



Resources Department
Town Hall, Upper Street, London, N1 2UD

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **25 July 2017 at 7.30 pm.**

Yinka Owa
Director of Law and Governance

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 17 July 2017

Welcome:
Members of the public are welcome to attend this meeting.

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

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Donovan-Hart (Chair)	- Clerkenwell;	Councillor Klute	- St Peter's;
Councillor Khan	- Bunhill;	Councillor Nicholls	- Junction;
Councillor Court	- Clerkenwell;	Councillor Picknell	- St Mary's;
Councillor Kay	- Mildmay;	Councillor Gantly	- Highbury East;
Councillor Fletcher	- St George's;	Councillor Ward	- St George's;
		Councillor Chowdhury	- Barnsbury;
		Councillor Convery	- Caledonian;
		Councillor A Perry	- St Peter's;
		Councillor Williamson	- Tollington;
		Councillor Gill	- St George's;
		Councillor Wayne	- Canonbury;
		Councillor Poyser	- Hillrise;
		Councillor O'Halloran	- Caledonian;
		Councillor Webbe	- Bunhill;
		Councillor Turan	- St Mary's;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	1 - 6
6. Minutes of Previous Meeting	7 - 10

B. Consideration of Planning Applications	Page
1. 198 Brecknock Road, N19 5BE	11 - 42

2.	27 College Cross, N1 1PT	43 - 70
3.	Part of land at Williamson Street Estate (area between 28/29 and 46 Belfont Walk), Williamson Street, N7	71 - 98
4.	Pavement area opposite number 34 Islington Green	99 - 128
5.	Pavement at the corner of Newington Green Road and Ferntower Road N1 4RA	129 - 154
6.	Pavement in front of 81-83 Essex Road	155 - 182
7.	Pavement opposite 130 Old Street, EC1V	183 - 204
8.	Pavement opposite 130 Old Street, EC1V	205 - 226
9.	Pavement opposite 198 Essex Road, N1	227 - 254
10.	Playground between 92 and 94 Bride Street, N7	255 - 272
11.	Tyndale Mansions, 33-102 Upper Street, N1 2XG	273 - 288

C. Consideration of other planning matters **Page**

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, 2 October 2017

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Ola Adeoye/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

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COMMITTEE AGENDA

**1 198 Brecknock Road
Islington
London
N19 5BE**

2 27 College Cross London N1 1PT

**3 Part of land at Williamson Street Estate [area between 28/29 & 46 Belfont Walk],
Williamson Street, London N7**

4 Pavement area opposite number 34 Islington Green

**5 Pavement at the corner of Newington Green Road and Ferntower Road
London
N1 4RA**

6 Pavement in front of 81-83 Essex Road

**7 Pavement opposite 130 Old Street
London
EC1V**

**8 Pavement opposite 198 Essex Road
London
N1**

**9 Playground Between 92 And 94
Bride Street [Westbourne Estate Pitch]
London
N7**

10 Tyndale Mansions, 33 - 102 Upper Street, London, N1 2XG

**1 198 Brecknock Road
Islington
London
N19 5BE**

Ward: St. Georges

Proposed Development: Change of use of the building into seven residential dwellings (C3 use class), including extensions fronting Corinne Road at lower ground, ground floor and roof level and other external alterations including replacement timber windows with new timber windows throughout. Associated landscaping and new fencing.

Application Number: P2015/5283/FUL

Application Type: Full Planning Application

Case Officer: Sally Fraser

Name of Applicant: Mr Andreas Kaimakamis

Recommendation:

2 27 College Cross London N1 1PT

Ward: St. Marys

Proposed Development: Retention of existing timber clad outbuilding, with a reduction in size (from 3.6m deep x 4.65 wide x 2.8m high to 2.5m deep x 3.7m wide x 2.8m high) and excavation with lowering into the ground (by 200mm) located to the end of the rear garden, re-orientation of timber cladding from horizontal to vertical orientation. (Listed Building Consent Ref: P2016/0309/LBC also submitted).

Application Number: P2016/0261/FUL

Application Type: Full Planning Application

Case Officer: Sandra Chivero

Name of Applicant: Mr Joachim Fleury

Recommendation:

Ward: St. Marys

Proposed Development: Retention of existing timber clad outbuilding, with a reduction in size (from 3.6m deep x 4.65 wide x 2.8m high to 2.5m deep x 3.7m wide x 2.8m high) and excavation with lowering into the ground (by 200mm) located to the end of the rear garden, re-orientation of timber cladding from horizontal to vertical orientation. (Full Planning Reference number P2016/0261/FUL also submitted).

Application Number: P2016/0309/LBC

Application Type: Listed Building

Case Officer: Sandra Chivero

Name of Applicant: Mr Joachim Fleury

Recommendation:

3 Part of land at Williamson Street Estate [area between 28/29 & 46 Belfont Walk], Williamson Street, London N7

Ward: Holloway

Proposed Development: Redevelopment of existing open hard landscaped area to provide 2No. two-storey, two bedroom residential units. A public access route through the estate will be maintained within the proposals.

Application Number: P2017/1736/FUL

Application Type: Full Planning Application

Case Officer: Stefan Sanctuary

Name of Applicant: Mr Nicholas Gore

Recommendation:

4 Pavement area opposite number 34 Islington Green

Ward: St. Marys

Proposed Development: Retrospective application for a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface (Advertisement consent P2017/1590/ADV also applied).

Application Number: P2017/1530/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

Ward: St. Marys

Proposed Development: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Full Planning Application P2017/1530/FUL also submitted).

Application Number: P2017/1590/ADV

Application Type: Advertisement Consent

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

5 Pavement at the corner of Newington Green Road and Ferntower Road

London

N1 4RA

Ward: Mildmay

Proposed Development: Retrospective application for a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Advertisement Application P2017/1636/ADV also applied)

Application Number: P2017/1567/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

Ward: Mildmay

Proposed Development: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Full Planning Application P2017/1567/FUL also submitted).

Application Number: P2017/1636/ADV

Application Type: Advertisement Consent

Case Officer: Not allocated - Planning Applications Team

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

6 Pavement in front of 81-83 Essex Road

Ward: St. Marys

Proposed Development: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Full Planning Application P2017/1554/FUL also submitted).

Application Number: P2017/1602/ADV

Application Type: Advertisement Consent

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

Ward: St. Marys

Proposed Development: Retrospective application for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Advertisement Application P2017/1602/ADV also applied)

Application Number: P2017/1554/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

7 Pavement opposite 130 Old Street

London

EC1V

Ward: Bunhill

Proposed Development: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Full Planning Application P2017/1566/FUL also submitted)

Application Number: P2017/1618/ADV

Application Type: Advertisement Consent

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

Ward: Bunhill

Proposed Development: Retrospective application for a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Advertisement Consent P2017/1618/ADV also applied)

Application Number: P2017/1566/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

8 Pavement opposite 198 Essex Road

London

N1

Ward: St. Peters

Proposed Development: Retrospective application for a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Advertisement Consent Application P2017/1619/ADV also submitted)

Application Number: P2017/1563/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

Ward: St. Peters

Proposed Development: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. (Full Planning Application P2017/1563/FUL also submitted).

Application Number: P2017/1619/ADV

Application Type: Advertisement Consent

Case Officer: Emily Benedek

Name of Applicant: Mr Milos Milisavljevic

Recommendation:

**9 Playground Between 92 And 94
Bride Street [Westbourne Estate Pitch]
London
N7**

Ward: Caledonian

Proposed Development: Section 73 application sought for the erection of a 1m high polypropylene net and wire on top of existing fence to eastern boundary (Original application P2015/3442/FUL).

amendment to a scheme which has been approved and constructed (Reference P2015/3442/FUL). Residential properties and gardens are located very close alongside the sides of the newly constructed multi use games area. Since construction of the new MUGA residents on the north eastern side of the games pitch have suffered issues with balls going over the top of the fencing into their gardens. Neighbours have reported that youths have been climbing over to recover balls and have been knocking at doors to the inconvenience and annoyance of residents. The proposed solution involves installing an additional 1m high vertical net to the top of the existing fence to further deter balls from going over.

Application Number: P2017/0819/S73

Application Type: Section 73 (Minor Material Amendment)

Case Officer: Joe Aggar

Name of Applicant: Mr Alex Sarson

Recommendation:

10 Tyndale Mansions, 33 - 102 Upper Street, London, N1 2XG

Ward: St. Marys

Proposed Development: Replacement of existing single glazed Crittal windows with double glazed aluminium units on the rear elevation.

Application Number: P2017/0343/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Islington Council

Recommendation:

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Planning Sub Committee B - 20 April 2017

- Noted the officer advice that the design was set back to provide a lightweight extension rather than one that was flush with the parapet.
- That the Sub-Committee considered that there was not a surfeit of affordable workspace in Islington and employment led development was to be encouraged.
- The comments of the design and conservation officer that, while there was harm to the setting of the listed buildings the harm would be less than substantial and should be weighed against the public benefit.
- In cases where daylight/sunlight guidelines were breached it was considered that there would be no real noticeable loss of daylight or sunlight.

RESOLVED:

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

287 60 HALLIFORD STREET, N1 3EQ (Item B2)

Demolition of the existing rear lower ground floor level conservatory and erection of a single storey full width, two storey part width rear extension. Installation of new upper ground floor window to side elevation. Enlargement of existing dormer window in rear roof slope and installation of new Velux-type roof window in rear roof slope.

(Planning application number: P2016/4970/FUL)

In the discussion the following points were made:

- The application was planning policy compliant.

RESOLVED:

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

288 GARAGES R/O 21-28 BARNSBURY SQUARE, N1 1JP (Item B3)

Demolition of existing garages and erection of a three-bedroom single family dwelling house including excavation at basement level with associated landscaping; erection of boundary wall and provision of cycle and refuse storage.

(Planning application number: P2016/1383/FUL)

The planning officer reported that the correct figure for the gross internal area was 341 sqm. It was noted that since publication of the report, a further seven letters of support had been received and one further letter in objection raising concerns about the impact on bats. A bat survey would be required should the application be agreed.

In the discussion the following points were made:

- Noted that pre-application advice had not been given to the applicant for this application although it was accepted by officers that pre application advice had been given on this site for a number of proposals by this applicant and the agent.
- Pre-application advice for previous applications stated that a single family dwelling would be acceptable on this site and also that the proposed footprint, upon which pre application advice was sought was excessive and should be reduced.

Planning Sub Committee B - 20 April 2017

- Noted the legal advice that the Sub-Committee was not bound by officer pre-application advice. The Sub-Committee was advised to make their own decision based on planning policy and the planning merits of each application.
- The proposed application at 341 sqm (GIA) would be far in excess of the minimum floor area required for a single family dwelling.
- It was accepted that this was a challenging site but noted the officer report that, within the footprint proposed there was scope to develop more than one unit in order to fully optimise housing potential.
- The concerns of the tree officer regarding the building of residential property beneath substantial protected tree stands were noted.

RESOLVED:

That planning permission be refused for the reasons set out at Appendix 1 of the report.

289

LAND ADJACENT TO 1 DRESDEN ROAD, N19 3BE (Item B4)

Erection of a three storey 4 bedroom end of terraced single family dwelling with associated private amenity space and boundary treatments.

(Planning application number: P2016/1949/FUL)

In the discussion the following points were made:

- The applicant had submitted a daylight/sunlight report to address concerns raised regarding the loss of light to number 1 and 3 Dresden Road following deferral from a previous meeting.
- It was considered that the development would not result in an unacceptable loss of daylight or sunlight to the adjoining residential properties.
- The proposal was considered to accord with relevant planning policies.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 9.00 pm

CHAIR

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PLANNING COMMITTEE REPORT

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

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2015/5283/FUL
Application type	Full Planning Application
Ward	St Georges
Listed building	Unlisted
Conservation area	Tufnell Park
Development Plan Context	Tufnell Park Conservation Area
Licensing Implications	None
Site Address	198 Brecknock Road, Islington, London, N19 5BE
Proposal	Change of use of the building into seven residential dwellings (C3 use class), including extensions fronting Corinne Road at lower ground, ground floor and roof level and other external alterations including replacement timber windows with new timber windows throughout. Associated landscaping and new fencing.

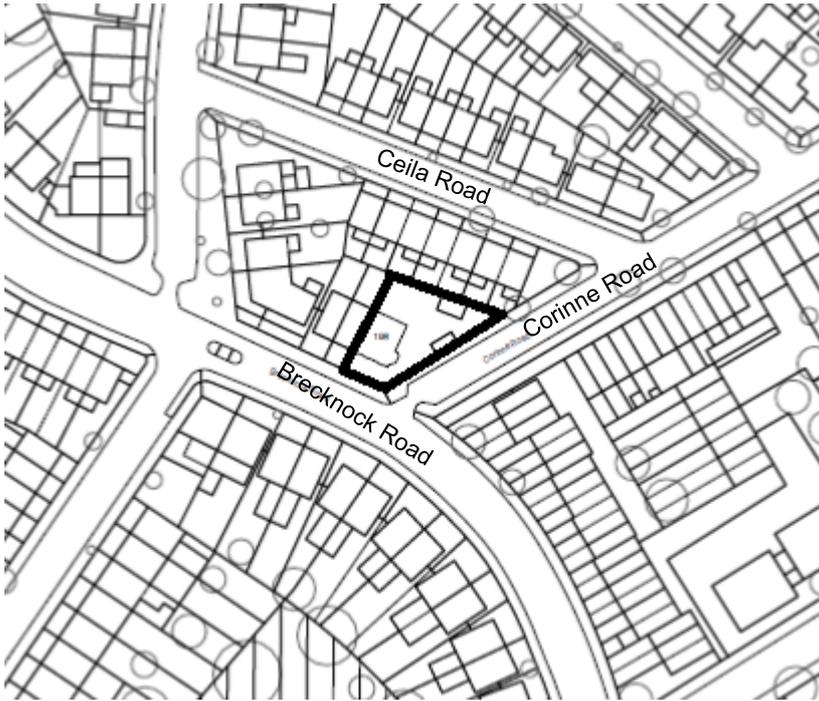
Case Officer	Sally Fraser
Agent	Aimee Squires, Savills UK

1. RECOMMENDATION

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

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

2. **SITE PLAN (Site outlined in BOLD)**



3. **PHOTOS OF SITE/STREET**



Image 1 - Aerial view of the site and the properties on Celia Road



Image 2 – The subject property (right of the picture) fronting Brecknock Road



Image 3 – View of the site looking north along Brecknock Road



Image 4 – View of the site looking east along Corinne Road.



Image 5 - View of the rear of the site and the rear of properties on Celia Road



Image 6 – View of the rear boundary of the site with the properties along Celia Road

4. SUMMARY:

- 4.1 The application seeks permission for the change of use of the existing building into 7 self-contained flats, including the erection of a lower ground and ground floor extension to the north east elevation of the building and other external alterations including the replacement of all windows with new timber windows throughout.
- 4.2 The main issues arising from the development are the lawful use of the property and the principle of the change of use, the standard of the residential accommodation and the impact of the development on the residential amenities of the neighbouring occupiers.
- 4.3 Whilst the lawful use of the property is unclear, it was last used as 2 self contained flats and a small HMO (C4 use class), providing accommodation for 6 occupants. The proposed use is also residential and there would as such be no change of use arising from the development. The development would introduce additional homes into a residential area and would help the council to meet its housing targets.
- 4.4 In acknowledgement that whilst the last use of the property was residential, the lawful use cannot be established, the applicant has agreed to pay the full Affordable Housing Small Sites contribution relating to the development, of £350,000.

- 4.5 The proposal would provide a good standard of internal living accommodation and outdoor amenity space for future occupiers. The constraints of the existing building are such that there are some areas of non compliance, but in each case these have been justified.
- 4.6 The proposal would not unduly harm the residential amenities of either the residential occupiers abutting the site on Celia Road or the adjoining occupiers at 200 Brecknock Road. Overall neighbouring residential amenity would not be unacceptably harmed, in compliance with policy DM2.1.
- 4.7 The proposal would have an acceptable impact on the special character of the conservation area and the appearance of the host building, in compliance with policy DM2.3 and the Tufnell Park Conservation Area Guidance.

5 SITE AND SURROUNDINGS

- 5.1 The application site is a two storey, semi-detached property, with accommodation also within the basement and roofspace. There is a shallow lightwell to the front and side of the property which provides light into high level basement level windows and a full depth lightwell to the rear.
- 5.2 The property is currently vacant. On the basis of information submitted by the applicant, it is considered likely that the property was last used as two self-contained flats and a small HMO (House in Multiple Occupation). There is no planning history to support this use however. The lawful use, as determined by implemented planning permission P991365 dated 20/10/1999, is a hostel.
- 5.3 The property forms a 19th century pair with number 200 Brecknock Road. The properties are not identical- the adjoining property has two bay windows fronting Brecknock Road whereas the subject property has its main façade, with bay window and front door, fronting onto Corinne Road. The pair are very much a standalone pair in style and the immediate vicinity contains a mixture of age and style of housing. Adjacent to number 200 is a modern flatted development, on the opposite side of Corinne Road is a new terraced house attached to a 1960's row. Further down Corinne Road and opposite the site on Brecknock Road are 19th century villas.
- 5.4 To the rear of the site, fronting Corinne Road, is a grassed garden containing 2 single detached garages. There is a vehicular entrance onto the site from Corinne Road. Bounding the site to the north east are the rear gardens of properties on Celia Road. The land slopes down from east to west, so that the rear gardens and windows of the adjoining properties at Celia Road sit at a lower level than the subject site.
- 5.5 The site is located within the Tufnell Park Conservation Area. The property is neither listed nor locally listed. There are 3 (grade C) trees within the site, on the boundary with the Corinne Road properties

6. PROPOSAL (IN DETAIL):

- 6.1 The applicant proposes the conversion of the existing building from a hostel use, into seven self-contained flats, including extensions at lower ground and ground floor and other external alterations. Associated landscaping, a bike and refuse store and new fencing to the Celia Road boundary is also proposed.
- 6.2 The scheme proposes 1x 3 bed flat, 3x 2 bed flats and 3x 1 bed flats.

- 6.3 Access to the two basement level flats would be via stairs from the main entrance gate. Flats at ground level and above would be accessed via the main communal door.
- 6.4 The two basement level flats (flats 1 and 2) and flat 4 on the ground floor would have access to private outdoor space. A communal grassed area fronting Corinne Road would provide amenity space for the occupiers of the remaining flats. A bike and refuse storage area would be located within the communal gardens and the existing vehicular access onto the site from Corinne Road would be removed and replaced with a pedestrian gate, awarding level access to the gardens and storage area.
- 6.5 Extensions at lower ground floor and ground floor to the north eastern elevation are proposed. There would be further excavation at basement level to facilitate the amenity space for flats 1 and 2. Other external alterations include the replacement of the dormer windows, replacement windows and front door and the repair of the existing boundary treatment to Corinne Road and Brecknock Road.
- 6.6 The proposal would involve the loss of three trees on the Corinne Road boundary.

Revision 1 – 12th April 2016

6.7 Revisions to the scheme included:

- The submission of a Daylight/ Sunlight report addressing the surrounding properties
- Reduction in width of the lower ground and ground floor rear extensions
- Replacement of the timber privacy screen to the external terrace with obscure glazing
- Windows replaced with timber sash

Revision 2 – 4th July 2016

6.8 Revisions to the scheme included:

- On site parking removed
- Further reduction in the width of the lower ground and ground floor rear extensions

Revision 3 – 1st August 2016

6.9 Revisions to the scheme included:

- Drawings amended to include the removal of the vehicular gates into the site

Revision 4- 26th June 2017

6.10 Revisions to the scheme included:

- Submission of an updated Daylight Sunlight Report to include the Daylight Distribution results for the neighbouring properties
- Submission of land use information
- Submission of tree planting plans (existing and proposed)

7. RELEVANT HISTORY:

Planning Applications:

7.1 **P831564:** The retention of the three hostel bedrooms and the existing two room non-self-contained flat on the ground floor and the formation of a three bedroom

(5-6 room) maisonette from the first floor of no. 198 and the attic floor entailing the enlargement of the existing front and rear dormers. Approve 29/03/1984

7.2 **P991365:** Change of use to a hostel. Approved 20/10/1999

7.3 **P001165:** Conversion to provide nine studio flats, one 1-bedroom flat and two bedsits and a shared 'common room'. Refused 09/03/2001

7.4 **P122154:** Erection of a part 2 part 3 storey building to the rear of 198 Brecknock Road, fronting Corinne Road, to provide 1 x 4 bedroom dwelling with associated landscaping, boundary treatments, refuse and cycle storage and associated works. Refused 19/08/2013.

The reasons for refusal were as follows:

- 1. The proposed new dwelling by reason of its height, bulk and detailed design would fail to preserve and enhance the character and appearance of the Tufnell Park Conservation Area. Further the proposal would detract from the openness of the surrounding properties, which is an important characteristic of the Conservation Area. The proposal therefore fails to comply with the NPPF, policy CS9 of the Core Strategy 2009, DM 2.1 and DM 2.3 of the Development Management Policies, the Conservation Area Guidelines and the Urban design Guidelines*
- 2. The proposed new dwelling by reason of its height, bulk and mass would be overbearing which would be detrimental to the outlook of the neighbouring properties in Celia Road. This would be contrary to Policy DM2.1 of the Development Management Policies 2013.*

Enforcement:

7.5 **E/2015/0321-** opened 22nd June 2015. Noise and disturbance from internal works. Case closed 25th June 2015 - No breach- site visit showed no evidence of any current or recent internal or external works

Pre-Application Advice:

7.6 **Q2015/2746/MIN:** Extensions, reconfiguration of the parking area in conjunction with the conversion of the existing property into 7 self-contained flats.

8. CONSULTATION

Public Consultation:

8.1 Letters were sent to occupants of 112 adjoining and nearby properties on 8th January 2016. A site and press notice were also displayed. The public consultation of the application therefore expired on the 29th January 2016. It is the Council's practice however to continue to consider representations made up until the date of a decision.

8.2 A total of 13 letters of objection were received in response to the initial consultation. The following issues were raised (the paragraph numbers responding to the issues are included in brackets):

- (i) The car park would be contrary to Islington's 'car free' policy and would cause increased air and noise pollution (paras 10.69 and 10.70)

- (ii) The loss of trees, pond and verdant garden area would impact unduly on biodiversity (paras 10.26, 10.31, 10.32 and 10.33)
- (iii) The side extension would reduce the visible gap between properties (10.21, 10.22 and 10.24)
- (iv) Excessive size of the extensions and subsequent overdevelopment of the site (para 10.24)
- (v) The impact of the proposal on the character and appearance of the conservation area (paras 10.21, 10.22, 10.23, 10.24 and 10.29)
- (vi) Overlooking and sense of enclosure with regards to the gardens and homes of the properties adjoining the site on Celia Road- from the raised balconies, windows and lower ground floor garden area (paras 10.47, 10.48 and 10.49 and conditions 6 and 9)
- (vii) Loss of daylight and sunlight to and outlook from the rear windows of the Celia Road properties (paras 10.39 to 10.46 and 10.48)
- (viii) Noise and disturbance from previous works carried out at the property and similar concern with regards to any future works (para 10.54)
- (ix) Loss of light as a result of the proposed trellis on the Celia Road boundary (para 10.46)
- (x) Lack of family sized units (para 10.56- 10.58)
- (xi) Lack of private outdoor amenity space for the occupiers of the flats (para 10.62)
- (xii) Noise and disturbance as a result of the proposed lower ground floor garden areas (para 10.55)

8.3 Following the receipt of revised drawings, a second round of consultations took place on the 11th August 2016 for 14 days. The second consultation period therefore received expired on 25th August 2016, although it is council practice to consider representations up to the date of decision.

8.4 At the time of writing this part, no new objections were received in response to the second consultation.

Internal Consultees:

8.5 **Design and Conservation Officer:** The proposal is acceptable in principle- whilst this is a side extension within the conservation area, it would, with a reduction in width, appear subservient and retain views through the site to the rear. The replacement of the existing windows and door are welcomed.

8.6 **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, this is the conversion of an existing building and the council are unable to require this standard.

8.7 **Policy (Land use):** The proposal would involve the loss of visitor accommodation (lawful use). The site is located within a residential area and it is not within a designated town centre. Therefore the loss of a hostel in this location is not resisted and the proposal to provide seven residential dwelling supported.

8.8 **Trees:** the removal of the three trees on the north eastern boundary of the site, given their small size and amenity value, should not be seen as a constraint to development.

8.9 **Licencing:** The property was granted an HMO Licence, for the use of the ground floor as 6 HMO units for 6 occupants, on 21st February 2013. The Licence was revoked on 15th February 2015, upon passing of the owner/ manager and vacation of the HMO units. The property does not currently have an HMO licence.

External Consultees:

8.10 None

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.

Development Plan

9.3 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT:

10.1 The main issues arising from the proposal relate to:

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

Land Use

10.2 The lawful use of the property is somewhat unclear. The applicant purchased the property in 2015, at which time he states that the internal space was laid out as 3 residential units- a self contained flat at basement level, a self contained flat on the second floor and HMO (non self contained living) accommodation at ground and first floors. The applicant also states that, at the time of purchase, the property was vacant with the exception of the basement, which was occupied. The entirety of the property is now vacant.

10.3 Evidence supporting this claim was submitted with the application, including a letter from the relative of the previous owner, a tenancy agreement in relation to the basement flat, a marketing page for an individual room to rent and a marketing page relating to the whole property, which referenced the property as containing a self contained flat at basement level, a self contained flat at second floor level, 6 rooms at ground floor and 5 rooms at first floor. Council tax records also state that the property has been used as 3 residential units since 1993.

- 10.4 There is however no planning history that supports the above as the lawful use and the property has been empty for the previous 2 years, which means that the use could not be considered lawful by virtue of the fact that the property has not been continually occupied as such for 4 years.
- 10.5 Indeed, the most recent planning approval for a change of use was in 1999, when permission was granted for the change of use of the property into a hostel. 'Hostels' provide non self-contained accommodation, often for a particular group of people, where there is no significant element of care. They are classified as sui generis. The planning application file cannot be found however, and we have no details of the use and no existing or proposed floor plans. It is not clear whether this permission was implemented, or what use class the property was prior to this application.
- 10.6 In 2013, an HMO licence was issued. The licence gave permission for the ground floor of the property to be used as 6 HMO units, for 6 occupants. The license notes that the first and second floors of the property are to be used by one household only, as a self-contained flat, by the resident landlord and his family.
- 10.7 Whilst there is no planning permission for this HMO use, the property was inspected at the time by the councils Public Protection officers and it is clear that, upon inspection the property was laid out as per the Licence. The Licence was revoked in 2015 upon the passing of the owner and upon vacancy of the property.
- 10.8 HMO's are classified either as a sui generis use, if they contain more than 6 occupants, or a C4 use, if they contain 6 or fewer occupants. Providing the HMO in question was occupied by no more than 6 people, on the ground floor of the property only as per the Licence, the use class would have been C4. In this instance the HMO could have been converted to a single dwelling house without planning permission and policy DM4.12, which aims to retain good HMO's, does not apply. If in fact this was an HMO which provided accommodation for more than 6 people, over ground and first floor, the application must be assessed against policy DM4.12. Part C states that the council will resist the loss of good HMO's. The HMO Licence was revoked in 2015 and it cannot therefore be established that the property provides the standard of accommodation which could be determined to be 'good'.
- 10.9 In conclusion, it is likely that the property has remained in residential use for many years. Specifically, there is some evidence that the basement unit was occupied as a dwelling between 1993 and 2015 and that the second floor was historically occupied by the previous owner, who also managed the HMO at lower ground floors.
- 10.10 The licenced HMO, with 6 occupants, was not large enough to be protected by the Development Management policy DM 4.12 and could have been converted to a single family unit without planning permission. It is therefore reasonable to assume that no change of use is proposed here and that the redevelopment the property into 7 self contained flats is acceptable in principle. The proposal would introduce additional residential accommodation into a residential area which would help the council to achieve their housing targets.
- 10.11 Whilst it is reasonable to assume that the last use of the property was 3 residential units, the lawful use of the property in this manner has not been established and is not considered able to be done so (as per paragraph 10.4 above). In acknowledgement of this, the applicant has agreed to pay the full affordable housing small sites contribution relating to the seven unit scheme, of £350,000.

10.12 The proposal is acceptable in land use terms.

Design and Impact on the Conservation Area

10.13 Special regard is had in the assessment of this application to the desirability to preserve or enhance the character of the Tufnell Park conservation area.

10.14 The special character of the Tufnell Park Conservation Area derives from its high architectural quality, variety of styles of housing and flamboyant use of different materials and decoration. The conservation area comprises mainly of 19th century buildings, which were built using materials suited to labour-intensive methods of construction including brick, stone and render for the facades, timber for the windows and natural slate and tiles for the roofs.

10.15 The Tufnell Park conservation area design guidance states that it is important that new buildings, and refurbishment of existing buildings, blend in with and reinforce this character, and care must be taken with the choice of brick and bond.

10.16 The conservation area design guidance also advises specifically on extensions. In relation to side extensions, it explains that on certain roads, including Corinne Road, side extensions can infill existing gaps between properties, thereby losing pleasant views of trees and rear gardens which contribute to the spacious appearance of the conservation area. In relation to rear extensions, the guidance states that extensions which are larger than full width at single storey level and half width at 2 storey level are not normally acceptable, except where they remain subordinate to the main house in mass and height.

10.17 The application site is located on a corner of Corinne Road and Brecknock Road. The property forms one half of a pair of semi-detached houses which front onto Brecknock Road, although the primary elevation of the property, and its entrance door, are located on the side road, Corinne Road. For the purposes of consistency within this report, the front elevation of the property fronts onto Brecknock Road, the side elevation fronts onto Corinne Road and the rear elevation faces the rear gardens of the Celia Road properties. The property has garden land between the property and the boundary with properties on Celia Road and between the property and the boundary with Corinne Road.

10.18 The site is prominently located on the corner of Brecknock Road and Corrine Road. Public views into the site are afforded from Corinne Road, where one sees the property to the west and the garden land and trees to the east, which occupy the space between the Brecknock Road and Celia Road properties. Private views of the site are also afforded from surrounding properties, particularly from the rear windows and garden of the properties on Celia Road.

10.19 The building and garden land are presently in poor condition. The building has not been occupied for some time and the windows, roof and boundary wall are in a poor state of repair. The rear garden contains 2 garages and a mixture of grass and hardstanding.

10.20 The scheme proposes the erection of lower ground and ground floor extensions to the north eastern elevation of the building and other external alterations. The lower ground floor extension would be 5.5m deep. The ground floor extension would be set back from the main side elevation of the building by 1m and would be 4.6m deep with a flat roof. Both the lower ground and ground floor extensions have been reduced in depth since the original submission to reduce their visual impact. The images below show the property with the development in place.



Image 7 and Image 8: The view of the development from Brecknock Road and Corinne Road

10.21 The proposal would be viewed, from Brecknock Road and from directly adjacent to the site on Corinne Road, as a side extension. The lower ground floor extension would not be visible in long views of the site as it would be screened by the existing boundary wall. This part of the proposal would as such not interfere with existing views through the site to the verdant land beyond. The ground floor extension would be visible from the public realm, although it would be screened to an extent by the 2m high boundary wall. This part of the extension would be no wider than half of the width of the side elevation of the house and would appear subordinate to the host property in this regard. It should also be noted that both the lower ground floor and ground floor extensions have been reduced in depth since submission of the application, in the case of the lower ground floor by 1.2m and in the case of the ground floor extension by 1.3m. As amended, the extension would not dominate the host building and would not encroach beyond its side building line. An open area of garden land would be retained to the east of the ground floor extension, which would preserve the spacious appearance of the site and the pleasant view of trees and rear gardens beyond. Image 9 below shows the location of built form and garden land on the site, with the development in place.

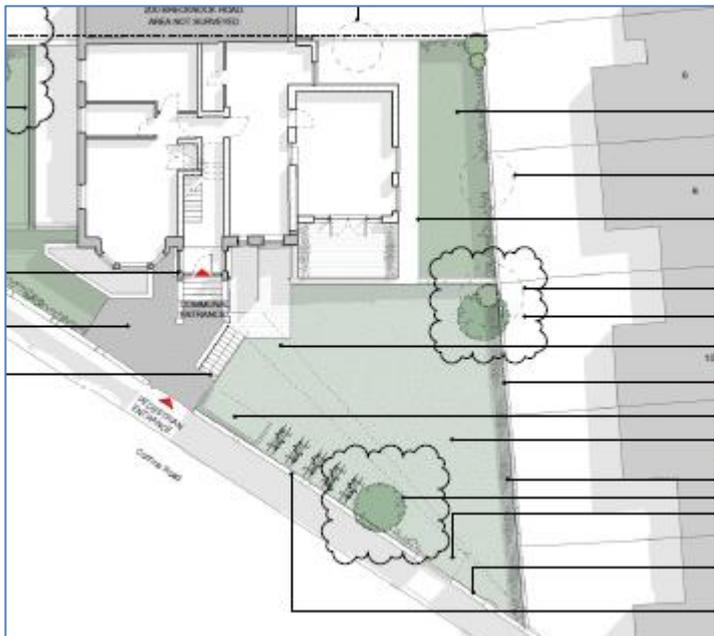


Image 9: Proposed site plan showing amount of built form and garden land.

10.22 There would be glimpsed public views of the extension, as a rear extension, from further east along Corinne Road. The extension would sit a clear distance below the eaves line of the roof of the main building and would be less wide than the elevation itself. Overall the size of the extension would respect the scale of the host building when viewed from the east and would not dominate it.

- 10.23 The extension would be constructed of brick to match the existing house with timber fenestration. All existing windows in the property would be replaced with traditional timber sash windows and the roof would be replaced with slate tiles, which would improve its appearance in this conservation area location. A condition is recommended requiring the submission of details of all materials used in the development, prior to commencement of work, to secure a high quality finish. In addition to the replacement of the windows in the existing property, two new rooflights are proposed within the front and rear roofslopes. These are acceptable in principle given the variety of roof structures and extensions, including roof lights, in the vicinity. A condition requiring 'conservation' rooflights is recommended, to ensure their discrete appearance and preservation of the character of the conservation area.
- 10.24 Overall the extension would not inappropriately dominate the garden or main building and would respect and respond positively to the local streetscape, which as described before, is mixed in character. The size, location, design and materials of the proposed extensions would preserve the special character of the Tufnell Park conservation area.
- 10.25 In relation to other works, it is proposed to increase the depth and projection of the existing front and side lightwells by 1.5m and 2m respectively, to allow for the introduction of full height fenestration to the basement level rooms and an external amenity area for flat 1. Verdant garden behind the front boundary wall would be retained, in compliance with the Urban Design Guide and Basements SPD and there would be little impact on the external appearance of the front elevation of the property. It is also proposed to reduce the ground level of the western part of the rear garden by approximately 1m, to facilitate the lower ground floor extension and private outdoor space for flat 2. The extent of the basement works proposed here are not substantial and not of the size requiring compliance with the councils Basement Development SPD.
- 10.26 The garden area would remain verdant and, whilst built form would be introduced to the site by way of extensions, this would be offset by the soft landscaping that would be introduced through the demolition of the garages- which would promote sustainable drainage and enhance the open nature of the conservation area. This part of the proposal would have an acceptable impact on the character of the conservation area.
- 10.27 Other elements of the proposal would also benefit the appearance of the property and garden. In addition to the removal of the garages and the subsequent increase in soft landscaping, the boundary wall would be removed of its crumbling render and the brickwork below cleaned.
- 10.28 Bike and refuse storage is proposed within the rear garden area, screened to an extent behind the existing boundary wall. Details of the external appearance of the storage would be required by condition, to secure their good design.
- 10.29 Overall, the proposal would preserve the special character of the conservation area. With appropriate conditions to secure a high quality finish, the proposal is acceptable in design and conservation terms, 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, the Tufnell Park Conservation Area Design Guidelines and the Islington Urban Design Guide 2017.

Trees, Landscaping and Biodiversity

- 10.30 In accordance with Development Management policy DM6.5 (Landscaping, trees and biodiversity), all developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site.

- 10.31 It is proposed to fell 3 small Evergreen trees on the boundary with the Celia Road properties, in order to facilitate construction of the lower ground floor garden area. The councils Tree Officer has assessed the scheme in relation to the removal of these trees. The trees in question are of a low grade and are limited in size and amenity value. They are, as such, not considered to be a constraint to development. Notwithstanding this assessment, the applicant has agreed to reprovide 3 trees to replace those lost. Whilst these would not be mature specimens, they would contribute to greening and visual appearance of the site. They would be sited adjacent to the boundary fronting Brecknock Road, adjacent to the boundary fronting Corinne Road and adjacent to the boundary with the Celia Road properties.
- 10.32 There is currently 315sqm of soft landscaping on the site. The amount of soft landscaping with the development in place would also be 315sqm, because the area of the existing garages is the same as the area of the proposed extensions. There would as such be no adverse impact on drainage or biodiversity. It is considered that the loss of the pond in this context, and given its poor state of repair, is acceptable.
- 10.33 Policy DM6.5D states that developments should maximise the provision of biodiversity roofs. The proposed green roof, which would cover the ground floor extension, is supported in this context. The green roof should maximise biodiversity through thick substrate and appropriate grass species and it is recommended that this be secured by condition (condition 3).

Neighbouring Amenity

- 10.34 Development Management Policy DM2.1 states that development is required to 'provide a good level of amenity including consideration of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook'.
- 10.35 The residential dwellings closest to the proposed extension are those on Celia Road to the north east of the subject site and at 200 Brecknock Road adjoining the subject property.
- 10.36 Firstly, to discuss the impact of the development on the amenities of the Celia Road properties. The rear facing windows of the Celia Road properties face the site, and their rear gardens abut the shared boundary. Numbers 4 and 6 Celia Road would directly face the proposed extension. Numbers 2, 8, 10, 12 and 14 Celia Road would have more oblique views.
- 10.37 In terms of existing boundary treatment, there is a brick wall which runs the length of the shared boundary. A small section of trellising above the wall remains in situ, on the shared boundary with numbers 12 and 14. Adjacent to the boundary with number 10, on the subject site, is the single storey garage which rises to a height of approximately 2.5m. The garden of number 8 Celia Road has a fair amount of evergreen vegetative screening adjacent to the boundary. There is very little in the way of screening adjacent to the boundary with number 6.
- 10.38 The ground level slopes downwards, from the subject site to the gardens of the Celia Road properties and down again to the Celia Road ground floor windows. As such, ground floor level of number 198 Brecknock Road is slightly higher than the first floor windows at the Celia Road properties.

Daylight and Sunlight

- 10.39 With regards to light, a Daylight and Sunlight Report has been provided as part of the application submission. The assessments which inform the report were carried out in accordance with the guidance and methodology set out in the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2011 publication. This document provides the accepted nationally recognised guidance which is used in the assessment of sunlight and daylight impacts for planning applications.
- 10.40 For assessment of daylight, the BRE guidelines advises that the vertical sky component (VSC) for each window is measured and that a development would cause no significant perceivable reduction in existing daylight levels to neighbouring properties provided that:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by more than 20% of its original value;*
- 10.41 The BRE guidelines also advises in this regard that the Daylight Distribution (DD) be measured. Daylight may be adversely affected if, with the development in place, the area in a room which can receive direct sunlight is reduced to less than 0.8 times its former value.
- 10.42 For assessment of sunlight, the BRE guidelines confirm that only windows facing within 90 degrees of due south warrant assessment. The guidelines stipulate that for those windows that do warrant assessment, there would be no significant perceivable reduction in existing levels of sunlight received where:
- In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and where the APSH and WSPH is not reduced by more than 20% of its original value.*
- In cases where these requirements are breached there will still be no significant noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of APSH.*
- 10.43 Where the guideline values for reduction of existing levels of daylighting and sunlighting are exceeded, then sunlighting and/or daylighting may be adversely affected.
- 10.44 With regards to overshadowing, the BRE guidelines state that, with the development in place, at least 50% of the outdoor garden areas should receive at least two hours of sunlight on 21st March and the amount of sunlight received should not exceed 0.8 times its former value.
- 10.45 The daylight/ sunlight report submitted with the application assessed the above in relation to numbers 4, 6, 8 and 10 Celia Road. The report concludes, in relation to daylight, that there would be no undue reduction in the value of VSC with the development in place and there would be no loss of DD with the development in place. The proposal would have an acceptable impact on the daylight received to numbers 4, 6, 8 and 10 Celia Road. There would also be no undue impact on the amount of sunlight reaching the habitable room windows of the Celia Road properties and no undue overshadowing to the rear gardens.
- 10.46 Concern has also been raised with regards to loss of light to the gardens and rear windows of the Celia Road properties by reason of the proposed trellis, which would sit above the existing fence line. The proposed trellis would raise the total height of the boundary treatment adjacent to the boundary with number 6 to 2m above the garden level of that property. It is not considered that this height is excessive and it would not result in any undue loss of light to or overshadowing of the rear windows of that property, nor

would it result in a sense of enclosure for users of the garden. The other Celia Road properties would also not be unduly affected by the additional trellis height, given the presence of foliage, existing fencing and the garage which already currently exists on the boundary.

