



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 - Islington Town Hall on, **2 October 2018 at 7.30 pm.**

Yinka Owa
Director of Law and Governance

Enquiries to : Zoe Lewis
Tel : 020 7527 3486
E-mail : democracy@islington.gov.uk
Despatched : 24 September 2018

Welcome:

Members of the public are welcome to attend this meeting.

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

Committee Membership

Wards

Substitute Members

Councillor Kay (Chair)	- Mildmay;	Councillor Convery	- Caledonian;
Councillor Chapman (Vice-Chair)	- Junction;	Councillor Cutler	- St Peter's;
Councillor Khondoker	- Highbury West;	Councillor Graham	- Bunhill;
Councillor Klute	- St Peter's;	Councillor Nathan	- Clerkenwell;
Councillor Woolf	- Canonbury;	Councillor Picknell	- 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 - 4
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B.	Consideration of Planning Applications	Page
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3.	1-42 Saltdene, 2 Regina Road, London, N4 3PR	55 - 68
4.	147 Grosvenor Avenue, London N5 2NH	69 - 104
5.	186A New North Road, London, N1 7BJ	105 - 134
6.	23 Romilly Road, London, N4 2QY	135 - 154
7.	440 A Hornsey Road, LONDON, N19 4EB	155 - 210
8.	18 ½ Sekforde Street, London, EC1R 0HL	211 - 230
9.	Easyhotel House, 80 Old Street, London, EC1V 9AZ	231 - 250

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, 27 November 2018

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 Jackie Tunstall on 020 7527 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

COMMITTEE AGENDA

**1 1 Berry Place
Islington
London
EC1V 0JD**

**2 1 Berry Place
London
EC1V 0JD**

3 1-42 Saltdene, 2 Regina Road, London, N4 3PR

4 147 Grosvenor Avenue, London N5 2NH

**5 186A New North Road
London
N1 7BJ**

**6 23 Romilly Road
LONDON
N4 2QY**

**7 440 A Hornsey Road
London
N19 4EB**

**8 And A Half
18 Sekforde Street
Islington
LONDON
EC1R 0HL**

9 Easyhotel House, 80 Old Street, London, EC1V 9AZ.

**1 1 Berry Place
Islington
London
EC1V 0JD**

Application Number: P2018/1799/FUL
Ward: Clerkenwell

Proposed Development: Installation of proposed plant ec
Application Type: Full Planning Application
Case Officer: Daniel Jeffries
Name of Applicant: Kandor Holdings Ltd, Mr Chapman
Recommendation:

**2 1 Berry Place
London
EC1V 0JD**

Application Number: P2018/1525/FUL
Ward: Clerkenwell
Proposed Development: Installation of two air conditioning
Application Type: Full Planning Application
Case Officer: Daniel Jeffries
Name of Applicant: c/o Agent
Recommendation:

3 1-42 Saltdene, 2 Regina Road, London, N4 3PR

Application Number: P2016/4705/FUL
Ward: Tollington
Proposed Development: Replacement of existing single g
Application Type: Full Planning (Council's Own)
Case Officer: Yusif Yusifzada
Name of Applicant: Islington Council
Recommendation:

4 147 Grosvenor Avenue, London N5 2NH

Application Number: P2015/3543/FUL
Ward: Mildmay
Proposed Development: Erection of extensions at rear ba
Application Type: Full Planning Application
Case Officer: Daniel Jeffries
Name of Applicant: Mr Rajesh Bajaj
Recommendation:

**5 186A New North Road
London
N1 7BJ**

Application Number: P2018/0246/FUL
Ward: St. Peters
Proposed Development: Alteration to the existing 1 bedro
Application Type: Full Planning Application
Case Officer: David Nip
Name of Applicant: Ms Jo Trench
Recommendation:

**6 23 Romilly Road
LONDON
N4 2QY**

Application Number: P2017/1670/FUL
Ward: Highbury West

Proposed Development: Creation of a basement extensio
Application Type: Full Planning Application
Case Officer: Rebecca Neil
Name of Applicant: Mr Jamie Majid
Recommendation:

7 440 A Hornsey Road
London
N19 4EB

Application Number: P2017/5001/FUL
Ward: Tollington
Proposed Development: Demolition of existing warehouse
Application Type: Full Planning Application
Case Officer: Paul Conboy
Name of Applicant: -
Recommendation:

8 And A Half
18 Sekforde Street
Islington
LONDON
EC1R 0HL

Application Number: P2017/4174/FUL
Ward: Clerkenwell
Proposed Development: Partial demolition of the rear cou
Application Type: Full Planning (Householder)
Case Officer: Rebecca Neil
Name of Applicant: Schrader
Recommendation:

Application Number: P2017/4227/LBC
Ward: Clerkenwell
Proposed Development: Partial demolition of the rear cou
Application Type: Listed Building
Case Officer: Rebecca Neil
Name of Applicant: Schrader
Recommendation:

10 Easyhotel House, 80 Old Street, London, EC1V 9AZ.

Application Number: P2018/1744/FUL
Ward: Bunhill
Proposed Development: Change of use of the existing gr
Application Type: Full Planning Application
Case Officer: John Kaimakamis
Name of Applicant: easyHotel UK Ltd.
Recommendation:

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London Borough of Islington

Planning Sub Committee B - 17 July 2018

Minutes of the meeting of the Planning Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 17 July 2018 at 7.30 pm.

Present: **Councillors:** Kay (Chair), Chapman (Vice-Chair), Khondoker, Klute and Convery (Substitute) (In place of Woolf)

Councillor Jenny Kay in the Chair

1 **INTRODUCTIONS (Item A1)**

Councillor Kay welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

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

Apologies were received from Councillor Woolf.

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

Councillor Convery substituted for Councillor Woolf.

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

There were no declarations of interest.

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

The order of business would be B4, B3, B2 and B1.

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

RESOLVED:

That the minutes of the meeting held on 30 April 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

7 **32-54 KEIR HARDIE HOUSE, 1-12 ARTHUR HENDERSON HOUSE, HAZELLVILLE ROAD, LONDON, N19 3BX (Item B1)**

Replacement of existing single glazed timber/plastic coated windows and doors with double glazed UPVC.

(Planning application number: P2017/4951/FUL)

In the discussion the following points were made:

- Concern was raised that there were no drawings showing the comparison between the proposed and existing thicknesses of the window frames.
- A member asked for clarification as to whether the window frames were chamfered as the report stated they were not but the sample was chamfered. The applicant stated that the proposed windows were chamfered and not flush. They had the same profile as that currently being installed in the other blocks on the estate.
- The report stated that the window frames were 70mm wide when they were actually 60mm wide.

Planning Sub Committee B - 17 July 2018

- The windows to be replaced were believed to be over 25 years old. They were no longer manufactured and the glazing was held in place by rubber gaskets which made them insecure.
- In response to a question from a member as to why the window replacement for all the blocks was not submitted under one planning application, the applicant stated that this was due to capital maintenance cycles and leaseholder charges. The work had been divided into phases.
- The application was policy compliant.

RESOLVED:

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

8 BASEMENT AND GROUND, 37-39 EXMOUTH MARKET, ISLINGTON, LONDON, EC1R 4QL (Item B2)

Change of use from A2 (Financial and Professional Services) at ground and basement levels, to A3 (Restaurants and Cafes) at Ground Floor Level and A4 (Drinking Establishments) at basement level.

Reason for reconsultation: addition of extractor ducts, plant equipment and acoustic screening at rear and provision of further noise report and management plan.

(Planning application number: P2017/1262/FUL)

In the discussion the following points were made:

- The planning officer stated that Condition 11 should be amended to state that prior to implementation details of the flues/extraction scheme should be submitted and approved through an Approval of Details (AOD) with the wording delegated to officers.
- A member raised concern that the drawing submitted in relation to flues/extraction did not take into account the three floors above the ground floor. The planning officer advised that standard practice was for the flue to rise one metre above the nearest roof.
- The planning officer stated that the drawing showed generic extract proposals that did not satisfy planning officers and therefore the AOD was required. As part of this, consultation with neighbours and relevant officers was necessary.
- In response to a member's question about the land use types, the planning officer advised that approximately 75% was A1, A3 and A4.
- Concern was raised about the change of use and whether this was in line with policy. The applicant advised that the premises had previously been a bookmakers and this meant its use was not A2 but sui generis.

Councillor Convery proposed a motion to defer the consideration of the application to enable officers to clarify whether a change of use was required, to enable the applicant to submit details of the flue/extraction scheme as well as a scheme for equipment, plant and servicing and to enable reconsultation with neighbours. This was seconded by Councillor Klute and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

9 CLARISSA BALDWIN HOUSE, 17 WAKLEY STREET, LONDON, EC1V 7RQ (Item B3)

Removal of second floor roof terrace and erection of single storey extension at second floor level to create additional office floorspace. Replacement of existing plant equipment and provision of new plant equipment in connection with the new development. Installation of new ramp access to main building and associated changes to main entrance doors. Installation of new secure cycle parking.

Reason for reconsultation: Amended daylight/sunlight report.

