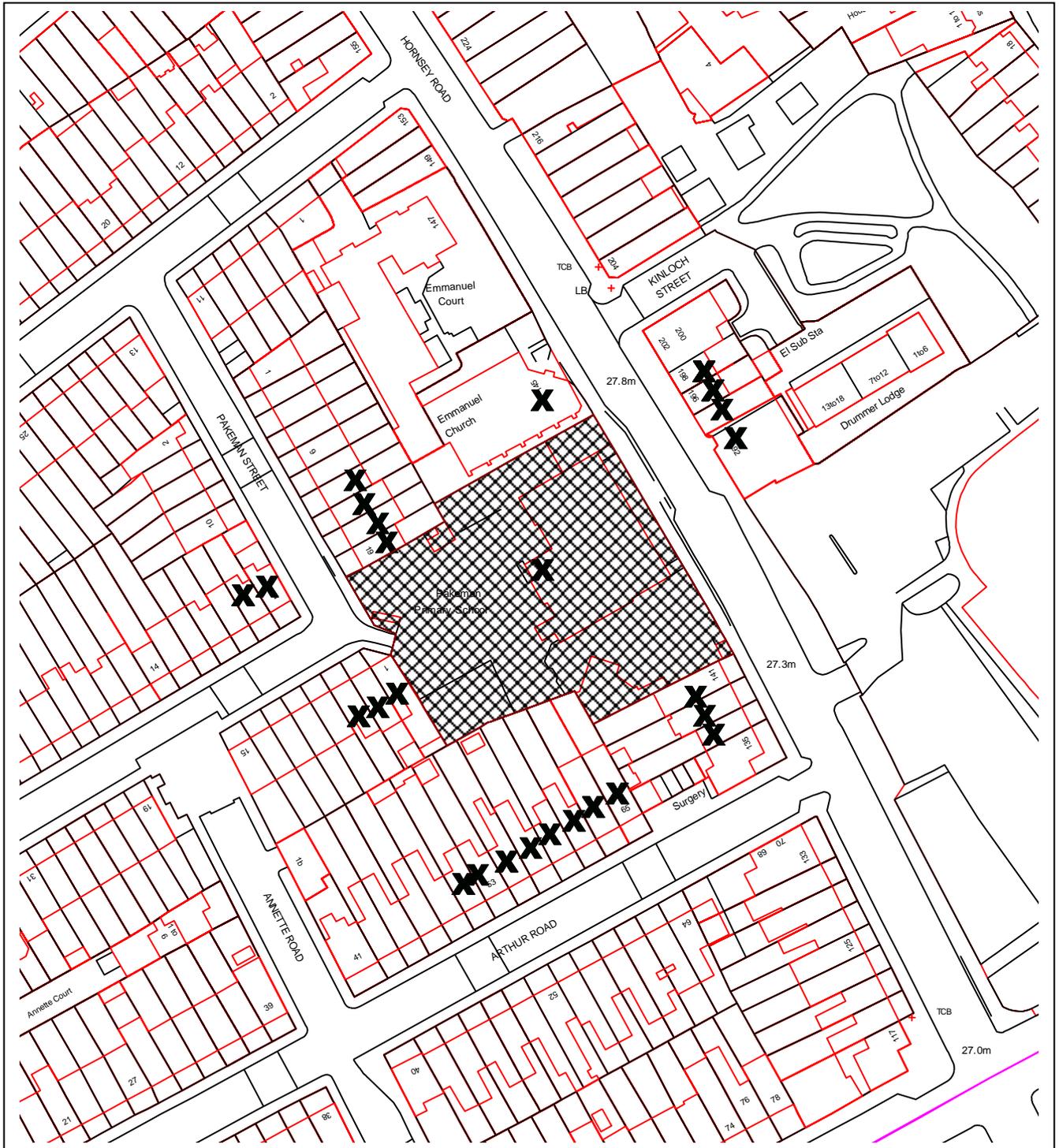
The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

- 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  
 London N1 1YA

<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	14 March 2016	<b>Non-Exempt</b>

Application number	P2015/3606/FUL
Application type	Full Planning Application (Council's Own)
Ward	Junction
Listed building	Building not Listed
Conservation area	Building not located within a conservation area
Development Plan Context	None
Licensing Implications	None
Site Address	Yerbury Primary School, 67 Foxham Road London N19 4RR
Proposal	Creation of a new visitor entrance gate in existing brick boundary wall fronting Foxham Road and formation of an associated new entrance door in place of existing window to the east elevation.