- 10.47 With regards to privacy, the proposed north east facing ground floor windows of the extension would be obscure glazed and non opening, which would be secured by condition. The balcony to flat 4 is shown to be screened on its eastern side by an obscure glass privacy screen, which would be 1.5m high. A condition is recommended which requires that the privacy screen is installed prior to first occupation of the development. Notwithstanding the drawings, the condition requires that the screen be 1.7m high, to ensure that the privacy of the Celia Road properties is preserved. There would, as such, be no undue overlooking or loss of privacy to the occupiers of the Celia Road properties as a result of this part of the proposal. The lower ground floor extension would be sited behind the existing boundary wall. An additional line of trellising would be added to the top of this wall bringing it to an overall height of 2.6m. There would be oblique views from the upper floors windows of the Celia Road properties, into the lower ground floor windows of flat 2, and vice versa, at a distance of approximately 10m. This relationship, given the oblique nature of the views and extent of the proposed boundary treatment, is not considered to cause undue loss of privacy to the occupiers.
- 10.48 With regards to outlook and sense of enclosure, the lower ground floor extension would be sited approximately 8m from the outrigger at the number 6 Celia Road. This part of the extension would be sited behind the boundary wall and would not be visible from the ground floor windows or the garden of that property. The ground floor extension would be sited 9m from the outrigger at number 6 and would be approximately 5.5m above the Celia Road garden level. This part of the extension would be visible from all levels of the property.
- 10.49 It is appreciated that outlook from the rear windows and garden of the Celia Road properties would change as a result of the development. Currently, outlook from upper floor windows is of the garages and host property beyond. As proposed, the built form on the site would be closer, but still viewed in context of the higher main property behind. The garages would be removed and that part of the site would appear more verdant than existing. The proposed green roof on the ground floor extension would also give the extension a more verdant appearance. It is considered that, given the distance of the extension from the rear gardens and ground floor windows of the Celia Road properties and the height of the overall extension, that there would be no undue sense of enclosure or loss of outlook to the Celia Road occupiers as a result of the proposed development.
- 10.50 In relation to 200 Brecknock Road, the proposed ground floor extension would be 2.7m high, abutting the shared boundary, for a depth of 5.5m. This would be 0.8m higher than the existing shared boundary wall. The proposed ground floor extension would be 1m deep adjacent to the shared boundary, extending to 4.5m deep, 2m from the shared boundary. The Daylight Sunlight report, in relation to number 200, concludes that there would be no significant reduction in VSC or DD with the development in place and that there would as such be no discernible loss of light to the habitable room windows. The image below shows the relationship between the proposed extension and 200 Brecknock Road.

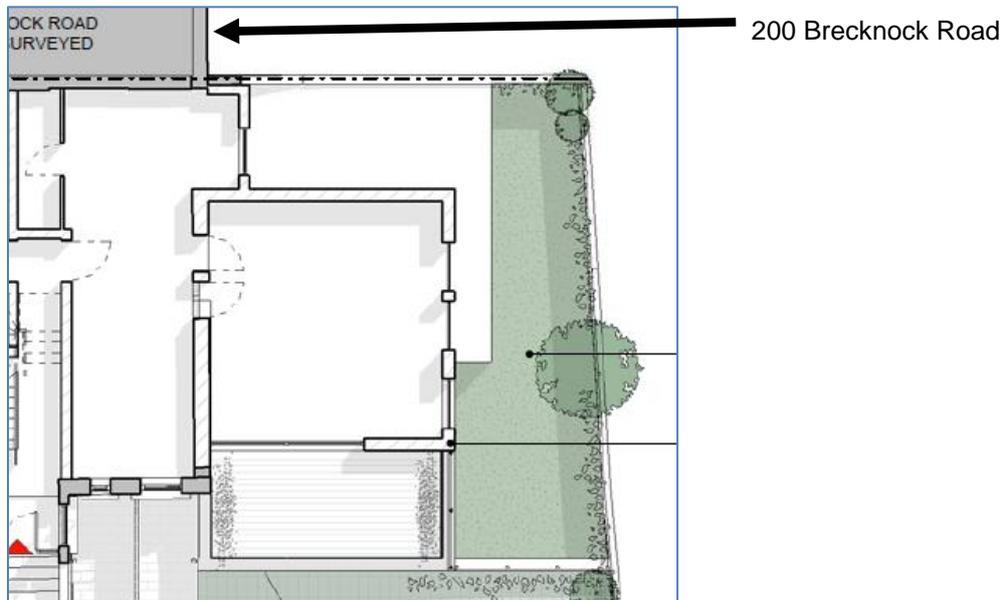


Image 10: The proposed extension and 200 Brecknock Road

- 10.51 Given the depth of the extensions, the fact that the ground floor extension at its deepest would be set off the shared boundary and the favourable orientation of the properties, it is also considered that there would be no undue loss of outlook from the nearest habitable room windows of this property with the proposal in place, nor would there be any undue sense of enclosure or overbearing impact to the occupiers when viewed from their windows or rear garden.
- 10.52 There would be no windows on the western elevation of the rear extensions and therefore no overlooking of the windows or rear amenity area of 200 Brecknock Road would occur.
- 10.53 With regards to other matters raised as a cause for concern by neighbouring residents, the parking area initially included within the submission has been removed from the drawings. The development would be car free and would not contribute to additional air or traffic pollution. Condition 6 as such states that the future occupiers, subject to 2 exceptions, are not permitted to obtain residents parking permits, in the interest of sustainability.
- 10.54 Noise and disturbance caused by previous works is not a material planning consideration relevant to this application. Should this application be approved and implemented, the development would be required to conform to hours of construction set down by the councils Environmental Health department. These are Monday to Friday 8am to 6pm. Saturdays 8am to 1pm.
- 10.55 It is considered that the use of the lower ground floor amenity areas to the front and rear of the property would not result in levels of noise that would be greater than normal domestic levels associated with private garden spaces.

Housing Mix

- 10.56 Policy 3.8 of the London Plan states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings, taking account of housing requirements identified at regional, sub-regional and local levels.
- 10.57 Islington Core Strategy policy CS12 (Meeting the housing challenge) requires the provision of a range of unit sizes within individual schemes in order to meet the needs

within the borough. The mix of dwellings should respond to the identified need as highlighted by the Islington Housing Needs Survey 2008 and illustrated in table 3.1 of the Development Management Policies document.

10.58 The scheme proposes 1 x 3 bed units, 2 x 2 bed units and a 4 x 1 bedroom unit. This mix, when assessed against table 3.1 of the Development Management Policies Document, underprovides on 2 bedroom units and overprovides on smaller 1 bedroom units. However, some flexibility in the mix is required here, given the constraints of the existing building and the requirement to provide good internal and external amenity for future occupiers. The scheme does provide 3 family sized units (as defined in the London Housing Design Guide) and, on the balance of all material planning considerations, the mix is considered appropriate in this context.

Standard of accommodation

10.59 Islington Development Management Policy DM3.4 (Housing standards) provides detailed guidance and criteria for assessing the standard of proposed residential units.

10.60 The table below sets out the required and proposed floor space and amenity space standards:

Flat Number	bedrooms	Minimum Floor Space Required	Floor Space Provided	Amenity Space Required	Amenity Space Provided
Flat 1	2 (4 people)	70 sq. m	77 sq. m	25 sq. m	22 sq.m
Flat 2	3 (5 people)	86 sq. m	86 sq. m	30 sq. m	31 sq. m
Flat 3	1 (2 people)	52 sq. m	50 sq. m	5 sq. m	Communal*
Flat 4	2 (3 people)	66 sq. m	61 sq. m	5 sq. m	14 sq. m
Flat 5	1 (2 people)	50 sq.m	50 sq. m	5 sq. m	Communal*
Flat 6	1 (2 people)	50 sq.m	50 sq m	5 sq. m	Communal*
Flat 7	1 (2 people)	50 sq m	50 sq m	5 sq. m	Communal*

*approximately 80sq. m of communal amenity space is provided

10.61 All of the proposed units would meet or exceed minimum unit sizes. All habitable rooms within each dwelling would exceed the required minimum size and the internal arrangement would allow for functional use.

10.62 Flats 2 and 4 have access to private outside space in compliance with the above standards. Whilst flat 1 would have 3sqm less than the minimum, this is not a significant shortfall given the constraints associated with the fact that this is a conversion of an existing property. The occupiers of flats 3, 5, 6 and 7 would not have access to private outdoor space. The flats in question are one bedroom units as opposed to family accommodation and communal outdoor space is provided. Again, taking into account the constraints of the existing building and the requirement to protect neighbouring residential amenity, it is considered that the correct balance between making best use of the site, future residential amenity and protecting existing adjacent residential amenity has been reached.

10.63 All of the units would be dual aspect. The seventh unit, within the roofspace, would be dual aspect only by virtue of a small dormer window. However this is a one bedroom unit, which would face south west and would be distanced from street level.

10.64 A daylight/ sunlight report with regards to the new units was submitted with the application. The report concludes that the use of every proposed unit, rooms met or

surpassed the BRE Average Daylight Factor test and the test in relation to sunlight. It is considered that all would receive sufficient daylight, sunlight and ventilation.

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

Inclusive Design

10.66 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

10.67 Notwithstanding this, an attempt was made by the applicant to provide step free access to the lower ground floor units, through the provision of sloped access from the pedestrian gate on Corinne Road. The length of the ramp deemed this impractical however and the constraints of the existing building and its conservation area location are such that the provision of an external lift was not appropriate in this instance. The units would all therefore be Category 1 due to stepped access to reach each front door.

10.68 In this context, the proposed entrance arrangements of the units are considered acceptable.

Transportation

10.69 The application as initially submitted included an on-site parking area. This element of the development was removed from the drawings and, in compliance with policy DM8.5 part A, the development would now be car free.

10.70 Residential occupiers would not be eligible to attain on street car parking permits for the surrounding CPZ in the interests of promoting the use of more sustainable forms of transport and tackling congestion and overburdened parking infrastructure. The exceptions to this would be where, in accordance with Council parking policy, persons occupying the residential development are living in residential properties within Islington prior to moving into the development, have previously held a permit for a period of 12 months consecutive to the date of occupation of the new unit (condition 7).

10.71 Refuse storage would be provided within the rear communal area, accessed via a pedestrian gate on Corinne Road. Condition 4 in appendix B of this report requires that details of the refuse storage are submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

10.72 The drawings show that the development would provide for 10 cycle parking spaces. This is less than the 11 spaces required for provision to equal 1 space per bedroom. A condition is added (condition 8) requiring details of the cycle parking to be submitted prior to commencement of the development, to ensure compliance with policy DM8.4.

10.73 There is an existing crossover adjacent to the site onto Corinne Road which would become redundant with the development in place. The removal of this crossover would be secured through the provision of a head of term in the legal agreement. The cost of the removal is to be confirmed by LBI Highways, who carry out the works.

Sustainability

10.74 Policy DM7.2 (Energy efficiency and carbon reduction in minor schemes) of the Islington Development Management Policies 2013 requires that all new developments achieve best practice energy efficiency standards. A condition (condition 12) will secure a reduction in CO₂ emissions of 19% over 2013 building regulations (equivalent to 25% over 2010 Building Regulations). A condition (condition 10) 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.

Affordable Housing

10.75 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision, subject to viability.

10.76 As stated in the landuse section of the report, whilst it is likely that the last use of the property was 3 residential units, there is not enough evidence to conclude that this is the lawful use of the property. In acknowledgement of this, the applicant has agreed to pay the full small sites affordable housing contribution required of this seven unit scheme, which is £350,000.

10.77 The granting of planning permission is subject to the applicant agreeing and entering into a Unilateral Undertaking in respect of the above.

10.78 The proposed development would also be liable for the Mayoral and Islington CIL.

11 SUMMARY AND CONCLUSION

Summary

11.1 The application seeks permission for the change of use of the existing building into 7 self-contained flats, including the erection of a lower ground and ground floor extension to the north east elevation of the building and other external alterations including the replacement of all windows with new timber windows throughout.

11.2 The main issues arising from the development are the lawful use of the property and the principle of the change of use, the standard of the residential accommodation and the impact of the development on the residential amenities of the neighbouring occupiers.

11.3 Whilst the lawful use of the property is unclear, it was last used as 2 self contained flats and a small HMO (C4 use class), providing accommodation for 6 occupants. The proposed use is also residential and there would as such be no change of use arising from the development. The development would introduce additional homes into a residential area and would help the council to meet its housing targets.

11.4 In acknowledgement that whilst the last use of the property was residential, the lawful use cannot be established, the applicant has agreed to pay the full contribution relating to the development, of £350,000.

11.5 The proposal would provide a good standard of internal living accommodation and outdoor amenity space for future occupiers. The constraints of the existing building are such that there are some areas of non compliance, but in each case these have been justified.

- 11.6 The proposal would not unduly harm the residential amenities of either the residential occupiers abutting the site on Celia Road or the adjoining occupiers at 200 Brecknock Road, subject to conditions relating to privacy screens, obscure glazing, fixed windows and boundary treatment. Overall neighbouring residential amenity would not be unacceptably harmed, in compliance with policy DM2.1.
- 11.7 The proposal would have an acceptable impact on the special character of the conservation area and the appearance of the host building, in compliance with policy DM2.3 and the Tufnell Park Conservation Area Guidance.

Conclusion

- 11.8 It is recommended that planning permission be granted subject to conditions and Unilateral Undertaking to secure the Heads of Terms, as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- A contribution of £350,000 towards affordable housing within the Borough.
- The removal of redundant footway crossover. The cost is to be confirmed by LBI Highways, paid for by the applicant / developer and the work to be carried out by LBI Highways. Existing condition surveys may be required.

That, should the Section 106 Deed of Planning Obligation not be completed within 6 weeks from the date when the decision was made by the Committee, the Service Director, Planning and Development / Head of Service – Development Management may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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 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.

RECOMMENDATION B

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

List of Conditions

1	Commencement (Compliance)
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved Plans List: (Compliance)
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>NcE001, NcE009 revC, NcE010 revD, NcE011 revC, NcE012 revB, NcE013, NcE030, NcE031, NcE032, NcE033, NcE040 revB, NcE041 revB, Nc002 revM, Nc009 revL, Nc010 revN, Nc011 revH, Nc012 revG, Nc013 revI, Nc030 revK, Nc031 revK, Nc032 revE, Nc033 revJ, Nc040 revF, Nc041 revJ, Nc042 revK, Design and access statement dated Nov 2015, Daylight and Sunlight Study dated 19th October 2015, Daylight and Sunlight Study (neighbouring properties) dated 27th June 2017, Energy and Sustainability Statement Issue 2.0 dated December 2015 and Planning and heritage statement dated December 2015.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Biodiversity Roofs (Compliance)
	<p>GREEN/BROWN BIODIVERSITY ROOFS (COMPLIANCE): The biodiversity (green/brown) roof(s) shall be:</p> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan [xxxx] hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p> <p>REASON: To ensure the development provides the maximum possible provision</p>

	towards creation of habitats and valuable areas for biodiversity.
4	Refuse and Recycling Store (Details)
	<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>
5	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork and bond; b) window and door treatment (including sections and reveals); c) roofing materials; d) privacy screens e) details of method of enclosure of the front lightwell f) details of the materials for the steps/ railings to garden level g) timber cladding to lower ground floor window h) any new boundary treatment including new gate <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>
6	Privacy Screen
	<p>The privacy screen to flat 4, on the eastern elevation of the proposed lower ground floor extension, shall be erected prior to first occupation of the development. Notwithstanding the approved drawings, the privacy screen shall be 1.7m in height.</p> <p>REASON: To protect the privacy of the occupiers of the properties bounding the site on Celia Road.</p>
7	Parking (Compliance)
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except:</p> <ul style="list-style-type: none"> (1) In the case of disabled persons; (2) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: In the interests of sustainability.</p>
8	Cycle Parking (Details)

	<p>CONDITION: CYCLE PARKING PROVISION (DETAILS): Details of the layout, design and appearance of the bicycle storage spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 11 cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
9	Windows Obscured and Fixed Shut (compliance)
	<p>CONDITION: All windows in the north eastern elevation of the proposed extension shown on drawing Nc030 hereby approved as being angled or obscurely glazed shall be provided as such prior to the first occupation of the development.</p> <p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows, given the less than 18m distance between facing windows.</p>
10	Water Consumption (compliance)
	<p>CONDITION: The residential use hereby approved shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water</p>
11	Construction Management Statement (details)
	<p>CONDITION: No development (including demolition works) in respect of the dwellings hereby approved shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of:</p> <ul style="list-style-type: none"> a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. the erection and maintenance of security hoarding; e. wheel washing facilities; f. measures to control the emission of dust and dirt during construction; and g. a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: to ensure no harm to neighbouring occupiers.</p>

12	Carbon Reduction (compliance)
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013.</p> <p>REASON: In the interest of securing sustainable development.</p>

Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Car-Free Development
	<p>CAR-FREE DEVELOPMENT: All new developments are car free. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
4	Sustainable Sourcing of Materials
	<p>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.</p>
5	Section 106
	<p>SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
6	Hours of Construction
	<p>No building work shall be carried out at the site outside the following hours:</p> <ul style="list-style-type: none"> • 8am - 6pm, Monday to Friday; • 8am - 1pm, Saturday; and • no audible building works to be carried out on Sunday or public holidays
7	Definition of Superstructure and Practical Completion
	<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</p>

	<p>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>
8	<p>Community Infrastructure Levy (CIL)</p>
	<p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>

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 2016, 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 2016 - 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 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 DM3.9 Hostels/ HMO's
- 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

3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Tufnell Park Conservation Area

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

The following SPGs and/or SPDs are relevant:

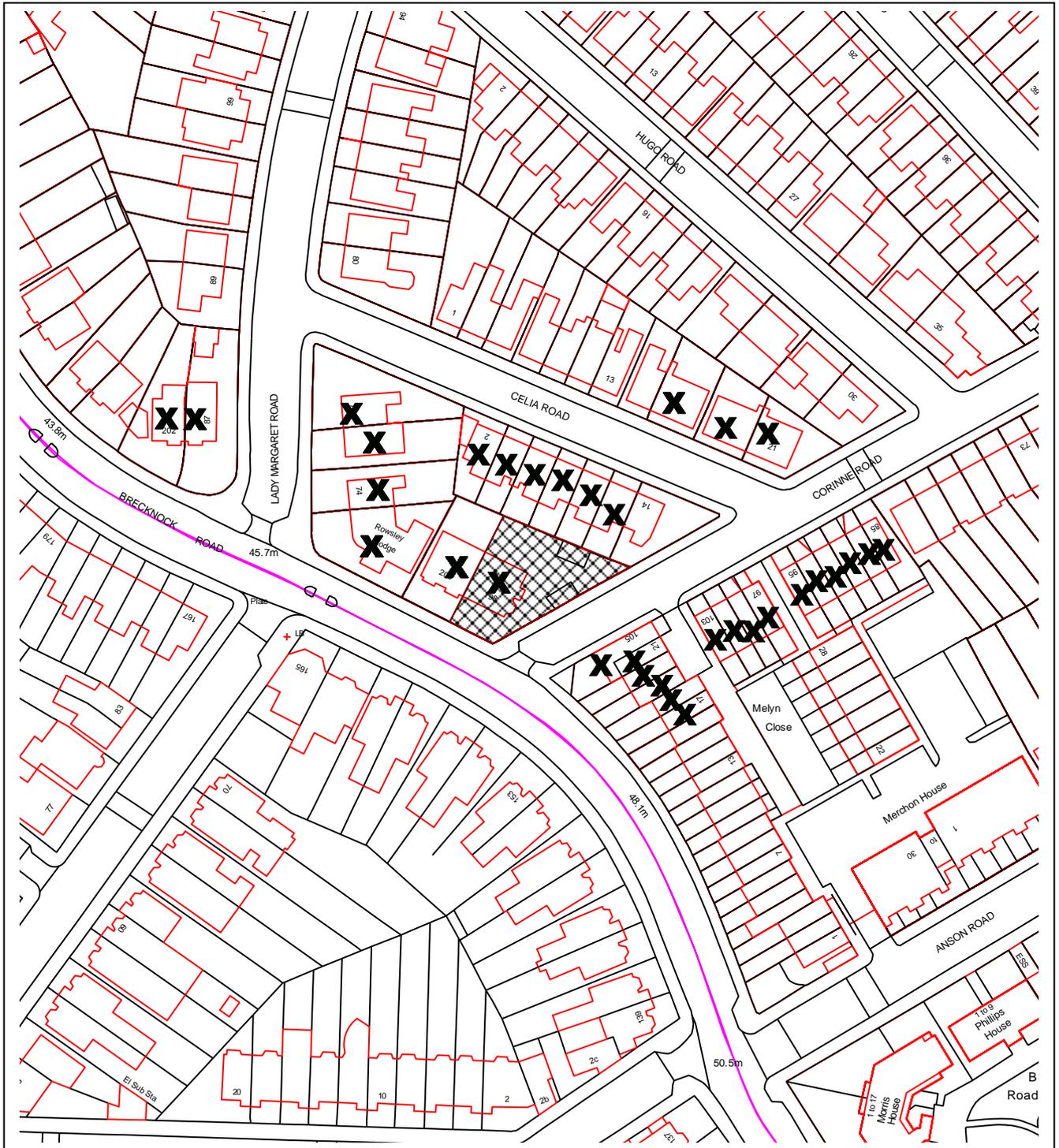
Islington Local Development Plan:

- Affordable Housing Small Sites Contributions
- Tufnell Park Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide
- Basement Development
- Environmental Design

London Plan:

- Housing
- Sustainable Design & Construction

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB COMMITTEE B		
Date:	25 July 2017	NON-EXEMPT

Application number	P2016/0261/FUL and P2016/0309/LBC
Application type	Full Planning (Householder) Application and Listed Building Application
Ward	Barnsbury Ward
Listed building	Grade II Listed
Conservation area	Barnsbury Conservation Area
Development Plan Context	Local cycle routes Article 4 (2) Barnsbury
Licensing Implications	None
Site Address	27 College Cross, London N1 1PT
Proposal	Retention of existing timber clad outbuilding, with a reduction in size (from 3.6m deep x 4.65 wide x 2.8m high to 2.5m deep x 3.7m wide x 2.8m high) and excavation with lowering into the ground (by 200mm) located to the end of the rear garden, re-orientation of timber cladding from horizontal to vertical orientation.

Case Officer	Sandra Chivero
Applicant	Mr Joachim Fleury
Agent	None

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and listed building consent -subject to the conditions set out in Appendix 1 and Appendix 2.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE

Application Site



Image 1. Ariel view of the application site



Image 2: Photo of existing outbuilding



Image 3. View of existing outbuilding taken from no. 25 College Cross

4. SUMMARY

- 4.1 This application follows full planning (Ref. P2015/0200/FUL) and Listed building consent (Ref. P2015/0245/LBC) applications that were refused in March 2015 for the retention of the existing outbuilding at the end of the rear garden. It was considered that the existing outbuilding was too high and was over-dominant within the setting of the listed building and surrounding listed buildings. Subsequent appeals were dismissed by the Planning Inspectorate in September 2015.
- 4.2 Consent is now sought for the retention of the existing timber clad outbuilding in the rear garden, with proposed amendments including the reduction in size (from 3.6m deep x 4.65m wide x 2.8m high to 2.5m deep x 3.7m wide x 2.8m high), excavation/lowering into the ground (by 200mm) and the outbuilding incorporates a green roof and a skylight. Due to size, scale, design and materials the development is not considered to adversely affect the special architectural or historic interest of the host listed building or neighbouring listed terraces along Liverpool Road. It is also considered that the character and appearance of the surrounding Barnsbury Conservation Area would be preserved.
- 4.3 It is proposed to reduce the footprint of the outbuilding to 2.5m deep x 3.7m wide, re-orientate the timber cladding from horizontal to vertical orientation and excavate/ lower to sit 200m below existing ground level. The structure would be positioned away from habitable

windows to neighbouring properties. The proposal is therefore considered not to be overbearing when viewed from the neighbouring properties and would not result in material loss of light nor result in harmful overlooking to neighbouring properties. The outbuilding is for ancillary residential use and is therefore considered not to result in harmful noise disturbance to warrant a refusal of the application.

- 4.4 Overall, the proposal would be in line with relevant policies contained within the NPPF, London Plan, Core Strategy, Development Management Policies and the guidance contained within Islington Urban Design Guide.

5. Site and Surrounding

- 5.1 The application site forms part of a pair of early C19 terrace houses located on the south western side of College Cross. The building is Grade II listed and falls within the Barnsbury Conservation Area. The site backs on to the modern mews along Haven Mews and is bounded by a three storey listed Victorian residential terrace along College Cross to the east. The surrounding area is predominantly residential in character.

6. PROPOSAL (IN DETAIL)

- 6.1 The current application follows full planning application (Ref. P2015/0200/FUL) and Listed building consent (Ref. P2015/0245/LBC) that were refused consent in March 2015 for the retention of the existing outbuilding at the end of the rear garden. Subsequent appeals were dismissed by the Inspectorate in September 2015. (Appendix 4).
- 6.2 This application proposed retention of the timber clad outbuilding but with alterations. It is proposed to reduce in size from 3.6m deep x 4.65 wide x 2.8m high to 2.5m deep x 3.7m wide x 2.8m high; excavation/ lowering it into the ground by 200mm; and re-orientate the cladding from horizontal to vertical. The outbuilding incorporates a green roof and a skylight it is located to the end of the rear gardens; the existing timber door is centrally located to the north elevation and high level casement windows on either side will also be retained.

Revisions

- 6.3 Revised drawings were received during the course of the application as follows:
- Amended drawing nos. 002A, 003A, 005A, 006A, 007A, 008A received on 03 October 2016 showing reduction in depth of proposed outbuilding.
 - Amended drawing nos. 002B, 003B, 004B, 005B, 006B, 007B, 008B received on 03 October 2016 showing reduction in footprint of the proposed outbuilding and the structure only lowered by 200mm instead of 1m.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

27 College Cross

- 7.1 March 2015: full planning application (Ref. P2015/0200/FUL) and Listed building consent (Ref. P2015/0245/LBC) were refused under delegated authority for the retention of an outbuilding at the end of the rear garden. The reason for refusal was as follows:

By reason of its size and scale the proposed single storey outbuilding over dominates the neighbouring garden at No. 208 Liverpool Road; harms the visual amenity of neighbouring properties and has an unacceptable negative impact on the special architectural and historic interest of the host and neighbouring listed buildings by virtue of its impact on the sense of openness of the rear gardens. The proposal is therefore considered to be harmful to the setting of the adjacent listed building as it will not preserve or enhance their significant and is harmful to the character and appearance of the conservation area. There are no public benefits proposed that outweigh the harm. The proposed works are therefore contrary to Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policy 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2011 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011 and Policies DM2.1, DM2.3 and DM6.3 of the Islington Development Management Policies (2013); the Islington Urban Design Guide and the Barnsbury Conservation Area Design Guidelines.

- 7.2 Subsequent appeals were dismissed by the Inspectorate in September 2015. However, an associated costs appeal was upheld by the Inspectorate. (see Appendix 4)

25 College Cross

- 7.3 July 2015: Planning permission (Ref. P2015/0349/FUL) and Listed Building consent (Ref. P2015/0350/LBC) approved at Planning Sub-Committee A for the retention of an outbuilding at the end of the rear garden.



Photo of approved existing outbuilding (conditioned to be painted black) at no. 25 College Cross.

- 7.4 March 2013: Planning permission (Ref. P2012/0421/FUL) and listed building consent (Ref. P2012/0468/LBC) Granted for Demolition of the existing extension, construction of new full width extension at lower ground floor level and half width extension at ground floor level. Alterations to garden layout and steps to lower ground floor.
- 7.5 July 1996: listed building consent (Ref. 960881) approved for the elevational alterations to the rear of existing two storey extension.

ENFORCEMENT:

27 College Cross

- 7.6 E/2016/0433 – Shed in Conservation Area Enforcement Case Open (12 December 2016).
- 7.7 E/2014/0652 - Shed in Conservation Area Enforcement Case Closed (09 September 2015).

25 College Cross

- 7.8 E/2014/0651 - Shed in Conservation Area Enforcement Case Closed (17 July 2015).

PRE-APPLICATION ADVICE:

- 7.9 Formal Pre-Application Enquiry Advice dated 25 July 2015: It was advised that the principle of a rear garden shed is considered acceptable at this location. The lowering of the ground level below the outbuilding so that it is level within the rest of the garden was

considered to greatly reduce the impact of the building on the listed building and also to neighbouring properties. It was also advised that the roof height should also be reduced to minimise impact and that ideally, the depth of the building (rear wall - front wall) should also be reduced by at least 500mm, in order to reduce of the footprint.

8. CONSULTATION

Public Consultation

8.1 Letters of consultation were sent to occupants of 42 adjoining and nearby properties at Haven Mews, College Cross and Liverpool Road on 25 February 2016. A site notice and a press advert were also displayed. Following the receipt of revised plans re-consultation letters were sent out on 19 May 2017. A Further site notice and a press advert were also displayed on 25 May 2017. The public consultation period expired on 15 June 2017, 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 a total of 6 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Proposal oversized and too close to the boundaries (Paragraph 10.6-10.12)
- Outbuilding visible from neighbouring properties (Paragraph 10.12)
- Proposal same as previous scheme refused and dismissed on appeal (Paragraph 10.9 - 10.10)
- Proposal unacceptably prominent as before (Paragraph 10.9 – 10.14)
- Light-coloured timber would not overcome the visual prominence of the building (Paragraph 10.10, 10.14)
- Proposal contrary to policy (Paragraph 10.16)
- Impact on setting of listed buildings and the surrounding area (Paragraph 10.10, 10.15, 10.16)
- Unacceptable footprint (Paragraph 10.9, 10.10, 10.12)
- Light fittings draw attention to buildings elevated position (Paragraph 10.14)
- Failure to follow pre-application advice to reduce size and footprint (Paragraph 10.12)
- Outbuilding dominates garden and views to no. 210 Liverpool Road (Paragraph 10.21, 10.22)
- Noise and light pollution from garden room (Paragraph 10.23)
- Impact on adjacent tree (Paragraph 10.17 – 10.19)
- Unwelcome precedent (Paragraph 10.29)
- Concern re. on-going and repeated nature of applications (Paragraph 10.30)
- 1m excavation would result in drainage issues and would create a pond (Paragraph 10.31)
- Attention drawn to a legal case in Camden relating to engineering works (Paragraph 10.31)
- Construction Structural Issues (Paragraph 10.32)
- Party wall issues (Paragraph 10.32)

External Consultees

8.3 None

Internal Consultees

8.4 **Design and Conservation Officer** commented that the updated drawings showing the reduction of the footprint of the garden building represent a further improvement and further reduces the impact on the setting of the listed house (no. 27) and to the surrounding listed buildings. The Design and Conservation officer raised no objection to the amended scheme

8.5 **Tree Officer** raised concerns regarding the lowering of the outbuilding by 1m impacting on the adjacent trees. The Tree Officer was satisfied with the submitted arboricultural report outlining solutions over conflict between the new wall and the protected tree.

Amended Plans were received: The Tree Officer welcomes the proposal to lower the outbuilding by 200mm instead 1m. It is stated this would minimise impact on the adjacent tree.

8.6 **Enforcement Officer** advised that they have served Enforcement Notice 08/2017 on the 24th January 2017 which became effective on the 7th March 2017. The Notice gave 6 months for removal of the unauthorised structure (7th September 2017). The development proposed by this application would provide a lawful alternative/replacement structure.

9 RELEVANT POLICIES

9.1 Details of all relevant policies and guidance notes are attached in Appendix 3. 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 2016 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 3 to this report.

Designations

- 9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Grade II Listed Building
 - Barnsbury Conservation Area
 - Local cycle routes

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.6 The SPGs and/or SPDs which are considered relevant are listed in Appendix 3

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Impact on the setting of the Grade II Listed Building
 - Impact on the character and appearance of the Conservation Area
 - Impact on the amenity of neighbouring properties

Design, Conservation and Heritage Considerations

- 10.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses.
- 10.3 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.4 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."
- 10.5 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.6 Planning permission is sought for the retention of a timber clad outbuilding at the end of the rear garden approx. 3.7m wide, 2.5m deep and 2.8m high. The outbuilding incorporates a green roof, skylight, single hinged timber access door and vertical timber cladding.
- 10.7 Full planning (Ref. P2015/0200/FUL) and Listed building consent (Ref. P2015/0245/LBC) applications were submitted for the retention of the unauthorised outbuilding at the end

of the rear garden. At that time it was considered that the existing outbuilding was too high and was over dominant within the setting of the listed building and surrounding listed buildings. A subsequent appeal was dismissed in September 2015. The Planning Inspectorate stated that:

The shed's scale relative to its setting is accentuated by the fact that it spans the full width of the garden and also stands on elevated ground above the boundaries on either side. Due to its size, elevated position and the height of neighbouring properties it is prominent in views from the gardens and rear windows of these dwellings, particularly those on Liverpool Road.

10.8 It was further stated that:

The fact that the shed is timber-built reflects a general characteristic of garden outbuildings. However, in this case the external cladding of light-coloured roughly cut timber contrasts with the more usual form of plain, stained timber typically seen on garden sheds. I acknowledge that the use of light-coloured timber is intended to reflect the backdrop of the brick wall of the Haven Mews property. However, this does not overcome the visual prominence of the building within the surrounding area. Indeed, the main materials used for the external surfaces of the building draw the eye to it, particularly given the combined effects of its scale, position and appearance.

10.9 The outbuilding has been reduced in size to 9.25sqm and would be positioned at the end of a generous rear garden (151.5 sqm of usable space) set against the backdrop of the flank wall to Haven Mews, away from the listed building. This is less than 6.10% of the usable garden space. The overall acceptable footprint and set back from adjoining properties boundaries are considered to ensure that the development would have a neutral impact on the character and appearance the surrounding conservation area.

10.10 The outbuilding reduced in footprint is therefore considered acceptable in principle and would remain a subservient and ancillary structure to the main dwelling in this case. Whilst its design and colour is not ideal, the materials and appearance of the development would not detract from its rear garden surround. The proposed outbuilding is also not considered to adversely affect the character and the special architectural and historic interest of the listed building and the listed terrace. Sufficient garden is considered to remain and therefore there is no harm to the character or appearance of the conservation area in terms of the impact on the spatial quality.

10.11 It should be noted that Planning Permission (Ref. P2015/0349/FUL) and Listed Building Consent (Ref. P2015/0350/LBC) was granted at Planning Sub-Committee A in July 2015 for the retention of a timber clad outbuilding at the end of the rear garden at no. 25 College Cross. The outbuilding is approximately 3.5m wide, 2.5m deep and 2.15 high (set in 0.7m from the western boundary with no. 27 College Cross) and incorporates a timber single hinged access door to the north elevation, three-leaf bi-folding doors and 2 no. full height fixed glazing to the north and west elevation.

10.12 Concerns have been raised regarding the proposal failing to follow pre-application advice to reduce size and footprint. As highlighted above the outbuilding has been reduced to an appropriate foot print, the depth has been reduced by 1.1m to 2.5m deep, the amended outbuilding is also proposed to be lowered into the ground by 200mm reducing the

perceived overall height of the outbuilding and any impact on neighbouring residential amenity. The amended scheme is considered to be modest in scale and the development is considered to not form an over dominant or visually harmful feature when viewed from the rear gardens of the host and adjoining properties.

10.13 The Planning Inspectorate also stated that:

The copper-coloured rainwater goods contrast unfavourably with the characteristic black of these features in the surrounding area, but I accept that this could be addressed by a condition requiring them to be painted black. There are two large lamps attached to the front of the building, which would further draw attention to the building's elevated position when in use. While low wattage bulbs and shielding may help to mitigate the effects, they would only be partly successful.

10.14 To minimise the impact of the rainwater goods, a condition has been attached stipulating that they shall be painted black. Further conditions have been attached stipulating that permission is not granted for the external lighting to the front (north) elevation of the outbuilding. This is considered to address the concerns raised by the neighbours and the inspectorate regarding the existing two large lamps drawing further attention to the building's elevated position when in use. The current amended outbuilding is considered to be crucially of a lesser and modest scale and subject to the final colour finish of the development is considered to not form an over dominant or visually harmful feature when viewed from the rear gardens of the host and adjoining properties in this case.

10.15 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

10.16 Overall, the proposed works will not cause harm to the retained fabric, visual amenity or the setting of heritage assets. As such the proposed works will not adversely affect the special architectural or historic interest of the listed building. The proposal is, therefore, considered to satisfy the objectives of the policies listed below, in particular policy 12 of the NPPF 2012 which seek to conserve and enhance the historic environment, policy 7.8 of the London Plan 2016 which seek to preserve and enhance the significance of heritage assets as well as the provisions of policy CS9 of Islington's Core Strategy 2011 which seek to protect and enhance Islington's built and historic environment and policy DM2.3 of Islington's Development Management Policies which seeks to protect and enhance Islington's historic environment.

Trees and Green Roof

10.17 The Tree Officer initially raised concerns regarding the lowering of the outbuilding by 1m impacting on the adjacent trees. The applicant submitted an Arboricultural Report outlining solutions over conflict between the wall and the protected tree. The Tree Officer is now satisfied with the solutions outlined.

10.18 During the course of the application amended drawings were submitted showing the outbuilding lowered by 200mm instead of 1m. This is welcome and is considered to minimise impact on the adjacent tree. The Tree Officer does not object. The works

therefore accord with policy DM6.5 of the Development Management Policies which requires developments to minimise any impacts on trees.

- 10.19 The provision of a green roof is welcomed as it would maximise the benefits for biodiversity, sustainable drainage and cooling. The provision of a green roof would be in line with policy DM4.5 which requires developments to maximise the provision of green roofs as far as reasonably possible. It should also be noted that the Planning Inspectorate acknowledged that:

the proposed green roof would add a more naturalistic appearance to the building and would have biodiversity benefits.

Neighbouring Amenity

- 10.20 Policies seek to appropriately safeguard the amenities of residential occupiers when considering new development. Development Management Policy DM2.1 identifies amongst other matters that development should safeguard the daylight and sunlight to nearby property and minimise disturbance to the occupants of adjoining buildings, as well as protect their privacy.
- 10.21 Concerns have been raised regarding the proposal dominating the garden and views to no. 210 Liverpool Road. As highlighted above it is proposed to reduce the footprint of the outbuilding to 2.5m deep x 3.7m wide and the structure would be positioned away from habitable windows to neighbouring properties including no. 210 Liverpool Road with rear windows located 15m away from the out building. In addition, the outbuilding is more or less aligned with the outbuildings to the neighbouring properties at nos. 25 College Cross and 208 Liverpool Road. The outbuilding in terms of height would be 0.9m above the western boundary with no.208 Liverpool Road; and would 1.25m above the eastern boundary with no. 25 College Cross. The outbuilding would be set in 0.75m from the eastern and western boundaries. Given the proposed depth of 2.5m the outbuilding would be located 0.15m closer to the listed property at 27 College Cross, than the separation distance of the approved outbuilding from the listed building at no. 25. The host listed building is located 22m away from the outbuilding.
- 10.22 The proposal is therefore not considered to be overbearing when viewed from the neighbouring properties and would not result in material loss of light nor result in harmful overlooking to neighbouring properties. The outbuilding due to its proposed reduced size and elevation is not considered to dominate gardens and views to neighbouring gardens including no. 210 Liverpool Road.
- 10.23 Concerns have also been raised regarding noise disturbance and light pollution. The outbuilding is ancillary use to the domestic use of the host building single family dwelling house. It is not considered that the proposal would result in harmful noise disturbance or light pollution to warrant a refusal of the application. A condition has also been attached stipulating that planning permission is not granted for the external light fittings to the outbuilding.
- 10.24 As stated above the rainwater goods have been conditioned to be painted black in order to minimise visual impact.

10.25 With regards to neighbouring amenity the Planning Inspectorate stated that the

The side elevation of the shed is directly facing the open end of the rear garden of No 208 Liverpool Road. The garden is of sufficient depth that the position of the shed would not harm the occupiers' living conditions within No 208 itself. However, due to the proximity of the shed to the garden and its size and elevated position, I conclude that it would cause unacceptable harm to use of the garden through its overbearing and dominant presence.

10.26 As stated above the outbuilding is proposed to be lowered into the ground by 200mm, its depth has been reduced by 1m and it is more or less aligned with the existing outbuilding to no. 208 Liverpool Road. This is considered to minimise its overbearing and dominant presence and would not significantly harm use of garden to no. 208.

10.27 The overall footprint, height and massing the development is not considered to have any material adverse impact on the amenity levels of adjoining occupiers in terms of loss of light/daylight, outlook, privacy issues or any undue increase in enclosure and under these circumstances it would be difficult to withhold planning permission for these reasons.

10.28 Overall the outbuilding is considered not to prejudice the residential amenity of neighbouring properties. It is therefore considered to accord with policy DM2.1 of the development Management Policies which requires development to safeguard the residential amenity of neighbouring properties.

Other Matters

10.29 Objections have been raised stating that the outbuilding would set an unwelcome precedent. It is noted that there are examples of outbuildings within the vicinity of the application site including Nos. 208 Liverpool Road and No. 25 College Cross. It is the case that each planning application is assessed on its own merits as in this case. Future applications would be assessed on the basis of compliance with adopted policies and guidance.

10.30 Concerns have been raised regarding on-going and repeated nature of applications relating to the outbuilding. The current full planning and listed building consent applications follow the refused full planning and listed building consent applications, subsequent appeals were dismissed by the Inspectorate in 2015. There is no legislation restricting the resubmission of application for a similar proposal as in this instance. The Council has a duty to assess the resubmitted applications.

10.31 Concerns were raised regarding lowering of the outbuilding by 1m resulting in excavation of the rear garden which would result in drainage issues and would create a pond in the rear garden. Further concerns were raised regarding the lowering of the outbuilding resulting in harmful engineering works. Attention was drawn to a legal case in Camden engineering works relating to basement excavation of the site allowed under permitted development. As stated above during the course of the application amended drawings were received showing the outbuilding only lowered by 200mm instead of 1m. The proposal is therefore not considered to result in harmful excavation of the site that would impact on natural drainage of the site and has been secured for tree protection reasons. The legal case for Camden related to the excavation at basement level allowed under

permitted development. This does not relate to the current proposals for the 200mm lowering of an outbuilding and is therefore not considered to have a bearing on the assessment of the current scheme.