(Planning application number: P2017/2887/FUL)

In the discussion the following points were made:

- A member asked the distance between the back elevation of the proposed development and the back elevation of the properties on City Road. The planning officer advised that it was 11m.
- A member asked for the planning officer to clarify why the report stated that light loss to the four windows that did not meet the BRE guidelines was negligible. The officer stated that this was incorrect and the light loss was not negligible.
- The application was policy compliant apart from four windows failing the BRE guidelines. The planning officer advised that the BRE guidelines should be applied flexibly. It was difficult to meet the target in dense urban locations. The daylight requirements for bedrooms were lower than for living rooms but it was not known whether the windows affected were bedrooms or living rooms.
- Concern was raised about the amount of building work being undertaken in the area which was so close to residents' homes.

Councillor Kay proposed a motion to restrict construction hours to prevent construction work from taking place on Saturdays and that the construction management plan be changed accordingly. This was seconded by Councillor Klute and carried.

RESOLVED:

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

10 MICROTRON HOUSE, 338 CITY ROAD, LONDON, EC1V 2PY (Item B4)

Erection of a single storey roof extension at third floor level to create a 1 bedroom residential flat, external alterations including creation of lift shaft to rear, and creation of front roof terrace fronting Wakley Street.

Reason for reconsultation: Revised design of roof extension, revised drawings and Design and Access Statement and submission of daylight and sunlight report.

(Planning application number: P2017/2243/FUL)

In the discussion the following points were made:

- The planning officer stated that Paragraph 10.74 of the officer report should not have referred to a failure in the BRE test as it was compliant.
- The planning officer advised that the cumulative impact of this application and Item B3. Clarissa Baldwin House had been considered and the windows would still pass the BRE tests if both developments took place.

Planning Sub Committee B - 17 July 2018

- Concern was raised that the roof area facing on to City Road could be used as a roof terrace. The applicant stated that the existing balustrade was part of the original building. It was not high enough or with narrow enough gaps between the bars to meet the requirements for a roof terrace. He confirmed that the area would not be used as a roof terrace and would only be accessed for maintenance. The roof area facing onto Wakley Street would be used as a roof terrace and the balustrade would have a glass panel behind the original balustrade to ensure it met current regulations.
- In response to a member's question about the materials to be used, the planning officer replied that there was a proposed a condition on materials. The materials used on the front of the building would match the existing materials. Regarding the back of the extension, the planning officers would generally discourage render and promote the use of bricks. The design and conservation officer would be consulted when the materials were submitted for approval. The applicant confirmed that the materials used at the front and back of the extension would match the existing materials.
- In response to a member's question about an emergency exit in the event of a fire, the applicant advised that there was a staircase and all building regulations would be met, including those in relation to fire and accessibility.
- Concern was raised that the obscurely glazed window at the back of the extension could be changed to clear glazing in time. The planning officer advised that it could be conditioned that the obscurely glazed window be non openable and retained in perpetuity.
- Objectors were advised that if there were any breaches to conditions, they could report it to the council.

Councillor Klute proposed a motion to add a condition that there be inward opening doors onto the roof area facing on to City Road with a Juliet balcony preventing access to the roof area. This was seconded by Councillor Chapman and carried.

Councillor Convery proposed a motion that the details of the Juliet balcony should be submitted to the local planning authority for approval. This was seconded by Councillor Chapman and carried.

Councillor Klute proposed a motion that Condition 3 be amended to state that the materials and detailing should reflect and replicate the existing materials. This was seconded by Councillor Chapman and carried.

Councillor Klute proposed a motion to add a condition that the obscurely glazed window to the rear of the extension be non-openable and retained in perpetuity. This was seconded by Councillor Chapman and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with the additional and amended conditions outlined above 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 9.40 pm

CHAIR

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department



PLANNING SUB-COMMITTEE B		Agenda Item: B1
Date:	2 October 2018	NON-EXEMPT

Application number	P2018/1799/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation Area	Northampton Square Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Northampton Square Conservation Area Central Activities Zone Finsbury Local Plan Employment Priority Area (General) Bunhill & Clerkenwell Finsbury Local Plan Area Within 50m of Hat and Feathers Conservation Area Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3
Licensing Implications	No
Site Address	1 Berry Place, Islington, London EC1V 0JD
Proposal	Installation of proposed plant equipment (2 no. air conditioning units) above existing flat roof at second floor level (first floor roof) including associated screening and other works

Case Officer	Daniel Jeffries
Applicant	Kandor Holdings Ltd, Mr Chapman
Agent	Studio RHE Ltd Mr R. Hywel Evans

1. RECOMMENDATION

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

- 1.1 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 application site



Image 2: Aerial view in southerly direction

4. SUMMARY

- 4.1 Planning permission is sought for the installation of 2 no. air conditioning units to the roof of the existing two storey commercial building, with associated screening and access barriers. This is following the withdrawal of the previous application (ref. P2018/0591/FUL) for the installation of proposed plant equipment above the existing flat roof at second floor level including associated screening and other works. The application has been submitted as a result of an enforcement investigation as a result of unauthorised plant equipment to the roof of the application building. This unauthorised plant equipment has now been removed.
- 4.2 The application is brought to committee due to the number of objections received (6 no).
- 4.3 The issues arising from the application are the design of the proposal, including its impact on the visual appearance and historic character of the host buildings and surrounding heritage assets and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The position of the proposed air conditioning units above the flat roof of the two storey building is considered acceptable. The units would be set in from the south and east elevations which would ensure that any views from the public realm would largely be obscured. The proposed equipment would also be enclosed with an acoustic screening which mitigates the noise and reduces visual impact. It is therefore considered that design of the proposal is acceptable and would preserve the visual appearance of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Northampton Square Conservation Area Design Guidelines.
- 4.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure.
- 4.6 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Whilst the submitted Noise Impact Assessment has not considered the cumulative impact of both the plant equipment within this application and the concurrent application at the application building (ref. P2018/1525/FUL) at first floor level, this has been considered by the Council's Acoustic Officer to have an acceptable impact. Conditions have also been recommended to ensure that the noise levels complies with Islington acoustic controls. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.7 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located to the west of Berry Place and to the north of Harold Laski House and immediately to the rear of 2-4 Sebastian Street and adjacent to the existing properties along Sebastian Street to the west. The application building is predominately a two storey property, with a flat roof and central pitch. The proposed equipment is required service the existing use of the building as a photographic studio (B1 use), and consolidate the historical plant equipment at roof level.
- 5.3 The application building is not listed, but the site is located within the Northampton Square Conservation Area. The site is also located within Bunhill & Clerkenwell Core Strategy Key Area, Central Activities Zone, Finsbury Local Plan Employment Priority Area (General), Bunhill & Clerkenwell Finsbury Local Plan Area, within 50m of Hat and Feathers Conservation Area, the Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral, and subject to Article 4 Directions A1-A2 (Rest of Borough) and B1(c) to C3 restricting permitted development.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the installation of 2 no. air conditioning units to the roof of the existing two storey commercial building, with associated screening and access barriers. This is following the withdrawal of the previous application (ref. P2018/0591/FUL) for the installation of proposed plant equipment above existing flat roof at second floor level including associated screening and other works.
- 6.2 The application has been submitted as a result of an enforcement investigation as a result of the unauthorised installation of air conditioning equipment to the main roof of the host building. The Council’s Enforcement Officer recommended the submission of the application to regularise the development. Since the commencement of this enforcement investigation existing historical plant equipment has been removed. Following the submission of the planning application the enforcement case was held in abeyance until such time that a decision will be made on the application.
- 6.3 The proposed air conditioning units would be located to the flat roof of the existing two storey building, towards the west of the site, and adjacent to the central pitched area of the roof. The units would be Mitsubishi Electric (models P300Y 1220WX740D X1700H and PURY-P550YSLM-A1 2140WX740DX1700H) measuring 1.7m (height) x 0.74m (width) x 1.22m (length). The proposed screening would include polyester powdercoated louvres at 2.1m in height covering an area of 2.3m (length) x 1.7m (width) and 3.4m (length) x 1.7m (width).

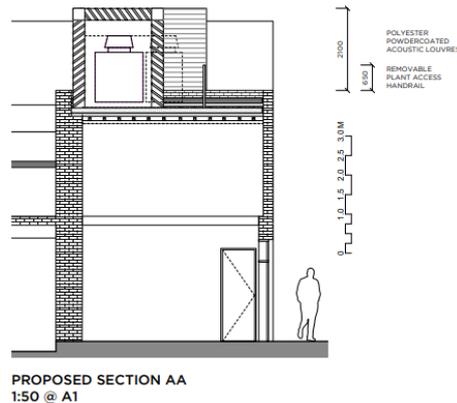


Image 1: Section drawing showing plant equipment and associated enclosure

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

1 Berry Place

- 7.1 P2018/1525/FUL - Installation of two air conditioning units within an enclosure, located on the first floor flat roof on the eastern side of the property. (currently under assessment)
- 7.2 P2018/2160/ADV - Advertisement Consent in connection with the display of 1 no. non-illuminated corten steel fascia sign attached to eastern elevation; and 1 no. non-illuminated hanging steel sign from southern elevation at first floor level. (currently under assessment)
- 7.3 P2018/0591/FUL - Installation of proposed plant equipment above existing flat roof at second floor level including associated screening and other works (following removal of existing plant equipment) Withdrawn by applicant

Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place

- 7.4 941194 –) Removal of condition 03 of consent ref. 87/0035 dated 20th July 1987. Approved on 3rd January 1995.
- 7.5 870035 – (Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place) Alterations and construction of a two storey extension (960 sq.m.) in place of a single storey section (48sq.m) at the rear and change of use from general industrial to light industrial (total floorspace resulting approx 750 sq.m. Approved on 20th July 1987.