Case Officer	Sandra Chivero
Applicant	Ms Cassie Moss
Agent	Peter Morris Architects

### 1. RECOMMENDATION

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

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



3. **PHOTOS OF SITE/STREET**



Image 2: View of the location of the entrance gate from Foxham Road



Image 3: View of the location of the new entrance gate and alterations to window from Foxham Road

#### **4. SUMMARY**

- 4.1 The application seeks planning permission to create a new visitor entrance gate in the existing brick boundary wall fronting Foxham Road and to form an associated new entrance door in place of an existing window in the east elevation.
- 4.2 The new timber door with a fixed window above to the east elevation is considered to be in keeping with the style of the existing sash windows. It is therefore considered that the proposed new door with a window above would not harm the architectural character of the host Victorian School building.
- 4.3 The materials, design, appearance and location of the proposed new gate and fixed panel above is considered acceptable and would not detract from the streetscene.
- 4.4 The entrance would incorporate an electronic gate and access with level threshold which would provide inclusive access for visitors to the school.
- 4.5 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance or overlooking.
- 4.6 The application is brought to the committee because it is a council own application.

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

- 5.1 Yerbury Primary School is a 3 storey Victorian school with a pitched roof. The site is located on the north eastern side of Foxham Road. The building is neither listed nor located within a conservation area. The immediate surrounding area is a mix of commercial and residential uses. Whittington Park lies to the north of the site.

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

- 6.1 It is proposed to create a new entrance gate in the existing brick boundary wall fronting Foxham Road and form an associated new entrance door in place of existing window to the east elevation of the school building. The new entrance is for use by visitors to the school. The new entrance gate would improve control over visitors accessing Yerbury Primary School from Foxham Road.
- 6.2 The new entrance door to the east elevation would incorporate a single timber frame door and fixed window with glazing panels to match the existing sash windows. The existing structure in front of the subject window would be removed.
- 6.3 The new entrance gate would be 2.7m wide and consist of a sliding gate incorporating a cut-out metal panel. Above the sliding gate there will be a fixed cut-out metal panel with art work representing a drawing made by the pupils of Yerbury Primary School, replacing part of the existing boundary fence.
- 6.4 The new gate will be electronically operated. It will be opened at the start of the day and closed at the end of the day by the caretaker. It will not be operated by visitors. Visitors will then access the school building via a new entrance door with level threshold.

### **Revision 1**

- 6.5 An amended plan was received on 01 March 2016 detailing an existing fence.

## **7. PLANNING HISTORY:**

- August 2008: Planning permission (Ref. P081048) Granted for Installation of two solar photovoltaic arrays on south east and south west roofs of block A (main building) of the school.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 20 adjoining and nearby properties at Beversbrook Road, Foxham Road, Yerbury Road, Bush Industrial Estate and Station Road on 18 November 2015. A site notice and a press advert were displayed on 26 November 2015. The public consultation of the application therefore expired on 17 December 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.

### **Internal Consultees**

- 8.3 **The Design and Conservation Officer** has no objections to the replacement of the window with a door following the style of the existing windows. It was further stated that the new entrance gate and fixed panel above are likely to be considered acceptable.

8.4 **The Inclusive Design Officer** As the gate is to provide a new visitor entrance it should be ensured that the means of opening the gates are suitable for use by disabled people to operate and it may also be difficult for people with pushchairs and young children.