- 10.32 Structural issues are mainly dealt with under building regulations. The party wall issues raised are also not a material planning consideration. This is a civil matter that may require a party wall surveyor to be appointed.

11 **SUMMARY AND CONCLUSION**

Summary

- 11.1 The outbuilding is considered to now be of an appropriate size and location to reduce any dominance of the garden and would not harm the setting of the listed building nor the surrounding listed buildings. The character and appearance of the surrounding Barnsbury Conservation Area would be preserved.

- 11.2 It is proposed to reduce the footprint of the outbuilding to 2.5m deep x 3.7m wide, the structure would be positioned away from habitable windows to neighbouring properties and would be set in 0.75m away from the eastern and western boundary. The proposal is therefore considered not to be overbearing when viewed from the neighbouring properties, not to result in material loss of light nor result in harmful overlooking to neighbouring properties. In addition, the outbuilding is for ancillary residential use and is therefore considered not to result in harmful noise disturbance to warrant a refusal of the application.

Conclusion

- 11.3 It is recommended that planning permission and listed building consent be granted subject to conditions as set out in Appendix 1 and 2 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement The development hereby permitted shall be begun not later than the expiration of 3 months from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan; 002B, 003B, 004B, 005B, 006B, 007B, 008B. 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	External Lighting CONDITION: Notwithstanding the approved drawings planning permission is not granted for the external lighting to the north elevation. REASON: In order to safeguard the special architectural or historic interest of the heritage asset and the residential amenity to neighbouring properties.
4	Rainwater Goods and Soil Pipes (Compliance) CONDITION: All new external rainwater goods and soil pipes on the visible elevations shall be painted black. REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
5	Colour scheme for the outbuilding Notwithstanding the plans hereby approved details of an appropriate colour scheme for the outbuilding shall be submitted to, and approved by, the Local Planning Authority prior to the relevant works commencing. REASON: In order to deliver sustainable design and to safeguard the special architectural or historic interest of the heritage asset

List of Informatives:

1	POSITIVE STATEMENT
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Enforcement Notice
	<p>INFORMATIVE: The applicant is advised the Council served Enforcement Notice 08/2017 on the 24th January 2017 which became effective on the 7th March 2017. The Notice gave 6 months for removal of the unauthorised structure (7th September 2017).</p>

APPENDIX 2 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of Listed Building Consent be subject to **conditions** to secure the following:

List of Conditions:

1	Commencement The development hereby permitted shall be begun not later than the expiration of 3 months 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	All external and internal works to match (Compliance) ALL EXTERNAL AND INTERNAL WORKS TO MATCH (COMPLIANCE): All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter. REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

List of Informatives:

1	POSITIVE STATEMENT 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. 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. The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.
2	Enforcement Notice INFORMATIVE: The applicant is advised the Council served Enforcement Notice 08/2017 on the 24 th January 2017 which became effective on the 7 th March 2017. The Notice gave 6 months for removal of the unauthorised structure (7 th September 2017).

APPENDIX 3: 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.

- **National Planning Policy Framework (2012)** - Policy 12 Conserving and Enhancing the Historic Environment
- **The Planning Practice Guidance (2014)**
Conserving and enhancing the historic environment
- **Conservation Principles (English Heritage, 2008)**

2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 -

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.3 Heritage

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Conservation Area Design Guidelines
- Urban Design Guide

Appendix 4

Appeal Ref. APP/V5570/D/15/3084371 Dismissed.



Appeal Decision

Site visit made on 15 September 2015

by **J R Bell-Williamson MA MRTPI**

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

Decision date: 25 September 2015

Appeal Ref: APP/V5570/D/15/3084371
27 College Cross, Islington, London N1 1PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joachim Fleury against the decision of the Council of the London Borough of Islington.
 - The application Ref P2015/0200/FUL was refused by notice dated 20 March 2015.
 - The development proposed is construction of a shed at the end of the garden that adjoins the listed house.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development proposed has been undertaken and, therefore, I have dealt with the appeal on the basis that it involves an application for retrospective permission.
3. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main issues

4. The main issues are:
 - the effect on the setting of the host property, a Grade II listed building, and on other such buildings within the surrounding area and, related to this, whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area; and
 - the effect on the living conditions of the occupiers of No 208 Liverpool Road, with regard to outlook.

Reasons

Setting of listed buildings and Barnsbury Conservation Area

5. The Barnsbury Conservation Area is a large, predominantly residential area with houses laid out in terraces and squares with mature trees and planting. The appeal property, with a basement, is a four storey early nineteenth century dwelling with similar properties along the neighbouring parts of College Cross and Liverpool Road. Haven Mews to the rear of No 27's garden is a more modern residential development of smaller scale than the surrounding older terraces.

6. The rear gardens of properties on Liverpool Road run perpendicular to the adjacent boundary of No 27's rear garden on one side, while on the other side the garden of the neighbouring listed property on College Cross, No 25, runs parallel to that of No 27. Beyond this are the gardens of the listed terrace on College Cross. All these gardens are separated by relatively low brick walls, some with trellises and vegetation above the walls. These modest forms of boundary enclosure provide an open character to this group of gardens. There are a small number of sheds or other outbuildings visible from the appeal property, including timber-built sheds in the rear gardens of No 25 and at No 208 Liverpool Road.
7. The shed is located to the very rear of the appeal property's back garden against the side elevation of the end property at Haven Mews. I accept the appellant's contention that in terms of floor area the shed does not cover a disproportionate amount of the rear garden, given the amount that remains open. However, in this sensitive setting it is particularly important to assess the overall visual effects of the building resulting from its size, siting and appearance.
8. The shed's scale relative to its setting is accentuated by the fact that it spans the full width of the garden and also stands on elevated ground above the boundaries on either side. Due to its size, elevated position and the height of neighbouring properties it is prominent in views from the gardens and rear windows of these dwellings, particularly those on Liverpool Road.
9. The fact that the shed is timber-built reflects a general characteristic of garden outbuildings. However, in this case the external cladding of light-coloured roughly cut timber contrasts with the more usual form of plain, stained timber typically seen on garden sheds. I acknowledge that the use of light-coloured timber is intended to reflect the backdrop of the brick wall of the Haven Mews property. However, this does not overcome the visual prominence of the building within the surrounding area. Indeed, the main materials used for the external surfaces of the building draw the eye to it, particularly given the combined effects of its scale, position and appearance.
10. The copper-coloured rainwater goods contrast unfavourably with the characteristic black of these features in the surrounding area, but I accept that this could be addressed by a condition requiring them to be painted black. There are two large lamps attached to the front of the building, which would further draw attention to the building's elevated position when in use. While low wattage bulbs and shielding may help to mitigate the effects, they would only be partly successful. Similarly, the proposed green roof would add a more naturalistic appearance to the building and would have biodiversity benefits, but it would not overcome the harmful visual effects described.
11. The location of the shed, despite the adjacent Haven Mews, has a strong visual relationship with the host property and surrounding terraces, forming part of the setting of the listed buildings as well as being part of the conservation area. Due to its visual prominence and contrasting appearance, it is an incongruous and uncharacteristic addition within the highly sensitive setting. I give limited weight to the fact that the outbuilding is not readily visible from the public realm, as harm to designated heritage assets does not rely on such views being available and, furthermore, as found above, it is a prominent structure seen from neighbouring properties. In reaching these overall findings I am particularly mindful of the statutory requirements for decision makers to have

special regard to the desirability of preserving the setting of a listed building¹; and that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area².

12. While the appellant contends that iron grates prevent the ground being lowered at this part of the garden without substantial cost, this does not change these findings as I am required to consider the proposal before me - as built in this case - on its merits. The appellant refers to a number of decisions made by the Council to approve outbuildings and the Council refers to an appeal for similar development that was refused. While I have noted these other developments, their use in supporting different views serves to illustrate the principle that the case before me must be determined on its individual merits. More specifically, I cannot make a direct comparison between the various cases referred to and the current appeal, particularly as I have not visited those locations and so am unaware of the particular effects of the developments concerned. For these reasons, I give these other decisions limited weight with regard to the current appeal.
13. Therefore, for all the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the setting of the host property, a Grade II listed building, and on other such buildings within the surrounding area; and on the Barnsbury Conservation Area and so would not preserve or enhance its character or appearance. As such, it is contrary to the following development plan policies: 7.4, 7.6 and 7.8 of The London Plan 2011, concerning the quality of design, and the effect of development on local character and heritage assets; CS9 of the Islington Core Strategy, which concerns the protection and enhancement of the built and historic environment; and DM2.1, DM2.3 and DM6.3 which, respectively, address design, conservation and enhancement of the historic environment, and development on private spaces.
14. Where there is a harmful effect on the significance of a heritage asset which is less than substantial harm, which would apply in this case, the National Planning Policy Framework (the Framework) requires the public benefit of the proposal to be weighed against the harm (paragraph 134). However, no matters of public benefit have been identified which would outweigh the harm to the setting of the listed buildings or the conservation area from the proposal.

Living conditions

15. The side elevation of the shed is directly facing the open end of the rear garden of No 208 Liverpool Road. The garden is of sufficient depth that the position of the shed would not harm the occupiers' living conditions within No 208 itself. However, due to the proximity of the shed to the garden and its size and elevated position, I conclude that it would cause unacceptable harm to use of the garden through its overbearing and dominant presence.
16. I note that the London Plan and Core Strategy were adopted in 2011 and the Development Management Policies document in 2013. I consider that the substance of the relevant policies referred to in this case is largely consistent with the Framework and I give them substantial weight.

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

17. I acknowledge that the appellant is frustrated by procedural matters concerning the development proposal and I note that this forms the basis for his costs claim, which I have addressed separately. However, these matters do not have a direct bearing on the planning merits of this decision and so they do not lead me to reach a different conclusion.
18. I have had regard to the issues raised by interested parties where these are material to my consideration of this appeal; but not to those matters that are properly outside the scope of this appeal, including the appellant's personal circumstances and related issues. The majority of relevant matters have already been addressed under the main issues, but in addition I have no evidence to suggest that the shed would be used for any purpose other than as ancillary to the established residential use of No 27.

Conclusion

19. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR



Costs Decision

Site visit made on 15 September 2015

by John Bell-Williamson MA MRTPI

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

Decision date: 25 September 2015

Costs application in relation to Appeal Ref: APP/V5570/D/15/3084371 27 College Cross, Islington, London N1 1PT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Joachim Fleury for an award of costs against the Council of the London Borough of Islington.
 - The appeal was made against the refusal of planning permission for construction of a shed at the end of the garden that adjoins the listed house.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and such behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's basis for claiming costs is that the Council acted unreasonably in providing incorrect advice about whether planning permission was required for the appeal building; and that subsequently it did not act in a proactive manner including by not providing guidance when an application for retrospective permission was submitted.
4. On the first issue concerning the initial enquiry about the need for planning permission, the appellant refers to oral and written confirmation from the Council that planning permission was not required in this case. While I am unaware of the details of the oral advice, the appellant provides the written e-mail exchange that took place with the Council. In this the request for advice clearly states that the shed is intended to be located in a garden associated with a listed building. Despite this the Planning Officer does not indicate that where an ancillary building is proposed within the curtilage of a listed building then this does not qualify as permitted development and planning permission is required¹.
5. It is clear from this exchange that the appellant believed that planning

¹ At the time the advice was given in 2013 the relevant statutory provision was The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1, Class E – buildings etc incidental to the enjoyment of a dwellinghouse. E1 states that development is not permitted by Class E if, amongst other criteria, (f) the building would be situated within the curtilage of a listed building.

permission was not required for the shed on the basis of the Council's advice and subsequently went on to erect the shed without applying for such permission. I note that in its response to the costs claim the Council states that the advice was informal and given in good faith based on the information provided by the appellant. I find this unconvincing as the request for advice was clear and it provided sufficient information about the circumstances of what was proposed. Against this background it is reasonable for the appellant to assume that the advice given by an officer acting on behalf of the Council, which otherwise appears authoritative and clear, is also factually correct and can be acted upon as the appellant subsequently did.

6. In these circumstances, where development has taken place, it is more difficult for an existing building to be changed in some way to stand a greater chance of gaining retrospective permission. Conversely, had the Council advised the appellant correctly then there would have been the opportunity for amendments to be made to an unbuilt proposal to make it more acceptable, without the need to exercise the right of appeal. However, this option was not available to the appellant principally because of the chain of events leading from the Council's initial advice.
7. Accordingly, for all the reasons outlined above, I find that unreasonable behaviour has been demonstrated by the Council. This will have resulted in the appellant incurring unnecessary expense in addressing the entire appeal. Consequently, a full award of costs is justified.

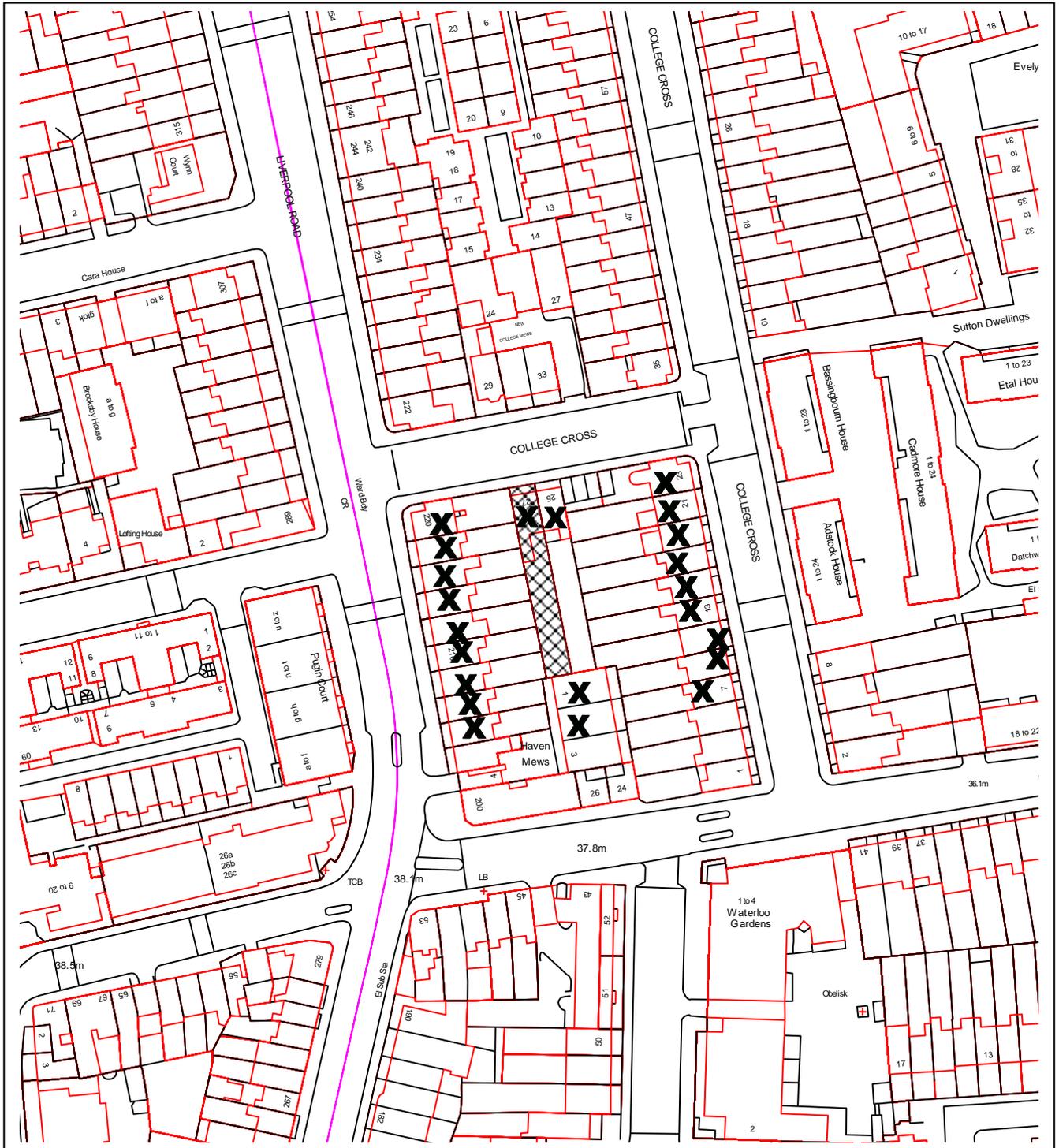
Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Islington shall pay to Mr Joachim Fleury the costs of the appeal proceedings described in the heading of this decision.
9. The applicant for an award of costs is now invited to submit to the Council of the London Borough of Islington, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

John Bell-Williamson

INSPECTOR

Islington GIS Print Template



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P2016/0261/FUL

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PLANNING COMMITTEE REPORT

PLANNING SUB COMMITTEE B		
Date:	25 July 2017	NON-EXEMPT

Application number	P2017/1736/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	No
Conservation area	No, but abuts the boundary of the Hillmarton CA
Development Plan Context	Nags Head & Holloway Road Key Are Major Cycle Route (adjacent to the site) Within 50m of Hillmarton Conservation Area
Site Address	Part of land at Williamson Street Estate [area between 28/29 & 46 Belfont Walk], Williamson Street, London N7
Proposal	Redevelopment of existing open hard landscaped area to provide 2No. two-storey, two bedroom residential units. A public access route through the estate will be maintained within the proposals.

Case Officer	Stefan Sanctuary
Applicant	Nick Gore - New Build and Regeneration Team, London Borough of Islington.
Agent	None

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black line, other land owned by applicant (LBI) outlined in dashed line)



3. PHOTOS OF SITE/STREET



Image 1: View along Site looking North-East



Image 2: View of Site looking East



Image 3: View from Site looking North-West

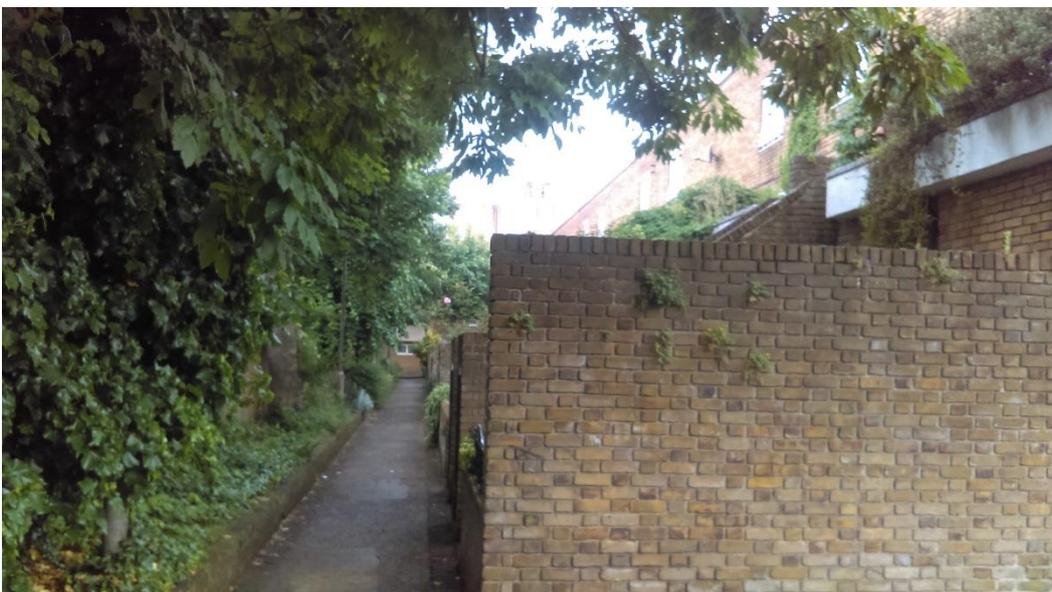


Image 4: View from Site looking South-West

4. SUMMARY

- 4.1 The site is an open area of land between the respective flank elevations of numbers 28/29 and 46 Belfont Walk on the Williamson Street Estate. This site is located between a shift in the building lines of existing buildings on the estate and is to the rear of a cul-de-sac known as Warlters Close.
- 4.2 The proposal is for the erection of two, 2-bedroom terraced residential dwellings with private rear gardens. The buildings will extend from the flank wall of number 46 Belfont Walk. Currently there is a pedestrian route to the rear of numbers 10-29 Belfont Walk which opens up onto the site. The proposal retains access to this route through the site by not developing across the whole gap between the flank wall of 28/29 Belfont Walk and the flank wall of 46 Belfont Walk.
- 4.3 The proposal provides affordable social rent accommodation suitable for smaller families including private gardens; which is flexible and adaptable accommodation. The additional reason for the development of the area is to address existing anti social behaviour issues.
- 4.4 The proposal raises and requires consideration of matters including the principle of development on the current open external area on the estate, the merits in the housing provision proposed, design matters including the overall quality of the scheme its visual affect on its surrounding and response to existing anti social behaviour issues and consideration and resolution of any similar matters potentially arising from the development. Another key area of consideration is the effect on trees with the proposal proposing the removal of existing trees onsite to facilitate the development but offering replacement planting and other biodiversity measures in response.
- 4.5 Taking all matters into account (residential land use, proposed contextual design, existing anti social behaviour issues and provision of social rented units) it is considered on balance the proposed development of this space to provide two residential units of the tenure and design proposed to be acceptable. While policies provide strong protection for amenity space as appropriate within this dense borough there is considered to be an allowance for this development based on the specific and unique circumstances of this case. These include the planning benefits of the scheme coming forward (good design, residential affordable housing provision, and addressing existing anti-social behaviour issues), the existing provision of amenity space across the estate, the current limited amenity function of the existing space and the potential unsuitability of the space to be provided as more functional and valuable amenity area.

5 SITE & SURROUNDINGS

- 5.1 The site is located on the Williamson Street housing estate constructed in 1972. The Estate consists of a number of buildings of between two and four storeys. The Estate has limited vehicular access but there are a large number of pedestrian routes through the site.
- 5.2 The site is an open area of land between the respective flank elevations of numbers 28/29 and 46 Belfont Walk on the Williamson Street Estate. This site is located between a shift in the building lines of existing buildings on the estate and is to the rear of a cul-de-sac known as Warlters Close.
- 5.3 The site is mainly covered in hardstanding and contains four mature trees. The site is not located within a conservation area, nor are there any listed buildings in the immediate

vicinity. However, the site does adjoin the Hillmarton Conservation Area. The lawful use of the land is an open amenity area within the estate. The area does not presently or recently have a clear function but does provide access to and from the existing passageway at the rear of 10-29 Belfont Walk into the central area and other pedestrian routes of the Estate.

6. PROPOSAL (in detail)

- 6.1 The proposal is for the erection of two, 2-bedroom terraced residential dwellings with private rear gardens. The buildings will extend from the flank wall of number 46 Belfont Walk. Currently there is a pedestrian route to the rear of numbers 10-29 Belfont Walk which opens up onto the site. The proposal retains access to this route through the site by not developing across the whole gap between the flank wall of 28/29 Belfont Walk and the flank wall of 46 Belfont Walk.
- 6.2 The proposed residential units are 2 bedroom (4 person) to be provided as socially rented affordable housing with the Council as the applicant having nomination rights over their occupancy. The proposed development will be car free. The proposed appearance is consistent with the design of the existing properties on Belfont Walk and the two storey height is maintained.
- 6.3 The elevations are proposed to be constructed in brick, interspersed in some upper levels with render. The design includes projecting windows incorporate glazing and trespa panels. The scheme proposes the removal of three of the existing four trees found on the site, and proposes the planting of one replacement tree (net loss of 3 trees).
- 6.4 This proposal is one of a series of developments on the estate that follow a 2009 study commissioned to look for opportunities for new development on the estate which could provide high quality new residential accommodation as well as enhancing the existing residential environment.

7. RELEVANT HISTORY

PLANNING APPLICATIONS

- 7.1 A planning application for an identical development proposal was previously approved under application reference P2013/0338/FUL on the 22nd June 2013. The decision granted permission subject to a number of planning conditions including the requirement to commence implementation within 3 years of permission. The 3 years has now lapsed and implementation has not commenced. As such, the applicant has submitted this application to replace the previous expired permission.

PRE APPLICATION ADVICE

- 7.2 The original proposal was subject to an extensive period of pre-application discussions with Council officers with the involvement of the Metropolitan Police Secure by Design Officer to consider the potential effect of the proposals on public safety and anti-social behaviour in the location. The site was identified as an area suffering from anti-social behaviour and issues of safety. This was raised by officers in relation to the safety of the proposed passage between the flank elevation of 28/29 Belfont Walk and the proposed development which maintains and links to an existing well-used pedestrian route.

- 7.3 Officers believe that the proposal addresses the concerns raised and would help reduce anti-social behaviour in the immediate vicinity of the site.

ENFORCEMENT

- 7.4 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 49 adjoining and nearby properties on the 16th May 2017. A site notice was displayed on 18th May 2017. The public consultation of the application therefore expired on the 8th June 2017, 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 2 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (paragraph numbers responding to the issues included in brackets):
- The construction process will be very disruptive (**officer comment:** Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974, with building works that can be heard at the boundary of the site only being allowed between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays);
 - The building works related to the development of Trefil Walk resulted in damage to the estate roads, which is yet to be repaired (**officer comment:** repairs to footways caused by construction damage has been secured in the legal agreement, see paragraph 10, see paragraph 10.44).

External Consultees

- 8.3 **Crime Prevention Design Advisor:** The Metropolitan Police (Crime Prevention) were consulted under the previous planning application and confirmed that the amended submission provided surveillance, greater sight lines and signs of habitation which should ensure that the passageway and created access is not unduly unsafe or an area of crime/anti-social behaviour. The principle of developing this area to address existing anti-social behaviour issues was supported. No objection to the proposal was raised. As an update to their previous comments they have asked that a condition is added to ensure Secure by Design accreditation under the Homes 2016 Guide.
- 8.4 **Thames Water:** No comments.
- 8.5 **London Fire and Emergency Planning Authority:** No objections.

Internal Consultees

- 8.6 **Pollution Projects Officer:** The site previously formed part of the mews between William Street and Warlters Road with industrial units mapped. With the proposed introduction of residential receptors and particularly gardens marked on the plans, there is the potential for a pollution linkage to be formed. A condition is recommended to deal with land contamination.

- 8.7 **Access Officer:** Requested clarification that the retained passageway is at least 1800mm wide. In house A it is hard to see how a stair lift could be fitted and facilitate access at ground floor level. In order to meet the travel and transport needs of residents and visitors, for whom public transport is inaccessible, it is suggested that an on street bay (130m away) is available for conversion. This will need to be checked by parking services.
- 8.8 **Tree Preservation Officer;** Noted that many of the existing trees on site to be removed were, while attractive, not statutorily protected. No objection to the loss of existing trees on site subject to imposition of conditions which would require additional replacement planting across the estate and other biodiversity measures as mitigation. Concern was also raised in relation to the potential effect of the development on adjoining trees outside of the site boundary and protected given their position in a conservation area. A condition is suggested around details of perimeter garden walls construction to ensure the long term health of the trees of significant amenity value adjoining the site are protected.

9. RELEVANT POLICIES

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 considered as part of the assessment of these proposals. Since March 2014 National Planning Practice Guidance for England has been published on line and has been considered as part of the assessment of these proposals.
- 9.2 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via:
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable ‘optional requirements’
 - Deregulation Bill received Royal Assent 26th March 2015

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2016, Islington’s Core Strategy 2011 and Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.5 The site is not subject to any site-specific designations.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to the:
- Land Use / Principle of Development of the Site.
 - Design & Conservation
 - Crime / Security
 - Landscaping / Trees
 - Effects on Neighbouring Amenity.
 - Quality of Accommodation
 - Dwelling Mix
 - Affordable Housing
 - Sustainability and Energy Efficiency
 - Highways and Transportation
 - Planning obligations/CIL

Land use

- 10.2 A key factor in the sustainability of housing estates such as this is the provision of external amenity space of an appropriate quality. Islington Core Strategy Policy CS15 identifies that for open space 'protecting all existing local open spaces including open spaces of heritage value, as well as incidental green space, trees and private gardens' will be a policy objective. Development Management Policies policy DM6.3 (Protecting Open Space) identifies that 'development is not permitted on any public open space and significant private open spaces'. The site is not identified within the attached map to this policy as a designated open space. The same policy further states that for semi private amenity spaces 'development is not permitted on semi private amenity spaces, including open space within housing estate and other similar spaces in the borough not designated as public open space within this document, unless the loss of amenity space is compensated and the development has overriding planning benefits.
- 10.3 No evidence is available to suggest that the external area to be developed has in the original design of the estate been set aside for a designated recreational amenity function; certainly the space does not provide such a facility currently or in the recent past. Policy DM6.3 in addition to protection of external amenity areas also encourages the greater public use of suitable semi private amenity spaces. The policy goes on to identify that privacy and other amenity issues shall be a key consideration in assessing the suitability of semi-private amenity spaces for greater public use. In line with this policy a justification can be seen for retaining the space and developing this as a more usable and valuable amenity space for the benefit of residents of the estate. In considering this it is noted that the estate currently benefits from a central large amenity space as well as a separate external playspace which is well used. These facilities provide both a recreational and wider amenity value to the estate currently. In addition given the existing issues in terms of surveillance and anti-social behaviour on the site its suitability for an area of amenity space is in doubt.
- 10.4 Also of consideration in assessing the development of the site is the policy support for housing provision to meet identified needs which the scheme is fulfilling providing two social rented affordable units suitable for smaller families. The borough has an identified housing need within which affordable and family housing are identified as priorities. Strategic Policy 12 (Meeting the Housing Challenge) of the Core Strategy 2011 identifies that Council policy seeks to increase the delivery of affordable housing from sources such as 100% affordable housing schemes by Registered Social Landlords which this scheme complies with.
- 10.5 Taking all these matters into account it is considered on balance the proposed development of this space to provide two residential units of the tenure and design proposed to be acceptable. While policies provide strong protection for amenity space

as appropriate within this dense borough there is considered to be an allowance for this development based on the specific and unique circumstances of this case. These include the planning benefits of the scheme coming forward (good design, residential affordable housing provision, and addressing existing anti-social behaviour issues), the existing provision of amenity space across the estate, the current limited amenity function of the existing space and the potential unsuitability of the space to be provided as more functional and valuable amenity area.

Design & Conservation

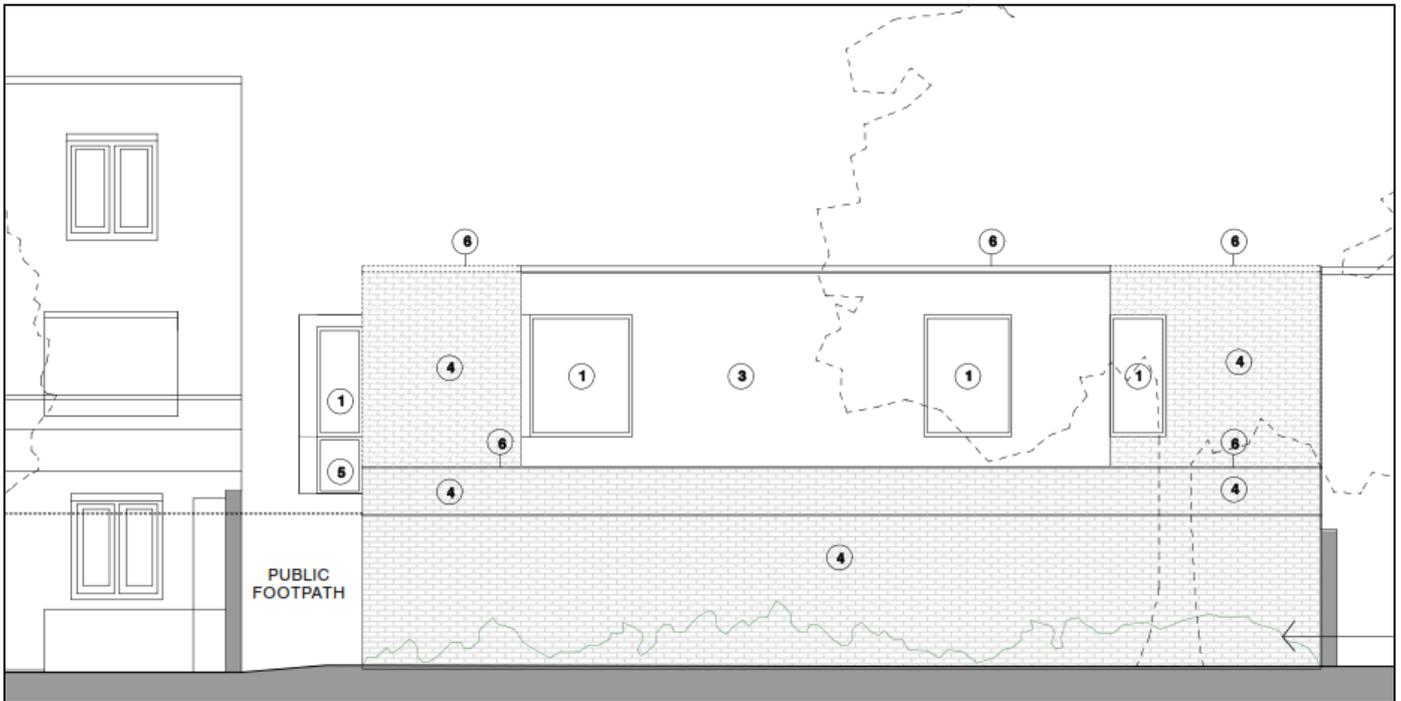
- 10.6 The site currently provides a degree of spaciousness to the area but has a rather run down appearance surfaced in concrete paving and being last used to house construction offices and cabins associated to the development of the previous infill permissions granted on the estate. To the rear and separate to the site are some trees of amenity value which screen Warlters Close.

- 10.7 The proposed residential units are constructed as an extension to the flank elevation of the existing linear 2 storey housing block, 46/53 Belfont Walk. The scale, massing and proportions of the units have been designed to match this existing building it extends from which is considered necessary and appropriate. A similar approach has been taken with the new build infills approved and constructed on the Estate. It was considered at pre application stage that the proposed development should provide an improvement on the overall design quality of these earlier cited schemes and it is considered that this has been achieved with more variation in treatments and improved articulation within this proposal in comparison.

- 10.8 The architectural approach to the building encouraged by officers is that the proposed building should relate to the existing linear building and the proportions but not exactly replicate the architectural detailing to provide an improved appearance and better internal amenity. This is considered to have been achieved acceptably with the use of mainly brickwork interspersed in sections with render and cladding. It is noted that the openings/fenestration proposed are larger than those of the adjoining residential units within existing buildings, this variation is welcomed from an internal amenity and design perspective. Variations in the elevations in terms of projections and recesses are used to provide articulation to the facades.



Front elevation (north)



Rear elevation (south) with new boundary wall

10.9 The site adjoins the boundary of the Hillmarton Conservation Area which Warlters Close is located within. The site will be partially obscured from views within the conservation area on account of trees located to the rear of the site which provide screening. Notwithstanding this it is not considered that the visual change proposed from the development of the site given the appropriate scale and detailed design of the buildings would cause harm to the heritage asset of the adjoining conservation area.

Crime and Security

10.10 The applicant has engaged extensively with the Metropolitan Police Secure by Design Officer and Council officers in relation to the proposal. In addition to providing much needed housing a strong part of the reason for the proposal was to address current anti-social behaviour occurring at the vacant site causing concern and disturbance to residents. The area currently provides access to and from a pedestrian route to the rear of 28/29 Belfont Walk. The area currently has limited natural surveillance that has contributed to the identified anti-social behaviour issues.

10.11 The principle of developing part of the site with a design that addresses some of these issues together with introducing greater amounts of natural surveillance has been welcomed by the Metropolitan Police Secure by Design officer. Retention of this relatively well-used pedestrian route was identified as a requirement early on in the process.

10.12 The proposal includes a corner window to be introduced at first floor level overlooking the footpath. Secondly, the front entrance corner of the dwelling at ground floor level at the entrance of the pedestrian route is curved/chamfered to give greater visibility and improved sight lines. Thirdly, high level secure ground floor windows are included on the side elevation of the proposed residential unit facing onto the passageway providing surveillance. Finally, a projecting bay window is also proposed at first floor level on this same side elevation overlooking the passageway providing visibility and surveillance.

10.13 The Metropolitan Police Secure-by-Design officer's view was that these amendments

taken together would provide appropriate natural surveillance and signs of habitation to discourage anti-social behaviour and adequately address safety concerns, in line with Policy DM2.1(Bviii).

Landscaping and Trees

- 10.14 The site is currently roughly square in shape covered largely in hard standing, its function is unclear. It provides a degree of amenity as an open area, however the main amenity in this area is provided by the trees mainly on adjoining land to the rear of the site which provide a green backdrop between Warlters Close and the Estate.
- 10.15 The site is home to 4 semi-mature trees. On land adjoining the site other trees are found most notably on the adjoining land to the south associated with Warlters Close properties. The proposal requires the removal of 3 of the onsite trees with 1 tree to be retained within a rear residential garden. The Council Tree Officer has considered these proposals and does not consider that the trees are of such an amenity value to warrant protection. The trees are not protected by virtue of a Tree Preservation Order or Conservation Area designation. The officer considers it unlikely that it will be viable in actual fact to retain the tree that is identified to be retained given its existing poor health and future pressure for its removal from occupants of the dwelling.
- 10.16 The Tree Officer does not object to the proposed development subject to conditions which are attached to the recommendation regarding further details within an Arboricultural Method Statement, landscaping plans as well as details of mitigation planting through the Estate (conditions 12, 13 and 14). A condition has also been attached to the recommendation requiring the installation of a green/biodiversity roof to the flat roof of the development in the interests of biodiversity (condition 8).
- 10.17 The Tree Officer has raised concern that the construction of the rear perimeter wall may harm the health of trees outside the applicant's ownership adjoining the site and within the Hillmarton Conservation Area. Their location within the Conservation Area provides these trees with protection. The required condition in relation to an Arboricultural Method Statement will need to include details of the construction of this wall to protect the health of these trees which are in certain instances considered worthy of protection.

Neighbouring Amenity

- 10.18 The proposal introduces dual aspect residential accommodation in the form of new build 2 storey dwellings attached to the flank elevation of the existing 2 storey terrace of Belfont Walk.
- 10.19 Policies seek to appropriately safeguard the amenities of residential occupiers when considering new development. Development Management Policy DM2.1 identifies amongst other matters that development should safeguard the daylight and sunlight to nearby property and minimise disturbance to the occupants of adjoining buildings, as well as protect their privacy. No objections have been received in relation to the proposal including the effects on neighbouring amenities.
- 10.20 Overlooking/Privacy Adopted policy identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy consideration has to be given also to the nature of views between habitable rooms for instance where the views between habitable are oblique as a result of angles or height difference between windows there may be no

harm. Habitable rooms provide the living accommodation of the dwelling. They include living room, dining room, conservatory, bedroom(s) and kitchen (if it provides space for dining). They exclude bathrooms, WCs, utility rooms, storerooms and circulation spaces.

- 10.21 In relation to overlooking/privacy the only potential area of concern is the relationship and views provided between the front elevation of the proposed properties and the facing elevation of residential units within the 3 storey housing block to the north east. The buildings and elevations run parallel to each other at a distance of approximately 8.5 metres at ground floor level and 10.5 metres on upper levels. The relationship proposed is the same as that between the affected building and the existing 2 storey building of 46-53 Belfont Walk. There is a slight offset/step in the footprints of the respective existing blocks that means currently there is a residential dwelling (no. 31) within the 3 storey block which faces directly across to the existing vacant site enjoying a more open aspect than other properties in that block.
- 10.22 At ground floor level due to existing structures and planting enclosing the private gardens/amenity space of residential units within the 3 storey building to the north, overlooking between existing and proposed habitable rooms is considered to be prevented. However at upper levels there is a concern over the views provided to and from the single large bay windows proposed serving each respective unit. For one of the proposed units the arrangement of the respective buildings is such that views are considered to be of such an oblique angle and restricted by planting as to not be a concern. For the unit adjoining the flank elevation of 46 Belfont Walk views are provided at a more direct angle from a bedroom within the proposed unit to rooms within the facing elevation of No. 31 within the 3 storey block facing at a distance of 10 metres. This relationship and privacy level is consistent with that existing between the affected building at No. 31 and the 46-53 Belfont Walk that the proposed units extend from. Similar distances and relationships between residential units and housing blocks are found throughout the estate.
- 10.23 The consistency of this proposed viewing relationship with others in the estate and the context this provides is of significant weight in assessing this aspect of the application. It is considered that this factor together with all the other planning merits of the proposal justifies this relationship. A condition is attached to the recommendation requiring either a louvre system/obscure glazing or other design method to be installed to the bay windows to prevent any overlooking (condition 15). Such methods will need to be considered in terms of their fulfilment of protecting neighbouring amenity, securing appropriate internal residential amenity along with design and aesthetics considerations.
- 10.24 Daylight and Sunlight Daylight and sunlight tests in accordance with the BRE Guidance 'Site Layout Planning for Daylight and Sunlight- A Guide to Good Practice 2011' (hereafter BRE Guidelines) have been carried out as encouraged as a first step to establish if there is a concern in this regard which would require further detailed assessment. These preliminary tests show that any impact on sunlight or daylight is likely to be small and not materially harmful.
- 10.25 Outlook/Sense of Enclosure Outlook and sense of spaciousness in this area is undoubtedly affected by this proposal. In no case is the effect considered so harmful as to warrant refusal of the application. Currently the boundary wall separating the rear garden of 46 Belfont Walk from the site is 3 metres tall consisting of a 1.85 metre brick wall topped with a further timber fence, presumably to provide added security from the open site. The proposal involves reducing this boundary to a height of 2.85 metres for the section of the building that extends further back in this position than 46 Belfont Walk and then to reduce to 2.15 metres along the remaining part. This is a reduction in height from the existing situation of 3 metres. Nevertheless, it is considered that the height of

the perimeter wall around the site should be reduced to a height of 2 metres which provides appropriate security and ensures that surrounding environments in terms of neighboring properties and the passageway the development adjoins are not excessively enclosed. A condition requiring this is attached to the recommendation (condition 16).