ENFORCEMENT

- 7.6 E/2018/0044 - Installation of plant machinery (case ongoing)

PRE-APPLICATION ADVICE:

- 7.7 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 266 occupants of adjoining and nearby properties Berry Place, Tompion Street, Sebastian Street on 19th June 2018, and site and press adverts were displayed. The public consultation of the application expired on 12 July 2018.
- 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 6 no. objections in total 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):
- Loss of amenity to occupiers of neighbouring properties in terms of noise, disturbance, privacy (Tompion Street, Sebastian Street, Northampton Square) (paragraphs 10.20 to 10.24)
 - Inaccuracies of the submitted noise report and measurement of background sound level not a fair reflection (paragraph 10.22)
 - Hours of operation of the units (paragraph 10.22)
 - Visual impact on the host building and surrounding area including the Conservation Area (paragraph 10.2 to 10.12)
 - Security issues (paragraphs 10.25 to 10.28)
 - Maintenance of units and potential heat issues as units get older (paragraph 10.29)
 - Birds standing on top of the units resulting in bird faeces to the area (paragraph 10.29)

Internal Consultees

- 8.4 **Design and Conservation Officer:** raised no objections to the proposal
- 8.5 **Pollution Officer:** raised no objections to the proposal, subject to conditions including the operation of the equipment being only in 'low noise' mode, the hours, sound levels and for a post mitigation installation report to be submitted.
- 8.6 **Enforcement:** The unauthorised plant machinery to the roof of the property were brought to the Council's attention on 30/01/2018, enforcement case reference ENF/2018/0044 was opened and an initial site visit undertaken by the case officer on 02/02/2018. The desktop investigation produced photographic evidence confirming that the principle of plant on the roof of this property had been long established; as such a retrospective application was invited in order to regularise the new plant machinery, and in doing so, enabling the Council to impose appropriate planning conditions to alleviate any noise impact to neighbouring residential amenity. Once a valid planning application had been submitted, the enforcement case was held in abeyance until such time that a decision was made on the application."

External Consultees

8.7 **Secured by Design:** raised no objections to the proposal.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
- As the development is within a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."

9.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

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

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

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

9.11 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:

- Bunhill & Clerkenwell Core Strategy Key Area
- Northampton Square Conservation Area
- Central Activities Zone
- Finsbury Local Plan Employment Priority Area (General)
- Bunhill & Clerkenwell Finsbury Local Plan Area
- Within 50m of Hat and Feathers Conservation Area
- Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul's Cathedral
- Article 4 Direction A1-A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and Conservation
- Neighbouring Amenity including sunlight/daylight and noise
- Security

Design and Conservation

- 1.1 The site is within the Northampton Square Conservation Area. Therefore, the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 1.2 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’.
- 1.3 Policy DM2.1 states ‘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’.
- 1.4 In relation to heritage, Policy DM2.3 states ‘Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance’.



Image 2: Proposed South Elevation

- 1.5 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 1.6 The advice found within paragraphs 5.182 to 5.185 of the UDG provides specific advice in relation to building services and equipment. It states that if it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.
- 1.7 The Northampton Square Conservation Area Design Guidelines should also be included within any application. Paragraph 29.10 provides advice in relation air conditioning units, stated that the Council is opposed to their installation at roof level where they can be seen from street level or public space, including long views from side streets.
- 1.8 In this instance, the proposed 2 no. air conditioning units would be located above the existing flat roof of the host building at second floor level towards the south west of the host building, adjacent to the central pitched roof of the building. The proposal includes screening around each of the air conditioning units which would be polyester powdercoated louvres, measuring a height of 2.1m. The proposed planting equipment and associated screening would be set away from the south elevation by 1.7m and 2.8m. There would also be a removable plant access rail, measuring 0.65m above the flat roof, which would be set away from the south elevation by 1.7m. There are no details in terms of the proposed screening or railings. However, a condition has been recommended ensuring that it would be goosewing grey (RAL7038), in the event the application is approved, to ensure it would be less prominent and be in keeping with visual appearance of the host building and wider area.
- 1.9 It is acknowledged that the proposal would result in additional bulk to the roof of the host building. However, given the position within the roof, adjacent to the central pitched area and in terms of its position away from the south and east elevations it is considered that any views would be largely obscured from the public realm, due to the orientation of the building and surrounding streets as well as the existing tree to the front of the host building to the south elevation. It should be noted that given the sites designation within a conservation area this tree is protected from removal or pruning works without prior consent from the Council's Tree Preservation team. In addition, due to the restricted footprint of the proposal, this additional bulk is considered to be subordinate to the host building. Notwithstanding the ongoing enforcement investigation which has resulted in the submission of this application, it should also be noted that the historical plant equipment at roof level, which has since been removed did not have additional screening. This historic equipment had greater visible presence than what is proposed under the current application. Its removal and its replacement with less visible equipment is an added benefit to the street scene.
- 1.10 As discussed above, it is acknowledged that the proposal may be visible from the public realm, which does not strictly accord with the general design guidance found within the Urban Design Guide 2017 and Northampton Square Conservation Area

Design Guidelines. However, given the setbacks, the tree screening and the narrow streets surrounding the host building, and its orientation and position within the roof, any views of the proposal would be largely obscured. In addition, a condition has been recommended to ensure the equipment would be goosewing grey (RAL 7038) in colour to reduce its visual prominence.

- 1.11 Overall, given the above assessment it is considered that the proposal would preserve the visual appearance and historic character of the host building and the Northampton Square Conservation Area, and is considered acceptable in design terms.

Neighbouring Amenity including Noise

- 10.13 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.15 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 In this instance, the proposal would be located above the flat roof of the existing two storey building. The nearest residential property is located at no. 16 Tompion Street, 10m away from the proposed equipment, with other properties at Mulberry Court 12m away to the south and the rear of the properties at 4 Sebastian Street are 16m away. The latter of these two properties overlook the proposal.

Daylight/Sunlight

- 10.17 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).

10.18 In this instance, given its location which would be 10m away from the nearest residential property it is considered that this addition would result in no significant loss of daylight/sunlight or outlook or enclosure to neighbouring properties.

Privacy

10.19 In this instance, there would no additional privacy issues associated with the proposed development as it relates to equipment associated with the building rather than an extension or development that may lead to overlooking concerns.

Noise

10.20 The application was accompanied by the submission of a noise impact assessment report. This report presents an assessment of the noise impact of the new plant based on the findings of an environmental noise survey that has been undertaken at the site. The noise assessment has assumed all of the existing and proposed plant to be operating simultaneously and has considered noise emission to the nearest noise sensitive receptors. These have been taken to be no. 16 Tompion Street; the upper floors of Mulberry Court which overlook the plant; and the rear of the properties at no. 4 Sebastian Street.

10.21 The assessment has concluded that without attenuation measures, the level of noise generated by the new plant would be above the lowest measured background noise level recorded during their period of operation. The conclusions of the report identified that two mitigation measures. The first is to create an enclosure around the plant formed from 300mm deep acoustic louvres. In addition, the maximum operating duty of the plant will be restricted. This will also control the maximum noise generated by the plant. The report states that together these two measures have been shown to reduce the operating noise levels to at least 5dB below the lowest measured background noise level likely to be experienced during their periods of operation.

10.22 The Council's Pollution (Acoustic) Officer has reviewed the submitted report and has concluded that there are no objections to the proposal, and is satisfied that the report has been carried out in accordance with the Council's requirements. This is subject to a number of recommended conditions in the event the application is approved. These conditions relate to the operating hours between 0630 and 2000 hours only, sound levels and for a post mitigation installation report to be submitted to demonstrate compliance and has recommended that the operation of the equipment to be in 'low noise' mode only. It is considered that subject to these conditions, the proposal is not considered to result in any significant noise issues to neighbouring properties.

10.23 Whilst the submitted noise impact assessment has not assessed the potential cumulative impact of the proposal alongside the proposed plant equipment within the concurrent application at the host building (ref. P2018/1525/FUL), the Council's Acoustic Officer has confirmed that the potential noise impact would be acceptable subject to the recommended conditions for these applications in the event both applications are approved.