8.5 The Inclusive Design Officer was pleased to note the level/flush threshold to the gate. A confirmation was also requested as to whether the route between the gate and the new door is level and also if the new entrance door is level/flush threshold.

## **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:

- None

### **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:

- Design
- Neighbouring Amenity

### **Design**

10.2 There are currently 2 no. pedestrian gates and 1 no. vehicle access gate to the Foxham Road boundary leading directly into the school playground. It is proposed to create an additional entrance gate leading directly to the new building entrance to the

east elevation. This is for use by visitors to the school. The aim of the new entrance gate and door is to improve control over visitors. The principle of the new entrance gate and door is therefore considered acceptable.

- 10.3 The new entrance gate would be 2.7m wide and consist of a sliding gate incorporating a cut-out metal panel. Above the sliding gate there will also be a fixed panel incorporating cut-out metal art work representing a drawing made by the pupils from Yerbury Primary School. There is currently fencing on top of the front boundary wall. The installation of a fixed panel at the same height as the existing high fence is considered acceptable at this location. Due to materials, design, appearance and location the proposed new gate and fixed panel above is considered acceptable and would not detract from the streetscene.
- 10.4 The materials, design and appearance of the proposed new entrance door and fixed window above are considered not harm the architectural character of the host building.
- 10.5 The removal of the redundant structure in front of and the metal cage to the side of the existing subject window is welcome as it would result in the removal of clutter leading to the entrance.
- 10.6 The new timber door with a fixed window above to the east elevation incorporating fixed glazing panels is considered to be in keeping with the style of the existing sash windows. The proposed new door with a window above would not harm the architectural character of the host Victorian School building.
- 10.7 Overall the proposal would accord with policy DM2.1 of the Development Management policies (2013) which requires new development to respect and respond positively to existing building and wider context.

#### **Neighbouring Amenity**

- 10.8 The new gate with a fixed panel above and entrance door given their location, scale and design would not to result in overshadowing, overlooking, loss of privacy, over-dominance, increased sense of enclosure or loss outlook to neighbouring residential properties. The proposal therefore accords with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

#### **Inclusive Design**

- 10.9 The level/flush threshold to the new entrance gate is welcome. The applicant has confirmed that the new gate will be electronically operated and will be opened at the start of the day and closed at the end of the day by the caretaker. It will not be operated by visitors. The new visitor entrance door and route from the gate will be level.
- 10.10 Overall, it is considered that the new entrance would provide inclusive access for visitors to the school. This would be in line with policy DM2.1 and the Inclusive Design SPD which requires new development to facilities and promote inclusive and sustainable communities.

## **SUMMARY AND CONCLUSION**

- 10.11 Given their location, scale, design and materials the proposed new gate with a fixed panel above and entrance door are acceptable in design terms and would not result in overshadowing, overlooking, loss privacy, over-dominance, increase sense of enclosure or loss outlook to neighbouring residential properties.
- 10.12 Overall, the proposal is considered to accord with relevant policies.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Plan - 176 01, Existing Entrance Plan + Elevation 176 01, 176 02A, 176 03, 176 04, 176 05; Planning Report – 21 August 2015.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials to Match (Compliance)</b>
	<p>CONDITION: Details of the laser cut metal sliding gate and fixed panel, and the entrance door hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work at site.</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>

#### List of Informatives:

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

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

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

### **2. Development Plan**

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

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

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

Policy 3.18 Education facilities

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

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

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

##### **Spatial Strategy**

Policy CS6 (Nag's Head and Upper Holloway Road)

Policy CS8 (Enhancing Islington's Character)

##### **Strategic Policies**

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

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

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

**DM2.1** Design

**DM2.2** Inclusive Design

##### **Shops, Culture and Service**

**DM4.12** Social and Strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Inclusive Landscape Design
- Urban Design Guide

**London Plan**

- Accessible London: Achieving and Inclusive Environment

# Islington SE GIS Print Template



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P2015/3606/FUL

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