Quality of Accommodation

- 10.26 In assessing the quality of residential accommodation of the proposed units specific reference is given to policies within the London Plan (2016) and the standards within the Development Management Policies document. Islington Core Strategy policy CS12 identifies that *“to help achieve a good quality of life the residential space and design standards will be significantly increased from their current levels”*
- 10.27 Both of the proposed residential units which are 94 and 92 square metres respectfully comply with, and exceed the minimum unit internal area of 83 square metres as identified within policy 3.5 of London Plan and within policy DM3.4 of the Development Management Policies Document.
- 10.28 Aspect/Daylight Provision Both of units would provide dual aspect accommodation on all floors of the proposed units which is strongly supported. The units on account of the placement and amount of fenestration will have good daylighting typical to a terrace house.
- 10.29 Amenity Space The two units are each provided with a dedicated amenity space in the form of private gardens located at ground floor level. The gardens will measure 22 square metres just below the minimum requirement of 25 square metres for a 4 person unit within policy DM3.5 of the Development Management Policies Document. The amenity space is considered to be of a functional and usable layout. Occupants of the development will have access to existing open space and a playspace on the Estate.
- 10.30 Accessibility: The proposal is to deliver housing which complies with Category 2 Housing The units are considered to comply with the Council policy to provide flexible and inclusive residential accommodation.
- 10.31 Refuse: A dedicated refuse and recycling enclosure is proposed for the use of the dwellings. The location and capacity of this is acceptable being similar to existing arrangements across the estate.
- 10.32 Permitted Development Rights The scheme includes the creation of single family dwelling houses and in accordance with the General Permitted Development Order, under normal circumstances, these dwelling houses would be eligible for alteration and extension under Permitted Development (PD) rights – meaning certain alterations/extensions would not need planning permission. Given the location of this building, and that alterations and extension may have significant impacts on the amenity of future residents within the development and residents in the locality a condition (10) is attached which removes all PD rights and therefore has the effect of necessitating planning permission for any such changes.

Dwelling Mix

- 10.33 The proposal provides two residential units which each can be arranged to provide four bedspaces over two storeys. The accommodation is considered suitable for smaller families on account of its layout and facilities including private residential gardens.
- 10.34 There is not a variety of dwelling types proposed, which is obviously to some degree based on the fact that there are only two units proposed on this small site. The applicant

has proposed the housing as suited to the site constraints and meeting identified and pressing need for two bedroom social rent units. The provision is considered to align with policy CS12 of the Islington Core Strategy which states that the borough will look to maximise 'the proportion of family accommodation in both affordable and market housing.

Affordable Housing

- 10.35 Both residential units are proposed as social rent affordable housing. This provision accords with the objectives of policy CS12 of the Islington Core Strategy which can be summarised to identify the delivery of affordable housing to meet pressing and identified need as a key planning objective for the borough.
- 10.36 This application can be seen to specifically accord with part G of this policy which seeks 'to increase the delivery of affordable housing, especially social rented housing, from other sources such as 100% affordable housing schemes by building affordable homes on council's own land.' This provision will be secured via legal agreement as outlined with the recommendations.

Sustainability and Energy Efficiency

- 10.37 The Islington Core Strategy (2011) policy CS10B requires all development to achieve the highest feasible level of a nationally recognised sustainable building standard. The scheme would reach Code for Sustainable Homes level 4 (residential).
- 10.38 London Plan policy 5.9 requires proposals to reduce potential for overheating to occur and reduce reliance on air conditioning. The design of the scheme includes deep window reveals and provides a good degree of natural ventilation as dual aspect accommodation and green roofs. The scheme provides for a green roof and is therefore considered compliant. A condition is attached prescribing the type of green roof the Council will require in the interests of long terms viability and biodiversity.
- 10.39 In line with Core Strategy policy CS10A promotes zero carbon developments a financial contribution has been agreed to off-set additional CO2 emissions.

Highways and Transportation

- 10.40 The proposed development will be car free in line with Council Policy. The applicant has identified that should the requirement arise through the occupation of the 'accessible homes standards' compliant units proposed by a person with mobility impairments a designated disabled parking bay can be provided on the estate within existing provision. One cycle space per bedroom is required (4 in total) and bicycle storage sheds are provided in the 2 rear gardens to accommodate this.

Planning Obligations ,Community Infrastructure Levy and local finance considerations

- 10.41 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are(i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 10.42 Council policy for minor development of this scale proposing residential units typically requires two planning obligations, the first to secure a contribution towards the delivery of affordable housing, the second a contribution to be used to offset CO2 emissions from

the development not addressed in the design and operation of the building.

- 10.43 In this case on site affordable housing is proposed, therefore no obligation to secure a contribution is required. An obligation is therefore attached to the recommendation securing the delivery of social rent affordable housing. A second obligation is attached in relation to carbon offsetting. A third obligation is also proposed which requires the reinstatement of highways and footways once the development is complete (to make good any damage caused during construction).
- 10.44 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. Affordable housing such as that proposed is subject to relief for CIL liability. It is for the developer/affordable housing provider to claim for "[social housing relief](#)". An informative is attached to the recommendation regarding this matter.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Overall it is considered on balance that the proposed development of this site to provide two residential units of the tenure and design proposed is acceptable. While policies provide strong protection for amenity space as is appropriate within such a dense borough there is considered to be an allowance in accordance with these policies for this development based on the specific and unique circumstances of this case. These include the planning benefits of the scheme coming forward (good design, residential affordable housing provision, and addressing existing anti social behaviour issues), the existing provision of amenity space across the estate, the current limited amenity function of the existing space and the potential unsuitability of the space to be provided as more functional and valuable amenity area.

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and s106 Directors Service Level Agreement to secure the heads of terms set out at Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under legal agreement between the Service Director of the Council's Housing and Adult Services department and relevant officers in the local planning authority 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

1. Provision of 100% affordable housing units, consisting of 100% social rented housing.
(All as measured by habitable rooms)
2. A carbon offset contribution of £3000 towards the reduction of carbon dioxide emissions from the existing building stock in the borough.
3. Reinstatement of highways and footways

ALTERNATIVELY should this application be refused 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 legal agreement to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>AP(0)100.P1; AP(0)110.P1; AP(0)199.P1; AP(0)120.P1; AP(0)121.P1; AP(0)200.P2; AP(0)201.P2; AP(0)202.P2; AP(0)210.P2; AP(0)211.P2; AP(0)220.P2; AP(0)221.P2; Design and Access Statement; Arboricultural Impact Assessment Reference DFC 1381; DFC1381TSP; DFC1381TPP.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials and Samples (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) brickwork (sample panel showing colour, texture, bond and pointing on site) b) Windows, doors and surrounding panels (including sections and reveals); c) Cladding Panels d) Refuse Enclosures e) Render f) Bollards g) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	No plumbing or pipes (Compliance)
	<p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the elevations of residential building hereby approved without the prior written consent of the local planning authority.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
5	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The refuse / recycling enclosure(s) shown on approved plans shall be provided prior to the first occupation of the development hereby approved and shall</p>

	<p>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>
6	<p>Sound Insulation (Compliance)</p> <p>CONDITION: The residential units hereby approved shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq}, and 45 dB L_{max} (fast) Living Rooms (07.00-23.00 hrs) 30 dB L_{Aeq}, Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq}</p> <p>REASON: To secure an appropriate internal residential environment.</p>
7	<p>Accessible Homes Standard (Compliance)</p> <p>LIFETIME HOMES: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 “Accessible and adaptable dwellings” M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
8	<p>Green/Biodiversity Roof (Compliance)</p> <p>GREEN BIODIVERSITY ROOF (Compliance): The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); b) maximise the extent of the new roof area to be covered by a green roof; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential 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>
9	<p>Sustainable Design</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 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.</p> <p>REASON: To ensure a sustainable standard of design.</p>
10	Removal of Permitted Development Rights (Compliance)
	<p>CONDITION: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any amended/updated subsequent Order) no additional windows, extensions or alterations to the dwellinghouse(s) hereby approved or erection of other outbuildings or means of enclosures shall be carried out or constructed without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future extensions and alterations to the resulting dwellinghouse(s) in view of the limited space within the site available for such changes and the impact such changes may have on residential amenity and the overall good design of the scheme.</p>
11	Flat Roof Not Used As Amenity Space (Compliance)
	<p>CONDITION: The flat roof area(s) at first and roof level of all residential buildings hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
12	Arboricultural Method Statement (Details)
	<p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with Clause 7 of British Standard BS5837: 2012 – “<i>Trees in Relation to demolition, design and Construction – Recommendations</i>” has been submitted to and approved in writing by the local planning authority</p> <p>Specific issues to be dealt with in the AMS include:</p> <ol style="list-style-type: none"> a. Location and installation of services/ utilities b. Methods of demolition close to trees c. Details of construction close to trees d. Details of tree protection during construction e. Details of tree pruning works <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved and shall be maintained for the duration of the works.</p> <p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained</p>

<p>13</p>	<p>Landscaping detail (Details)</p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and i) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p>14</p>	<p>Screening/Treatment (Compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved the first floor north facing bay window of the residential unit approved directly adjoining the boundary wall of 46 Belfont Walk shall prior to the first occupation of those dwelling(s) be altered/treated to prevent the overlooking of neighbouring habitable room windows at the 31/33 Belfont Walk.</p> <p>The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>

<p>15</p>	<p>Perimeter Garden Boundary Walls</p> <p>CONDITION: Notwithstanding the plans hereby approved the perimeter garden wall shall be constructed to a height of no greater than 2 metres.</p> <p>Such arrangement shall be in place prior to first occupation of the development hereby approved and this restriction shall be accorded with at all times thereafter.</p> <p>REASON: To protect the neighbouring amenities of residential occupiers and to provide a safer surrounding public realm.</p>
<p>16</p>	<p>Tree Works</p> <p>TREE WORKS: The pruning works to Islington Council's trees must be agreed in writing by Islington's Greenspace Tree Service and undertaken by Contractors appointed by them. Six weeks notice must be given to the Tree Service in writing in advance of the works being required and prior to the demolition and development being commenced.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p>17</p>	<p>Tree planting</p> <p>CONDITION: No works or development shall take place until a full specification of proposed mitigation tree planting on the rest of the estate has been approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting.</p> <p>The size, number, species and location of replacement trees are to be approved in writing with Greenspace.</p> <p>A schedule of maintenance of the trees until successfully established is to be agreed in writing with the local planning authority and implemented. The schedule shall include provision for replacement planting should establishment fail.</p> <p>All trees shall be planted in accordance with the details and times stated in the specification required by condition [11] and in accordance with British Standard [BS4043 - Transplanting Root-balled Trees][BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces)].</p> <p>If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.</p> <p>REASON: To ensure that a satisfactory standard of visual amenity and biodiversity is provided and maintained .</p>
<p>18</p>	<p>CONTAMINATION (DETAILS)</p> <p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p>

	<p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>B) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b)."</p> <p>REASON: In order to protect the health and amenity of future residential occupiers at the site.</p>
19	Secured by Design
	<p>The scheme shall meet Secured by Design accreditation under the Homes 2016 Guide.</p> <p>REASON: To ensure that the development has designed out crime and designed in community safety.</p>

List of Informatives:

1	S106
	<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>
2	Superstructure
	<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'.</p> <p>The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council</p>

	<p>will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>
4	Car-Free Development
	<p>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.</p>

APPENDIX 2 : RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and Islington's Development Management Policies. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

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

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.13 Safety, security and resilience to emergency

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS15 (Open Space and Green Infrastructure)

Strategic Policies

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

C) Development Management Policies 2013

Design and Heritage

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

DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Housing

DM3.1 Mix of housing sizes
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration (residential use)

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space

Transport

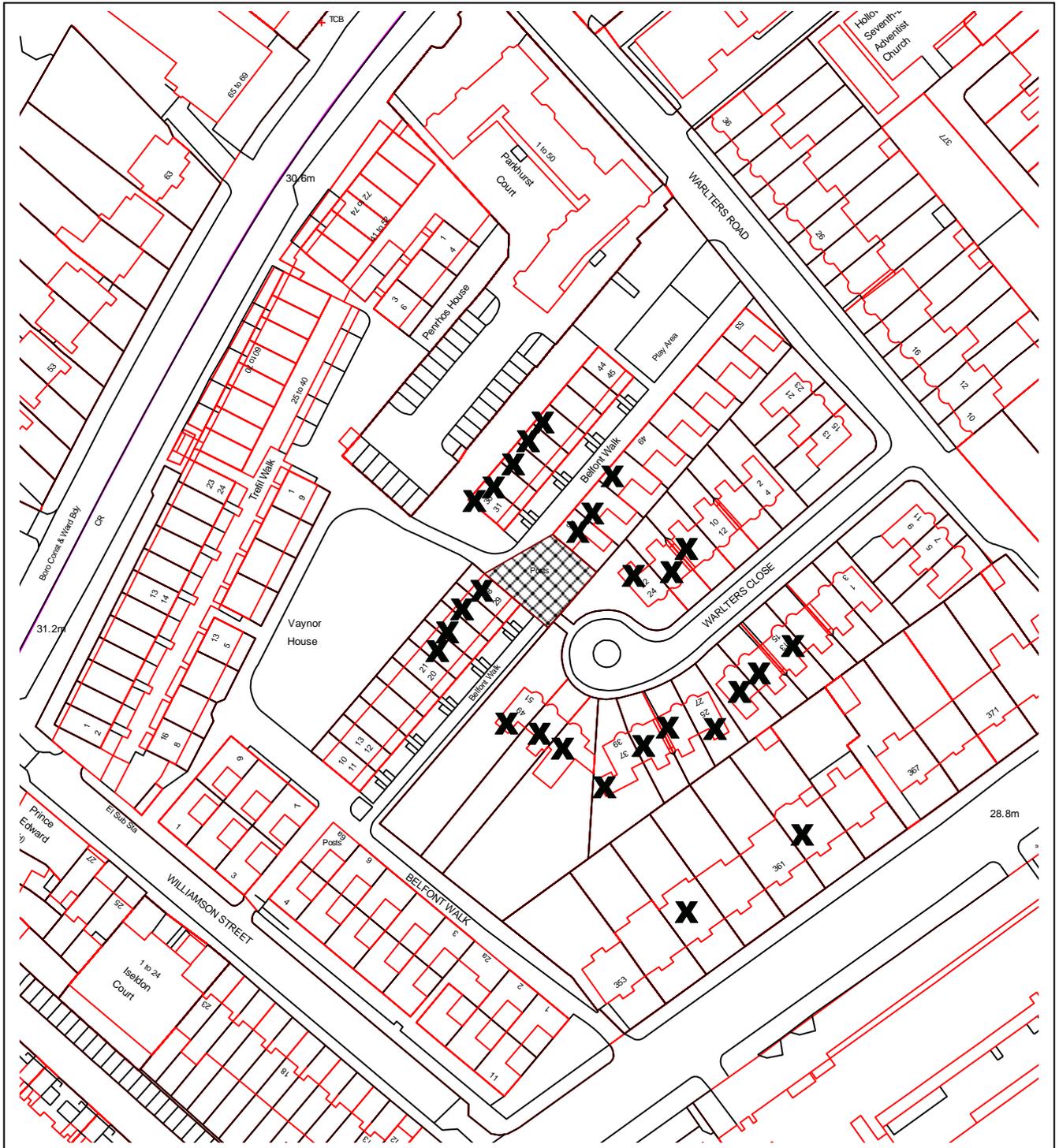
DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking

Infrastructure

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

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Islington SE GIS Print Template



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P2017/1736/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/1530/FUL & P2017/1590/ADV
Application type	Full Planning Permission & Advertisement Consent
Ward	St. Marys Ward
Listed building	Not listed
Conservation area	The Angel Conservation Area
Development Plan Context	Islington Village & Manor House Archaeological Priority Area Angel & Upper Street Core Strategy Key Area Central Activities Zone Local Cycle Route Strategic Cycle Route Islington Green Triangle Open Space Islington Green Open Space Crossrail 2 Rail Safeguarding Area Angel Town Centre Within 100m of SRN Within 100m of TLRN Within 50m of Upper Street (North) Conservation Area Within 50m of Duncan Terrace/Colebrooke Row Conservation Area
Licensing Implications	None
Site Address	Pavement area opposite 34 Islington Green, Islington, London, N1
Proposal	Full Planning Permission: Retrospective application for the installation of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. Advertisement Consent: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

Case Officer	Emily Benedek
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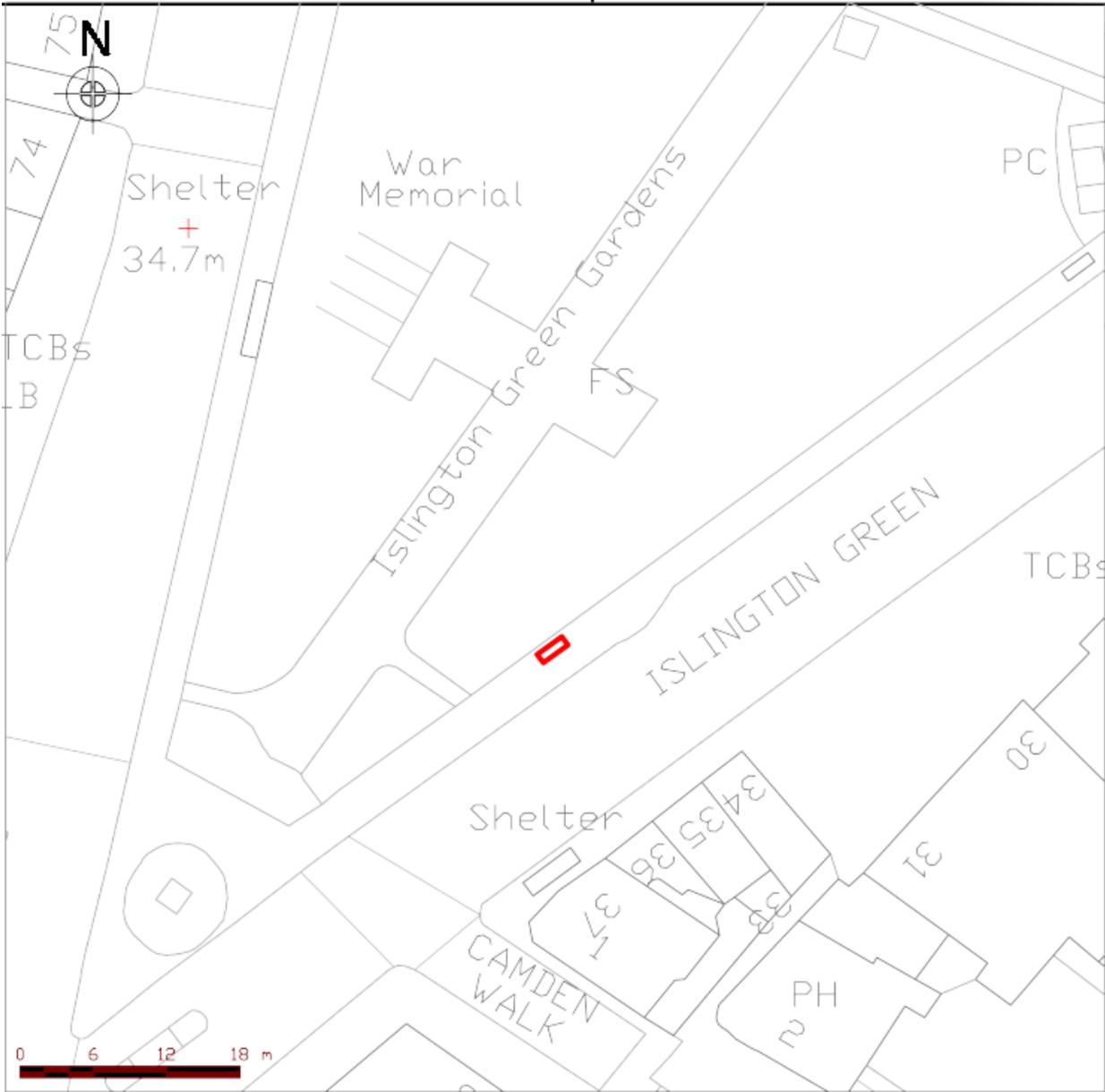
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	Mr Philip Allard (Wildstone Planning)

1. RECOMMENDATION

The Committee is asked to resolve to **REFUSE** planning permission and advertisement consent:

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

2. SITE LOCATION (outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street view of the Smart Bench



Image 2: View of existing Smart Bench from Islington Green

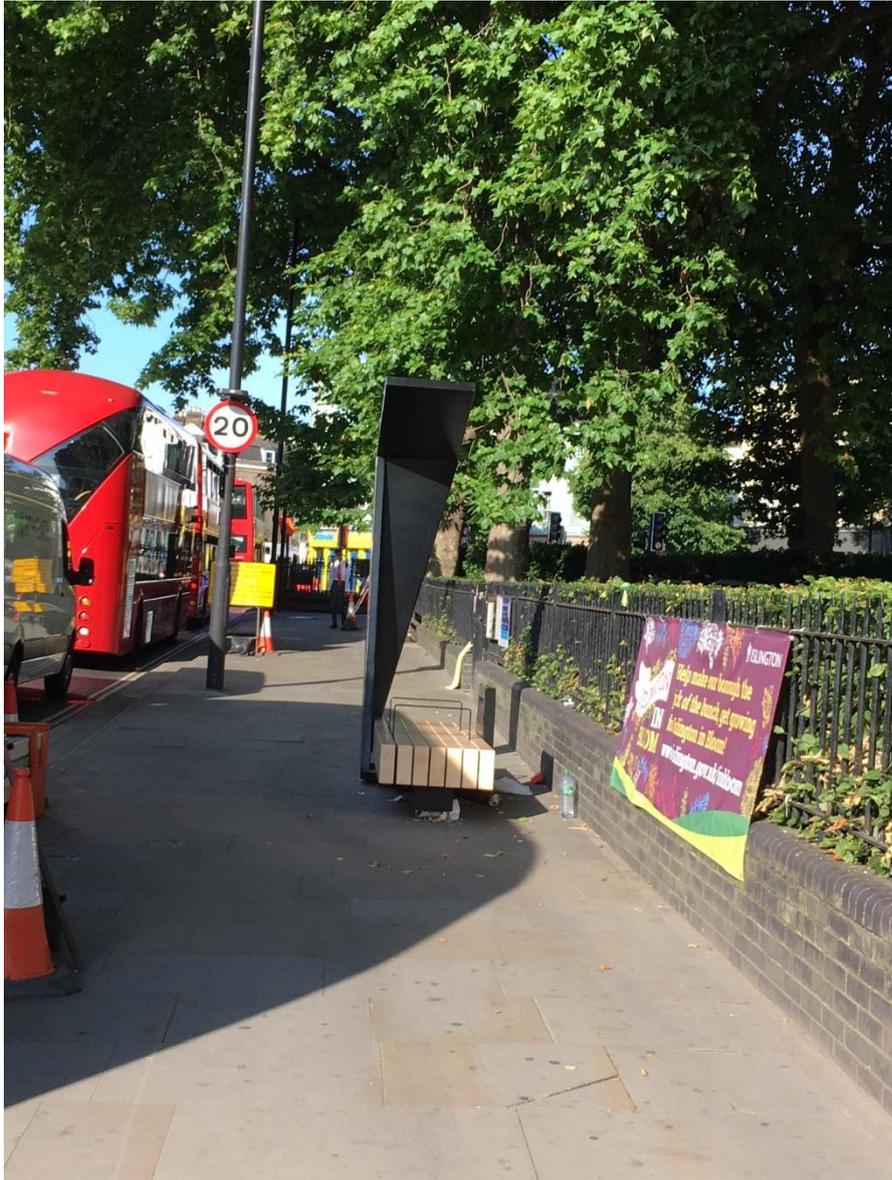


Image 3: View of existing Smart Bench looking south towards Islington High Street



Image 4: View of existing Smart Bench looking north alongside Islington Green

4. SUMMARY

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.
- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. Planning permission is required for the structures themselves as they have been erected by a private company and not the Council. The application is brought to committee at the request of Cllrs Webbe and Williamson.

- 4.3 The main issues arising from this planning application are the design and appearance of the Smart Bench; its impact on the character of the conservation area; the amenity of neighbouring occupiers; and safety and security.
- 4.4 It is considered that the Smart Bench by reason of its size and siting within this sensitive location immediately adjacent to Islington Green Gardens fails to preserve and enhance the character and appearance of The Angel Conservation Area.
- 4.5 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and public safety.
- 4.6 The advertisement displays by reason of their number, size and siting on the Smart Bench would be unduly prominent and would fail to preserve and enhance the character and appearance of the Angel Conservation Area.

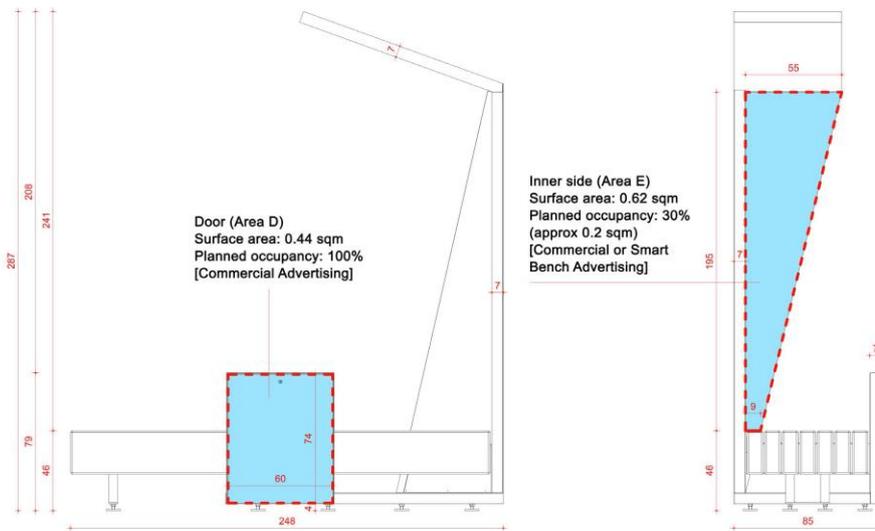
5. SITE AND SURROUNDING

- 5.1 The application site relates to the pavement area on the south east side of Islington Green Gardens fronting Islington Green. The site is located adjacent to Islington Green Gardens open space, a significant triangle of land between Upper Street, Essex Road and Islington Green that provides some verdant landscaping in an otherwise highly urbanised area. The Smart Bench is located on a narrow part of the pavement situated in an area of high pedestrian footfall between Essex Road and Upper Street, especially as the Smart Bench is located close to an entrance into the park. The area also has a high level of vehicular activity with a bus stop serving several bus routes located on the opposite side of the pavement, whilst double yellow lines extending the full length of the highway outside Islington Green Gardens ensures that vehicles (with the exception of buses) cannot stop in this location.
- 5.2 The area is characterised predominantly by three to four storey buildings with commercial units located on the ground floor and a mix of commercial and residential units at the upper floor levels. Several properties in the immediate locality including No 1 Camden Walk and Nos 23 and 24 Islington Green are Grade II statutorily listed and the site is located in the Angel Conservation Area. The surrounding area is of mixed character.

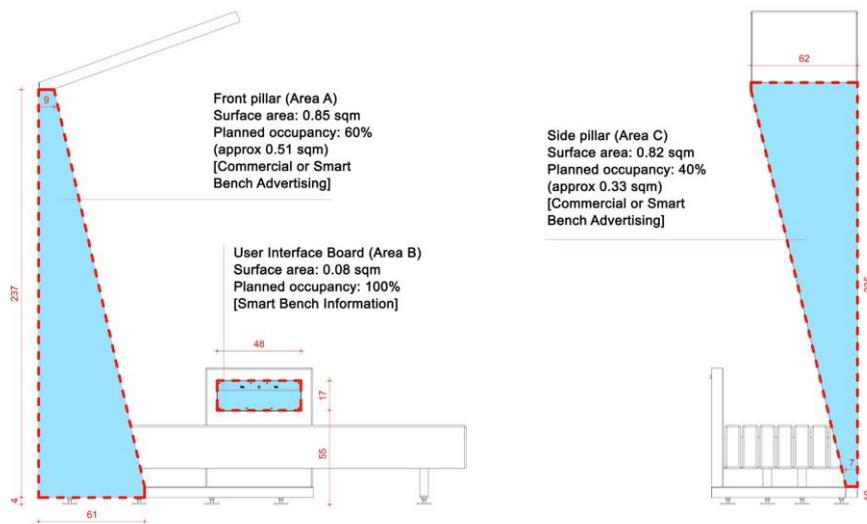
6. PROPOSAL (in Detail)

- 6.1 Retrospective planning permission is sought for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and customer interface. Retrospective advertisement consent is also sought for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

Images 5 and 6: Design of the Smart Bench showing the locations for potential adverts

- 6.3 Whilst the Smart Bench currently displays 3no. non-illuminated adverts, there is potential for up to 5no. non-illuminated adverts to be displayed on different surfaces across the Smart Bench, as illustrated in images 5 and 6 above (although the applicant has confirmed in their supporting documents that no more than 4no. advertisements would be displayed at any one time). The surface area for potential adverts varies in the different locations on the Smart Bench however the size of the adverts will depend on the size of the images displayed by future advertisers.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Pavement on the west side of Islington Green, opposite 74 Upper Street (60m from the site)

P2016/0086/ADV - Installation of a six Sheet Advertisement Display Freestanding internally Illuminated Panel on the pavement on the west side of Islington Green opposite 74 Upper Street. Withdrawn (10/06/2016)

- 7.2 Site adjoining Islington Green Public Convenience, Islington Green (45m from the site)

P2015/4874/ADV - Installation of Free Standing internally illuminated advertisement display panel (6 sheet) on pavement adjacent to the public convenience. Refused (04/02/2016)

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 impact on the setting of the nearby heritage assets. The proposal would fail to preserve and enhance the character and appearance of The Angel Conservation 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 Conservation Area Design Guidelines (2002).

- 7.3 Islington Green Gardens (15m from the site)

P2015/0448/ADV - Advertisement Consent application in connection with the erection of three non-illuminated sponsorship signs attached to the outside of the site railings, one on each side of the site. Refused (13/04/15)

Reason for Refusal: The size, number and position of the proposed signs would have a serious adverse effect on the visual amenity of the Angel Conservation Area, contrary to policies DM 2.3 and 2.6 of the Islington Development Management Policies and the Conservation Area Design Guidelines.

- 7.4 Carriageway at Islington Green (55m from the site)

P2012/0295/FUL - Installation on the footway of a Barclays Cycle Hire docking station, containing a maximum of 27 docking points for scheme cycles plus a terminal. Approved (19/03/2013)

- 7.5 36 Islington Green (20m from the site)

P041246 - Installation of non-illuminated 1.8m x 0.7m vertical banners on lamp-posts. Refused (21/07/2004).

Reason for Refusal: The number of banners and their size and position would add to the clutter in the street, which would be extremely detrimental to the character and visual amenity of the street scene and the conservation area, contrary to Policies Env1, Env9, Env10, Env11 and D1 of the Islington Unitary Development Plan 2002 and the adopted Conservation Area Design Guidelines 2002.

ENFORCEMENT:

- 7.6 ENF/2017/45 – Bench and solar panel in a conservation area.

PRE-APPLICATION ADVICE:

- 7.7 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties in Islington Green on 3 May 2017. A site notice was displayed outside the site and the applications were advertised in the Islington Gazette on 11 May 2017. The public consultation on the application ended on 1 June 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report one letter of objection and three letter of support had been received from the public with regard to the applications. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Benches are ugly, much larger and more prominent than traditional benches and the bench that was in situ before it had been removed (10.10-10.12)
 - Clutter the pavement and do not reflect what would benefit a Conservation Area (10.14-10.15)
 - They are a platform for advertising (10.26-10.34)
 - Will encourage mobile phone use in the area which is renowned for theft of phones by moped riders (10.19-10.22)
 -

External Consultees

- 8.3 **Crossrail 2:** No objection.

- 8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and ipads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 meters from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum slight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk, it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

No objection with regards to the advertisements themselves.

- 8.5 **Transport for London:** Object to the application. The smart bench is somewhat larger and more intrusive than the seat which it replaced and the footway width has been reduced below 3.3m set out in TfL's streetscape design guidance width for an active street such as Islington Green. Furthermore, the nearby phone kiosks are subject to applications for an upgrade including widening the services provided to include those at the 'smart bench'. Therefore, it is possible that you may consider that the latter adds to street clutter in a designated conservation area.

Internal Consultees

- 8.5 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington as are located in the Conservation Area and in very close proximity to listed buildings and the addition of the signage further exacerbates the visual harm they cause and adds visual clutter.
- 8.6 **Highways:** No objection.
- 8.7 **Planning Energy Advice:** No objection.

Interested Parties

- 8.8 **Islington Society:** Objects to the application. The Islington Society is of the view that Islington and its residents have no need for any of the applications for street advertising and communications. The various erections themselves are a blight on the Borough landscape. The Islington Society also object to the increase in street clutter.

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 Policy and Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Background
- Legislation
- Character and Appearance
- Neighbouring Amenity
- Safety and Security
- Sustainability
- Amenity
- Highways Safety

Background

- 10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.
- 10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the canopy roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.
- 10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.
- 10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 5 and 6 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Advertisement consent has also been applied for as part of this application for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

Legislation

- 10.6 Whilst the above summary explains the background to the scheme, it is important to understand why the Smart Bench requires planning permission. This is outlined in Part 9 Class A and Part 12 Class A of Schedule 2 of the General Permitted Development Order (2015). Part 9 Class A of this Act refers to works carried out by the Highways authority 'on land within the boundaries of the road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act.' It is important to note in this instance that the Smart Benches have not been installed by the Highways Authority but by a private company, Strawberry Energy. As such, this application does not comply with Part 9 Class A of this legislation.
- 10.7 This view is further emphasised by Part 12 Class A (b) of Schedule 2 which notes the following:

'The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.'

Therefore, planning permission is required for the installation of the Smart Bench.

- 10.8 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out below, however, the advertisements proposed here do not fall under this class because advertisements would be displayed on more than one face of the kiosk, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. It is considered that the Smart Benches fall within the same legislation as telephone kiosks as they provide a shelter for the purpose of housing or supporting electronic communications apparatus (in this instance WiFi) at which electronic communications service is provided. Express consent for the advertisements is therefore required.

Class 16 and Conditions —

- (1) No advertisement may be displayed in an Area of Outstanding Natural Limitations Beauty, a conservation area, a National Park, the Broads or an area of special control.*
- (2) Illumination is not permitted.*
- (3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.*
- (4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.*

PART 2 – Interpretation:

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

- 10.9 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety as set out below:

Powers to be exercised in the interests of amenity and public safety

3.—*(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—*
(a) the provisions of the development plan, so far as they are material; and
(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

PLANNING APPLICATION CONSIDERATIONS

Design and Appearance

- 10.10 Development Management Policy DM2.1 requires ‘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.’ A Smart Bench has been installed on the pavement opposite 34 Islington Green, adjacent to Islington Green Gardens, which replaced an existing bench.
- 10.11 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. In the absence of the consideration of site context, there would be no objections raised to the design of the Smart Bench.

- 10.12 The design of the Smart Bench is more modern than typical street furniture found in various sites around the borough however, as the Design and Conservation officer notes, they might be appropriate in certain contexts such as large open spaces or landscaped plazas surrounded by large contemporary buildings. The application site is located in a highly sensitive location within the Angel Conservation Area, in close proximity to several Grade II listed buildings and is seen against the back drop of Islington Green Gardens, an important piece of verdant landscaping in an otherwise highly urbanised area. The buildings surrounding the Smart Bench date from 17th to early 20th century, vary between three and four storeys in height and have retained their original features and charm. As noted in paragraph 18.3 of the Angel Conservation Area Design Guidelines, 'the resulting vertical emphasis is echoed by the original shop front pilasters and consoles which divide properties. The variety of height and of design at roof and parapet level provides great visual interest.'
- 10.13 Prior to the installation of the Smart Bench, a small bench was located against the back edge of the pavement adjacent to railings and was only marginally higher than the existing low level brick boundary wall. With the exception of a bus shelter 50m to the north of the site the area immediately adjacent to the Smart Bench, is largely devoid of street clutter. This ensures open views across Islington Green and with the exception of signage above shops, advertisement signs are noticeably absent in the area. It is also important to note from the Planning History in Section 7 above that many applications for illuminated and non-illuminated advertisement signs have been refused in this location because of their unacceptable impact on the Conservation Area.
- 10.14 The Council's Design and Conservation officer raised strong concerns about the location of this bench in relation to existing heritage assets, namely its setting in a highly sensitive location in close proximity to several Grade II listed buildings and within the Angel Conservation Area. The officer considered that the structure adds visual clutter, draws the eye and detracts from the character and appearance of the conservation area. As noted above, the area lacks visual clutter and therefore the presence of the Smart Bench in the open area appears unduly prominent and out of character within the setting of this heritage asset. The bench is also unduly prominent from the longer views along Islington Green both to the north and south. As a result, it is considered that the Smart Bench fails to preserve and enhance the character and appearance of the Angel Conservation Area.
- 10.15 As noted in paragraph 10.10 above, the Smart Bench replaces an existing low level bench which was not visible from the views across Islington Green. The Smart Bench, by reason of its height and siting, is unduly prominent and protrudes significantly above the existing hedges that form the boundary between Islington Green Gardens and Islington Green. As a result, it is considered that the Smart Bench is an incongruous feature within the landscape, detrimental to the character and appearance of the surrounding area.
- 10.16 It is considered that the Smart Bench is unacceptable in terms of its size and that the design is inappropriate in this sensitive location and would fail to preserve and enhance the character and appearance of the Angel Conservation

Area and would be harmful to the setting of listed buildings at No 1 Camden Walk and Nos 23 and 24 Islington Green. The proposal is therefore contrary to policies DM2.1, DM2.3 and DM2.7 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.17 Development Management policy DM2.1A part x states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 10.18 The existing Smart Bench measures a maximum of 2.87 metres in height and is located at a lower level than the nearest existing residential units at the first floor level above the shops in Islington Green. The Smart Bench is seen against the backdrop of Islington Green Gardens and is not within close proximity to any residential property. Given the open nature of the structure, its height, the lack of illumination and the distance from the nearest neighbouring residential properties, the proposal is not considered to have an adverse impact on the amenity of any neighbouring occupiers, in compliance with Development Management Policy DM2.1.

Safety and Security

- 10.19 Core Strategy Policy CS8 seeks to ensure that all new development enhances Islington's character. More specifically, Part B of this policy states that 'public realm improvements will enhance pedestrian and cycle routes, making it easier to travel sustainably through the borough. Open spaces will be maintained and enhanced to ensure they are inclusive, accessible spaces.' It is important to consider this policy in conjunction with Development Management Policy DM2.1 part A ii) which notes that for developments to be acceptable they are also required to be 'safe and inclusive.'
- 10.20 Safety and Security are important aspects of this application as it is important to ensure users of the Smart Bench are not faced with an increased risk of crime as a result of using them. The Metropolitan Police have assessed the application and advise that the main concern would be for benches positioned close to the road it provides an opportunity for thieves travelling past to snatch phones and iPads being charged at the Smart Benches. They therefore recommended that the bench is located at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.
- 10.21 It is important to note in this location, given the location adjacent to Islington Green Gardens and in close proximity to several bus stops, the Smart Bench is highly visible from all angles. In addition, the bench is sited opposite shops and restaurants with people gathering in the area which, as considered by the Metropolitan Police, would deter those wanting to commit opportunist crime due to the natural surveillance. This Smart Bench also includes two arm rests which reduces the risk of rough sleepers.

10.22 In view of the above, it is considered that the Smart Bench has been strategically placed to ensure users of its facilities are at minimal risk of mobile phone theft and their safety and security are not at elevated risk by virtue of using the associated charging devices. As such, the proposal is considered to comply with Core Strategy Policy CS8 and Development Management Policy DM2.1.

Sustainability

10.23 The overarching policy for Sustainable Design in Islington's Core Strategy, policy CS10 requires 'all development to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles.' This policy is supported by Development Management Policy DM7.1 which notes in Part A that 'Development Proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development,' whilst part B of the same policy states that 'The Council will support the development of renewable energy technologies in principle, in principle, subject to meeting wider policy requirements, including on design (Policy DM2.1).' As such, the Council welcomes the inclusion of Green Technology in the scheme, namely the inclusion of a solar panel on the roof area, which ensures only renewable energy is used to charge the mobile devices whilst at the same time raises awareness about sustainable issues within the borough.

10.24 The Council's Planning Energy Advice team were consulted as part of this application and were supportive of the proposal as they are widening the use of renewable energy within the borough. The case officer raised concerns regarding the effectiveness of these panels given that they are located under a tree. The Planning Energy officer noted this point and remarked that it is likely to reduce the output from the photovoltaic panels and from a technical point of view, would advise against installing benches in a significantly shaded area. However, the officer also stated that as the benches are not required to demonstrate performance against a target, where photovoltaic panels underperform for this reason, it is also at the installer's risk. It is also important to note that the solar panels have been oriented towards the south in order to maximise their efficiency.

10.25 Given the above, whilst the use of renewable energy sources is welcomed in this location and the proposal would comply with Core Strategy policy CS10 and Development Management Policy DM7.1, to ensure the photovoltaic panels are able to perform to their required levels given their siting underneath a street tree, had the scheme been supported, a condition would require evidence that the Bench was adequately solar panelled or its removal would be sought.