10.24 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring

amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Security

- 10.25 A number of concerns have been raised in relation to the potential impact for the proposal to result in security issues to neighbouring properties, particularly in relation to the potential for the proposal to be used to help gain access to neighbouring properties. The Metropolitan Police's Secured by Design Officer was consulted on the of the application in light of this concerns.
- 10.26 The Secured by Design Officer confirmed that he has no objections to the proposal and considers that the existing arrangements at the host building which includes the types of locks, an intruder alarm system and CCTV cameras are sufficient in terms of providing security to the host building and does not consider it would have a significant impact on security of the surrounding area.
- 10.27 The host building benefits from an existing alarm system movement/heat sensors installed in each of the office area and all of the external doors have alarm contacts. The CCTV cameras are linked to a recording platform that retains the data for 1 month, with both 12 no. internal dome cameras, 5 no. bullet cameras covering the terrace/external stairwell, the main reception doors, the ground floor main office fire exit and along the street and another towards the parking bays. There are also 2 no. door panel cameras to the main entrance and storage bay doors. A mixture of the door panel and 5 no. other the units control access on a number of external and internal doors.
- 10.28 Therefore, it is considered that the proposal would be acceptable in terms of its impact on the security of the surrounding area.

Other matters

- 10.29 Concerns have been raised in relation to the maintenance of the proposed air conditioning units and the potential for them to overheat. Whilst it is expected that the units would be regularly maintained by the applicant this is not considered to be a material consideration and is therefore not relevant to the assessment of the application. In addition, the potential for birds to sit on top of the units and the resultant faeces to the surrounding area, is not considered to be material to the assessment of the application.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Planning permission is sought for the installation of 2 no. air conditioning units and associated screening to the flat roof of the existing two storey building. Following an enforcement investigation to regularise the unauthorised installation of plant equipment at this location which has since been removed.

- 11.2 The application is brought to committee because of 6 no. objections received, raising valid planning matters.
- 11.3 The issues arising from the consultation carried out on the application are the impact of the air conditioning units on the amenity of the occupiers of neighbouring properties in terms of noise, disturbance, privacy, the claimed inaccuracies of the submitted noise report, the hours of operation of the units, the visual impact on the host building and surrounding area including on the Conservation Area. In addition, the potential security issues to the surrounding area, the maintenance of the units and potential heat issues as units get older. The potential for birds standing on top of the units resulting in bird faeces to the area.
- 11.4 Whilst it is acknowledged the proposal would not strictly accord with the Council's design guidance, as it may be visible from the public realm, any views would be largely obscured due to the position within roof at second floor level, the setbacks from south and east elevations and the narrow surrounding streets and position of the existing tree immediately adjacent, and the use of screening which would be goosewing grey in colour to reduce its visual prominence. The proposal is therefore considered to preserve the visual appearance and historic character of the host building and wider Northampton Square Conservation Area and would be acceptable in design terms.
- 11.5 The proposal is not considered to result in any significant amenity issues, in terms of daylight/sunlight, outlook or privacy, to neighbouring properties given its position within the roof away from residential properties, and the scale and the nature of the proposed development.
- 11.6 The Council's Acoustic Officer has confirmed that the proposal would not result in any significant noise issues to neighbouring properties, following a review of the submitted noise impact assessment, subject to a number of conditions including the operating hours, noise levels and the submission of a post mitigation installation report to demonstrate compliance.
- 11.7 Overall, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be complete in full not later than 3 months from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(c) 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>Site Location Plan, Design and Access Statement dated May 2018, Noise Impact Assessment Scotch Partners Revision 01 dated 18/05/2018, 000, 001, 002Rev.B, 003RevB, 004RevA, 005RevA, 006RevC, 007RevC, 008RevD,</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 and within the Design and Access Statement, with the acoustic screening being goosewing grey (RAL 7038) in colour. 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>
3	Noise levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of</p>

	noise
4	Post mitigation installation noise report
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 3. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 4 months of the decision notice.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>
5	Hours of use/timer
	<p>CONDITION: Prior to the first use and within one month of the grant of permission (as shown on the decision notice) for the hereby approved plant equipment, a timer shall be installed limiting the operation of the Mitsubishi heat pump units to between the hours of 06:30 to 20:00 Monday to Friday only. The units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>

List of Informatives:

1	Operating levels
	You are advised that in order to comply with condition 3 in relation to noise levels the hereby approved equipment should operate up to a maximum of 85% duty only.

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 2018 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, 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 2.10 Central Activities zone
Policy 5.3 Sustainable design and construction
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

Policy CS7 – Bunhill and Clerkenwell
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 DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage

D) Finsbury Local Plan 2013

- Policy BC4 Northampton Square, Goswell Road and Spencer Street

3. Designations

Bunhill & Clerkenwell Core Strategy Key Area
Northampton Square Conservation Area
Central Activities Zone
Finsbury Local Plan Employment Priority Area (General)
Bunhill & Clerkenwell Finsbury Local Plan Area

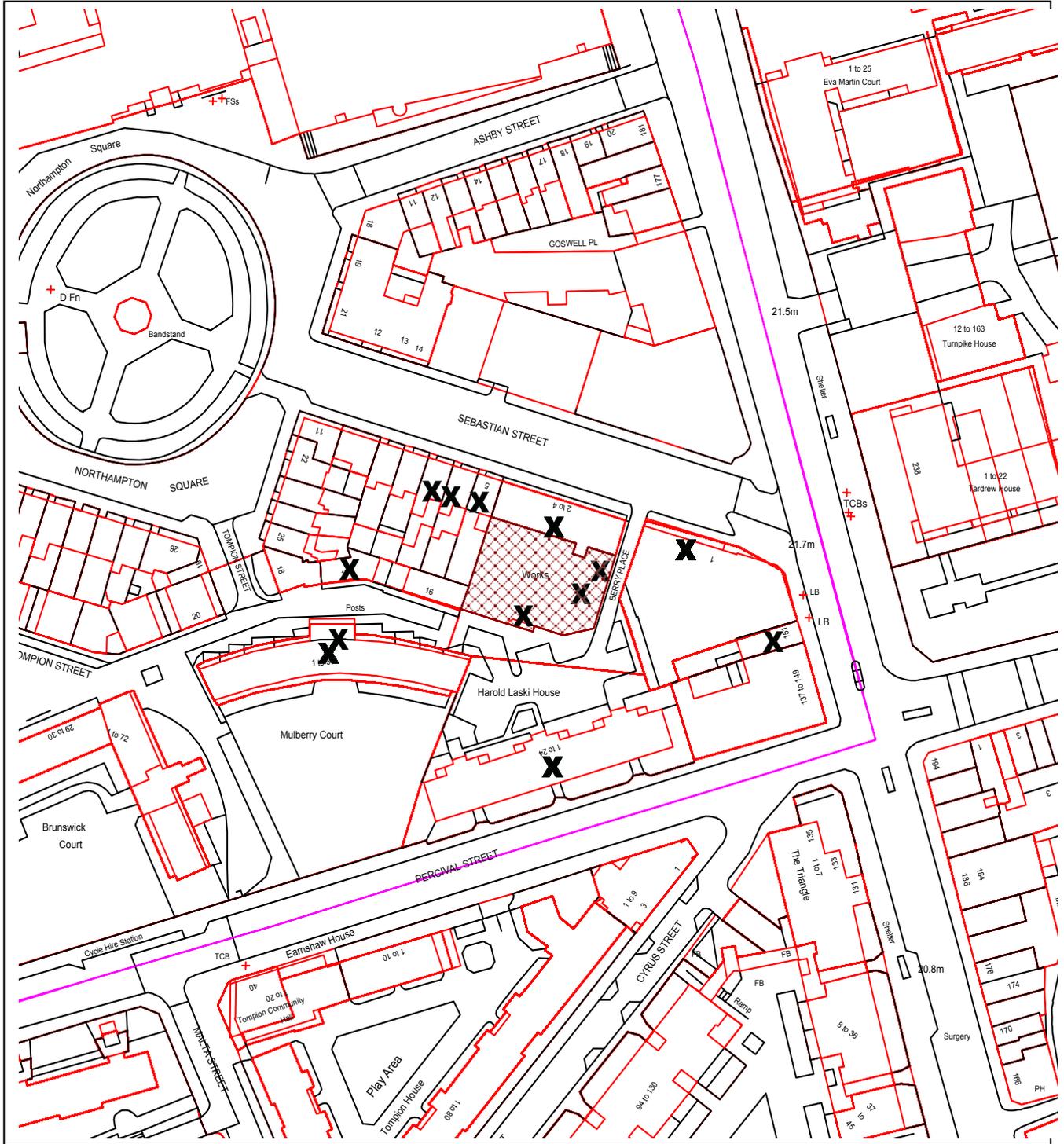
Within 50m of Hat and Feathers Conservation Area
Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral
Article 4 Direction A1-A2 (Rest of Borough)
Article 4 Direction B1(c) to C3

4. SPD/SPGS

Urban Design Guidelines
Northampton Square Conservation Area Design Guidelines
Inclusive Design SPD

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P2018/1799/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department



PLANNING SUB-COMMITTEE B		Agenda Item: B2
Date:	2 October 2018	NON-EXEMPT

Application number	P2018/1525/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation Area	Northampton Square Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Northampton Square Conservation Area Central Activities Zone Finsbury Local Plan Employment Priority Area (General) Bunhill & Clerkenwell Finsbury Local Plan Area Within 50m of Hat and Feathers Conservation Area Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3
Licensing Implications	No
Site Address	1 Berry Place, Islington, London EC1V 0JD
Proposal	Installation of two air conditioning units within an enclosure, located on the first floor flat roof on the eastern side of the property.