ADVERTISEMENT CONSENT CONSIDERATIONS

Amenity

- 10.26 Amenity, as defined by the Advertisement Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.27 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.28 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's Character) states that the scale of development should reflect the character of the area. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.29 Development Management Policy DM2.6 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.
- 10.30 This advertisement consent application proposes the addition of up to five branding surfaces, located on all elevations of the Smart Bench which is located in the pavement opposite 34 Islington Green, outside Islington Green Gardens. The proposed signs would be non-illuminated and it is proposed by the applicant to limit the number of branded surfaces to a maximum of four at any one time. Furthermore, whilst the front pillar, side pillar and inner side pillar measure 2.4 metres in height, the maximum extent of advertising on these surface areas, had the scheme been supported, could be limited to 60%, 40% and 30% respectively by way of a condition.
- 10.31 The area immediately surrounding the site is of mixed character with shops located at the ground floor and a mix of commercial and residential units above. It is noted from the planning history in Section 7 above that there are a large number of both illuminated and non-illuminated signs that have been refused advertisement consent in the area, thereby keeping the immediate locality devoid of advertisement clutter and visual obtrusions.
- 10.32 With regards to an assessment of the size, siting and height of the adverts, the council's Design and Conservation officer considers that the proposals would be contrary to policy DM2.6 which states that advertisements are required to be of the highest possible standard and contribute to a safe and attractive environment. Furthermore, the same policy states that advertisements should not contribute to clutter or loss of amenity. They should be sensitive to its siting, and should not contribute to an unsightly proliferation or clutter of signage in the

vicinity. It is considered that, the proposed Smart Benches with advertisements are in contradiction to the requirements of this policy.

- 10.33 The advertisement signs, by virtue of their siting on the Smart Bench, could be located at a height of up to 2.4 metres from ground level. Given that there are no other advertisements in this location, and the Council would not have control over the design of these signs, could appear unduly prominent and out of character, especially when viewed in conjunction with the existing heritage assets. There is a noticeable lack of advertisement signs in the immediate locality and this further emphasises the visual clutter created by the presence of up to 4 signs displayed at any one time on the Smart Bench. As a result, it is considered that the advert signs fail to preserve and enhance the character and appearance of the Angel Conservation Area and would have a detrimental impact on the setting of the statutorily listed buildings.
- 10.34 Overall the proposed advertisements, by reason of their number, size and siting on the Smart Bench, would appear unduly prominent and would have a detrimental impact on the amenity of the locality. The adverts would fail to preserve and enhance the character and appearance of the Angel Conservation Area and would be harmful to the setting of the listed buildings, contrary to policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1, DM2.3 and DM2.6 of the Development Management Policies 2013, The Angel Conservation Area Design Guidelines and the Advert Regulations (2007).

Public safety

- 10.35 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 10.36 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.
- 10.37 The proposed advertisements would be positioned on the footway immediately adjacent to the boundary wall with Islington Green Gardens. Transport for London have raised concerns that this reduces the width of the pavement to below 3.3 metres, their recommended level for an area with a busy pedestrian footfall such as this. It is considered that the siting of the structure in this location does not create a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.38 The proposed advertisements would be non-illuminated and as such would not be unduly distracting to the drivers of passing vehicles. The signage would not cause a hazard to road users.
- 10.39 The proposed advertisement would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or

security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed sign which may cause public safety issues, nor would the advert obscure or hinder the ready interpretation of any traffic sign. In addition, the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.

10.40 Transport for London raised objections to the proposed advertisements, and it is considered that the reduction in pavement width would have an unacceptable impact on the public's safe and unobstructed use of the pavement. The proposal would therefore fail to comply with the Advert Regulations and Development Management policy DM2.6.

11. SUMMARY AND CONCLUSION

Summary

11.1 The full planning application for the retention of the Smart Bench has been assessed in terms of its design and appearance and impact on the character of the area, impact on neighbouring amenity, safety and security and in relation to highway safety. Having taken into account the size of the bench, its appearance in relation to the surrounding properties and the safety and security of users of this Smart Bench, the proposal is considered unacceptable with regards to its size, siting and impact on the character and appearance of the area. It is considered that the Smart Bench adds street clutter and fails to preserve and enhance the character and appearance of the Angel Conservation Area, detrimental to the setting of the Grade II listed buildings.

11.2 The advertisement signs are considered to be unacceptable with regards to amenity and public safety. The signs add street clutter, restrict the pavement width unacceptably so as to pose a pedestrian safety concern and fail to conserve or enhance the character and appearance of the Angel Conservation Area.

Conclusion

11.3 It is recommended that planning permission and advertisement consent be refused as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission shall be refused for the following reason:

Reason for Refusal for Planning Application P2017/1530/FUL:

1	
	<p>REASON: The Smart Bench by reason of its size and inappropriate design in the context of its historic setting presents a form of visual and street clutter, detrimental to the character and appearance of the Angel Conservation Area. As a result, the Smart Bench fails to preserve and enhance the heritage assets including the Angel Conservation Area and the setting of the listed buildings. The proposal is contrary to policies CS5 and CS9 of the Core Strategy (2011), policies DM2.1, DM2.3 and DM2.7 of the Development Management Policies (2013), the Islington Urban Design Guide (2017) and the Conservation Area Design Guidance (2002).</p>
2	
	<p>REASON: The Smart Bench, by reason of its siting on a narrow stretch of pavement, results in an unacceptable pavement width to the detriment of pedestrian safety. The proposal is contrary to policy DM8.2 of the Islington Development Management Policies (2013).</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council’s website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
2	Removal of Smart Bench

	The Smart Bench should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.
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That advertisement consent shall be refused for the following reason:

Reason for Refusal for Advertisement Consent P2017/1590/ADV:

1	
	REASON: The proposed adverts, by reason of their number, size and siting on the Smart Bench would be unduly prominent and have a detrimental impact on amenity in this sensitive locality within the Angel Conservation Area. The proposal would be contrary to policies CS5 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies (2013) and the Islington Urban Design Guide (2017).
2	
	REASON: The proposed adverts, by reason of their siting on the Smart Bench, reduces the pavement to an unacceptable width detrimental to public safety. The proposal is contrary to the Advertisement Regulations (2007) and Development Management Policy DM2.6.

List of Informatives:

1	Positive Statement
	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning</p>

	application.
2	Removal of Adverts
	The advertisements should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.

APPENDIX 2: RELEVANT POLICIES

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

1. Legislation

The Town and Country Planning (Control of Advertisements) Regulations (2007)

2. National Guidance

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

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

3. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 5 – Angel & Upper Street
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM2.6 – Advertisements
Policy DM2.7 – Telecommunications and Utilities
Policy DM8.2 – Managing transport impacts

4. Designations

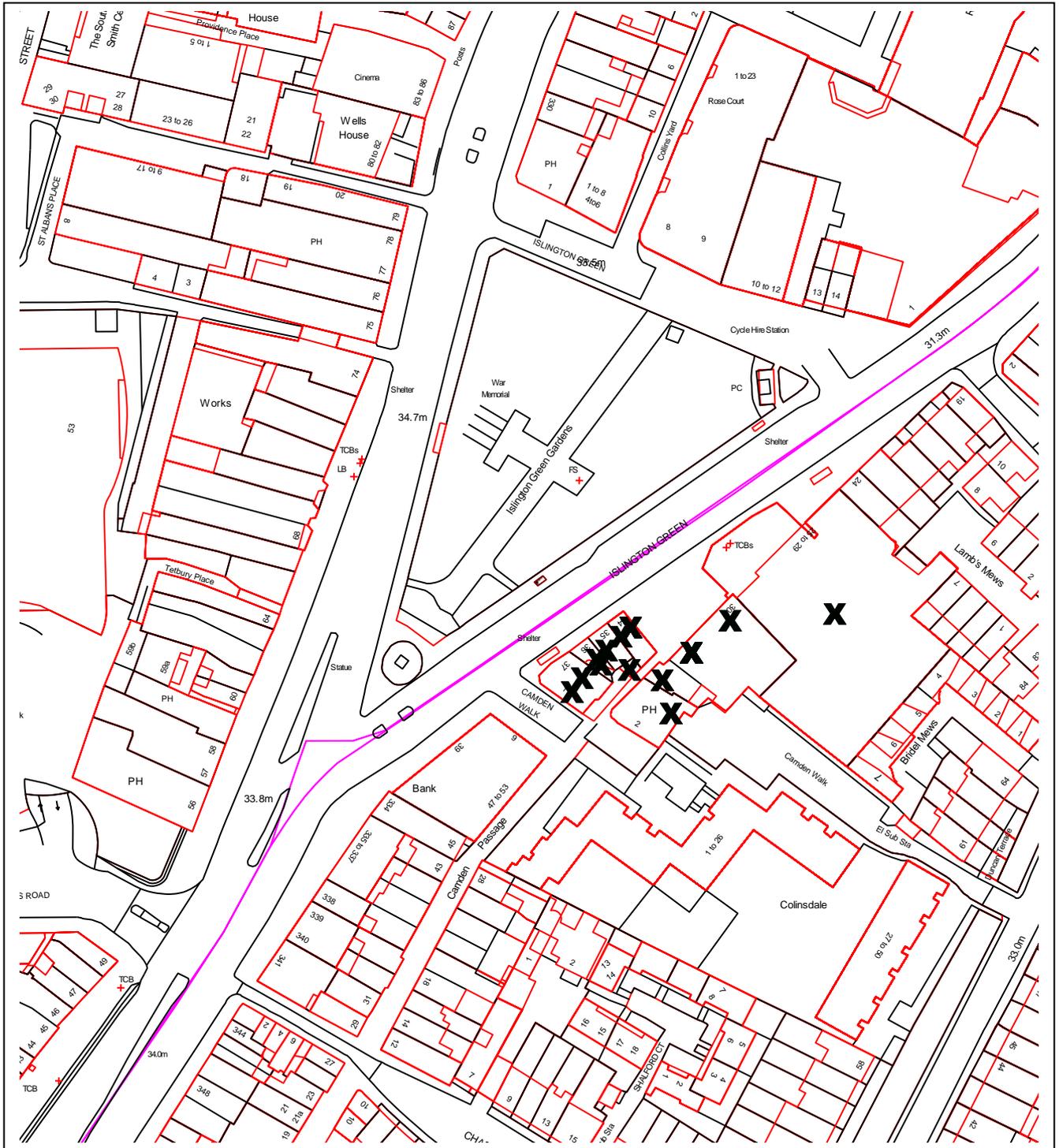
The Angel Conservation Area
Islington Village & Manor House Archaeological Priority Area
Angel & Upper Street Core Strategy Key Area
Central Activities Zone
Local Cycle Route
Strategic Cycle Route
Islington Green Triangle Open Space
Islington Green Open Space
Crossrail 2 Rail Safeguarding Area
Angel Town Centre
Within 100m of SRN
Within 100m of TLRN
Within 50m of Upper Street (North) Conservation Area
Within 50m of Duncan Terrace/Colebrooke Row Conservation Area

5. SPD/SPGS

Urban Design Guide 2017
Streetbook 2012
The Angel Conservation Area Design Guidelines (2002)

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Islington SE GIS Print Template



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P2017/1530/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/1567/FUL & P2017/1636/ADV
Application type	Full Planning Permission and Advertisement Consent
Ward	Mildmay Ward
Listed building	Not listed
Conservation area	Newington Green Conservation Area
Development Plan Context	Newington Green Archaeological Priority Area Newington Green Local Shopping Area
Licensing Implications	None
Site Address	Pavement at the corner of Newington Green Road and Ferntower Road, Islington, London, N1
Proposal	<p>Full Planning Permission: Retrospective application for the installation of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.</p> <p>Advertisement Consent: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.</p>

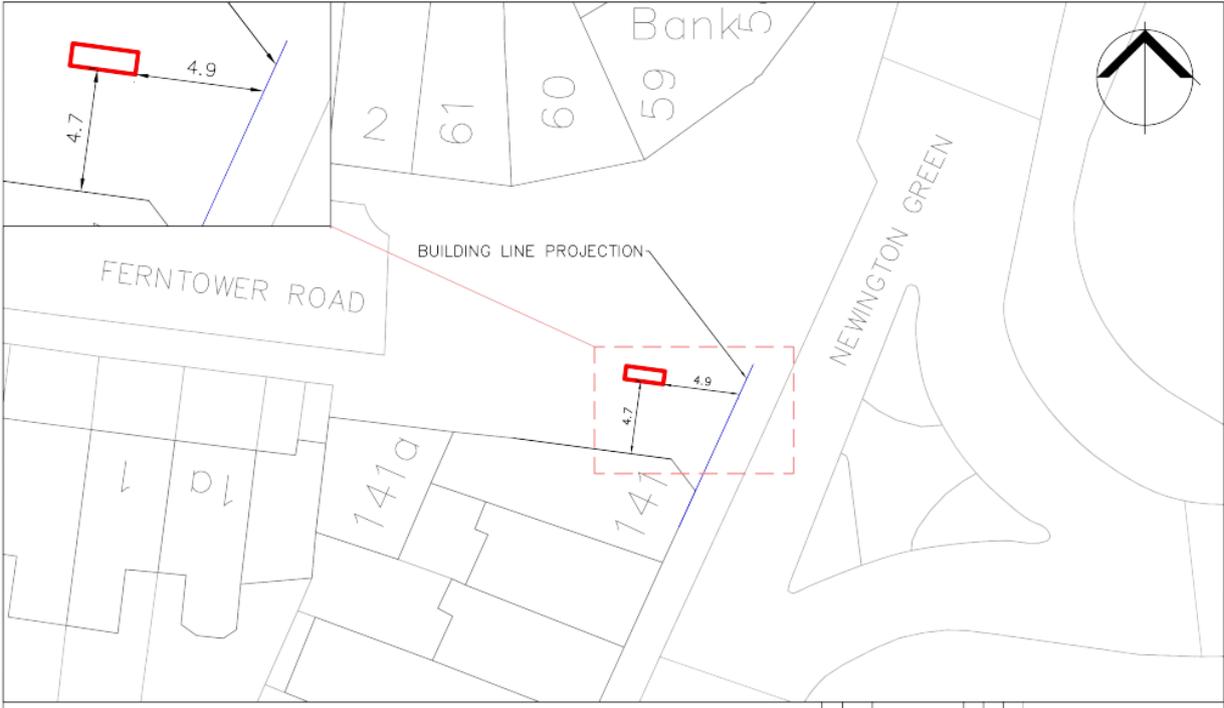
Case Officer	Emily Benedek
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	None

1. RECOMMENDATION

The Committee is asked to resolve to **REFUSE** planning permission and advertisement consent:

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

2. SITE LOCATION (outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street view of the Smart Bench



Image 2: View of existing Smart Bench looking south along Ferntower Road



Image 3: View of existing Smart Bench looking east from Ferntower Road towards Newington Green



Image 4: View of existing Smart Bench looking west from Newington Green

4. SUMMARY

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.
- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. Planning permission is required for the structures themselves as they have been erected by a private company and not the Council. The application is brought to committee at the request of Cllrs Webbe and Williamson.
- 4.3 The main issues arising from this planning consent application are the design and appearance of the Smart Bench; its impact on the character of the conservation area; the amenity of neighbouring occupiers; and safety and security.
- 4.4 It is considered that the Smart Bench by reason of its size and siting fails to preserve and enhance the character and appearance of the Newington Green Conservation Area.

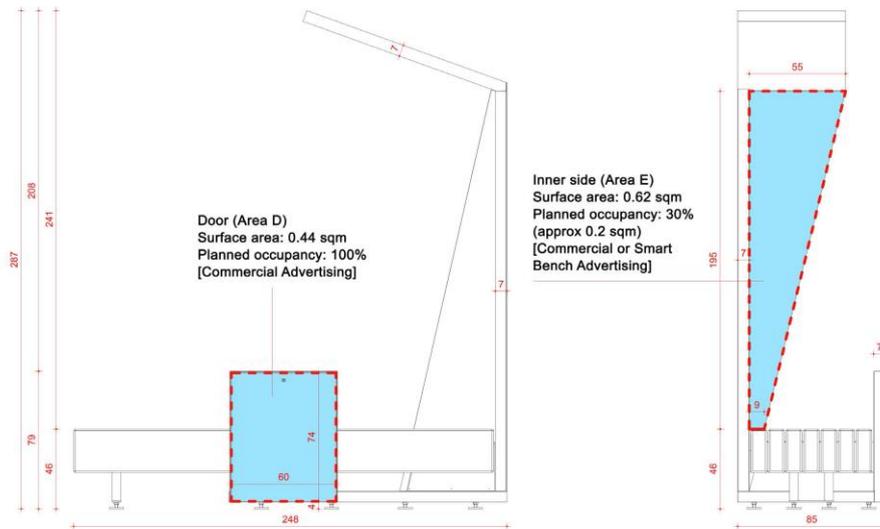
- 4.5 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and public safety.
- 4.6 The advertisement displays by reason of their size and siting on the Smart Bench would be unduly prominent and would fail to preserve and enhance the character and appearance of the Newington Green Conservation Area.

5. SITE AND SURROUNDING

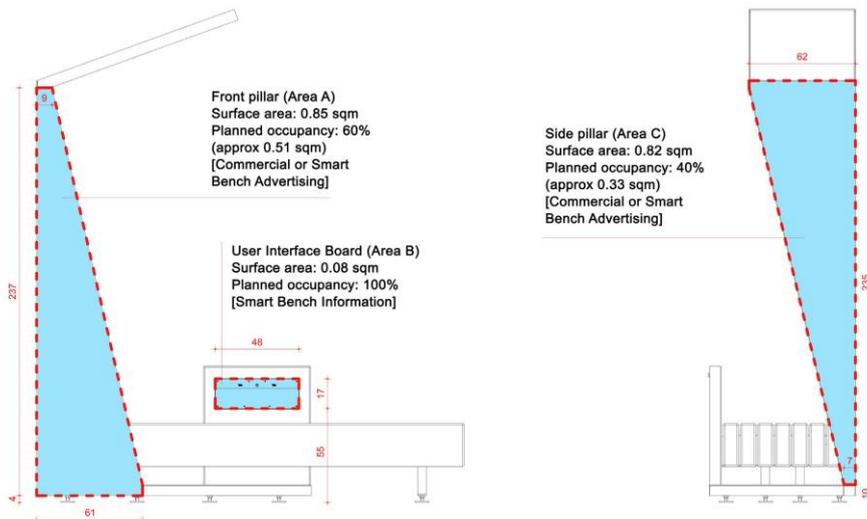
- 5.1 The application site relates to the pavement area to the north of No 141 Newington Green and is sited at the junction with Ferntower Road, opposite Newington Green. The pavement in this location is unusually wide as the Smart Bench is located in a pedestrianised area at the junction of these two roads which is characterised by cafes, restaurants and shops. There is a limited amount of street furniture in the vicinity including an existing bench immediately adjacent to the Smart Bench, lighting columns, 2 street trees and rubbish bins. The area is characterised predominantly by three storey buildings with commercial units located on the ground floor and residential units above. The surrounding properties are not listed but the site is located in the Newington Green Conservation Area. The surrounding area is of mixed character.

6. PROPOSAL (in Detail)

- 6.1 Retrospective planning permission is sought for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and customer interface. Retrospective advertisement consent is sought for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.
- 6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

Images 5 and 6: Design of the Smart Bench showing the locations for potential adverts

- 6.3 Whilst the Smart Bench currently displays 3no. non-illuminated adverts, there is potential for up to 5no. non-illuminated adverts to be displayed on different surfaces across the Smart Bench, as illustrated in images 5 and 6 above (although the applicant has confirmed in their supporting documents that no more than 4no. advertisements would be displayed at any one time). The surface area for potential adverts varies in the different locations on the Smart Bench however the size of the adverts will depend on the size of the images displayed by future advertisers.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Pavement on the west side of Newington Green at the junction with Ferntower Rd (outside 58 and 59 Newington Green), (25m from the site):

P2016/0087/ADV - Installation of single panel - six Sheet Advertisement Display Freestanding internally illuminated panel on the pavement on the east side of Newington Green at the junction with Ferntower Rd (outside 58 and 59 Newington Green). Withdrawn (10/06/2016)

7.2 Bus shelter outside 46 Newington Green, (100m from the site):

P2016/3426/ADV - Double-sided freestanding forum structure, featuring 2 x Digital 84" advertisement screens positioned back to back. Refused (06/12/2016)

Reason for Refusal: The proposed internally illuminated sign by reason of its size, siting and method of illumination will have a detrimental impact on the visual amenity of the locality, and will fail to preserve and enhance the character and appearance of the Newington Green Conservation Area. The proposal is contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies (2013) and the Conservation Area Design Guidelines (2002).

7.3 Pavement Area Outside Newington Green Park Building (West Entrance to Community Gardens), (50m from the site):

P2016/0088/ADV - Installation of a single panel - 6 Sheet Advertisement Display Freestanding internally illuminated panel on the pavement area outside Newington Green Park Building West Entrance to Community Gardens Withdrawn (10/06/2016)

7.4 Outside Hatherage Court, (40m from the site):

P120143 - Display of printed vinyl advert on telephone kiosk. Withdrawn (11/07/2013)

ENFORCEMENT:

7.5 ENF/2017/45 – Bench and solar panel in a conservation area.

PRE-APPLICATION ADVICE:

7.6 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on Newington Green and Ferntower Road on 4 May 2017. A site notice was displayed outside the site and the applications were advertised in the Islington Gazette on 11 May 2017. The public consultation on the applications ended on 1 June 2017.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report two letters of objection had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Smart Bench is attracting anti-social behaviour (10.19-10.21)
- Smart Bench is an eyesore (10.12-10.15)
- The Green should remain picturesque (10.12-10.15)

- More advertising will damage the look and feel of Newington Green (10.29-10.33)

External Consultees

8.3 **Crossrail 2:** No objection.

8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and ipads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 meters from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum slight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

The Newington Green Smart Bench is a good example of a location as it is set amongst other street furniture meaning it is not an obvious attraction for criminals. There are also plenty of shops and restaurants with people gathering in the area which deters those from wanting to commit opportunist crime due to the nature of surveillance.

No objection with regards to the advertisements themselves.

Internal Consultees

8.5 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington and the addition of the signage further exacerbates the visual harm they cause.

It is considered that, the proposed smart benches with advertisement are in contradiction to the requirements of policy DM2.6.

This is in a prominent location within the Newington Green Conservation Area. It is considered that the structure adds visual clutter, draws the eye and detracts from the character and appearance of the conservation area. Conservation Area Design Guidance state: "Advertisements and signage can often detract from the visual amenity of the area. The council will therefore seek to ensure that signs, display panels and advertisements are appropriately located and are of a suitable size and design. New signage should not block views or detract from the historic buildings within the

conservation area. It is considered that the proposed structure with signage does not comply with these guidelines. It detracts from the special historic character of the area and obstructs views from certain points.

8.6 **Highways:** No objection.

8.7 **Planning Energy Advice:** No objection.

Interested Parties

8.8 **Islington Society:** Objects to the application. The Islington Society is of the view that Islington and its residents have no need for any of the applications for street advertising and communications. The various erections themselves are a blight on the Borough landscape. The Islington Society also object to the increase in street clutter.

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 Policy and Guidance

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

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Background
- Legislation
- Character and Appearance
- Neighbouring Amenity
- Safety and Security Sustainability
- Amenity
- Highways Safety

Background

- 10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.
- 10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.
- 10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.
- 10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 5 and 6 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Advertisement consent has also been applied for as part of this application for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

Legislation

- 10.6 Whilst the above summary explains the background to the scheme, it is important to understand why the Smart Bench requires planning permission. This is outlined in Part 9 Class A and Part 12 Class A of Schedule 2 of the General Permitted Development Order (2015). Part 9 Class A of this Act refers to works carried out by the Highways authority 'on land within the boundaries of the road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act.' It is important to note in this instance that the Smart Benches have not been installed by the Highways Authority but by a private company, Strawberry Energy. As such, this application does not comply with Part 9 Class A of this legislation.
- 10.7 This view is further emphasised by Part 12 Class A (b) of Schedule 2 which notes the following:
'The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.'

Therefore, planning permission is required for the installation of the Smart Bench.

- 10.8 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out below, however, the advertisements proposed here do not fall under this class because advertisements would be displayed on more than one face of the kiosk, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. It is considered that the Smart Benches fall within the same legislation as telephone kiosks as they provide a shelter for the purpose of housing or supporting electronic communications apparatus (in this instance WiFi) at which electronic communications service is provided. Express consent for the advertisements is therefore required.

Class 16 and Conditions —

(1) No advertisement may be displayed in an Area of Outstanding Natural Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Illumination is not permitted.

(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.

(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.

PART 2 – Interpretation:

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

- 10.9 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety as set out below:

Powers to be exercised in the interests of amenity and public safety

3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and***
(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

PLANNING APPLICATION CONSIDERATIONS

Design and Appearance

- 10.10 Development Management Policy DM2.1 requires '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.' A Smart Bench has been installed on the pavement at the corner of Newington Green Road and Ferntower Road, and replaced an existing low level bench, which matched the existing bench adjacent to the Smart Bench.
- 10.11 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. In the absence of the consideration of site context, there would be no objections raised to the design of the Smart Bench.
- 10.12 The design of the Smart Bench is more modern than typical street furniture found in various sites around the borough however, as the Design and Conservation officer notes, they would be most appropriate in certain contexts such as large open spaces or landscaped plazas surrounded by large contemporary buildings. No objections are raised to the design of the Smart Benches themselves. The application site is located in a sensitive location within the Newington Green Conservation Area, immediately opposite Newington Green. The buildings surrounding the site date from the mid-19th century and owing to strict application of policies have retained their original features and charm. There is therefore a consistency in the design of the properties that immediately surround the site.
- 10.13 Whilst an existing bench is already located in the area immediately adjacent to the Smart Bench, the area is largely devoid of street clutter. This ensures that open views across Newington Green from Ferntower Road and the surrounding streets are retained and with the exception of signage above shops, advertisement signs are noticeably absent in the area.
- 10.14 The Council's Design and Conservation officer raised concerns about the location of this bench in relation to the existing heritage assets, namely its setting within the Newington Green Conservation Area. The officer considered that the structure adds

visual clutter, draws the eye and detracts from the character and appearance of the conservation area. As noted above, the area lacks visual clutter and therefore the presence of the Smart Bench in the open area appears unduly prominent and out of character within the setting of this heritage asset. As a result, it is considered that the Smart Bench fails to preserve and enhance the character and appearance of the Newington Green Conservation Area.

- 10.15 It is considered that the Smart Bench is unacceptable in terms of its size and design in this sensitive location and fails to preserve and enhance the character and appearance of the Newington Green Conservation Area. The proposal is therefore contrary to policies DM2.1, DM2.3 and DM2.7 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.16 Development Management policy DM2.1A part x states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 10.17 The existing Smart Bench measures a maximum of 2.87 metres in height and is located at a lower level than the nearest existing residential units at the first floor level above the shops in Newington Green. When viewed from the north side of Ferntower Road (as shown in Image 2), the Smart Bench is seen against the backdrop of the existing brick wall adjoining No 141 Newington Green and as is set a lower level than the windows of any neighbouring residential properties at the first floor level, is not considered to have a detrimental impact on neighbouring amenity. Given the open nature of the structure, the lack of illumination and the distance from the nearest neighbouring residential properties, the proposal is not considered to have an adverse impact on the amenity of any neighbouring occupiers, in compliance with Development Management Policy DM2.1.

Safety and Security

- 10.18 Core Strategy Policy CS8 seeks to ensure that all new development enhances Islington's character. More specifically, Part B of this policy states that 'public realm improvements will enhance pedestrian and cycle routes, making it easier to travel sustainably through the borough. Open spaces will be maintained and enhanced to ensure they are inclusive, accessible spaces.' It is important to consider this policy in conjunction with Development Management Policy DM2.1 part A ii) which notes that for developments to be acceptable they are also required to be 'safe and inclusive.'
- 10.19 Safety and Security are important aspects of this application as it is important to ensure users of the Smart Bench are not faced with an increased risk of crime as a result of using them. The Metropolitan Police have assessed the application and advise that the main concern would be for benches positioned close to the road it provides an opportunity for thieves travelling past to snatch phones and iPads being charged at the Smart Benches. They therefore recommended that the bench is located at least 1–2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.
- 10.20 It is important to note in this location, given the wide pavement, the Smart Bench is highly visible from all angles. In addition, the bench is located close to existing street furniture and is sited prominently between shops and restaurants with people gathering in the area which, as considered by the Metropolitan Police, would deter those wanting to commit opportunist crime due to the natural surveillance. This Smart Bench also includes two arm rests which reduces the risk of rough sleepers.

- 10.21 In view of the above, it is considered that the Smart Bench has been strategically placed to ensure users of its facilities are at minimal risk of mobile phone theft and their safety and security are not at risk by virtue of using the associated charging devices. As such, the proposal is considered to comply with Core Strategy Policy CS8 and Development Management Policy DM2.1 in relation to safety and security matters.

Sustainability

- 10.22 The overarching policy for Sustainable Design in Islington's Core Strategy, policy CS10 requires 'all development to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles.' This policy is supported by Development Management Policy DM7.1 which notes in Part A that 'Development Proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development,' whilst part B of the same policy states that 'The Council will support the development of renewable energy technologies in principle, in principle, subject to meeting wider policy requirements, including on design (Policy DM2.1).' As such, the Council welcomes the inclusion of Green Technology in the scheme, namely the inclusion of a solar panel on the roof area, which ensures only renewable energy is used to charge the mobile devices whilst at the same time raises awareness about sustainable issues within the borough.
- 10.23 The Council's Planning Energy Advice team were consulted as part of this application and were supportive of the proposal as they are widening the use of renewable energy within the borough. No objections were raised from the Planning Energy Advice team with regards to its siting. It is also important to note that the solar panels have been oriented towards the south in order to maximise their efficiency.
- 10.24 Given the above, whilst the use of renewable energy sources is welcomed in this location and the proposal would comply with Core Strategy policy CS10 and Development Management Policy DM7.1.

ADVERTISEMENT APPLICATION CONSIDERATIONS

Amenity

- 10.25 Amenity, as defined by the Advert Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.26 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.27 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's Character) states that the scale of development should reflect the character of the area. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.28 Development Management Policy DM2.6 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual

appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.

- 10.29 The Newington Green Conservation Area Design Guidelines (paragraph 55) states that 'Advertisements and signage can often detract from the visual amenity of the area. The council will therefore seek to ensure that signs, display panels and advertisements are appropriately located and are of a suitable size and design. Any new signage should not block views of or detract from the historic buildings within the conservation area.'
- 10.30 This advertisement consent application proposes the addition of up to five branding surfaces, located on all elevations of the Smart Bench which is located in the pavement at the corner of Newington Green and Ferntower Road. The proposed signs would be non-illuminated and it is proposed to limit the number of branded surfaces to a maximum of four at any one time. Furthermore, whilst the front pillar, side pillar and inner side pillar measure 2.4 metres in height, the maximum extent of advertising on these surface areas will be limited to 60%, 40% and 30% respectively.
- 10.31 The area immediately surrounding the site is of mixed character with shops located at the ground floor and residential units above. It is noted from the planning history in Section 7 above that there are a large number of both illuminated and non-illuminated signs that have been refused advertisement consent in the area, thereby keeping the immediate locality devoid of advertisement clutter and visual obtrusions.
- 10.32 With regards to an assessment of the size, siting and height of the adverts, the council's Design and Conservation officer considers that the proposal would be contrary to policy DM2.6 which states that advertisements are required to be of the highest possible standard and contribute to a safe and attractive environment. Furthermore the same policy states that advertisements should not contribute to clutter or loss of amenity. They should be sensitive to its siting, should not contribute to an unsightly proliferation or clutter of signage in the vicinity. It is considered that, the proposed Smart Benches with advertisements are in contradiction to the requirements of this policy. Furthermore, it is considered that the Smart Bench obstructs views of historic buildings, especially from Ferntower Road.
- 10.33 The advertisement signs, by virtue of their number siting on the Smart Bench, which could be located at a height of up to 2.4 metres from ground level are harmful to the character of the area. Given that there are no other advertisements in this location, and the Council would not have control over the design of these signs, they could appear unduly prominent and out of character, especially when viewed in conjunction with the existing heritage assets. There is a noticeable lack of advertisement signs in the immediate locality and this further emphasises the visual clutter created by the presence of up to 4 signs displayed at any one time on the Smart Bench. As a result, it is considered that the advertisement signs fail to preserve and enhance the character and appearance of the Newington Green Conservation Area. The proposal is therefore contrary to policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1, DM2.3 and DM2.6 of the Development Management Policies 2013, the Islington Urban Design Guide (2017) and the Newington Green Conservation Area Design Guidelines.

Public safety

- 10.34 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of

any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 10.35 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.
- 10.36 The proposed advertisements would be positioned on the footway more than 4.7 metres away from the boundary wall with No. 141 Newington Green Road and set back 4.9m from the vehicular carriageway. This distance is considered sufficient to avoid the structure creating a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.37 The proposed advertisements would be non-illuminated and as such would not be unduly distracting to the drivers of passing vehicles. The signage would not cause a hazard to road users.
- 10.38 The proposed advertisements would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed sign which may cause public safety issues, nor would the advert obscure or hinder the ready interpretation of any traffic sign. In addition the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.
- 10.39 The Council's Highways Department raised no objections to the proposed advertisements, and it is considered that the proposal would have an acceptable impact on the public's safe and unobstructed use of the pavement and carriageway. The proposal would comply with the Advert Regulations and Development Management policy DM2.6.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The planning application for the retention of the Smart Bench has been assessed in terms of its design and appearance and impact on the character of the area; impact on neighbouring amenity; and safety and security. Having taken into account the size of the bench; its appearance in relation to the surrounding properties; and the safety and security of users of this Smart Bench, the proposal is considered unacceptable with regards to its size, siting and impact on the character and appearance of the area. The design is considered inappropriate in the context of the smaller scale of historic buildings and adds to the street clutter, failing to preserve and enhance the character and appearance of the Newington Green Conservation Area.
- 11.2 The advertisement signs are considered to be unacceptable with regards to amenity. The signs add street clutter and fail to conserve or enhance the character and appearance of the Newington Green Conservation Area.
- 11.3 It is not considered that the proposal would have an adverse impact on pedestrian or highways safety by reason of its size or siting.

Conclusion

11.4 It is recommended that planning permission and advertisement consent be refused as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission shall be refused for the following reason:

Reason for Refusal for Planning Application P2017/1567/FUL:

1	
	<p>The Smart Bench by reason of its inappropriate size and inappropriate design in the context of its historic setting formed of low rise buildings presents a form of visual, and street, clutter, detrimental to the character and appearance of the Newington Green Conservation Area. As a result, the Smart Bench fails to preserve and enhance the existing heritage assets. The proposal is contrary to policies CS8 and CS9 of the Core Strategy (2011), policies DM2.1, DM2.3 and DM2.7 of the Development Management Policies (2013), the Islington Urban Design Guide (2017) and the Conservation Area Design Guidance (2002).</p>

List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
2	<p>Removal of Smart Bench</p>
	<p>The Smart Bench should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.</p>

Reason for Refusal for Planning Application P2017/1636/ADV:

1	
	REASON: The proposed adverts, by reason of their number, size and siting on the Smart Bench would be unduly prominent and have a detrimental impact on amenity in this sensitive historic location within the Newington Green Conservation Area. The proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies (2013) and the Islington Urban Design Guide (2017).

List of Informatives:

1	Positive Statement
	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
2	Removal of Advertisements
	<p>The advertisements should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.</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. Legislation

The Town and Country Planning (Control of Advertisements) Regulations (2007)

2. National Guidance

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

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

3. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's Character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM2.6 – Advertisements
Policy DM2.7 – Telecommunications and utilities
Policy DM8.2 – Managing transport impacts

4. Designations

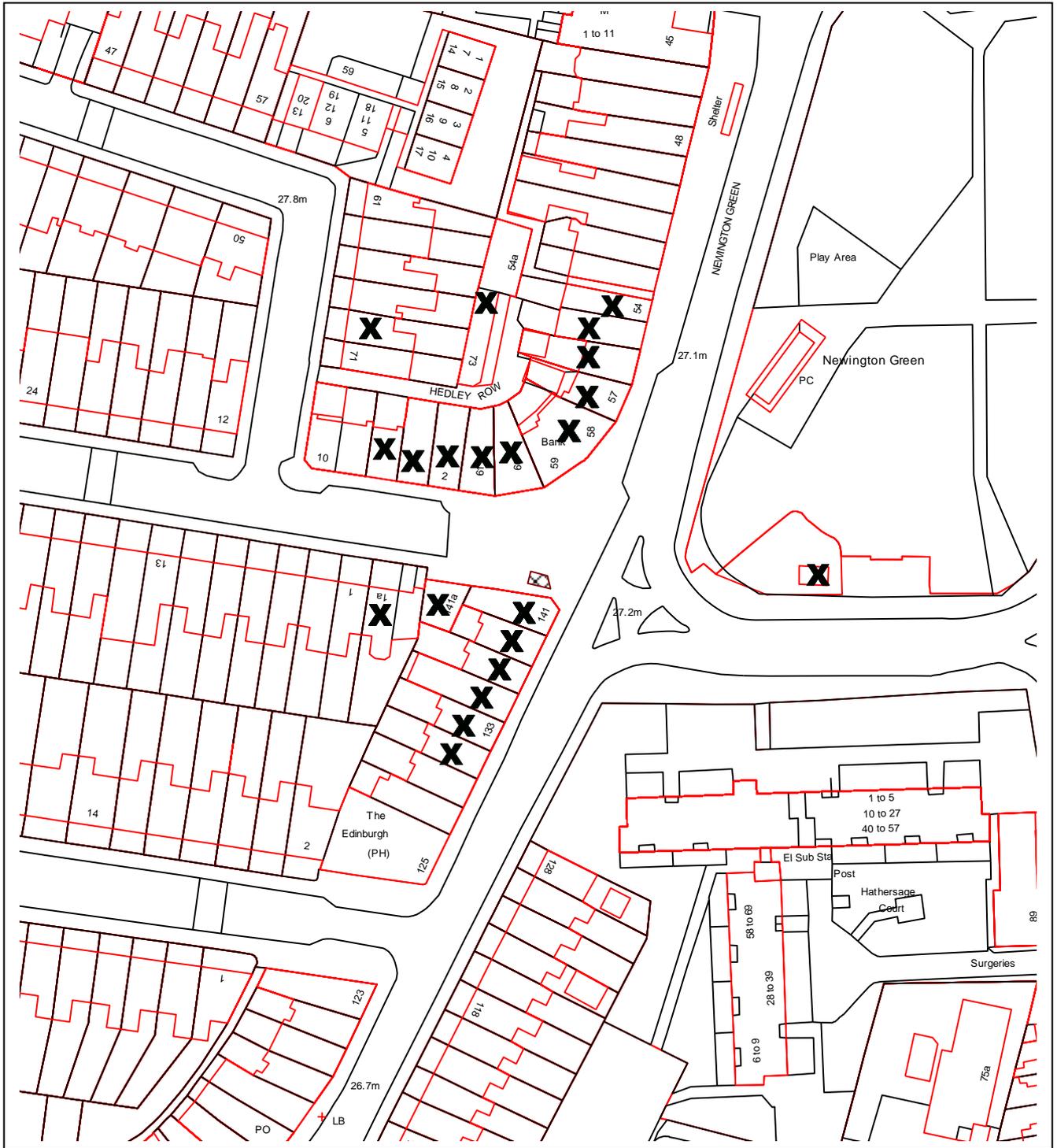
Newington Green Conservation Area
Newington Green Archaeological Priority Area
Newington Green Local Shopping Area

5. SPD/SPGS

Urban Design Guide 2017
Streetbook 2012
Newington Green Conservation Area Design Guidelines (2014)

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Islington SE GIS Print Template



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P2017/1567/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/1554/FUL & P2017/1602/ADV
Application type	Full Planning Permission & Advertisement Consent
Ward	St. Marys Ward
Listed building	79-85 Essex Road are Grade II Listed
Conservation area	Cross Street Conservation Area
Development Plan Context	Article 4.2 Area Angel & Upper Street Core Strategy Key Area Crossrail 2 – Rail Safeguarding Area Angel Town Centre Within 100m of SRN
Licensing Implications	None
Site Address	Pavement in front of 81-83 Essex Road, Islington, London, N1
Proposal	Full Planning Permission: Retrospective application for the installation of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. Advertisement Consent: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

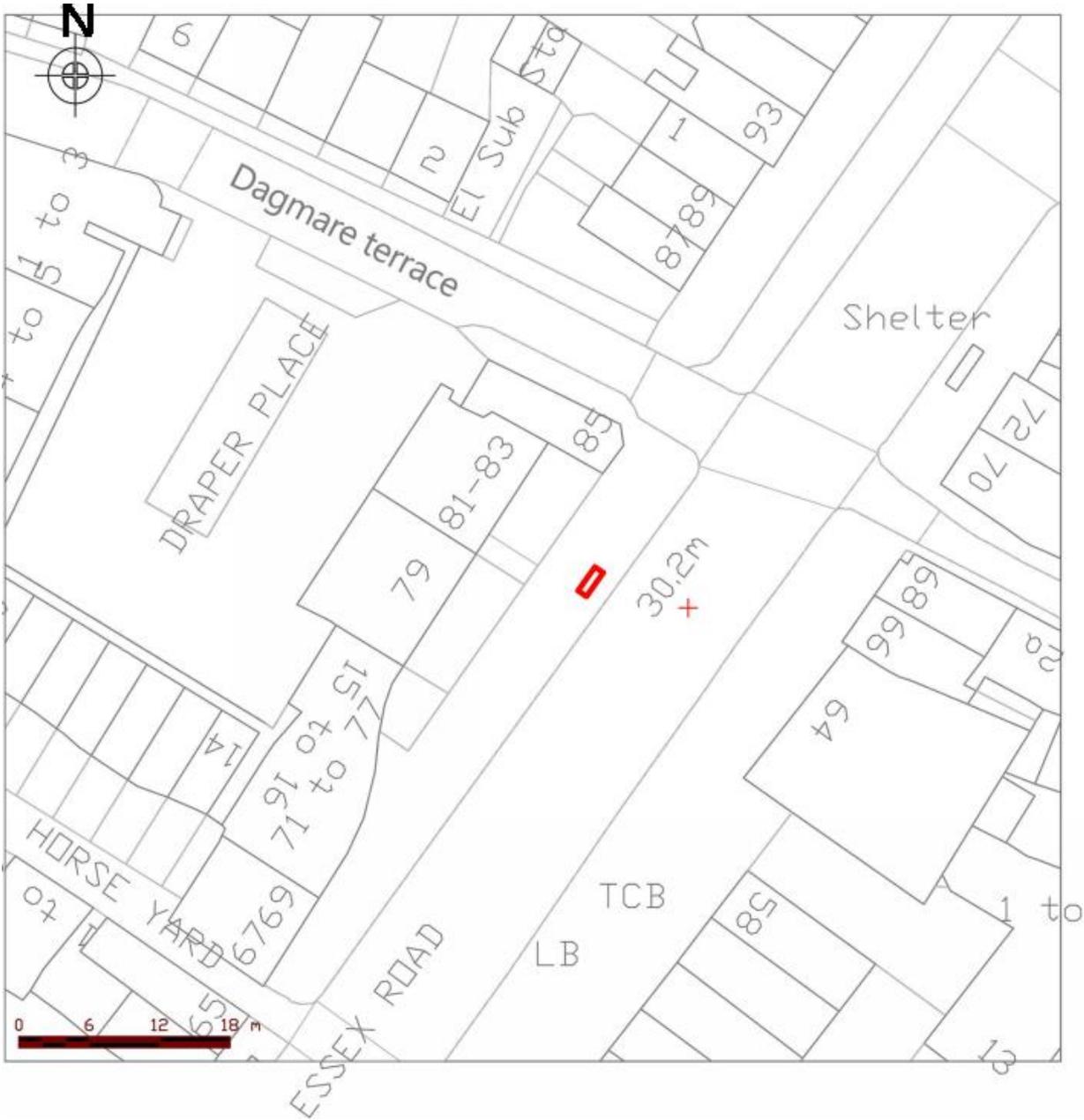
Case Officer	Emily Benedek
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	None

1. RECOMMENDATION

The Committee is asked to resolve to **REFUSE** planning permission and advertisement consent:

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

2. SITE LOCATION (outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street view of the Smart Bench



Image 2: View of existing Smart Bench looking south along Essex Road towards Horse Yard



Image 3: View of existing Smart Bench from 81-83 Essex Road



Image 4: View of existing Smart Bench looking north along Essex Road towards Cross Street

4. SUMMARY

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.

- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. Planning permission is required for the structures themselves as they have been erected by a private company and not the Council. The application is brought to committee at the request of Cllrs Webbe and Williamson.
- 4.3 The main issues arising from this planning application are the design and appearance of the Smart Bench; its impact on the character of the conservation area; the amenity of neighbouring occupiers; and safety and security.
- 4.4 It is considered that the Smart Bench by reason of its size and siting within this sensitive location positioned close to the kerb fails to preserve and enhance the character and appearance of the Cross Street Conservation Area and would be harmful to the adjacent listed buildings.
- 4.5 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and public safety.
- 4.6 The advertisement displays by reason of their number, size and siting on the Smart Bench would be unduly prominent and would fail to preserve and enhance the character and appearance of the Angel Conservation Area.

5. SITE AND SURROUNDING

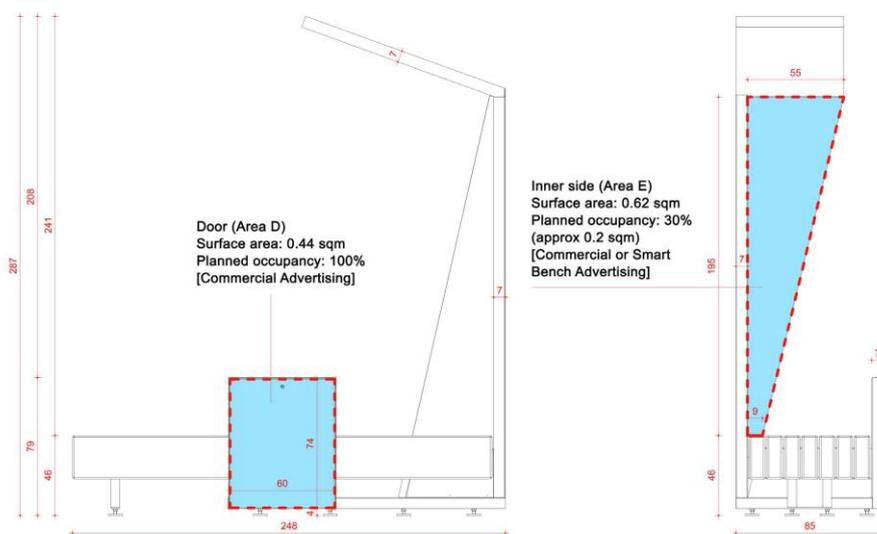
- 5.1 The application site relates to the pavement area outside 81-83 Essex Road, close to the junction with Dagmar Terrace. The pavement in this location is unusually wide with three small steps leading from the pavement to the highway. Single yellow lines are located on the highway outside the Smart Bench allowing vehicles to park in this location between 7pm and 7am. Essex Road is a busy thoroughfare with traffic passing in both directions.
- 5.2 The area is characterised predominantly by three to four storey buildings with commercial units located on the ground floor and a mix of residential and commercial units located at the upper floor levels. Several of the surrounding properties in the vicinity are Grade II listed including Nos 79-85 Essex Road and No 70 Essex Road. The site is also located in the Cross Street Conservation Area. This location remains largely uncluttered with limited amount of street furniture including a BT telephone box and high speed broadband equipment cabinet and street lighting.

6. PROPOSAL (in Detail)

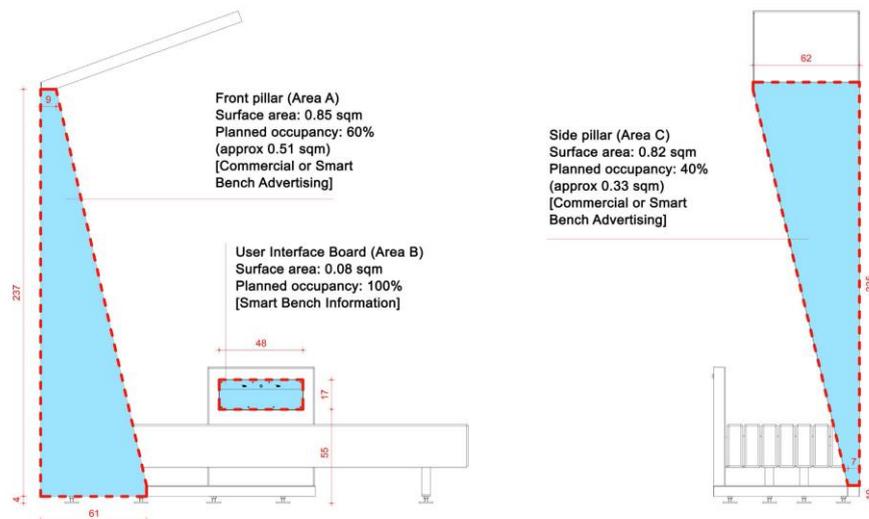
- 6.1 Retrospective planning permission is sought for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and customer interface. Retrospective advertisement consent is sought for the erection of 3no.

non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

- 6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

Images 5 and 6: Design of the Smart Bench showing the locations for potential adverts

6.3 Whilst the Smart Bench currently displays 3no. non-illuminated adverts, there is potential for up to 5no. non-illuminated adverts to be displayed on different surfaces across the Smart Bench, as illustrated in images above (although the applicant has confirmed in their supporting documents that no more than 4no. advertisements would be displayed at any one time). The surface area for potential adverts varies in the different locations on the Smart Bench however the size of the adverts will depend on the size of the images displayed by future advertisers.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 Pavement outside 72 Essex Road, (25m from the site):
P2016/3375/ADV - Double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse.. Approved (31/10/2016)

7.2 Outside 79, Essex Road (10m from the site):
P120140 - Display of printed vinyl advert on telephone kiosk. Withdrawn (22/07/2013)

ENFORCEMENT:

7.3 ENF/2017/45 – Bench and solar panel in a conservation area.

PRE-APPLICATION ADVICE:

7.4 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on Essex Road on 18 May 2017. A site notice was displayed outside the site and the application was advertised in the Islington Gazette on 25 May 2017. The public consultation on the application ended on 15 June 2017.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report one letter of objection had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Benches are ugly, much larger and more prominent than traditional benches and the bench that was in situ before it had been removed (10.10-10.12)
- Clutter the pavement and do not reflect what would benefit a Conservation Area (10.13-10.14)

- They are a platform for advertising (10.24-10.33)
- Will encourage mobile phone use in the area which is renowned for theft of phones by moped riders (10.17-10.20)

External Consultees

8.3 **Crossrail 2:** No objection.

8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and ipads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 meters from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum slight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

There are concerns about this site with its proximity to the main road. This is only helped marginally by steps but this does not stop a moped with a pillion passenger jumping off, snatching the phone and jumping back on again if they know it is a place where a high value phone or tablet will be in use.

No objection with regards to the advertisements themselves.

8.5 **Transport for London:** No objection

Internal Consultees

8.6 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington and the addition of the signage further exacerbates the visual harm they cause.

It is considered that, the proposed Smart Benches with advertisement are in contradiction to the requirements of policy DM 2.6.

This site is located within the Cross Street Conservation Area and the buildings opposite are Grade II Listed. The Smart Bench and advertisements from the setting of the listed buildings and the character and appearance of the conservation area and therefore raise strong objections to this application.

8.7 **Highways:** No objection.

8.8 **Planning Energy Advice:** No objection.

Interested Parties

8.9 **Islington Society:** Objects to the application. The Islington Society is of the view that Islington and its residents have no need for any of the applications for street advertising and communications. The various erections themselves are a blight on the Borough landscape. The Islington Society also object to the increase in street clutter.

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 Policy and Guidance

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

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Background
- Legislation
- Character and Appearance
- Neighbouring Amenity
- Safety and Security
- Sustainability
- Amenity
- Highways Safety

Background

10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.

10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.

10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.

10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 5 and 6 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Advertisement consent has also been applied for as part of this application for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

Legislation

10.6 Whilst the above summary explains the background to the scheme, it is important to understand why the Smart Bench requires planning permission. This is

outlined in Part 9 Class A and Part 12 Class A of Schedule 2 of the General Permitted Development Order (2015). Part 9 Class A of this Act refers to works carried out by the Highways authority 'on land within the boundaries of the road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act.' It is important to note in this instance that the Smart Benches have not been installed by the Highways Authority but by a private company, Strawberry Energy. As such, this application does not comply with Part 9 Class A of this legislation.

- 10.7 This view is further emphasised by Part 12 Class A (b) of Schedule 2 which notes the following:

'The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.'

Therefore, planning permission is required for the installation of the Smart Bench.

- 10.8 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out below, however, the advertisements proposed here do not fall under this class because advertisements would be displayed on more than one face of the kiosk, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. It is considered that the Smart Benches fall within the same legislation as telephone kiosks as they provide a shelter for the purpose of housing or supporting electronic communications apparatus (in this instance WiFi) at which electronic communications service is provided. Express consent for the advertisements is therefore required.

Class 16 and Conditions —

(1) No advertisement may be displayed in an Area of Outstanding Natural Limitations Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Illumination is not permitted.

(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.

(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.

PART 2 – Interpretation:

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

- 10.9 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety as set out below:

Powers to be exercised in the interests of amenity and public safety

3.—*(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—*
(a) the provisions of the development plan, so far as they are material; and
(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

PLANNING APPLICATION CONSIDERATIONS

Design and Appearance

- 10.10 Development Management Policy DM2.1 requires '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.' A Smart Bench has been installed on the pavement outside Nos 81-83 Essex Road. It is important to note that this Smart Bench did not replace an existing piece of street furniture.
- 10.11 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. In the absence of the consideration of site context, there would be no objections raised against the design of the Smart Bench.
- 10.12 The design of the Smart Bench is more modern than typical street furniture found in various sites around the borough however, as the Design and Conservation officer notes, they might be appropriate in certain contexts such as large open spaces or landscaped plazas surrounded by large contemporary buildings. The application site is located in a highly sensitive location as Nos 79-83 Essex Road as well as No 70 Essex Road are Grade II statutorily listed. Furthermore, the site is located within the Cross Street Conservation Area.
- 10.13 Essex Road is characterised by a large number of differing building heights and styles with a mixture of uses. However, the area is also largely devoid of street clutter, especially on the west side of the road, which falls within the Cross Street Conservation Area. As such, any new structures appear highly prominent, especially within the setting of the Grade II listed building to the rear of the application site. Prior to the installation of the Smart Bench, the area in front of the Grade II listed buildings remained uncluttered allowing open views through the site, especially from the north and south views along Essex Road. The erection of this Smart Bench, which measures 2.87 metres in height, obstructs the view of these listed buildings from Essex Road and by virtue of its modern design, appears at odds with this heritage asset, failing to preserve its character and appearance and harming its setting.
- 10.14 The Council's Design and Conservation officer raised strong concerns about the location of this bench in relation to the existing heritage assets, namely its setting within the Conservation Area and the setting of the listed buildings. The officer considered that the structure adds visual clutter, draws the eye and detracts from the character and appearance of the conservation area. As noted above, the area lacks visual clutter and therefore the presence of the Smart Bench in the open area appears unduly prominent and out of character within the setting of these heritage assets. It is therefore considered that the Smart Bench fails to preserve and enhance the character and appearance of the Cross Street Conservation Area. Furthermore, the Smart Bench is harmful to the setting of the Grade II listed buildings at Nos 79-85 Essex Road. The proposal is therefore

contrary to policies DM2.1 and DM2.3 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.15 Development Management policy DM2.1A part x states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 10.16 The existing Smart Bench measures a maximum of 2.87 metres in height and is located 4.7 metres from the railings fronting 79-83 Essex Road, which is the nearest property to the site. The Smart Bench aligns with the existing BT telephone box and as it is set at a lower level than the windows of any neighbouring residential property is not considered to have a detrimental impact on neighbouring amenity. Given the open nature of the structure, the lack of illumination and the distance from the nearest neighbouring residential properties, the proposal is not considered to have an adverse impact on the amenity of any neighbouring occupiers, in compliance with Development Management Policy DM2.1.

Safety and Security

- 10.17 Core Strategy Policy CS8 seeks to ensure that all new development enhances Islington's character. More specifically, Part B of this policy states that 'public realm improvements will enhance pedestrian and cycle routes, making it easier to travel sustainably through the borough. Open spaces will be maintained and enhanced to ensure they are inclusive, accessible spaces.' It is important to consider this policy in conjunction with Development Management Policy DM2.1 part A ii) which notes that for developments to be acceptable they are also required to be 'safe and inclusive.'
- 10.18 Safety and Security are important aspects of this application as it is important to ensure users of the Smart Bench are not faced with an increased risk of crime as a result of using them. The Metropolitan Police have assessed the application and advise that the main concern would be for benches positioned close to the road it provides an opportunity for thieves travelling past to snatch phones and iPads being charged at the Smart Benches. They therefore recommended that the bench is located at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.
- 10.19 There are strong concerns about the siting of this Smart Bench, with regards to safety and security of users of this bench, who are at increased risk of crime by virtue of its location. The Smart Bench is located immediately adjacent to the stepped kerb which leads down to Essex Road, a busy thoroughfare with high vehicular activity. It is possible for someone to sit on this Smart Bench with their back to the road unaware of the vehicular movements to the rear, especially as noted from the Metropolitan Police, from a moped with a pillion passenger. This is further exacerbated by the fact that the bench has not been located 1-2 metres back from the kerb as recommended by the Metropolitan Police. Separately, it is

noted that this Smart Bench includes two arm rests which reduces the risk of rough sleepers.

10.20 In view of the above, it is considered that the Smart Bench by virtue of its siting close to the highway/kerb puts its users at increased risk of being a victim of crime. As such, the proposal is not considered to comply with Core Strategy Policy CS8 nor Development Management Policy DM2.1.

Sustainability

10.21 The overarching policy for Sustainable Design in Islington's Core Strategy, policy CS10 requires 'all development to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles.' This policy is supported by Development Management Policy DM7.1 which notes in Part A that 'Development Proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development,' whilst part B of the same policy states that 'The Council will support the development of renewable energy technologies in principle, in principle, subject to meeting wider policy requirements, including on design (Policy DM2.1).' As such, the Council welcomes the inclusion of Green Technology in the scheme, namely the inclusion of a solar panel on the roof area, which ensures only renewable energy is used to charge the mobile devices whilst at the same time raises awareness about sustainable issues within the borough.

10.22 The Council's Planning Energy Advice team were consulted as part of this application and were supportive of the proposal as they are widening the use of renewable energy within the borough. No objections were raised from the Planning Energy Advice team with regards to its siting. It is also important to note that the solar panels have been oriented towards the south in order to maximise their efficiency.

10.23 Given the above, whilst the use of renewable energy sources is welcomed in this location and the proposal would comply with Core Strategy policy CS10 and Development Management Policy DM7.1, to ensure the photovoltaic panels are able to perform to their required levels given their siting underneath a street tree, had the scheme been supported, a condition would require evidence that the Bench was adequately solar panelled or its removal would be sought.

ADVERTISEMENT APPLICATION CONSIDERATIONS

Amenity

- 10.24 Amenity, as defined by the Advertisement Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.25 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.26 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's Character) states that the scale of development should reflect the character of the area.. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.27 Development Management Policy DM2.6 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.
- 10.28 The Cross Street Conservation Area Design Guidelines (paragraph 13.39) states that 'Advertisements and signs can often detract from the visual amenity of the area. The Council will therefore seek to ensure that signs, display panels and advertisements are appropriately located and are of a suitable size and design.'
- 10.29 This advertisement application proposes the addition of up to five branding surfaces, located on all elevations of the Smart Bench which is located in the pavement at the outside 81-83 Essex Road. The proposed signs would be non-illuminated and it is proposed to limit the number of branded surfaces to a maximum of four at any one time. Furthermore, whilst the front pillar, side pillar and inner side pillar measure 2.4 metres in height, the maximum extent of advertising on these surface areas (if the application was supported) would be limited to 60%, 40% and 30% respectively, by condition.
- 10.30 The area immediately surrounding the site is of mixed character comprising both residential and commercial buildings. It is also a highly sensitive location as the site is located both within the setting of Grade II listed buildings and within the Cross Street Conservation Area.
- 10.31 With regards to an assessment of the size, siting and height of the adverts, the council's Design and Conservation officer considers that the application would be contrary to policy DM2.6 which states that advertisements are required to be of the highest possible standard and contribute to a safe and attractive environment. Furthermore, the same policy states that advertisements should not contribute to

clutter or loss of amenity. They should be sensitive to their siting, should not contribute to an unsightly proliferation or clutter of signage in the vicinity. It is considered that, the proposed Smart Benches with advertisement are in contradiction to the requirements of this policy. Furthermore, it is considered that the Smart Bench obstructs views of the existing heritage assets, namely the Grade II listed buildings immediately to the rear of the site.

- 10.32 The advertisements signs, by virtue of their siting on the Smart Bench, could be located at a height of up to 2.4 metres from ground level. Given that there are no other advertisements in this location, and the Council would not have control over the design of these signs, could appear unduly prominent and out of character, especially when viewed in conjunction with the existing heritage assets. There is a noticeable lack of advertisement signs in the immediate locality and this further emphasises the visual clutter created by the presence of up to 4 signs displayed at any one time on the Smart Bench. As a result, it is considered that the advert signs fail to preserve and enhance the character and appearance of the Newington Green Conservation Area and would be harmful to the setting of the Grade II listed buildings.
- 10.33 Overall the proposed advertisements, by reason of their inappropriate size and siting on the Smart Bench in this sensitive location, would appear unduly prominent and would have a detrimental impact on the amenity of the locality. The adverts would fail to preserve and enhance the character and appearance of the Cross Street Conservation Area and would be harmful to the setting of the listed buildings, contrary to policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1, DM2.3 and DM2.6 of the Development Management Policies 2013 and the Cross Street Conservation Area Design Guidelines.

Public safety

- 10.34 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 10.35 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.
- 10.36 The proposed advertisements would be positioned on the footway less than 1 metre from the vehicular carriageway. This distance is considered sufficient to avoid the structure creating a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.37 The proposed advertisements would be non-illuminated and as such would not be unduly distracting to the drivers of passing vehicles. The signage would not cause a hazard to road users.

- 10.38 The proposed advertisement would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed sign which may cause public safety issues, nor would the advert obscure or hinder the ready interpretation of any traffic sign. In addition the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.
- 10.39 The Smart Bench is sited in the same position respective of the kerb as the adjoining telephone box and would as such cause no additional hazards for pavement users. In addition, the positioning of the proposal on the pavement would retain a clear footway width of 3m, in compliance with TfL standards.
- 10.40 Both the Council's Highways Department and Transport for London raised no objections to the proposed advertisements, and it is considered that the proposal would have an acceptable impact on the public's safe and unobstructed use of the pavement and carriageway. The proposal would comply with the Advert Regulations and Development Management policy DM2.6.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The full planning application for the retention of the Smart Bench has been assessed in terms of its design and appearance and impact on the character of the area, impact on neighbouring amenity and safety and security. Having taken into account the size of the bench, its appearance in relation to the surrounding properties and the safety and security of users of this Smart Bench, the proposal is considered unacceptable with regards to its size, siting and impact on the character and appearance of the area. It is considered that the Smart Bench adds street clutter and fails to preserve and enhance the character and appearance of the Cross Street Conservation Area. Furthermore, the Smart Bench would also be detrimental to the setting of the Grade II Listed Buildings.
- 11.2 The advertisement signs are considered to be unacceptable with regards to amenity. The signs add street clutter and fail to conserve or enhance the character and appearance of the Cross Street Conservation Area as well as harming the setting of the listed buildings.
- 11.3 It is not considered that the proposal would have an adverse impact on pedestrian or highways safety by reason of its size or siting.

Conclusion

- 11.4 It is recommended that planning permission and advertisement consent be refused as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission shall be refused for the following reason:

Reason for Refusal for Planning Application P2017/1554/FUL:

1	
	<p>REASON: The Smart Bench by reason of its size and inappropriate design in the context of its historic setting presents a form of visual and street clutter, detrimental to the character and appearance of the Cross Street Conservation Area and harmful to the setting of the Grade II Listed Buildings at 79-85 Essex Road. As a result, the Smart Bench fails to preserve and enhance the existing heritage assets. The proposal is contrary to policies CS8 and CS9 of the Core Strategy (2011), policies DM2.1 and DM2.3 of the Development Management Policies (2013), the Islington Urban Design Guide (2017) and the Conservation Area Design Guidance (2002).</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
2	Removal of Smart Bench
	<p>The Smart Bench should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.</p>

That advertisement consent shall be refused for the following reason:

Reason for Refusal for Advertisement Consent Application P2017/1602/ADV:

1	
	<p>REASON: The proposed advertisements, by reason of their number, size and siting on the Smart Bench would be unduly prominent and have a detrimental impact on amenity in this sensitive historic location within the Cross Street Conservation Area and within the setting of grade II listed buildings. The proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies (2013), the Islington Urban Design Guide (2017) and the Cross Street Conservation Area Design Guidelines (2002).</p>

List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
2	<p>Removal of Adverts</p> <p>The advertisements should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.</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. Legislation

The Town and Country Planning (Control of Advertisements) Regulations (2007)

2. National Guidance

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

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

3. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 5 – Angel & Upper Street
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM2.6 – Advertisements
Policy DM2.7 – Telecommunications and Utilities
Policy DM8.2 – Managing transport impacts

4. Designations

Cross Street Conservation Area
Article 4.2 Area
Angel & Upper Street Core Strategy Key Area
Crossrail 2 – Rail Safeguarding Area
Angel Town Centre
Within 100m of SRN

5. SPD/SPGS

Urban Design Guide 2017
Streetbook 2012
Cross Street Conservation Area Design Guidelines 2002

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Islington SE GIS Print Template



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P2017-1602-ADV

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/1566/FUL
Application type	Full Planning Permission
Ward	Bunhill Ward
Listed building	No
Conservation area	No
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Bunhill & Clerkenwell Finsbury Local Plan Area (BC3 – Old Street) Within 50m of St Luke's Conservation Area
Licensing Implications	None
Site Address	Pavement opposite 130 Old Street, Islington, London, EC1V
Proposal	Retrospective application for the installation of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

Case Officer	Emily Benedek
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	None

1. RECOMMENDATION

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

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

2. SITE LOCATION (outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street view of the Smart Bench



Image 2: View of existing Smart Bench looking east along Old Street towards Old Street Roundabout



Image 3: View of existing Smart Bench looking west along Old Street towards St Luke's Close

4. SUMMARY

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.
- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. Planning permission is required for the structures themselves as they have been erected by a private company and not the Council. The application is brought to committee at the request of Cllrs Webbe and Williamson.
- 4.3 The main issues arising from this planning application are the design and appearance of the Smart Bench; its impact on the character of the area; the amenity of neighbouring occupiers; and safety and security.

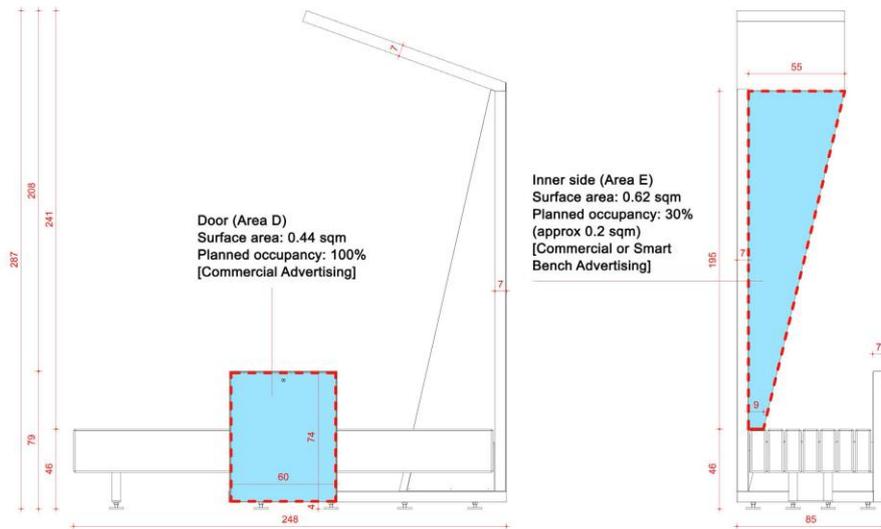
- 4.4 It is considered that the Smart Bench by reason of its siting lacks natural surveillance and would obscure potential offenders from the view of bench users with the potential to increase crime and reduce safety in this locality.

5. SITE AND SURROUNDING

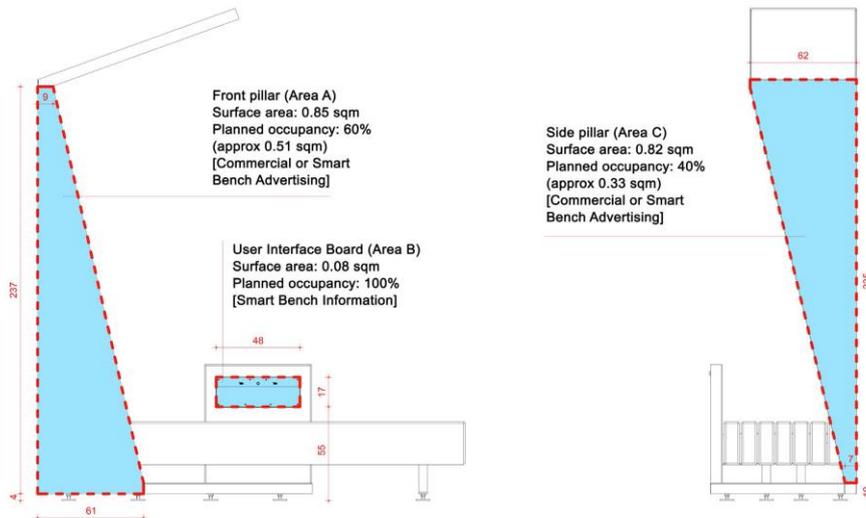
- 5.1 The application site relates to the pavement area opposite 130 Old Street. The Smart Bench is located directly in front of the Redbrick Estate and is separated from this development by a large brick boundary wall. The Redbrick Estate has received planning permission for extensive redevelopment of the site to include new housing and specifically alterations to the boundary wall immediately behind the Smart Bench. The area is characterised by a mix of building heights and styles with buildings ranging from two storeys to eight storeys in height including a mix of commercial and residential uses. The Smart Bench is located 85m east of St Luke's Church a Grade I Listed Building but is not located in a conservation area. The surrounding area is of mixed character.
- 5.2 There is some street furniture in this location including mature street trees located against the back edge of the pavement, existing signage and the Smart Bench is also located 15 metres east of an existing bus stop. The pavement is also slightly elevated in this location. Old Street is a busy thoroughfare with a high level of vehicular movement and a dedicated bus lane leading to Old Street roundabout.

6. PROPOSAL (in Detail)

- 6.1 Retrospective planning permission is sought for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and customer interface.
- 6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

Images 4 and 5: Design of the Smart Bench showing the locations for potential adverts

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 112-116 Old Street (45m from the site):

P2017/1576/ADV - Advertisement Consent for temporary advertising hoarding (externally illuminated) for advertising located at 2nd floor on the north elevation of 112-116 Old Street for a period of 12 months. Refused (13/06/2017)

Reason for Refusal: The proposed externally illuminated sign by reason of its design, scale, size, siting and method of illumination will have a detrimental

impact on the visual amenity of the locality, detrimental to the setting of the St Luke's Church Grade II Listed Building and will fail to preserve and enhance the character and appearance of the St Luke's Conservation Area. The proposal is contrary to policies CS7 and CS9 of the Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Development Management Policies (2013) and the supplementary guidance Islington Streetbook (2012) and Conservation Area Design Guidelines (2002).

7.2 Pavement opposite 142-146 Old Street (40m from the site):

P2017/0604/ADV - Installation of a free standing internet/ wifi/ telephone kiosk known as a 'link unit', with internally illuminated advertisement screens to two sides. Withdrawn (06/06/2017). The application was withdrawn as another application for a more appropriate location for the link unit was submitted in the immediate locality and there was no requirement for both units.

7.3 148 Old Street (60m from the site):

P2016/2313/ADV - Erection of temporary construction hoarding containing advertisements. Approved (25/07/2016)

7.4 Pavement opposite 148 Old Street (90m from the site):

P2016/0089/ADV - Erection of a single panel - 6 Sheet Advertisement Display Freestanding internally Illuminated Panel on the pavement opposite 148 Old Street. Withdrawn (10/06/2016)

7.5 Pavement opposite 122-128 Old Street (15m from the site):

Installation of a double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse. Approved (17/11/2015)

ENFORCEMENT

7.6 ENF/2017/45 – Bench and solar panel.

PRE-APPLICATION ADVICE:

7.7 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties on Old Street on 3 May 2017. A site notice was displayed outside the site on 11 May 2017. The public consultation on the application ended on 1 June 2017.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report no letters of representation had been received from the public with regard to the application.

External Consultees

8.3 **Crossrail 2:** No objection.

8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and ipads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 meters from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum slight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk, it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

There are concerns about this site. Old Street lacks natural surveillance with the wall behind the bench blocking views and the position of the bench is not a natural gathering point on the street. This could allow crime to occur at less busy times and no one notice it happening.

No objection with regards to the advertisements themselves.

Internal Consultees

8.5 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington and the addition of the signage further exacerbates the visual harm they cause.

This site is not located within a conservation area, however it is in close proximity to the St Luke's Conservation Area and the Grade I listed St Luke's church. Although it is accepted that there is an uncluttered area here, the bench disrupts the clean composition of the alterations to the boundary of the Redbrick Estate which was something recently approved. Also there is a bus stop in

close proximity (cumulative impact/clutter) and there are views into the Conservation Area.

8.6 **Highways:** No objection.

8.7 **Planning Energy Advice:** No objection.

Interested Parties

8.8 **Islington Society:** Objects to the application. The Islington Society is of the view that Islington and its residents have no need for any of the applications for street advertising and communications. The various erections themselves are a blight on the Borough landscape. The Islington Society also object to the increase in street clutter.

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 Policy and Guidance

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

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Background
- Legislation
- Character and Appearance
- Neighbouring Amenity

- Safety and Security
- Sustainability

Background

- 10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.
- 10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.
- 10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.
- 10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 4 and 5 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Advertisement consent has also been applied for as part of this application for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

Legislation

- 10.6 Whilst the above summary explains the background to the scheme, it is important to understand why the Smart Bench requires planning permission. This is outlined in Part 9 Class A and Part 12 Class A of Schedule 2 of the General Permitted Development Order (2015). Part 9 Class A of this Act refers to works carried out by the Highways authority 'on land within the boundaries of the road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act.' It is important to note in this instance that the Smart Benches have not been installed by the Highways Authority but by a private company, Strawberry Energy. As such, this application does not comply with Part 9 Class A of this legislation.

- 10.7 This view is further emphasised by Part 12 Class A (b) of Schedule 2 which notes the following:

‘The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.’

Therefore, planning permission is required for the installation of the Smart Bench.

Design and Appearance

- 10.8 Development Management Policy DM2.1 requires ‘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.’ A Smart Bench has been installed on the pavement opposite No 130 Old Street. It is important to note that this Smart Bench did not replace an existing piece of street furniture.
- 10.9 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. In the absence of the consideration of site context, there would be no objections raised to the design of the Smart Bench.
- 10.10 The design of the Smart Bench is more modern than typical street furniture found in various sites around the borough however, as the Design and Conservation officer notes, they might be appropriate in certain contexts such as large open spaces or landscaped plazas surrounded by large contemporary buildings. Old Street is characterised by a mix of building styles and heights. For example, a large eight storey building at No 148 Old Street is currently undergoing redevelopment to create a large modern building. The Smart Bench is dwarfed by the large boundary wall which separates Old Street with the Redbrick Estate, although this relationship will be altered when the redevelopment for the Redbrick Estate including alterations to the existing wall is completed. Furthermore, the pavement is wider than a standard pavement in this part of the borough, measuring 4.8 metres in width in the location of the Smart Bench. As such, no objections are raised to the installation of the Smart Bench in this location from a design perspective.
- 10.11 The immediate area surrounding the Smart Bench contains a limited amount of street furniture including an existing public telephone box and street trees. It is also important to note that the Smart Bench has not replaced an existing bench

and whilst there is a net gain of street clutter as a result of the Smart Bench, it is not considered to be harmful in this location. The Smart Bench is set back from the road and does not appear overly dominant when viewed from the east or west elevations along Old Street.

- 10.12 The Council's Design and Conservation officer raised concerns about the location of this bench in relation to the existing heritage assets, namely the St Luke's Conservation Area and the Grade I Listed Building at St Luke's Church. However, whilst the application site is located within 50 metres of the conservation area, it is more than 80 metres away from the listed building and therefore the Smart Bench is not naturally viewed in conjunction with either.
- 10.13 It is considered that the Smart Bench is appropriate in terms of size and design in this particular location given the scale of the buildings and width of the pavement and would not impact unacceptably on the character of the area. The proposal is therefore in compliance with policy DM2.1 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.14 Development Management policy DM2.1A part x states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 10.15 The existing Smart Bench measures a maximum of 2.87 metres in height and is located at a lower level than the brick boundary wall which separates Old Street from the Redbrick Estate. The Smart Bench is located more than 20 metres from the nearest commercial property on the opposite side of the road at 130 Old Street and will therefore not have an impact on their amenity. Given the open nature of the structure, its height, the lack of illumination and the distance from the nearest neighbouring properties, the proposal is not considered to have an adverse impact on the amenity of any neighbouring occupiers, in compliance with Development Management Policy DM2.1.

Safety and Security

- 10.16 Core Strategy Policy CS8 seeks to ensure that all new development enhances Islington's character. More specifically, Part B of this policy states that 'public realm improvements will enhance pedestrian and cycle routes, making it easier to travel sustainably through the borough. Open spaces will be maintained and enhanced to ensure they are inclusive, accessible spaces.' It is important to consider this policy in conjunction with Development Management Policy DM2.1 part A ii) which notes that for developments to be acceptable they are also required to be 'safe and inclusive.' In addition, Finsbury Local Plan policy BC3 requires development proposals to provide 'a substantially improved public realm that unifies the streets and spaces around the roundabout, improves access to the underground station and priorities pedestrian and cyclist circulation and safety.'

- 10.17 Safety and Security are important aspects of this application as it is important to ensure users of the Smart Bench are not faced with an increased risk of crime as a result of using them. The Metropolitan Police have assessed the application and considered that the main concern would be for benches positioned close to the road as it would provide an opportunity for thieves travelling past to snatch phones and iPads being charged at the Smart Benches. They therefore recommended that the bench is located at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.
- 10.18 There are strong concerns about the siting of this Smart Bench, with regards to safety and security of users of this bench, who are at increased risk of crime by virtue of its location. The Smart Bench lacks natural surveillance with the wall behind the bench blocking views and the position not being a natural gathering point on the street. This could allow crime to occur at less busy times and no one notice it happening. It is noted that this Smart Bench also includes two arm rests which reduces the risk of rough sleepers. As such, there is an objection to this application from a crime and safety perspective as the Smart Bench puts users at increased risk of being a victim of crime which is contrary to the aforementioned policies listed above.
- 10.19 In view of the above, it is considered that the Smart Bench by virtue of its siting lacking natural surveillance puts its users at increased risk of being a victim of crime. As such, the proposal is contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policy DM2.1 of the Islington Development Management Policies (2013) and Finsbury Local Plan policy BC3 (2013).

Sustainability

- 10.20 The overarching policy for Sustainable Design in Islington's Core Strategy, policy CS10 requires 'all development to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles.' This policy is supported by Development Management Policy DM7.1 which notes in Part A that 'Development Proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development,' whilst part B of the same policy states that 'The Council will support the development of renewable energy technologies in principle, in principle, subject to meeting wider policy requirements, including on design (Policy DM2.1).' As such, the Council welcomes the inclusion of Green Technology in the scheme, namely the inclusion of a solar panel on the roof area, which ensures only renewable energy is used to charge the mobile devices whilst at the same time raises awareness about sustainable issues within the borough.
- 10.21 The Council's Planning Energy Advice team were consulted as part of this application and were supportive of the proposal as they are widening the use of renewable energy within the borough. The case officer raised concerns

regarding the effectiveness of these panels given that they are located under a tree. The Planning Energy officer noted this point and remarked that it is likely to reduce the output from the photovoltaic panels and from a technical point of view, would advise against installing benches in a significantly shaded area. However, the officer also stated that as the benches are not required to demonstrate performance against a target, where photovoltaic panels underperform for this reason, it is also at the installer's risk. It is also important to note that the solar panels have been oriented towards the south-east in order to maximise their efficiency.

- 10.22 Given the above, whilst the use of renewable energy sources is welcomed in this location and the proposal would comply with Core Strategy policy CS10 and Development Management Policy DM7.1. However, to ensure the photovoltaic panels are able to perform to their required levels given their siting underneath a street tree, had the scheme been supported, a condition would require evidence that the bench was adequately solar powered or its removal would be sought.

Other Matters

- 10.23 As noted above, the existing Smart Bench is located adjacent to the large brick boundary wall which separates the Redbrick Estate from Old Street. As part of the redevelopment of the Redbrick Estate (planning permission reference P2015/0709/FUL) substantial alterations were proposed to the wall including its partial demolition and replacement with glazing in order to improve the appearance of the wall and reduce its bulk and massing. The existing structure is located in the same position as part of the proposed glazed wall, and whilst not a recent for refusal itself, is important to note, as the Smart Bench, by reason of its size and siting, could compromise the redevelopment plans for the Old Street elevations of the Redbrick estate. It is considered that the Smart Bench, in the middle of a partially glazed wall, would look at odds within the street scene and would be detrimental to the character and appearance of the area. Whilst the redevelopment of the boundary wall would improve the situation, there is no time frame for the development to be carried out. As such, the concerns raised by the Metropolitan Police still remain relevant.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The full planning application for the retention of the Smart Bench has been assessed in terms of its design and appearance and impact on the character of the area, impact on neighbouring amenity and safety and security. Having taken into account the size of the bench structure, its appearance in relation to the surrounding properties and the safety and security of users of this Smart Bench, the proposal is considered unacceptable with regards to its siting as, due to the lack of natural surveillance, it will put users of the Smart Bench at increased risk of being a victim of crime.

- 11.2 As such, the proposed development is not considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for refusal.

Conclusion

- 11.3 It is recommended that planning permission be refused as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission shall be refused for the following reason:

Reason for Refusal for Planning Application P2017/1566/FUL:

1	
	REASON: The existing smart bench by reason of its siting immediately adjacent to a large brick wall results in a lack of natural surveillance that obscures potential offenders from bench users with the potential to increase crime and reduce safety in this locality. The proposal is contrary to, policies CS8 and CS9 of the Islington Core Strategy (2011), Finsbury Local Plan policy BC3 (2013) and policy DM2.1 of the Islington Development Management Policies (2013).

List of Informatives:

1	Positive Statement
	<p>To assist applicants, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
2	Removal of Smart Bench
	The Smart Bench should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

The National Planning Practice Guidance 2014 (online) is a material consideration which 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 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 – Bunhill & Clerkenwell
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM8.2 – Managing transport impacts

D) Finsbury Local Plan 2013

Policy BC3 – Old Street

3. Designations

Bunhill & Clerkenwell Core Strategy Key Area
Central Activities Zone
Bunhill & Clerkenwell Finsbury Local Plan Area
Within 50m of St Luke's Conservation Area

4. SPD/SPGS

Urban Design Guide 2017
Streetbook 2012

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/1618/ADV
Application type	Advertisement Consent
Ward	Bunhill Ward
Listed building	No
Conservation area	No
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Bunhill & Clerkenwell Finsbury Local Plan Area (BC3 – Old Street) Within 50m of St Luke's Conservation Area
Licensing Implications	None
Site Address	Pavement opposite 130 Old Street, Islington, London, EC1V
Proposal	Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

Case Officer	Emily Benedek
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	None

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** advertisement consent:

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

2. SITE LOCATION (outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street view of the Smart Bench



Image 2: View of existing Smart Bench looking east along Old Street towards Old Street Roundabout



Image 3: View of existing Smart Bench looking west along Old Street towards St Luke's Close

4. SUMMARY

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.
- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. The application is brought to committee at the request of Cllrs Webbe and Williamson.
- 4.3 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and public safety.
- 4.4 It is considered, given the commercial character of the area, the scale of surrounding built form and the location of the site which is not within a conservation area or within the immediate setting of any heritage assets, that the proposed advertisements, by reason of their size, height and siting, would have an acceptable impact on the visual amenity of the locality. Furthermore, as the advertisements will be non-illuminated they would not result in any undue

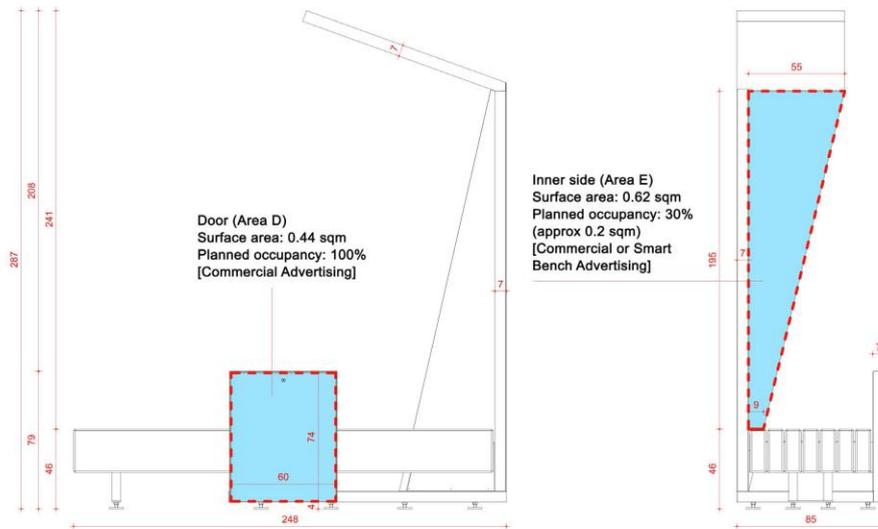
light pollution to the neighbouring occupiers and would have an acceptable impact on the safety of users of the footway and carriageway.

5. SITE AND SURROUNDING

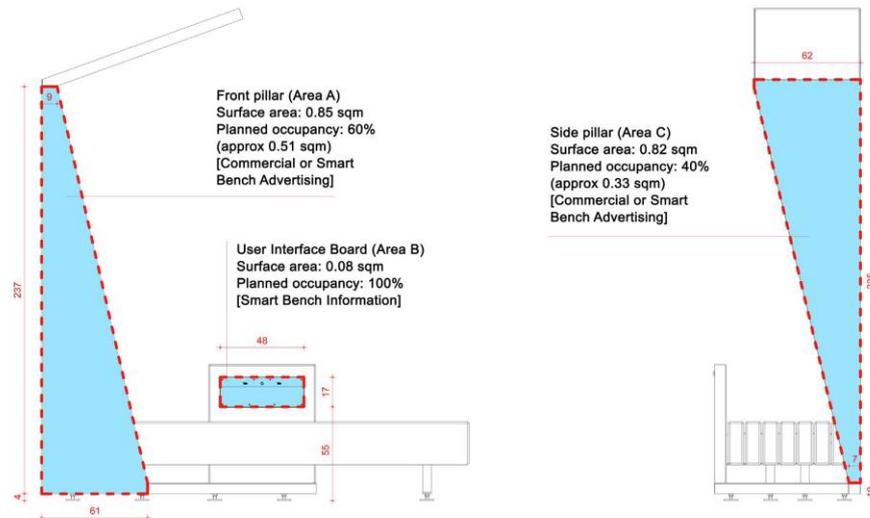
- 5.1 The application site relates to the pavement area opposite 130 Old Street. The Smart Bench is located directly in front of the Redbrick Estate and is separated from this development by a large brick boundary wall. The Redbrick Estate has received planning permission for extensive redevelopment of the site to include new housing and specifically alterations to the boundary wall immediately behind the Smart Bench. The area is characterised by a mix of building heights and styles with buildings ranging from two storeys to eight storeys in height including a mix of commercial and residential uses. The Smart Bench is located 85m east of St Luke's Church a Grade I Listed Building but is not located in a conservation area. The surrounding area is of mixed character.
- 5.2 There is some street furniture in this location including mature street trees located against the back edge of the pavement, existing signage and the Smart Bench is also located 15 metres east of an existing bus stop. The pavement is also slightly elevated in this location. Old Street is a busy thoroughfare with a high level of vehicular movement and a dedicated bus lane leading to Old Street roundabout.

6. PROPOSAL (in Detail)

- 6.1 Retrospective advertisement consent is sought for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.
- 6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

Images 4 and 5: Design of the Smart Bench showing the locations for potential adverts

- 6.3 Whilst the Smart Bench currently displays 3no. non-illuminated adverts, there is potential for up to 5no. non-illuminated adverts to be displayed on different surfaces across the Smart Bench, as illustrated in images 4 and 5 above (although the applicant has confirmed in their supporting documents that no more than 4no. advertisements would be displayed at any one time). The surface area for potential adverts varies in the different locations on the Smart Bench however the size of the adverts will depend on the size of the images displayed by future advertisers.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 112-116 Old Street (45m from the site):

P2017/1576/ADV - Advertisement Consent for temporary advertising hoarding (externally illuminated) for advertising located at 2nd floor on the north elevation of 112-116 Old Street for a period of 12 months. Refused (13/06/2017)

Reason for Refusal: The proposed externally illuminated sign by reason of its design, scale, size, siting and method of illumination will have a detrimental impact on the visual amenity of the locality, detrimental to the setting of the St Luke's Church Grade II Listed Building and will fail to preserve and enhance the character and appearance of the St Luke's Conservation Area. The proposal is contrary to policies CS7 and CS9 of the Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Development Management Policies (2013) and the supplementary guidance Islington Streetbook (2012) and Conservation Area Design Guidelines (2002).

7.2 Pavement opposite 142-146 Old Street (40m from the site):

P2017/0604/ADV - Installation of a free standing internet/ wifi/ telephone kiosk known as a 'link unit', with internally illuminated advertisement screens to two sides. Withdrawn (06/06/2017). The application was withdrawn as another application for a more appropriate location for the link unit was submitted in the immediate locality and there was no requirement for both units.

7.3 148 Old Street (60m from the site):

P2016/2313/ADV - Erection of temporary construction hoarding containing advertisements. Approved (25/07/2016)

7.4 Pavement opposite 148 Old Street (90m from the site):

P2016/0089/ADV - Erection of a single panel - 6 Sheet Advertisement Display Freestanding internally Illuminated Panel on the pavement opposite 148 Old Street. Withdrawn (10/06/2016)

7.5 Pavement opposite 122-128 Old Street (15m from the site):

Installation of a double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse. Approved (17/11/2015)

ENFORCEMENT:

7.6 ENF/2017/45 – Bench and solar panel.

PRE-APPLICATION ADVICE:

7.7 None.

8. CONSULTATION

Public Consultation

- 8.1 A site notice was displayed outside the site on 11 May 2017. The public consultation on the application ended on 1 June 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report no representations had been received from the public with regard to the application.

External Consultees

- 8.3 **Crossrail 2:** No objection.
- 8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and iPads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum slight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk, it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

There are concerns about this site. Old Street lacks natural surveillance with the wall behind the bench blocking views and the position of the bench is not a natural gathering point on the street. This could allow crime to occur at less busy times and no one notice it happening.

No objection with regards to the advertisements themselves.

Internal Consultees

- 8.5 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct

views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington and the addition of the signage further exacerbates the visual harm they cause.

This site is not located within a conservation area, however it is in close proximity to the St Luke's Conservation Area and the Grade I listed St Luke's church. Although it is accepted that there is an uncluttered area here, the bench disrupts the clean composition of the alterations to the boundary of the Redbrick Estate which was something recently approved. Also there is a bus stop in close proximity (cumulative impact/clutter) and there are views into the Conservation Area.

8.6 **Highways:** No objection.

8.7 **Planning Energy Advice:** No objection.

Interested Parties

8.8 **Islington Society:** Objects to the application. The Islington Society is of the view that Islington and its residents have no need for any of the applications for street advertising and communications. The various erections themselves are a blight on the Borough landscape. The Islington Society also object to the increase in street clutter.

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 Policy and Guidance

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

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Background
- Legislation
- Amenity
- Public Safety
- Other Matters

Background

10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.

10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.

10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.

10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 4 and 5 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Consent has been applied for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

Legislation

10.6 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of

Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out below, however, the advertisements proposed here do not fall under this class because advertisements would be displayed on more than one face of the kiosk, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. It is considered that the Smart Benches fall within the same legislation as telephone kiosks as they provide a shelter for the purpose of housing or supporting electronic communications apparatus (in this instance WiFi) at which electronic communications service is provided. Express consent for the advertisements is therefore required.

Class 16 and Conditions —

(1) No advertisement may be displayed in an Area of Outstanding Natural Limitations Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Illumination is not permitted.

(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.

(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.

PART 2 – Interpretation:

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

- 10.7 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety as set out below:

Powers to be exercised in the interests of amenity and public safety

3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and***
(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;***
(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Amenity

- 10.8 Amenity, as defined by the Advertisement Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.9 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.10 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's Character) states that the scale of development should reflect the character of the area. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.11 Development Management Policy DM2.6 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.
- 10.12 This advertisement application proposes the addition of up to five branding surfaces, located on all elevations of the Smart Bench which is located in the pavement opposite 130 Old Street. The proposed signs would be non-illuminated and it is proposed to limit the number of branded surfaces to a maximum of four at any one time. Furthermore, whilst the front pillar, side pillar and inner side pillar measure 2.4 metres in height, the maximum extent of advertising on these surface areas will be limited to 60%, 40% and 30% respectively.

- 10.13 The site context is relevant here. The proposed advertisements are of similar height to the bus stop advertisements seen in various locations around the Borough. The backdrop of the proposed advertisements includes 3 and 4 storey residential buildings and the advertisements would not appear excessive in size or out of scale with the surroundings in this context. In addition, the pavement is relatively wide in this location (measuring 4.8 metres in width), with the Smart Bench located against the back edge of the pavement, providing relief between the advertisements and the highway. Overall, it is considered that the advertisements would appear modest in size and height and would be in keeping with the scale of the surrounding built form. They would not dominate the street scene nor appear unduly obtrusive in light of the existing illuminated bus stop adverts and nearest residential properties.
- 10.14 It is important also to quantify the number of existing pavement adverts adjoining the site, in order to assess the visual impact of the addition of up to 4 non-illuminated advertisements in this location and any consequential visual clutter. Some 15 metres to the west of the site, opposite number 120 Old Street, is a bus shelter that also has a digital advertisement on its eastern elevation which is illuminated.
- 10.15 The existing Smart Bench and associated adverts align with the existing street trees and therefore limits its visibility when viewed from both the east and the west. It is not considered for this reason that the proposal would result in unacceptable cumulative advertisement clutter.
- 10.16 It should also be noted in relation to clutter that a number of similar advertisement applications have been submitted to the council over recent months, some of which have been refused. However, these adverts were illuminated and considerably larger than the adverts displayed on the Smart Bench.
- 10.17 Overall the proposed advertisement would be appropriate in size and design in this commercial context with wide pavement and as they are non-illuminated would not impact on the amenity of the area, in compliance with the Advert Regulations and policies DM2.1 and DM2.6 of the Development Management Policies 2013.

Public safety

- 10.18 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 10.19 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.

- 10.20 The proposed advertisements would be positioned on the footway less than 1 metre from the vehicular carriageway. This distance is considered sufficient to avoid the structure creating a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.21 The proposed advertisements would be non-illuminated and as such would not be unduly distracting to the drivers of passing vehicles. The signage would not cause a hazard to road users.
- 10.22 The proposed advertisement would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed adverts which would not cause public safety issues, nor would the adverts obscure or hinder the ready interpretation of any traffic sign. In addition, the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.
- 10.23 The Smart Bench is positioned against the back edge of the pavement and would as such cause no additional hazards for pavement users. In addition, the positioning of the proposal on the pavement would retain a clear footway width of 3m, in compliance with TfL standards.
- 10.24 The Council's Highways Department raised no objection to the proposed advertisements, and it is considered that the proposal would have an acceptable impact on the public's safe and unobstructed use of the pavement and carriageway. The proposal would comply with the Advert Regulations and Development Management policy DM2.6.

Other Matters

- 10.25 It should be noted that whilst the associated application for full planning permission in this location is recommended for refusal, the application for advertisement consent is recommended for approval. Legal advice was provided to the case officer which stated that advertisement consent cannot be refused solely on the basis that the structure on which the advertisements are located is unacceptable and, advertisement applications can only be considered on amenity and public safety.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The advertisement application has been assessed in terms of amenity and public safety. Having taken into account the setting of the Smart Bench, its relationship to surrounding properties, distance from existing heritage assets and lack of impact on public safety, the proposal is considered acceptable in this location.

- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

That the grant of advertisement consent shall be subject to conditions to secure the following:

1	Ownership
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
2	Placement
	<p>CONDITION: No advertisement shall be sited or displayed so as to:</p> <p>(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);</p> <p>(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or</p> <p>(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.</p> <p>REASON: As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
3	Maintenance (visual amenity)
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>REASON: As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
4	Maintenance (safe condition)
	<p>CONDITION: Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>REASON: As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
5	Removal of Advert
	<p>CONDITION: Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p>

	REASON: As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
6	Number and Extent of Adverts
	<p>CONDITION: A maximum number of 4 advertisements can be displayed on any one time on the following areas: front pillar, side pillar, inner side, door and interface. In addition, the maximum area of advertising per surface is set as following:</p> <p>Front Pillar: 60% Side Pillar: 40% Inner Side: 30% Door: 100% Interface: 100%</p> <p>REASON: To ensure the adverts do not have an adverse effect on the amenity of the locality.</p>

List of Informatives:

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

APPENDIX 2: RELEVANT POLICIES

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

1. Legislation

The Town and Country Planning (Control of Advertisements) Regulations (2007)

2. National Guidance

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

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

3. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 – Bunhill & Clerkenwell
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM2.6 - Advertisements
Policy DM8.2 – Managing transport impacts

D) Finsbury Local Plan (2013)

Policy BC3 – Old Street

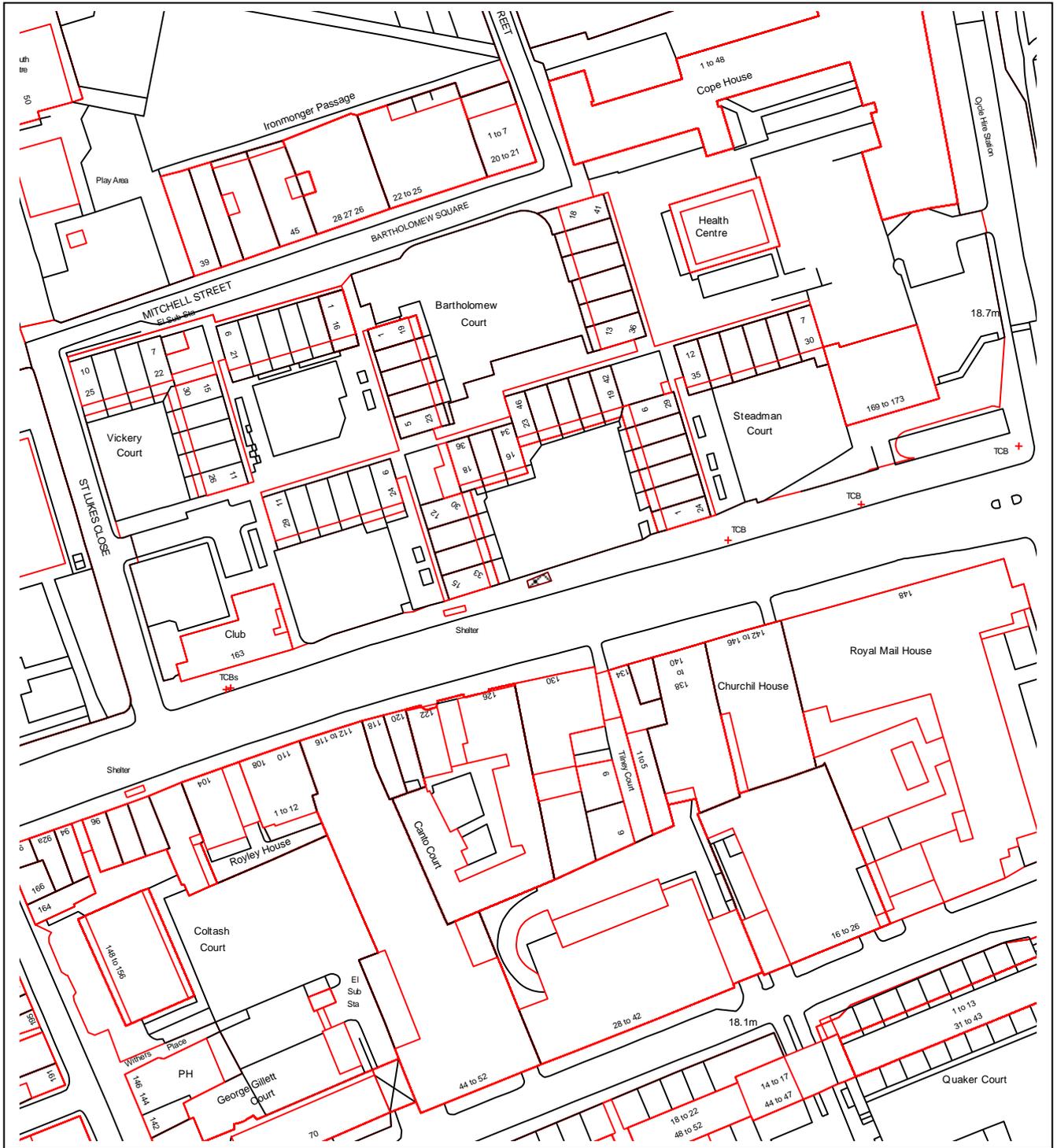
4. Designations

Bunhill & Clerkenwell Core Strategy Key Area
Central Activities Zone
Bunhill & Clerkenwell Finsbury Local Plan Area – BC3 Old Street
Within 50m of St Luke’s Conservation Area

5. SPD/SPGS

Urban Design Guide 2017
Streetbook 2012
Finsbury Local Plan 2013

Islington SE GIS Print Template



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P2017/1618/ADV

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/1563/FUL & P2017/1619/ADV
Application type	Full Planning Permission & Advertisement Consent
Ward	St. Peters Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Crossrail 2 – Rail Safeguarding Area Within 100m of SRN TfL Surface – Rail Land Ownership
Licensing Implications	None
Site Address	Pavement opposite 198 Essex Road, Islington, London, N1
Proposal	Full Planning Permission: Retrospective application for the installation of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. Advertisement Consent: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

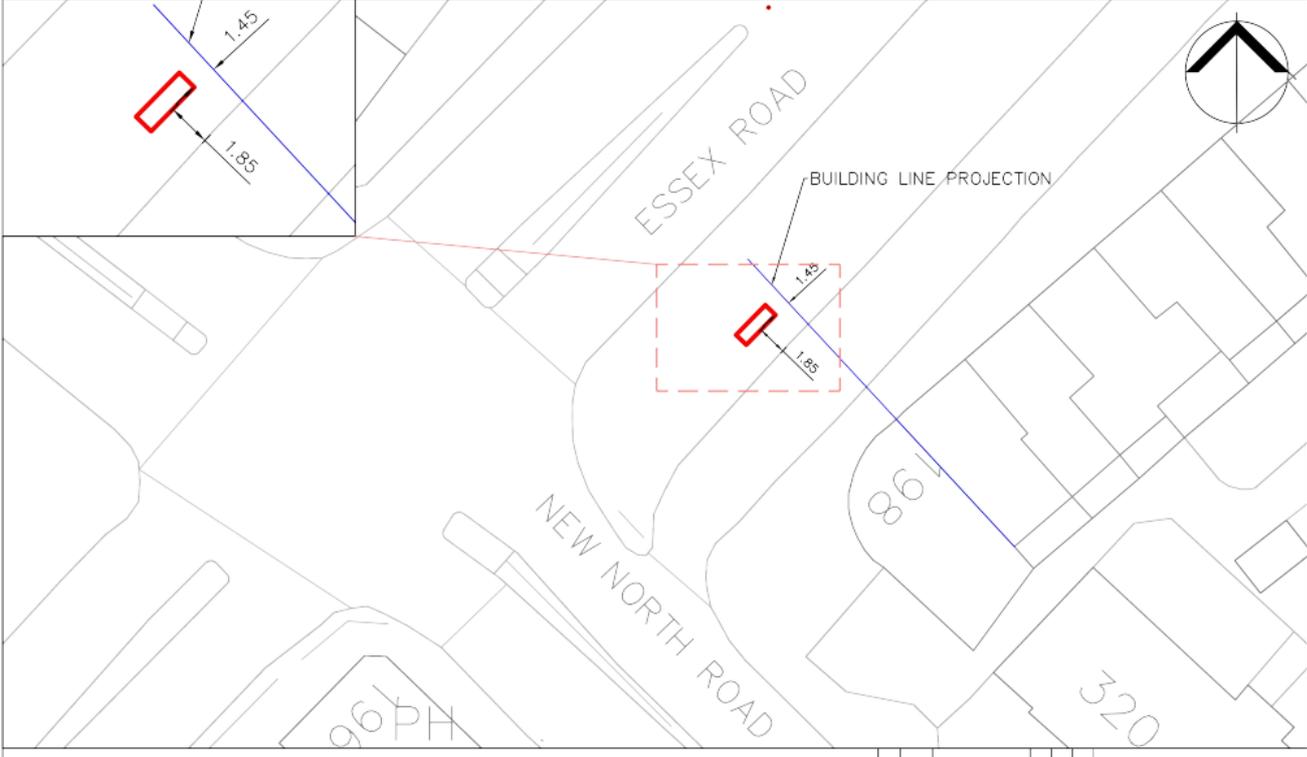
Case Officer	Emily Benedek
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	None

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission and advertisement consent:

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

2. SITE LOCATION (outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Street view of the Smart Bench



Image 2: View of existing Smart Bench looking north-east along Essex Road towards Rotherfield Street



Image 3: View of existing Smart Bench looking south-west along Essex Road towards New North Road

4. SUMMARY

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.
- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. Planning permission is required for the structures themselves as they have been erected by a private company and not the Council. The application is brought to committee at the request of Cllrs Webbe and Williamson.
- 4.3 The main issues arising from this planning application are the design and appearance of the Smart Bench; its impact on the character of the conservation area; the amenity of neighbouring occupiers; and safety and security.
- 4.4 It is considered that given the width of the pavement, the open nature of the site, the commercial character of the area and the location of the site, which falls outside a conservation area and is not within the setting of a heritage

asset, the Smart Bench has an acceptable impact on the character and appearance of the area and wider locality; would not have a detrimental impact on the amenities of any neighbouring occupiers; and would have an acceptable impact on the safety of users of the Smart Bench.

- 4.5 The main issues arising from the advertisement consent application are the impact of the advertisements on amenity and public safety.
- 4.6 It is considered, given the commercial character of the area, the presence of adjacent internally illuminated shopfront fascia signs, the scale of surrounding built form and the location of the site which is not within a conservation area nor within the setting of any heritage assets, that the proposed advertisements, by reason of their appropriate size, height and siting within its context, would have an acceptable impact on the visual amenity of the locality. Furthermore, as the advertisements are non-illuminated they would not result in any undue light pollution to the neighbouring occupiers and would have an acceptable impact on the safety of users of the footway and carriageway.

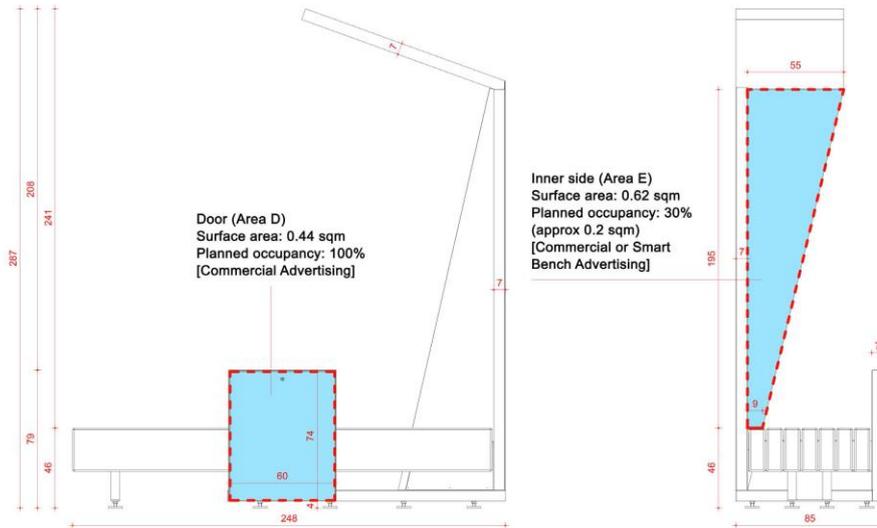
5. SITE AND SURROUNDING

- 5.1 The application site is the pavement outside 198 Essex Road close to the junction with New North Road. The pavement in this location is split between a narrow footway outside the commercial units and a wider section of pavement which provides the main pedestrian footway in this location, with an access road separating the two. Essex Road is a main thoroughfare with several bus routes running along this section and traffic passing in both directions. The pavement separating the Smart Bench and Essex Road contains double yellow lines ensuring no cars can stop in this location.
- 5.2 The Smart Bench replaces an existing bench and is located adjacent to a BT phone box and existing street trees. The immediate area is characterised by five storey buildings with commercial premises located at the ground floor and residential units on the upper floors. The property is not located in a conservation area and the immediate surrounding properties are not statutorily listed. The surrounding area is of mixed character.

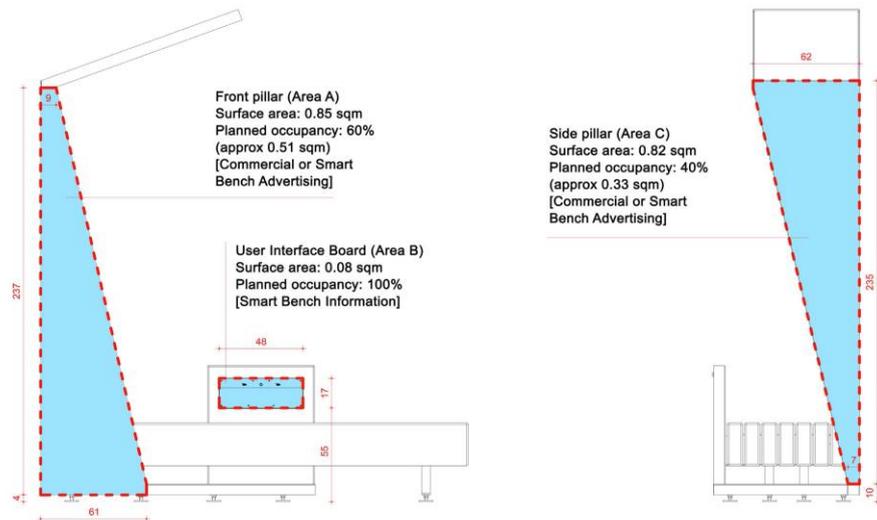
6. PROPOSAL (in Detail)

- 6.1 Retrospective planning permission is sought for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and customer interface. Retrospective advertisement consent is sought for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.
- 6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been

installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

Images 4 and 5: Design of the Smart Bench showing the locations for potential adverts

6.3 Whilst the Smart Bench currently displays 3no. non-illuminated adverts, there is potential for up to 5no. non-illuminated adverts to be displayed on different surfaces across the Smart Bench, as illustrated in images 4 and 5 above

(although the applicant has confirmed in their supporting documents that no more than 4no. advertisements would be displayed at any one time). The surface area for potential adverts varies in the different locations on the Smart Benches however the size of the adverts will depend on the size of the images displayed by future advertisers.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 Pavement on the east side of Essex Road (close to junction with New North Road) Essex Road (15m from the site):

P2015/4873/ADV - Installation of Free Standing internally illuminated advertisement display panel (6 sheet) on pavement on the east side of Essex Road close to the junction with New North Road. Approved (27/07/2016)

7.2 Telephone Kiosk opposite 200 Essex Road (10m from the site):

P2016/3768/ADV - Replacement telephone kiosk with 2no. associated internally illuminated digital display panels. Repositioning kiosk to 1000mm from the main road kerb edge. Refused (15/12/2016)

Reason for Refusal: The proposed internally illuminated sign by reason of its size, siting and method of illumination will have a detrimental impact on the visual amenity of the locality, and will fail to preserve and enhance the character and appearance of the area. The proposal is contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies (2013) and the Conservation Area Design Guidelines (2002).

7.3 Bus Stop Outside 212-220 Essex Road (55m from the site):

P2016/3380/ADV - Double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse. Approved (31/10/2016)

7.4 Canonbury Road near Essex Road (45m from the site):

P2015/4853/ADV - 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. Refused (04/02/2016)

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 impact on the setting of the nearby heritage assets. The proposal would fail to preserve and enhance the character and appearance of the setting of the adjoining Canonbury Conservation 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 Conservation Area Design Guidelines (2002).

ENFORCEMENT:

- 7.5 ENF/2017/45 – Bench and solar panel.

PRE-APPLICATION ADVICE:

- 7.6 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on Essex Road, Northampton Street and Canonbury Road on 3 May 2017. A site notice was also displayed on 11 May 2017. The public consultation on the applications ended on 1 June 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report one letter of objection had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Increase in street clutter (10.13)
 - New bench is not as attractive as the wooden bench that was removed and therefore does not improve the visual amenity in the area (10.12)
 - Potential increase in mobile phone theft in this location (10.18-10.21)
 - Consumer benefits of Smart Benches has not been evidenced (10.3-10.4)

External Consultees

- 8.3 **Crossrail 2:** No objection.
- 8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and ipads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum slight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

No objection with regards to the advertisements themselves.

8.5 **Transport for London:** No objection.

Internal Consultees

8.6 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington and the addition of the signage further exacerbates the visual harm they cause.

This site is not located within a conservation area. However, it is in a small area between two conservation areas Canonbury and East Canonbury and in relatively close proximity to Grade II listed Georgian terraces within those conservation areas. Given the size and prominence of the structure and advertisement, an views through to the CAs/listed buildings, in my opinion, it detracts from the setting of these heritage assets. Another aspect to take into account is that other advertisement on this part of the street may have been granted consent and there would be an unacceptable accumulation of visual clutter on the street.

8.7 **Highways:** No objection.

8.8 **Planning Energy Advice:** No objection.

Interested Parties

8.9 None

9. RELEVANT POLICIES

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

National Policy and Guidance

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances

economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Background
- Legislation
- Character and Appearance
- Neighbouring Amenity
- Safety and Security
- Sustainability
- Amenity
- Highways Safety

Background

- 10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.
- 10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.
- 10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the

unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.

- 10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 4 and 5 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Advertisement consent has also been applied for as part of this application for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

Legislation

- 10.6 Whilst the above summary explains the background to the scheme, it is important to understand why the Smart Bench requires planning permission. This is outlined in Part 9 Class A and Part 12 Class A of Schedule 2 of the General Permitted Development Order (2015). Part 9 Class A of this Act refers to works carried out by the Highways authority 'on land within the boundaries of the road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act.' It is important to note in this instance that the Smart Benches have not been installed by the Highways Authority but by a private company, Strawberry Energy. As such, this application does not comply with Part 9 Class A of this legislation.
- 10.7 This view is further emphasised by Part 12 Class A (b) of Schedule 2 which notes the following:
- 'The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.'

Therefore, planning permission is required for the installation of the Smart Bench.

- 10.8 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out

below, however, the advertisements proposed here do not fall under this class because advertisements would be displayed on more than one face of the kiosk, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. It is considered that the Smart Benches fall within the same legislation as telephone kiosks as they provide a shelter for the purpose of housing or supporting electronic communications apparatus (in this instance WiFi) at which electronic communications service is provided. Express consent for the advertisements is therefore required.

Class 16 and Conditions —

(1) No advertisement may be displayed in an Area of Outstanding Natural Limitations Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Illumination is not permitted.

(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.

(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.

PART 2 – Interpretation:

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

- 10.9 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety as set out below:

Powers to be exercised in the interests of amenity and public safety

3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and***
(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

PLANNING APPLICATION CONSIDERATIONS

Design and Appearance

- 10.10 Development Management Policy DM2.1 requires '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.' A Smart Bench has been installed on the pavement opposite 198 Essex Road, which replaced an existing 'traditional style' bench.
- 10.11 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. In the appropriate context, no objections would be raised to the design of the Smart Bench.
- 10.12 The design of the Smart Bench is more modern than typical street furniture found in various sites around the borough however, as the Design and Conservation officer notes, they might be appropriate in certain contexts such as large open spaces or landscaped plazas surrounded by large contemporary buildings. Whilst Essex Road is not characterised by large modern buildings, the existing Smart Bench is located within the setting of a five storey building, which is more modern than the surrounding properties. Furthermore, the pavement is wider than a standard pavement in this part of the borough, measuring 6 metres in width in the location of the Smart Bench. As such, the installation of a Smart Bench in this location is considered appropriate.
- 10.13 The immediate area surrounding the Smart Bench contains a large amount of street furniture in the form of public telephone boxes, cash machines and a bus stop with associated shelter. In order to counteract this street clutter there is also an avenue of mature trees which not only breaks up the frontage but provides some relief from the buildings behind. It is also important to note that the Smart Bench has replaced an existing bench and as such will ensure there is no net gain in the amount of street furniture, and therefore clutter, in the immediate vicinity of the site and the wider Essex Road street scene. The Smart Bench aligns with the existing phone boxes and street trees and does not

appear overly dominant when viewed from the north or south elevations along Essex Road. The applicant has confirmed that they would be willing to paint the seat dark grey or black in order to improve the appearance of the bench and ensure it is in keeping with the character and appearance of the surrounding area.

- 10.14 The Council's Design and Conservation officer raised concerns about the location of this bench in relation to the existing heritage assets, namely the Canonbury Conservation Area and the Grade II Listed Buildings on Canonbury Road. However, whilst the application site is located within 50 metres of these heritage assets, the Smart Benches are not naturally viewed in conjunction with them especially as the listed buildings are set in 28 metres from the junction with Essex Road and the buildings are largely obscured by Essex Road Station especially when viewed looking south-west along Essex Road.
- 10.15 It is considered that the Smart Bench is appropriate in terms of size and design in this particular location and would not impact on the character of the area and would not be visible in the settings of nearby conservation areas or listed buildings and would therefore not be harmful. The proposal is therefore in compliance with policies DM2.1 and DM2.7 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.16 Development Management policy DM2.1A part x states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 10.17 The existing Smart Bench measures a maximum of 2.87 metres in height and is located at a lower level than the nearest existing residential units in Bentham Court. There is a separation distance of 8 metres between the Smart Bench and the nearest neighbouring building (No 208 Essex Road). Given the open nature of the structure, its height, the lack of illumination and the distance from the nearest neighbouring residential properties, the proposal is not considered to have an adverse impact on the amenity of any neighbouring occupiers, in compliance with Development Management Policy DM2.1.

Safety and Security

- 10.18 Core Strategy Policy CS8 seeks to ensure that all new development enhances Islington's character. More specifically, Part B of this policy states that 'public realm improvements will enhance pedestrian and cycle routes, making it easier to travel sustainably through the borough. Open spaces will be maintained and enhanced to ensure they are inclusive, accessible spaces.' It is important to consider this policy in conjunction with Development Management Policy DM2.1 part A ii) which notes that for developments to be acceptable they are also required to be 'safe and inclusive.'
- 10.19 Safety and Security are important aspects of this application as it is important to ensure users of the Smart Bench are not faced with an increased risk of crime

as a result of using them. The Metropolitan Police have assessed the application and advise that the main concern would be for benches positioned close to the road it provides an opportunity for thieves travelling past to snatch phones and iPads being charged at the Smart Benches. They therefore recommended that the bench is located at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

10.20 It is important to note in this location, given the wide pavement, the smart bench is located 4.5 metres from the kerb line fronting Essex Road and 1.85 metres from the rear part of the kerb and therefore exceeds these requirements. As there is a separate pavement area for the shops closest to the application site, the Smart Bench is highly visible from all angles. In addition, the bench is located close to existing street furniture and is sited within 40 metres of Essex Road station and is therefore considered to be a prominent position within the public realm. This Smart Bench also includes two arm rests which reduces the risk of rough sleepers.

10.21 In view of the above, it is considered that the Smart Bench has been strategically placed to ensure users of its facilities are at minimal risk of mobile phone theft and their safety and security are not at undue risk by virtue of using the associated charging devices. As such, the proposal is considered to comply with Core Strategy Policy CS8 and Development Management Policies DM2.1 and DM2.7.

Sustainability

10.22 The overarching policy for Sustainable Design in Islington's Core Strategy, policy CS10 requires 'all development to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles.' This policy is supported by Development Management Policy DM7.1 which notes in Part A that 'Development Proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development,' whilst part B of the same policy states that 'The Council will support the development of renewable energy technologies in principle, in principle, subject to meeting wider policy requirements, including on design (Policy DM2.1).' As such, the Council welcomes the inclusion of Green Technology in the scheme, namely the inclusion of a solar panel on the roof area, which ensures only renewable energy is used to charge the mobile devices whilst at the same time raises awareness about sustainable issues within the borough.

10.23 The Council's Planning Energy Advice team were consulted as part of this application and were supportive of the proposal as they are widening the use of renewable energy within the borough. The case officer raised concerns regarding the effectiveness of these panels given that they are located under existing street trees. The Planning Energy officer noted this point and remarked

that it is likely to reduce the output from the photovoltaic panels and from a technical point of view, would advise against installing benches in a significantly shaded area. However, the officer also stated that as the benches are not required to demonstrate performance against a target, where photovoltaic panels underperform for this reason, it is also at the installer's risk. It is also important to note that the solar panels have been oriented towards the south in order to maximise their efficiency.

- 10.24 Given the above, whilst the use of renewable energy sources is welcomed in this location and the proposal would comply with Core Strategy policy CS10 and Development Management Policy DM7.1. To ensure the photovoltaic panels are able to perform to their required levels given their siting underneath a street tree, a condition is recommended requiring evidence that the Bench is adequately solar powered to facilitate its functionality or its removal would be required.

ADVERTISEMENT CONSENT CONSIDERATIONS

Amenity

- 10.25 Amenity, as defined by the Advertisement Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.26 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.27 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's Character) states that the scale of development should reflect the character of the area. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.28 Development Management Policy DM2.6 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.
- 10.29 This advertisement consent application proposes the addition of up to five branding surfaces, located on all elevations of the Smart Bench which is located in the pavement opposite 198 Essex Road. The proposed signs would be non-illuminated and a condition is proposed to limit the number of branded surfaces to a maximum of four at any one time. Furthermore, whilst the front pillar, side pillar and inner side pillar measure 2.4 metres in height, the maximum extent of

advertising on these surface areas will be limited by way of condition to 60%, 40% and 30% respectively, so as not to dominate the structure with adverts.

- 10.30 The area immediately surrounding the site is commercial in nature. Essex Road is a busy thoroughfare and whilst Canonbury Conservation Area is located some 50 metres away from the site to the north-west, the application site is located on the pavement opposite 198 Essex Road and the surrounding properties are considered to be of no particular cultural or historic merit. These buildings are 5 storeys high, with commercial units on the ground floor and residential dwellings above. The nearest listed buildings are located 50m away from the site in Canonbury Road, adjacent to Essex Road Station however, the Smart Bench and associated adverts are not viewed in the setting of these listed buildings. Consequently, the new displays would be seen in close association with nearby shops where a wide variety of signs are displayed, some of which are illuminated and in close association with the 5 storey modern building behind. Non-illuminated advertisements are considered to be an appropriate form of development in principle in this urban commercial landscape.
- 10.31 With regards to an assessment of the size, siting and height of the adverts, the council's Design and Conservation officer considers that the application would be contrary to policy DM2.6 which states that advertisements are required to be of the highest possible standard and contribute to the safe and attractive environment. Furthermore, the same policy states that advertisements should not contribute to clutter or loss of amenity. They should be sensitive to their siting, should not contribute to an unsightly proliferation or clutter of signage in the vicinity. It is considered that, the proposed Smart Benches with advertisement are in contradiction to the requirements of this policy. Whilst the concerns of the Design and Conservation officer are noted and have been duly considered in the assessing the application, it is not agreed that the advertisements would lead to undue visual clutter, or be out of scale in this commercial location, especially as the adverts are non-illuminated. The following paragraphs consider the application on those grounds.
- 10.32 The site context is relevant here. The proposed advertisements are of similar height to the bus stop advertisements seen in various locations around the Borough. The backdrop of the proposed advertisements includes a 5 storey building and commercial premises; and the advertisements would not appear excessive in size or out of scale with the surroundings in this context. In addition, the pavement measures 7 metres in width in this location, with a separate pavement area located immediately outside the shops, and the adverts and associated Smart Bench are located adjacent to the back edge of the outer pavement area, providing relief between the advertisements and the carriageway. Overall, it is considered that the advertisements appear modest in size and height in this location and are in keeping with the scale of the surrounding built form. They do not dominate the street scene nor appear unduly obtrusive in light of the existing illuminated bus stop adverts and shopfronts.
- 10.33 It is important also to quantify the number of existing pavement adverts adjoining the site, in order to assess the visual impact of the addition of the 3

non-illuminated advertisements in this location and any consequential visual clutter. Some 55 metres to the north-east of the site, outside number 212-220 Essex Road, is a bus shelter that also has a digital advert display on its northern elevation which is illuminated.