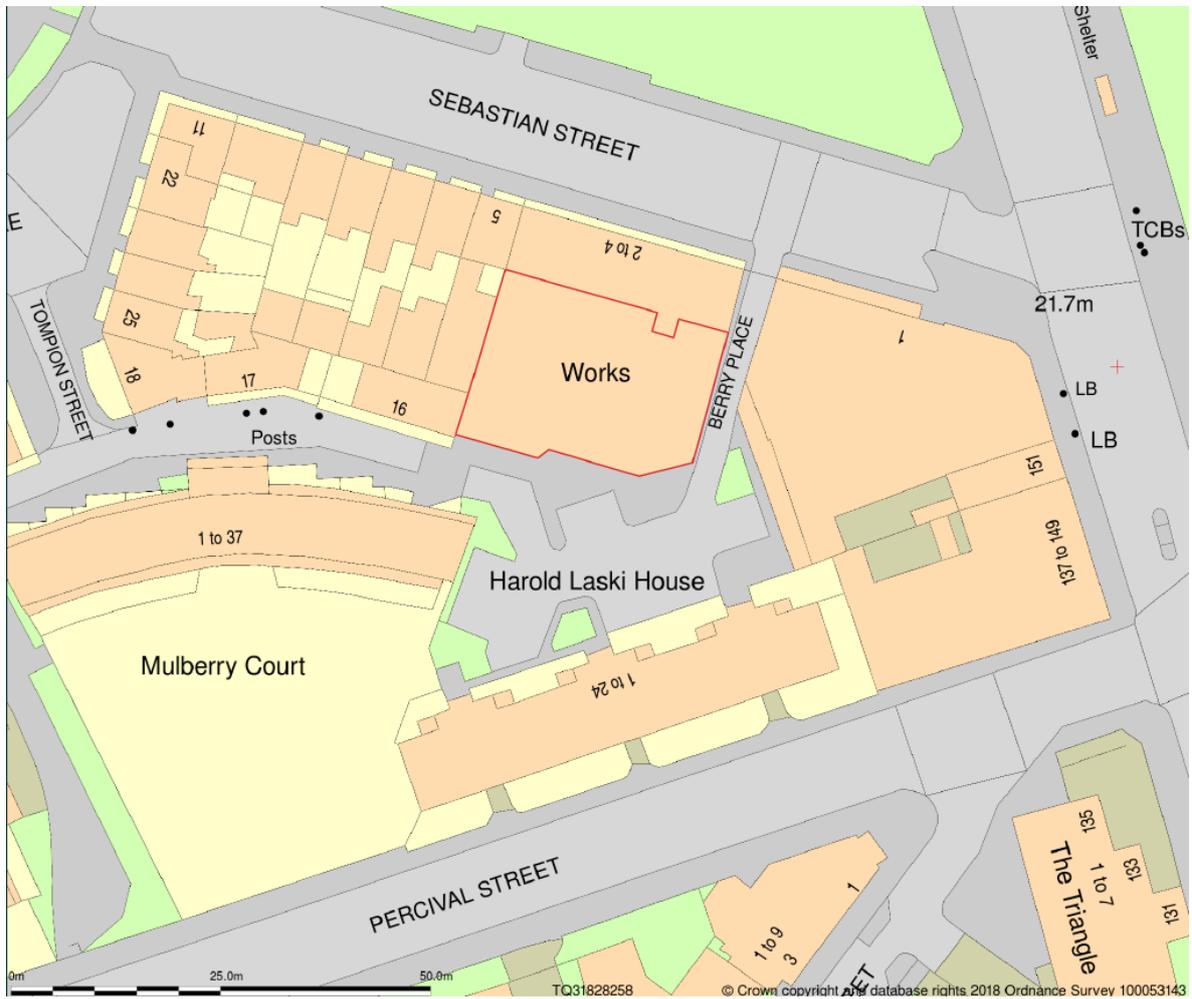
Case Officer	Daniel Jeffries
Applicant	Daniel Watney LLP - Mr Michael Holloway
Agent	Daniel Watney LLP - Mr Michael Holloway

1. RECOMMENDATION

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

- 1.1 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 application site



Image 2: Aerial view in southerly direction

4. SUMMARY

- 4.1 Planning permission is sought for the installation of 2 no. air conditioning units to the roof of the existing first floor roof to the eastern part of the existing two storey commercial building, with associated acoustic enclosure.
- 4.2 The application is brought to committee due to the number of objections received (5 no).
- 4.3 The issues arising from the application are the design of the proposal, including its impact on the visual appearance and historic character of the host buildings and surrounding heritage assets and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties and in relation
- 4.4 The design and siting of the proposed equipment and enclosure is considered acceptable, given its position within the roof including its setback from the eastern elevation of the host building, thereby reducing its visual prominence. The scale and general visual appearance of the proposal is considered acceptable and would preserve the visual appearance of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Northampton Square Conservation Area Design Guidelines.
- 4.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure.
- 4.6 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Whilst the submitted Noise Impact Assessment has not considered the cumulative impact of both the plant equipment within this application and the concurrent application at the application building (ref. P2018/1799/FUL) at second floor level, this has been considered by the Council's Acoustic Officer to have an acceptable impact. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.7 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located to the west of Berry Place and to the north of Harold Laski House, immediately to the rear of 2-4 Sebastian Street and adjacent to the existing properties along Sebastian Street to the west. The host building is two storey commercial property with a flat roof and central pitch.
- 5.2 The application building is not listed, but the site is located within the Northampton Square Conservation Area. The site is also located within Bunhill & Clerkenwell Core Strategy Key Area, Central Activities Zone, Finsbury Local Plan Employment Priority Area (General), Bunhill & Clerkenwell Finsbury Local Plan Area, within 50m

of Hat and Feathers Conservation Area, the Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral, and subject to Article 4 Directions A1-A2 (Rest of Borough) and B1(c) to C3 restricting permitted development.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the installation of 2 no. air conditioning units to the roof to the first floor of the eastern part of the existing two storey commercial building, with associated screening.
- 6.2 The proposed air conditioning units would be condensers (model RZQG100L9V1) and including the acoustic enclosure would measure 1.7m (height) x 0.4m (width) x 0.94m (length). The units would operate 24 hours a day, 7 days a week.
- 6.3 The proposed plant equipment is required to facilitate the use of part of the host building as an office (B1) use, serving the existing server room for the office which is required to have its temperature controlled permanently.

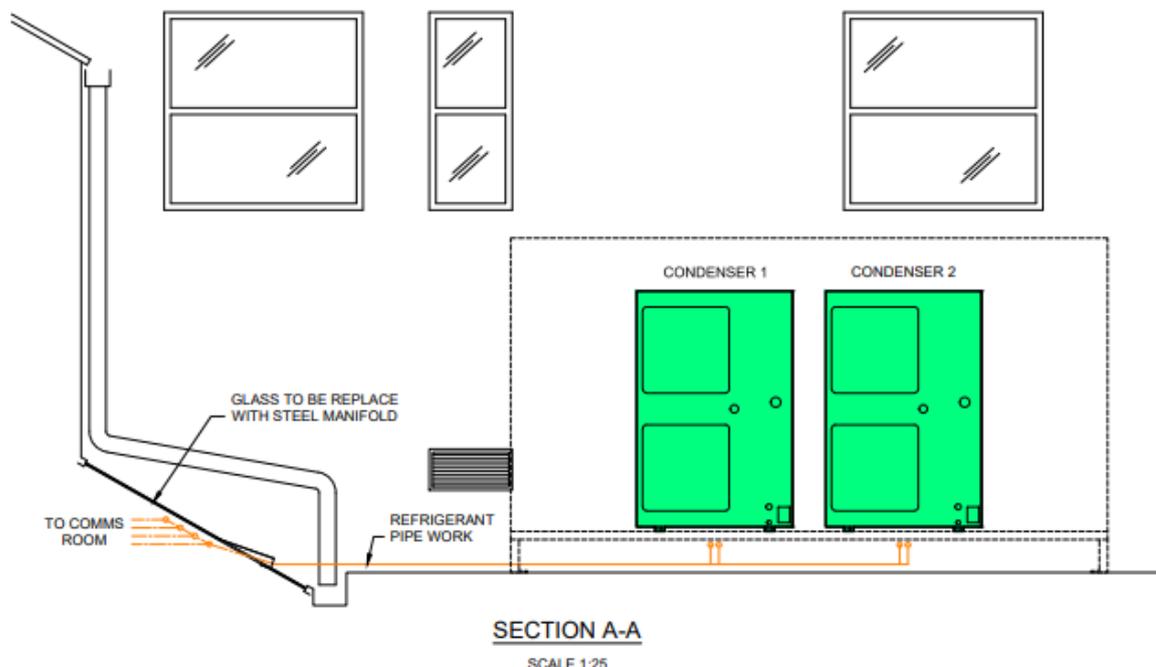


Image 1: Proposed section drawings showing position relative to the existing windows