10.34 The Smart Bench and associated adverts align with the existing street trees and therefore limits its visibility when viewed from both the north and the south. It is not considered for this reason that the proposal would result in unacceptable cumulative advertisement clutter.

10.35 It should also be noted in relation to clutter that a number of similar advertisement applications have been submitted to the council over recent months, some of which have been approved. Officers are aware of the advertisements which have been given approval but which have not yet been implemented and the location of these was a material consideration in the assessment of this application with regards to visual clutter. It is noted that one internally illuminated display panel has been granted consent (P2015/4873/ADV) on the east side of Essex Road, close to the junction with New North Road, approximately 15 metres from the application site, outside No 204 Essex Road. Image 6 below shows the location of the approved sign. However, whilst this internally illuminated free standing sign has not been erected it is also set 3.8 metres further forward than the existing Smart Bench, which aligns with the existing street furniture and trees. As a result, the two advertisement displays would not be viewed together and furthermore, as the advertisements on the Smart Bench are non-illuminated would not appear visually obtrusive should both applications be implemented.



Image 6: Location of approved advert P2015/4873/ADV

10.36 Overall the proposed advertisements would be appropriate in size and design in this commercial context and as they are non-illuminated would not impact on the amenity of the area, in compliance with the Advert Regulations and policies DM2.1 and DM2.6 of the Development Management Policies 2013.

Public safety

- 10.37 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 10.38 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.
- 10.39 The proposed advertisements would be positioned on the footway set back from the public highway and would align with the existing street furniture including phone box and street trees. At their closest point, they would be no less than 4.5m from the vehicular carriageway. This distance is considered sufficient to avoid the structure creating a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.40 The proposed advertisements would be non-illuminated and as such would not be unduly distracting to the drivers of passing vehicles. The signage would not cause a hazard to road users.
- 10.41 The proposed advertisement would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed sign which may cause public safety issues, nor would the advert obscure or hinder the ready interpretation of any traffic sign. In addition, the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.
- 10.42 The proposed signage would be located to the south of a bus stop. TfL have advised that they have no strategic transport objections in respect of bus operations.
- 10.43 The Smart Bench is sited in the same location as the adjoining telephone box and would as such cause no additional hazards for pavement users. In addition, the positioning of the proposal on the pavement would retain a clear footway width of 3m, in compliance with TfL standards.
- 10.44 Both the Council's Highways Department and Transport for London raised no objections to the proposed advertisements, and it is considered that the proposal would have an acceptable impact on the public's safe and unobstructed use of the pavement and carriageway. The proposal would comply with the Advert Regulations and Development Management policy DM2.6.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The full planning application for the retention of the Smart Bench has been assessed in terms of its design and appearance and impact on the character of the area, impact on neighbouring amenity and safety and security. Having taken into account the size of the bench, its appearance in relation to the surrounding properties and the safety and security of users of this Smart Bench, the proposal is considered acceptable in this location.
- 11.2 The advertisement application has been assessed in terms of amenity and public safety. Having taken into account the setting of the internally illuminated advertisement screens, their relationship to surrounding properties, absence of illumination, distance from existing heritage assets and impact on highways safety, the proposal is considered acceptable in this location.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions for Planning Application P2017/1563/FUL:

1	Drawing and Document Numbers
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design, Access and Planning Statement, 01_Location Plan, 02_Site Plan 1-500, 03_Site Plan 1-200, 04_Specification A, 05_Specification B, 06_Example CGI of Smart Bench, 07_Example CGI of Smart Bench B, 08_Example CGI of Smart Bench C.</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>
2	Colour
	<p>CONDITION: The seat of the Smart Bench shall be painted black/dark grey within 3 months of the date of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the proposal is in keeping with the character and appearance of the area.</p>
3	Solar Panels - Delivery
	<p>CONDITION: Within 3 months of the date of this decision evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the solar panels are able to supply sufficient power to deliver all services 'free.' If this cannot be demonstrated, the structure will need to be removed in its entirety.</p> <p>REASON: To ensure the continued provision of sustainable technology and education in this location.</p>

List of Informatives:

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

	<p>wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in accordance with the NPPF.</p>
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That the grant of advertisement consent shall be subject to conditions to secure the following:

List of Conditions for Planning Application P2017/1619/ADV:

1	Ownership
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
2	Placement
	<p>CONDITION: No advertisement shall be sited or displayed so as to:</p> <p>(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);</p> <p>(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or</p> <p>(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.</p> <p>REASON:As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
3	Maintenance (visual amenity)
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>REASON: As required by regulation 2(1) and Schedule 2 of the Town &</p>

	Country Planning (Control of Advertisements) (England) Regulations 2007.
4	Maintenance (safe condition)
	<p>CONDITION: Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>REASON: As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
5	Removal of Advert
	<p>CONDITION: Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>REASON: As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
6	Number and Extent of Adverts
	<p>CONDITION: A maximum number of 4 advertisements can be displayed on any one time on the following areas: front pillar, side pillar, inner side, door and interface. In addition, the maximum area of advertising per surface is set as following:</p> <p>Front Pillar: 60%</p> <p>Side Pillar: 40%</p> <p>Inner Side: 30%</p> <p>Door: 100%</p> <p>Interface: 100%</p> <p>REASON: To ensure the adverts do not have an adverse effect on the amenity of the locality.</p>

List of Informatives:

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

	LPA during the application stages, with the decision issued in accordance with the NPPF.
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APPENDIX 2: RELEVANT POLICIES

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

1. Legislation

The Town and Country Planning (Control of Advertisements) Regulations (2007)

2. National Guidance

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

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

3. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's Character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.6 – Advertisements
Policy DM2.7 – Telecommunications and Utilities
Policy DM8.2 – Managing transport impacts

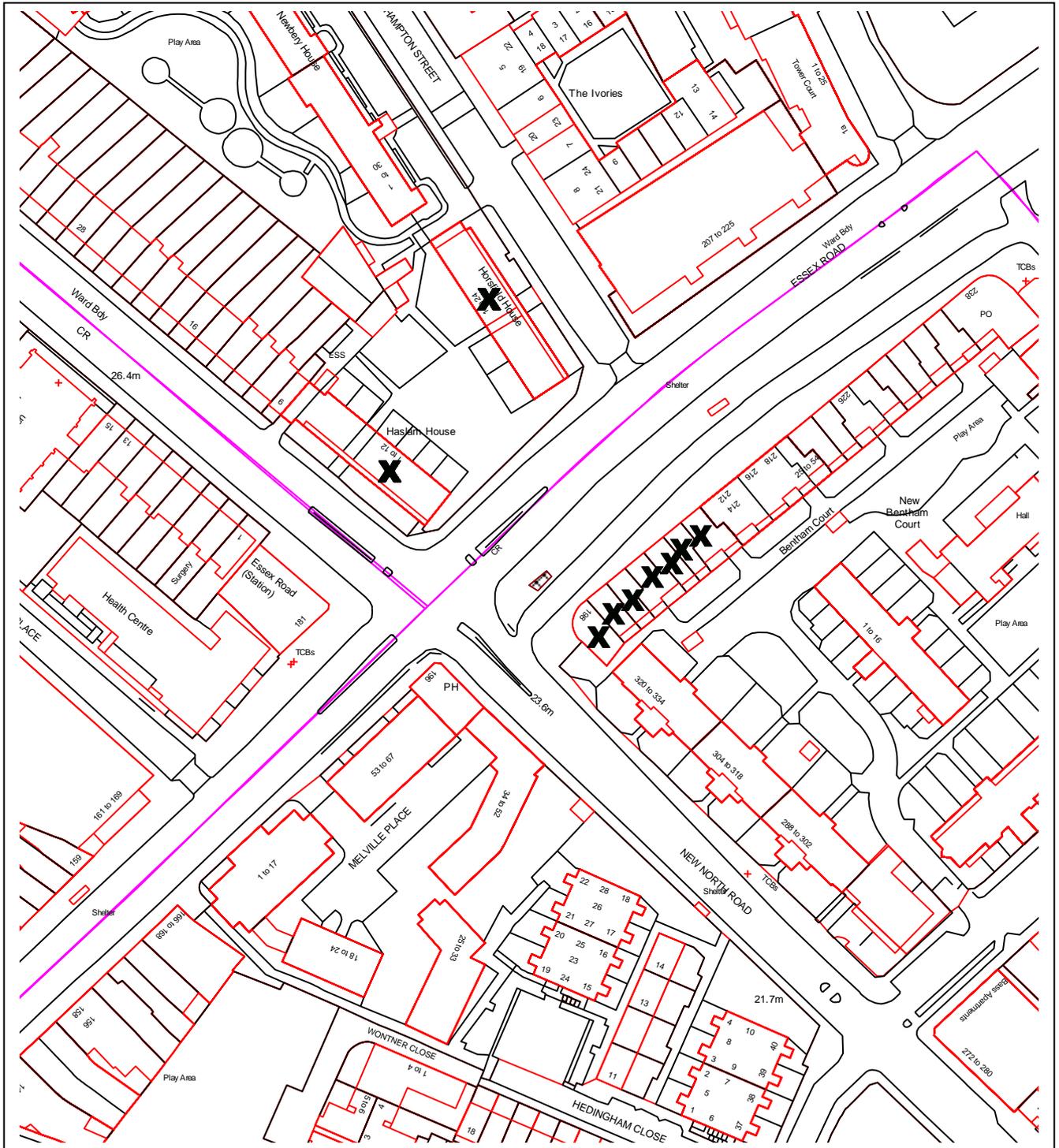
4. Designations

Crossrail 2 – Rail Safeguarding Area
Within 100m of SRN
TfL Surface – Rail Land Ownership

5. SPD/SPGS

Urban Design Guide 2017
Streetbook 2012

Islington SE GIS Print Template



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P2017/1563/FUL

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PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application numbers	P2017/0819/S73
Application types	Section 73 (Minor Material Amendment)
Ward	Caledonian
Listed building	No
Conservation area	No
Development Plan Context	Within 50m of Conservation Area
Licensing Implications	None
Site Address	Playground Between 92 And 94, Bride Street [Westbourne Estate Pitch], London, N7
Proposals	Section 73 application to vary Condition 2 (Drawings) of Planning Permission reference P2015/3442/FUL for the 'refurbishment of pitch to include artificial turf pitch, plus new entrance with ramp, cycle stands, associated fencing, lighting and safety surfaces.' Amendment sought for the erection of a 1m high polypropylene net and wire on top of existing fence to eastern boundary (Original application P2015/3442/FUL).

Case Officer	Joe Aggar
Applicant	Mr Alex Sarson
Agent	Mr Paul Ruse

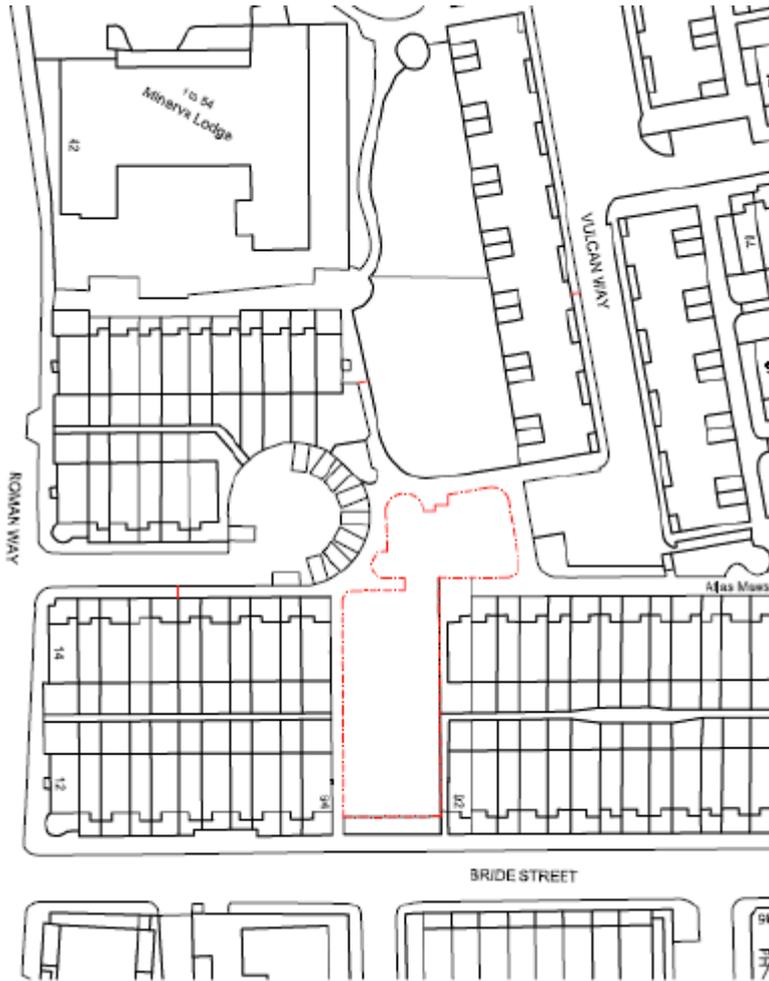
1 RECOMMENDATION

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

i) subject to the conditions set out in Appendix 1

ii) and conditional upon the completion of a Director's Service Level Agreement securing the heads of terms set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1 - Aerial photograph showing the playground between 92 and 94 Bride Street



Image 2 - Aerial photograph showing the playground between 92 and 94 Bride Street.



Image 3 – View of playground looking east.



Image 4 – View of football pitch looking south

4 SUMMARY

- 4.1 The proposal seeks an amendment to previous approved planning permission P2015/3442/FUL, approved 18/04/2016. This original application was for the refurbishment of pitch to include an artificial 3G pitch, plus new entrance with ramp, Sheffield cycle stands, associated fencing, and 4x8m high lighting columns and safety surfaces. These proposals have been implemented. The steel mesh fencing has been removed and specialist sport rebound fencing to a height of 4m plus two gates have been installed to the pitch area. The bitumen and safety surfaces to the playground area have been replaced throughout and existing equipment cleaned and upgraded.
- 4.2 The amendment now sought to Condition 2, drawings approved, is for the erection of a 1m high polypropylene net and wire on top of the existing fence to the eastern boundary. The purpose of the additional netting is to prevent balls going over the top of the existing fencing and into neighbouring gardens.
- 4.3 The main issues arising from this amended application relate to proposed design and appearance; neighbouring amenity; landscaping, and trees.
- 4.4 The design, layout and scale of the proposed development and proposed amendment to the height of the fencing to the eastern boundary are considered acceptable and would not detract from the appearance of the streetscape. The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013.
- 4.5 Overall, the proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions and Directors Service Level Agreement is recommended.

5 SITE AND SURROUNDING

- 5.1 The site is located on what is known as the Westbourne Estate. The pitch fronts onto the north side of Bridge Street and is located between two, back to back, residential terraces. The site includes a playground area to the north which is used in conjunction with the pitch. The previously approved scheme has been implemented and as such the pitch now consists of an artificial 3G pitch, surrounded by four 8m high lighting columns and a specialist sport rebound fence.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing site is not statutorily listed nor is it located within a conservation area.

6 PROPOSAL (in Detail)

- 6.1 The application seeks to vary planning permission P2015/3442/FUL to allow for the installation of a 1m high polypropylene net strung mesh, strung vertically between a horizontal stainless steel straining wire and the top of the existing fence. The proposed netting is to be UV stabilised and rot proof. The mesh would be galvanised and powder coated dark green (RAL 6005) to match the existing fencing.
- 6.2 The application has been referred to the planning sub-committee as this is a council own application.

7 RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 Playground Between 92 And 94, planning application re: P2016/1481/AOD for the 'Submission of details pursuant to conditions 3 (Facing Materials), 6 (Details of lighting), 7 (Noise Management Plan) and 8 (Drainage Strategy) of Planning Permission ref: P2015/3442/FUL dated 18 April 2016' was GRANTED on the 29/07/2016.
- 7.2 Playground Between 92 And 94, planning application re: P2015/3442/FUL for the 'Refurbishment of pitch to include artificial turf pitch, plus new entrance with ramp, cycle stands, associated fencing, lighting and safety surfaces' was GRANTED on the 18/04/2016.

ENFORCEMENT:

- 7.3 None.

PRE-APPLICATION ADVICE:

- 7.4 Prior to application reference P2015/3442/FUL, Pre-application Duty Meeting for 'proposed refurbishment of games pitch.'
- 7.5 In principle, the upgrading of the football pitch was considered acceptable. The issue that upgrading the facility would make it more attractive was raised and therefore will be more intensively used. This may have implications for adjacent residents, and their amenity will need to be safe guarded.
- 7.6 There was no objection to the relocation of the light column, and additional light columns may be acceptable subject to these not affecting residents from light pollution. Details of the surfaces and the alterations to the fencing and walls surrounding the pitch were required. Also, details of times of uses and security measures when the pitch is not being used were required.

8 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 109 adjoining and nearby properties at Roman Way, Vulcan Way, Davey Close, Atlas Mews and Bride Street.
- 8.2 A site notice was also displayed near the site. Consultation expired on the 13th April 2017. 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 1 response 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):
- Suggest that the additional netting is erected on all sides of the pitch (10.11)
 - Climbing on to the wall that runs along Bride Street & gaining access to the pitch over the wall (10.12)
 - The pitch is closed on Sundays but regularly see people playing football on the pitch as they have entered by climbing on the wall (10.12)
 - Balls being kicked over the existing fencing regularly to all the surrounding areas outside of the pitch which causes disruption (10.5)

External Consultees

8.4 None

Internal Consultees

8.5 **Tree Preservation Officer:** satisfied that the impact to the adjacent trees is minimal. There are no arboricultural reasons to object to the application.

8.6 **Environmental Protection:** no objections

8.7 **Design and Conservation officer:** no objections

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 2016, 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 1 to this report.

Designations

9.5 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013.

The site has is located within 50m of a conservation area.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
- Nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme

Scope of the Consideration of the Case Under Section 73 of the T&CPA

10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is

colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. The NPPG advises, where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

- 10.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
- 10.4 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.

The Variation

- 10.5 As part of the previous proposal (P2015/3442/FUL) to the Multi Use Games Area (MUGA) the application proposed the removal of existing steel mesh fencing and erection of a sports rebound fence fitted at pitch level. The overall height of this would reach 4m. The top 1m is pointed inwards towards the football pitch. Through the recent use of the pitch after the refurbishment, it has been acknowledged that the sport rebound fencing has not prevented balls escaping the pitch area and entering the nearby properties. This application proposes to extend above the eastern boundary by 1m with a vertical net to mitigate this situation and contain the balls within the MUGA.
- 10.6 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.7 The proposed netting would be positioned closest to properties no. 14 Atlas Mews and no. 92 Bride Street. These properties have a particularly sensitive relationship to the site being positioned directly to the eastern boundary. To the west is a footpath with the adjoining properties beyond. The footpath provides a degree of relief.
- 10.8 The proposed netting would sit 1m above the existing sport rebound fencing which totals 4m in height. The top element of the sport rebound fence is cantilevered inwards over the sports pitch. The netting would adjoin at the top of the fencing.
- 10.9 It should be noted there is existing trellising on top of the boundary wall at 14 Atlas Mews, the proposed netting would not rise noticeably above this existing boundary treatment. Moreover, the netting would be permeable and set approximately 2m off the boundary with adjoining neighbours. The overall design and scale of the proposed netting to eastern boundary is not considered to be excessive nor visually harmful. Therefore, the outlook from the rear of the adjoining properties will not be harmed and it is considered that there will be no material loss of outlook or greater sense of enclosure to any adjoining properties in relation to the proposed development. As such the proposal is considered in line with Policy DM2.1 of the Development Management Policies.
- 10.10 In design terms the proposal overall is considered modest and practical to suit the function of the MUGA. The proposed additional height on the boundary is mitigated by it being a visually permeable barrier. Taking into account the overall improvements as part of the original application and given the above improvements to this aspect of the estate, the

proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.4 (Character) of the London Plan 2016, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

Other Matters

- 10.11 The proposal is for netting to the eastern boundary only. It is pertinent that the application can only be considered on its own merits and the requirement for any further additional netting to all sides of the MUGA pitch falls outside of the scope of this assessment.
- 10.12 A Directors' Service Level agreement would form part of any permission to secure a Community Use and Management Agreement to ensure adequate levels of protection and to minimise impacts on the living conditions of the neighbouring occupiers to Atlas Mews and Bride Street.

11 SUMMARY AND CONCLUSION

Summary

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

Conclusion

- 11.2 It is recommended that planning permission be granted subject to conditions and Directors' Service Level Agreement as set out in Appendix 1 – RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Directors' Service Level Agreement between the Director of Children's Services and the Director of Environment and Regeneration 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:

1. A Community Use and Management Agreement to ensure suitable management and community use.

RECOMMENDATION B

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

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of 18/04/2019.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 18/04/2016 [LBI ref: P2015/3442/FUL]. Furthermore, to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>IS065-LOC_001; IS065-SE_015; IS065-SE_016; IS065-SE_017; Westbourne Estate Pitch Proposed Net Modification; IS065-GA_018; IS065_EAS_010. PS-019</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Samples of all boundary treatment b) Paving details; c) Details of proposed lighting; d) Any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Hours of Operation
	CONDITION: The proposed all weather football pitch shall operate only

	<p>between the hours of 09:00-20:30 Monday to Friday, 10:00-18:00 Saturdays and not at all on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
5	Lighting Hours
	<p>CONDITION: The Multi Use Games Area floodlighting shall be operated during the hours of 09:00-20:30 Monday to Friday and 10:00-18:00 Saturdays only. Usage within these hours shall be controlled by a photocell detector and timer switch.</p> <p>REASON: To ensure that any resulting general or security lighting does not adversely impact neighbouring residential amenity</p>
6	Lighting
	<p>CONDITION: No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.</p> <p>Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.</p> <p>REASON: To ensure that any resulting general or security lighting does not adversely impact neighbouring residential amenity.</p>
7	Noise Management Plan
	<p>CONDITION: A Noise Management Plan assessing the impact of the Multi Use Games Area shall be submitted to and approved in writing by the Local Planning Authority prior to the ball court use commencing on site. The report shall assess impacts during the operational phase of the ball court on nearby residents and other occupiers together with means of mitigating any identified impacts. The ball court shall be operated 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 the proposal does not adversely impact on neighbouring residential amenity.</p>
8	Drainage Strategy
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The Drainage Strategy shall include the following details:</p> <p>a) A drainage plan detailing the proposed method for disposing of surface water by means of appropriate sustainable drainage systems. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve no net increase in surface water runoff from the site post-development.</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 sustainability.</p>
9	Fencing
	<p>CONDITION: The rebound fencing shall be installed and carried out in</p>

	<p>accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
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List of Informatives:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in accordance with the requirements of the NPPF.</p>
2	Surface Water Drainage
	<p>It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
3	Signage
	<p>Please note that separate advertisement consent application may be required for the display of signage at the site.</p>
4	Service Level agreement
	<p>Your attention is drawn to the fact that this grant of permission is subject to a Service Level agreement.</p>
5	Highways
	<p>- Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.</p> <p>- Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</p> <p>- Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p>
6	Hours of Working

	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.
7	Building Regulations and Party Wall
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.
8	Discharged Conditions
	The details submitted to the Local Planning Authority on 18/04/2016 pursuant to 3 (Facing Materials), 6 (Details of lighting), 7 (Noise Management Plan) and 8 (Drainage Strategy) of Planning Permission Reference: P2015/3442/FUL [LBI Ref: P2016/1481/AOD] and approved by the Local Planning Authority on 29/07/2016 are deemed to form the approved details for the purposes of these conditions.

APPENDIX 2: RELEVANT POLICIES

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

1. National and Regional Guidance

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

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

2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

5 London's response to climate change

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

6 London's transport

Policy 6.2 Providing public transport capacity and safeguarding land for transport
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.7 Better streets and surface transport
Policy 6.10 Walking

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.11 London View Management Framework
Policy 7.15 Reducing noise and enhancing soundscapes use

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS15 (Open Space)

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

Health and Open Space

DM6.1 Healthy development

DM6.2 New and improved public open space

DM6.4 Sport and recreation

DM6.6 Flood prevention

Energy and Environmental Standards

DM7.4 Sustainable design standards

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

3. Designations

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

- Within 50m of a Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

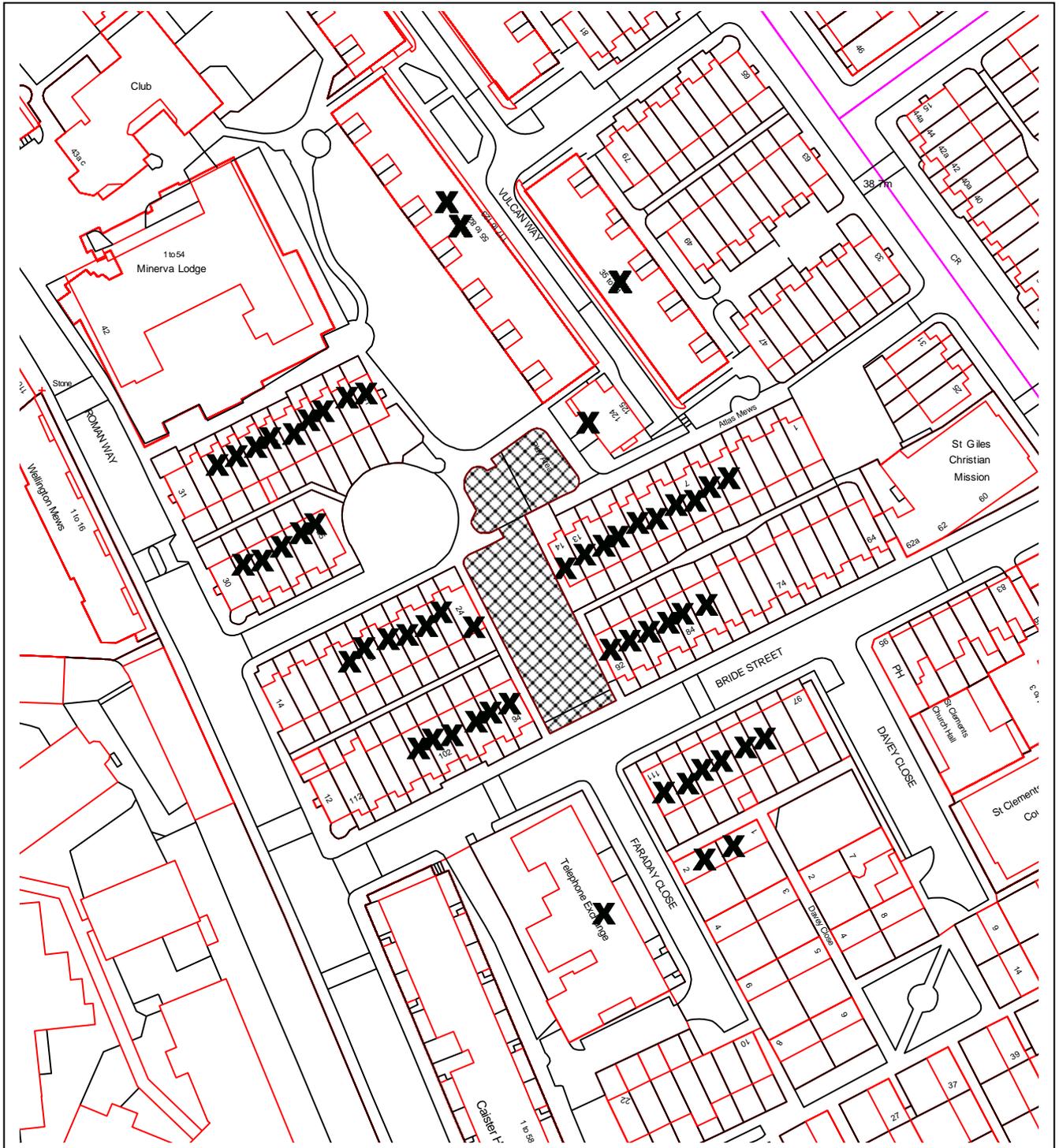
- Environmental Design
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

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

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB- COMMITTEE B		
Date:	25 th July 2017	NON-EXEMPT

Application number	P2017/0343/FUL
Application type	Full Planning Application (councils own)
Ward	St Mary's Ward
Listed Building	Not Listed
Conservation Area	Upper Street (North) Conservation Area
Development Plan Context	Article 4.1 Area Angel & Upper Street Core Strategy Key Area Strategic Cycle Route Employment Growth Area Within 100m of TLRN Within 50m of Canonbury Conservation Area
Licensing Implications Proposal	None
Site Address	Tyndale Mansions, 33-102 Upper Street, Islington, London N1 2XG
Proposal	Replacement of existing single glazed Crittal windows with double glazed aluminium units on the rear elevation.

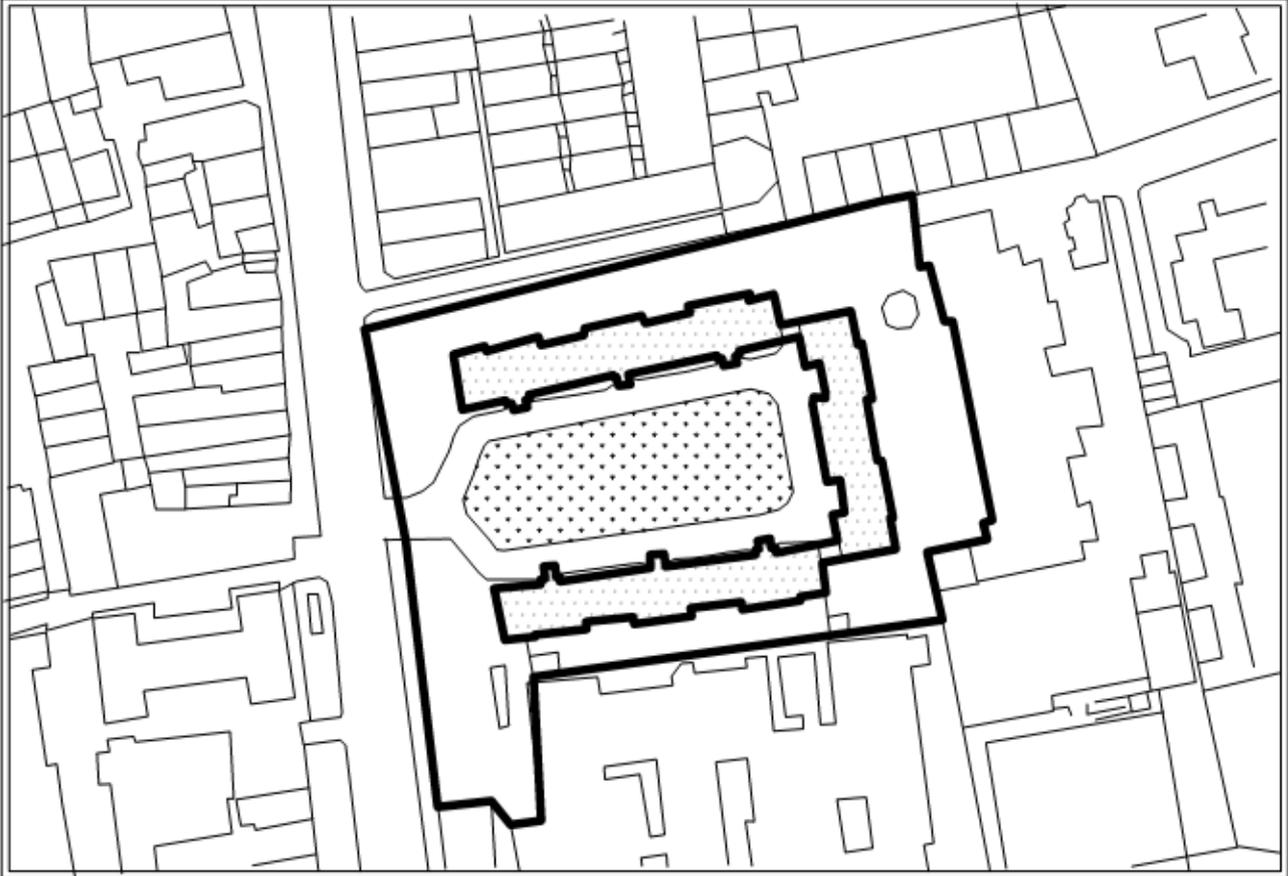
Case Officer	Emily Benedek
Applicant	Islington Council
Agent	Mears Group – Ms Chelsea Smith

1. RECOMMENDATION

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

1. the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site



Image 2: View of Tyndale Mansions from Upper Street



Image 3: View of the rear elevation of 33-56 Tyndale Mansions



Image 4: View of the rear elevation of 57-78 Tyndale Mansions



Image 5: View of the rear elevation of 79-102 Tyndale Mansions



Image 6: Photo of the window sample

4. SUMMARY

- 4.1 Planning permission is sought for the replacement of the existing single glazed crittal framed windows currently installed on the rear elevations with double glazed aluminium framed casement windows within all 3 of the buildings within the site. The key considerations in determining the application relate to the impact on the appearance of the existing building and on the character and appearance of the surrounding area including existing heritage assets (conservation area) as well as sustainability.
- 4.2 The application is brought to committee because the building is owned by the Council.
- 4.3 The application comprises 3 blocks of 4 storey residential apartments situated around a courtyard. The application site is not listed but is situated within the Upper Street (North) Conservation Area. The surrounding properties are of mixed use and there is a large variety of built form, age and character.
- 4.4 The buildings currently contain crittal framed windows, which is typical to housing estate buildings of this era, and therefore the main differences in their replacement would be the change from single glazed to double glazed units as well as the different materials. In addition, the double glazed frames often need to be thicker to compensate for the increased weight of the additional glazing, which can impact on the external appearance of the building. Given that the windows to be replaced are only located at the rear of the 3 buildings and would be minimally visible from Upper

Street, it is considered that the proposed replacement aluminium windows would not result in an unacceptable degree of visual harm to the appearance of the building or to the character of the area nor views into the site from Upper Street and would continue to preserve and enhance the character and appearance of the Upper Street (North) Conservation Area.

- 4.5 The application is part of a wider Council program to upgrade the energy performance of buildings within Council ownership. Double glazed windows improve the insulation of each individual unit over and above that of the existing single glazed windows and therefore the proposal contributes towards reducing the carbon footprint of the building. Whilst there is a clear public benefit achieved in the proposal, it is considered that the proposed windows would be of an acceptable appearance. Therefore the application is supported and recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The application site comprises 3 blocks of early twentieth century 4 storey residential apartments located around a central courtyard. The building itself is not listed and the site is located within the Upper Street (North) Conservation Area. The buildings are constructed out of bricks with a slate roof with traditional Crittall sash windows located on the front elevations, ensuring the traditional appearance of the building is maintained. The site is located in a prominent position adjacent to Islington Town Hall and the large courtyard, whilst uncharacteristic, provides some relief from this otherwise urban location. The site is also located on Upper Street, a main thoroughfare through the borough with a high pedestrian and vehicular footfall.
- 5.2 The surrounding properties are of mixed use and there is a large variety of built form, age and character.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the replacement of the all existing single glazed crittall framed windows currently installed within the buildings on the rear elevations with double glazed aluminium framed casement windows. The new aluminium framed units are of a sophisticated design and would not increase the thickness of the window frames when viewed externally.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 96 Tyndale Mansions
P2015/3748/FUL - Installation of replacement UPVC windows to the rear elevation.
Refused (18/05/16)
Reason for Refusal: The proposed UPVC windows are out of character with the host building and the character of the street scene. The proposed fenestration will therefore be detrimental to the character and appearance of the building and would introduce a new window treatment that would contrast with its surrounding conservation setting. The proposed works would therefore fail to preserve or enhance the character of the Upper Street North Conservation Area and would be contrary to

Policies DM2.1 and DM2.3 of Development Management Policies 2013 and Section 2.3.1 of Islington's Urban Design Guide (2006).

66 Tyndale Mansions

P120073 - Installation of replacement double glazing windows. Refused (10/04/2012)
Reason for Refusal: The installation of windows with glazing bars integrated or stuck on to the midsection of the casement window panes would fail to match the glazing design and detailing of the existing windows to the detriment of the architectural character of the original building. Overall, the proposal is considered to fail to preserve the character and appearance of the surrounding Upper Street (North) Conservation Area. The proposal would therefore fail to comply with policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of the Core Strategy; policies D3 (Site Planning), D4 (Designing in context) and D11 (Alterations and Extensions) of the Islington Unitary Development Plan (2002); and the objectives of the Islington Urban Design Guide (2006) and the Conservation Area Design Guide (2002).

900171 - New entrance canopies and landscape proposals including refuse areas stores children's playground and parking spaces as part of refurbishment of LBI estate. Approved (13/06/1990)

ENFORCEMENT:

7.2 None.

PRE-APPLICATION ADVICE:

7.3 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties in Tyndale Mansions, Upper Street and William Tyndale Primary School on 8 March 2017. A site notice was displayed outside the site and the application was advertised in the Islington Gazette on 16 March 2017. The public consultation of the application therefore expired on 6 April 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.

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

Internal Consultees

8.4 Design and Conservation – No objection.

External Consultees

8.5 None.

9. RELEVANT POLICIES

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

National Policy and Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Impact on the character and appearance of the existing building and surrounding area;
- Impact on the character and appearance of the conservation area; and
- Sustainability.

Impact on the character and appearance of existing building and wider locality

- 10.2 The proposed replacement aluminium framed casement windows would match the design of the existing windows with the exception that they would be double glazed rather than single glazed and the materials will be altered from Crittal to aluminium. It is also important to note that the style of the windows currently differs between the front and rear elevations. Whilst the main concern is that double glazing usually requires thicker frames, the details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building - with a 20mm difference in the thickness of the frame between existing and proposed windows and 20mm in section. Furthermore, given that the windows will be located at the rear of the buildings where they are minimally visible from the street scene (glimpses from Upper Street) it is considered that the proposed replacement aluminium windows would not result in visual harm to the appearance of the building or to the character of the area.
- 10.3 The application site is located in the Upper Street (North) Conservation Area. Whilst the main frontage of the buildings are highly visible within the street scene and form a prominent part of the conservation area, given the height of the buildings in relation to the small rear gardens, limited views are offered of the rear elevations and are mainly

visible from short distances within the site. Given that the style and thickness of the window frames will remain similar to the existing and the limited views afforded of the rear elevations, it is considered that at this distance there would be no noticeable difference between the existing and proposed replacement windows. Therefore, there would be no demonstrable harm to the character and appearance of the existing buildings or Conservation Area.

- 10.4 The design of the proposal is considered to be acceptable in accordance with the guidance provided under the Urban Design Guide 2017, policies DM2.1 and DM2.3 of the Development Management Policies 2013, policies CS8 and CS9 of the Core Strategy 2011 and the NPPF 2012.

Sustainability

- 10.5 The proposed double glazing would improve the insulation and thermal efficiency of each individual unit thereby contributing to reductions in carbon emissions and reducing energy costs. The proposed double glazing would enhance the sustainability of the 4 storey buildings, which contain 69 residential units, as it will improve the retention of heat in winter and the proposals are therefore in compliance with policy DM7.2, which requires developments to be energy efficient in design and specification.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The details submitted illustrate that the frame thickness of the proposed windows would be appropriately proportioned to the glazed window pane and would not be overly different to those existing in the building (around 20mm). Furthermore, given the appearance of the existing building and the fact that the replacement windows will be located to the rear, it is considered that the proposed replacement aluminium windows would not result in visual harm to the overall appearance of the building or to the character of the conservation area. There is also a clear public benefit achieved in the proposal through the enhanced insulation offered by double glazed windows, which will improve the sustainability of the building.
- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan 2016, Islington Core Strategy 2011, Islington Development Management Policies 2013 and the National Planning Policy Framework 2012 and as such is recommended for approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement dated January 2017, 015 Rev 02, 005 Rev 02, 003 Rev 02, 013 Rev 02, 012 Rev 02, WDS001 Rev 02, 001 Rev 02, SEC001 Rev 02, WDS011 Rev 02, 002 Rev 02, SLP Rev 02, 004 Rev 02, TYM/01 Sheet 8 of 9, TYM/01 Sheet 9 of 9, WDS EX 02 Rev 02.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (Compliance)
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Windows to Match (Compliance)
	<p>CONDITION: The new windows shall accurately replicate the surviving historic windows in terms of material, profile, reveal depth and detailing. The windows shall be painted aluminium windows without horns, with a slim profile and narrow integral glazing bars with a putty finish.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>

List of Informatives:

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

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2016, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 5 – Angel & Upper Street
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.3 - Heritage
Policy DM7.1 - Sustainable design and construction
Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
Policy DM7.4 – Sustainable Design Standards

3. Designations

Upper Street (North) Conservation Area
Article 4.1 Area
Angel & Upper Street Core Strategy Key Area
Strategic Cycle Route
Employment Growth Area
Within 100m of TLRN
Within 50m of Canonbury Conservation Area

4. SPD/SPGS

Islington Urban Design Guidelines 2017
Environmental Design SPD 2012

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