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

1 Berry Place

- 7.1 P2018/1799/FUL - Installation of proposed plant equipment (2 no. air conditioning units) above existing flat roof at second floor level (first floor roof) including associated

screening and other works (resubmission of withdrawn application ref. P2018/0591/FUL) (currently under assessment)

- 7.2 P2018/2160/ADV - Advertisement Consent in connection with the display of 1 no. non-illuminated corten steel fascia sign attached to eastern elevation; and 1 no. non-illuminated hanging steel sign from southern elevation at first floor level. (currently under assessment)
- 7.3 P2018/0591/FUL - Installation of proposed plant equipment above existing flat roof at second floor level including associated screening and other works (following removal of existing plant equipment) Withdrawn by applicant
- Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place
- 7.4 941194 – Removal of condition 03 of consent ref. 87/0035 dated 20th July 1987. Approved on 3rd January 1995.
- 7.5 870035 – (Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place) Alterations and construction of a two storey extension (960 sq.m.) in place of a single storey section (48sq.m) at the rear and change of use from general industrial to light industrial (total floorspace resulting approx 750 sq.m. Approved on 20th July 1987

ENFORCEMENT

- 7.6 E/2018/0044 - Installation of plant machinery (case ongoing)

PRE-APPLICATION ADVICE:

- 7.7 None

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 336 occupants of adjoining and nearby properties on Berry Place, Tompion Street, Sebastian Street, and Goswell Road on 29th June 2018, site and press adverts were displayed/published. The public consultation of the application expired on 26th July 2018.
- 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 5 no. objections in total 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):
- Loss of amenity to occupiers of neighbouring properties in terms of noise, disturbance, vibration and privacy (Goswell Road, Sebastian Street) (paragraphs 10.16 to 10.24)

- Inaccuracies of the submitted noise report (paragraph 10.22)
- Hours of operation of the units (paragraph 10.19,10.22)
- Visual impact on the host building and surrounding area including the Conservation Area (paragraph 10.2 to 10.11)
- Security issues (paragraphs 10.25 to 10.27)
- Increased danger to fire and propagation of disease (paragraph 10.29)

Internal Consultees

- 8.3 **Design and Conservation Officer:** raised no objections to the proposal
- 8.4 **Pollution Officer:** raised no objections to the proposal, subject to conditions including the operation of the equipment being only in 'low noise' mode, the operating hours, sound levels and for a post installation mitigation report to be submitted.
- 8.5 **Enforcement:** The unauthorised plant machinery to the roof of the property were brought to the Council's attention on 30/01/2018, enforcement case reference ENF/2018/0044 was opened and an initial site visit undertaken by the case officer on 02/02/2018. The desktop investigation produced photographic evidence confirming that the principle of plant on the roof of this property had been long established; as such a retrospective application was invited in order to regularise the new plant machinery, and in doing so, enabling the Council to impose appropriate planning conditions to alleviate any noise impact to neighbouring residential amenity. Once a valid planning application had been submitted, the enforcement case was held in abeyance until such time that a decision was made on the application."

External Consultees

- 8.6 **Secured by Design:** raised no objections to the proposal.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
 - As the development is within a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 9.2 National Planning Policy Framework (NPPF): Paragraph 11 states: “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”
- 9.3 At paragraph 8 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 9.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.10 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:
- Bunhill & Clerkenwell Core Strategy Key Area
 - Northampton Square Conservation Area
 - Central Activities Zone
 - Finsbury Local Plan Employment Priority Area (General)
 - Bunhill & Clerkenwell Finsbury Local Plan Area
 - Within 50m of Hat and Feathers Conservation Area
 - Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral
 - Article 4 Direction A1-A2 (Rest of Borough)
 - Article 4 Direction B1(c) to C3

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Design and Conservation
- Neighbouring Amenity including sunlight/daylight and noise
- Security

Design and Conservation

- 1.1 The site is within the Northampton Square Conservation Area. Therefore, the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 1.2 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’.

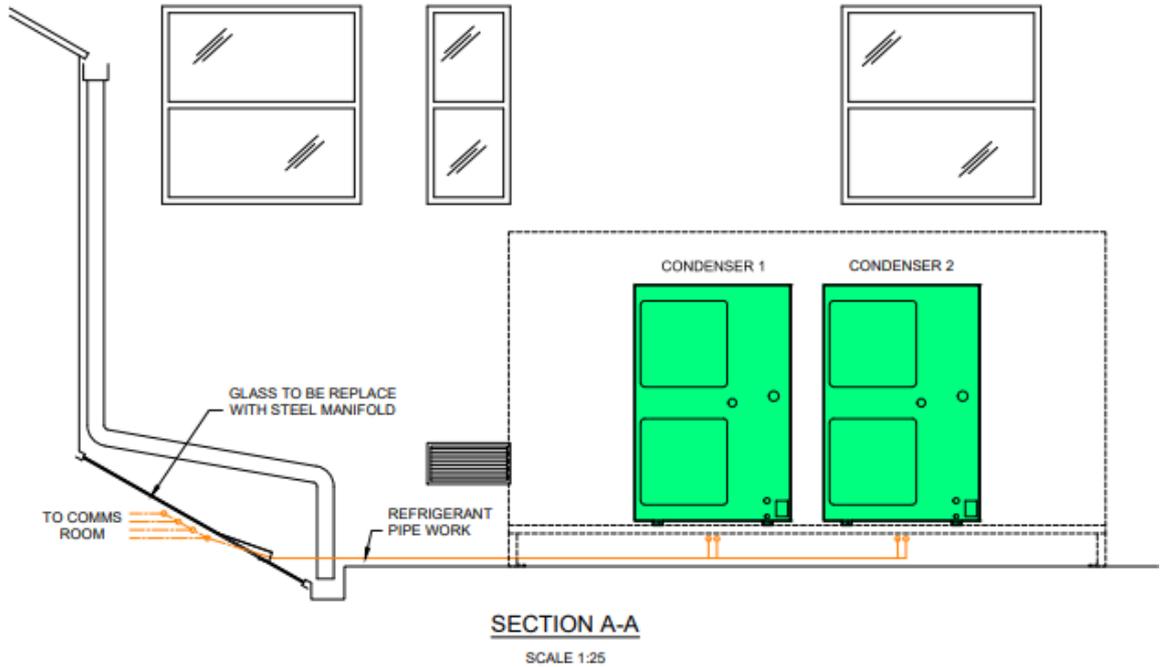
- 1.3 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 1.4 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 1.5 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 1.6 The advice found within paragraphs 5.182 to 5.185 of the UDG provides specific advice in relation to building services and equipment. It states that if it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.
- 1.7 The Northampton Square Conservation Area Design Guidelines should also be included within any application. Paragraph 29.10 provides advice in relation air conditioning units, stated that the Council is opposed to their installation at roof level where they can be seen from street level or public space, including long views from side streets.
- 1.8 In this instance, the proposed 2 no. air conditioning units would be located above the existing flat roof of the host building at first floor level towards the eastern side of the host building. The proposal includes an acoustic modular panelwork enclosure painted white around each of the air conditioning units which would also have removable birdguard frames and splitters on the front elevation. The units would measure a height of 1.7m, and would cover an area of 0.4m (depth) x 0.94m (length).
- 1.9 It is acknowledged that the proposal would result in additional bulk to the roof of the host building. However, given the position within the roof, which would be set away from the side (east) elevation of the host building by 2.44m, and it is considered that any views would be largely obscured from the public realm, due to the orientation of the building and the narrowness of the surrounding streets. In addition, due to the restricted footprint of the proposal, this additional bulk is considered to be subordinate to the host building. Notwithstanding, the above to reduce the visual prominence of the proposal it is recommended that the equipment be goosewing grey in colour.
- 1.10 Overall, given the above assessment it is considered that the proposal would preserve the visual appearance and historic character of the host building and the Northampton Square Conservation Area, and is considered acceptable in design terms.

Neighbouring Amenity including Noise

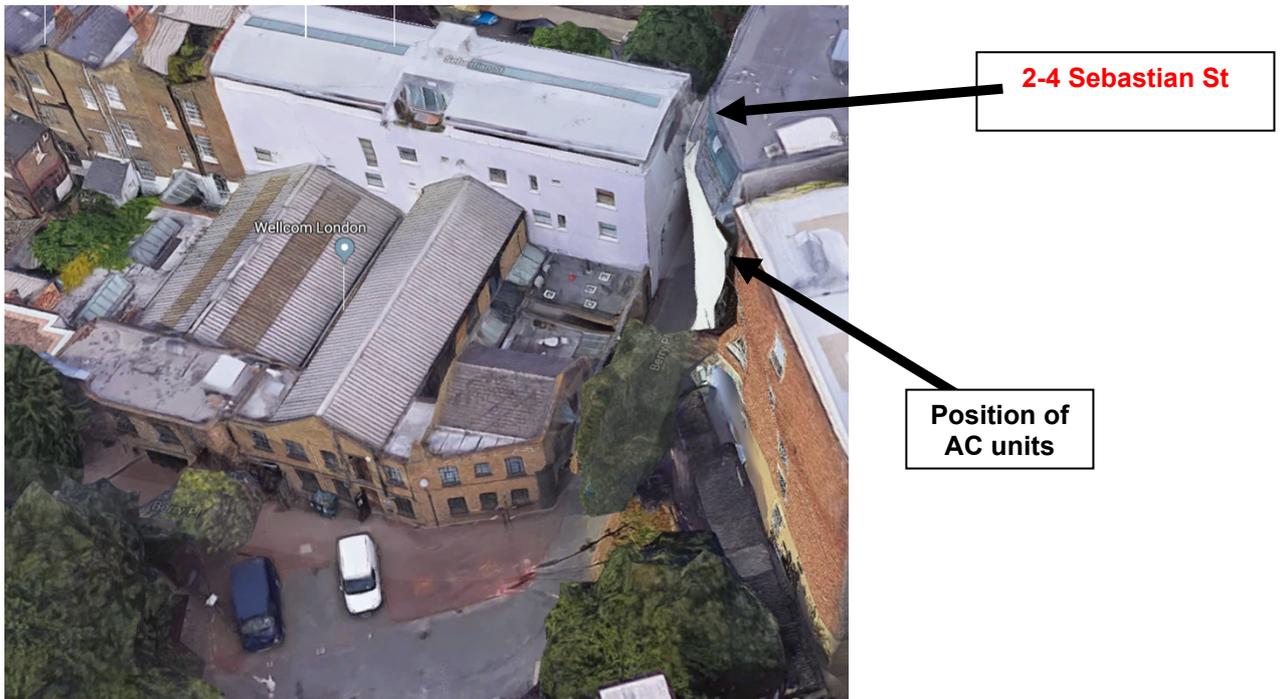
- 10.12 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.13 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.14 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.15 In this instance, the proposal would be located above the flat roof of the existing two storey building. The nearest residential properties relate to the flats above the offices facing Sebastian Street, the student flats, and Harold Laski House.

Daylight/Sunlight

- 10.16 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).
- 10.17 In this instance, it is acknowledged that the 1.7m high structure would be in close proximity to the windows at first floor which relate to residential properties. However, given the restricted scale, in terms in height and footprint, it is considered that this addition would result in no significant loss of daylight/sunlight or outlook or enclosure to neighbouring properties.



Images 2 & 3: Proposed section drawings and aerial view showing position relative to the existing residential windows serving 2-4 Sebastian Street



Privacy

10.18 In this instance, there would no additional privacy issues associated with the proposed development. As it relates to equipment associated with the building rather than an extension or development that may lead to overlooking concerns.

Noise

10.19 The application was accompanied by the submission of a noise impact assessment report. This report presents an assessment of the noise impact of the new plant based on the findings of an environmental noise survey that has been undertaken at the site. The noise assessment includes a background noise measurement survey that has been conducted at a location representative of the nearest noise sensitive receptors to the proposed plant and predictions of noise have been completed, utilising a proprietary software package. One of the units would be required to operate throughout the daytime and night-time periods as this proposed equipment would serve a room which includes a server for the office accommodation. The secondary unit would only ever be used as a backup if the primary unit fails to operate.

10.20 As shown within the table below, the submitted report identifies that the predicted rating levels would be 35-56dB(A) at the nearby residential receptor locations. Accordingly, the predicted rating levels would exceed Islington Council's target noise criteria by up to 21dB(A). Therefore, in order to meet the target noise criteria, mitigation measures in the form of incorporating acoustic enclosures around each of the proposed condenser units would be required. The table below shows the noise levels of the equipment:

Residential Location	Specific Level (dB)	Character Correction (dB)	Rating Level (dB)	Background L_{A90} Noise Level (dB)	Assessment Level (dB) (Background excess)
R1. Flats above offices facing Sebastian St	53	+3	56	40	+16
R2. Student Flats	48	+3	51	40	+11
R3. Harold Laski House	32	+3	35	40	+5

10.21 The report identifies that the predicted rating levels from the mechanical services plant with the mitigation measures in place would be 3-24dB(A) at the nearby residential receptor locations. Accordingly, the predicted plant rating levels would be 16-37dB(A) lower than the background $L_{A90,T}$ level, which is comfortably lower than the target criteria specified by Islington Council. The report considers that with the mitigation measures in place, noise levels from mechanical services plant would have a low adverse impact and would therefore be acceptable. The table below shows the proposed noise levels including the mitigation:

Residential Location	Specific Level (dB)	Character Correction (dB)	Rating Level (dB)	Background L_{A90} Noise Level (dB)	Assessment Level (dB) (Background excess)
R1. Flats above offices facing Sebastian St	21	+3	24	40	-16
R2. Student Flats	16	+3	19	40	-21
R3. Harold Laski House	-	+3	3	40	-37

10.22 The Council's Pollution (Acoustic) Officer has reviewed the submitted report and has concluded that there are no objections to the proposal, and is satisfied that the report has been carried out in accordance with the Council's requirements including the unit operating daytime and night-time. This is subject to a number of recommended conditions in the event the application is approved. These conditions relate to noise

levels and for the submission for a post mitigation installation report to be submitted to demonstrate compliance. It is considered that subject to these conditions, the proposal is not considered to result in any significant noise issues to neighbouring properties. However, the Pollution Officer has recommended that the proposed mounting should be stiff (ideally across a beam) and mass heavy with anti-vibration mounts to reduce any drumming type effect.

- 10.23 Whilst the submitted noise impact assessment has not assessed the potential cumulative impact of the proposal alongside the proposed plant equipment within the concurrent application at the host building (ref. P2018/1799/FUL), the Council's Acoustic Officer has confirmed that the potential noise impact would be acceptable subject to the recommended conditions for these applications in the event both applications are approved.
- 10.24 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Security

- 10.25 A number of concerns have been raised in relation to potential security issues to neighbouring properties, particularly in relation to the potential for the proposal to be used to help gain access to neighbouring properties. The Metropolitan Police's Secured by Design Officer was consulted on the of the application in light of these concerns.
- 10.26 The Secured by Design Officer confirmed that he has no objections to the proposal and considers that the existing arrangements at the host building which includes the types of locks, an intruder alarm system and CCTV cameras are sufficient in terms of providing security to the host building and does not consider it would have a significant impact on security of the surrounding area.
- 10.27 The host building benefits from an existing alarm system movement/heat sensors installed in each of the office area and all of the external doors have alarm contacts. The CCTV cameras are linked to a recording platform that retains the data for 1 month, with both 12 no. internal dome cameras, 5 no. bullet cameras covering the terrace/external stairwell, the main reception doors, the ground floor main office fire exit and along the street and another towards the parking bays. There are also 2 no. door panel cameras to the main entrance and storage bay doors. A mixture of the door panel and 5 no. other units control access on a number of external and internal doors.
- 10.28 Therefore, it is considered that the proposal would be acceptable in terms of its impact on the security of the surrounding area.

Other matters

- 10.29 Concerns have been raised in relation to the potential propagation of disease caused by the proposal. Whilst the specific disease is not specified, it is considered that this is not considered to be a material planning consideration and would not warrant

refusal of the application. In addition, it is considered that the installation of the units would not result in any significant fire risk to the host property or to neighbouring properties, over and above the existing situation.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 Planning permission is sought for the installation of 2 no. air conditioning units and associated acoustic enclosure to the first floor flat roof to the eastern part of the existing two storey building.
- 11.2 The application is brought to committee because of 5 no. objections received, raising valid planning matters.
- 11.3 The issues arising from the application are the impact of the air conditioning units on the amenity of the occupiers of neighbouring properties in terms of noise, disturbance, privacy, the stated inaccuracies (by objectors) of the submitted noise report, the hours of operation of the units, the visual impact on the host building and surrounding area including on the Conservation Area. In addition, the potential security issues to the surrounding area, fire risk and propagation of disease.
- 11.4 The design and siting of the proposed equipment and enclosure is considered acceptable, given its position within the roof including its setback from the eastern elevation of the host building, thereby reducing its visual prominence. The scale and general visual appearance of the proposal is considered acceptable and would preserve the visual appearance of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Northampton Square Conservation Area Design Guidelines.
- 11.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure.
- 11.6 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Whilst the submitted Noise Impact Assessment has not considered the cumulative impact of both the plant equipment within this application and the concurrent application at the application building (ref. P2018/1799/FUL) at second floor level, this has been considered by the Council's Acoustic Officer to have an acceptable impact. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 11.7 Overall, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be complete in full not later than 3 months from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(c) 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>4476-57-M04 Rev A, 4476-57-M03 Rev B, TWI21062018, 101B, Site Location Plan, Block Plan, Design, Access and Planning Statement, Mechanical Services Plant Noise Impact Assessment ref. RK2442/18068/Rev 1 dated 10.04.2018</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 and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Noise levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the</p>

	<p>background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of light spill and noise</p>
5	Post mitigation installation noise report
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 3. The report shall include measurement of the new plant following installation. The report shall be submitted to and approved in writing by the Local Planning Authority within 4 months of the decision notice.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</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 2018 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, 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 2.10 Central Activities zone
Policy 5.3 Sustainable design and construction
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 – Bunhill and Clerkenwell
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 DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage

D) Finsbury Local Plan 2013

- Policy BC4 Northampton Square, Goswell Road and Spencer Street

3. Designations

Bunhill & Clerkenwell Core Strategy Key Area
Northampton Square Conservation Area
Central Activities Zone
Finsbury Local Plan Employment Priority Area (General)
Bunhill & Clerkenwell Finsbury Local Plan Area
Within 50m of Hat and Feathers Conservation Area
Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral
Article 4 Direction A1-A2 (Rest of Borough)
Article 4 Direction B1(c) to C3

4. SPD/SPGS

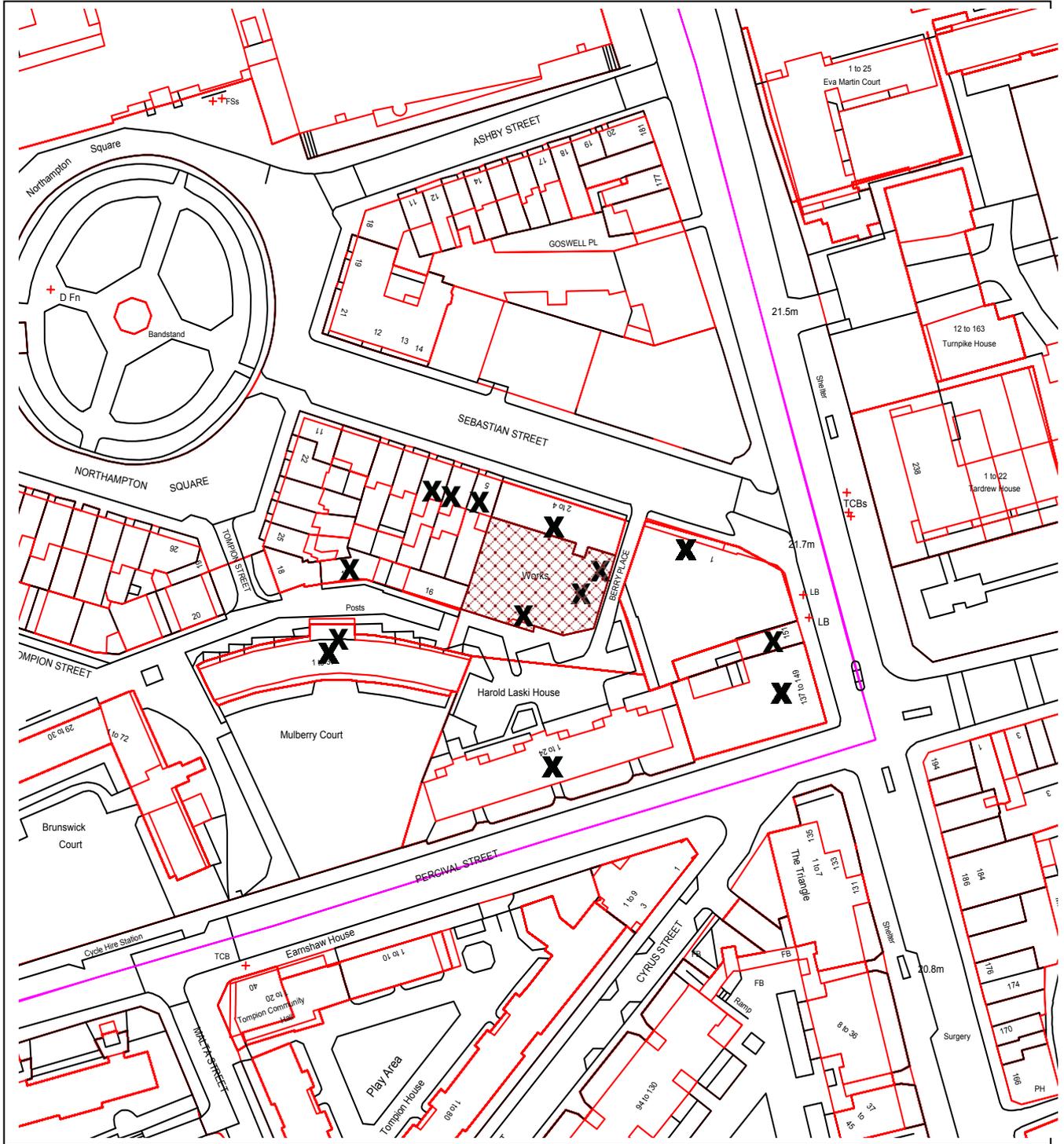
Urban Design Guidelines

Northampton Square Conservation Area Design Guidelines

Inclusive Design SPD

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE B		Agenda Item: B3
Date:	2 October 2018	NON-EXEMPT

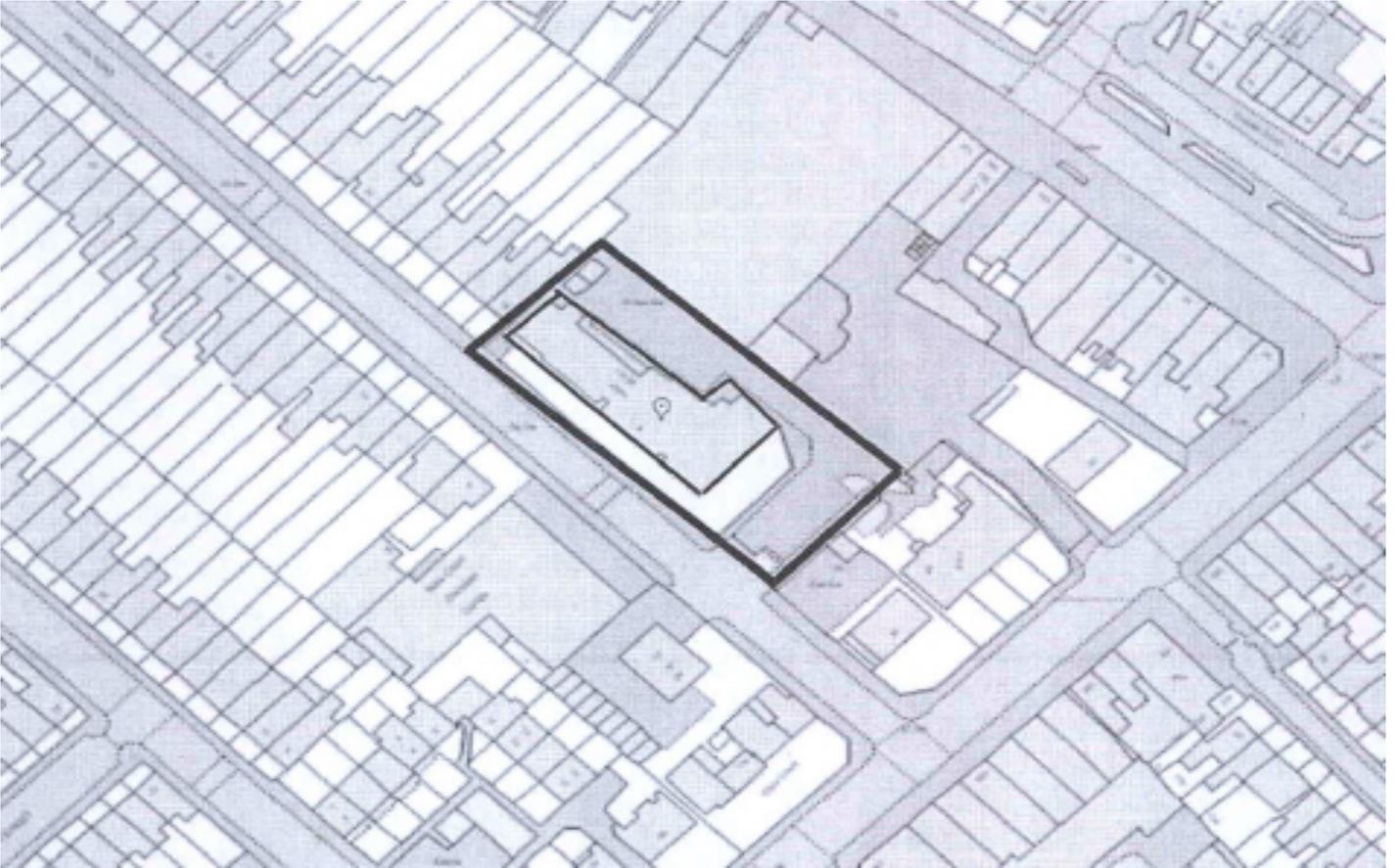
Application number	P2016/4705/FUL (Council's own)
Application type	Full Planning Application
Ward	Tollington
Listed building	Not Listed
Conservation Area	Within 50m of Conservation Area (Stroud Green and Tollington Park)
Development Plan	Local Cycle Route
Licensing Implications	None
Site Address	1-42 Saltdene, 2 Regina Road, London, N4 3PR
Proposal	Replacement of existing single glazed timber windows with uPVC double glazing.

Case Officer	Yusif Yusifzada
Applicant	Islington Council
Agent	Mears Group

1. RECOMMENDATION

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

2. SITE PLAN



3. PHOTO OF SITE/STREET



Image 2: Aerial View of the Application Site (Saltdene Estate).



Image 3: Existing East Elevation of Saltdene Estate.



Image 4: Existing West Elevation of Saltdene Estate.

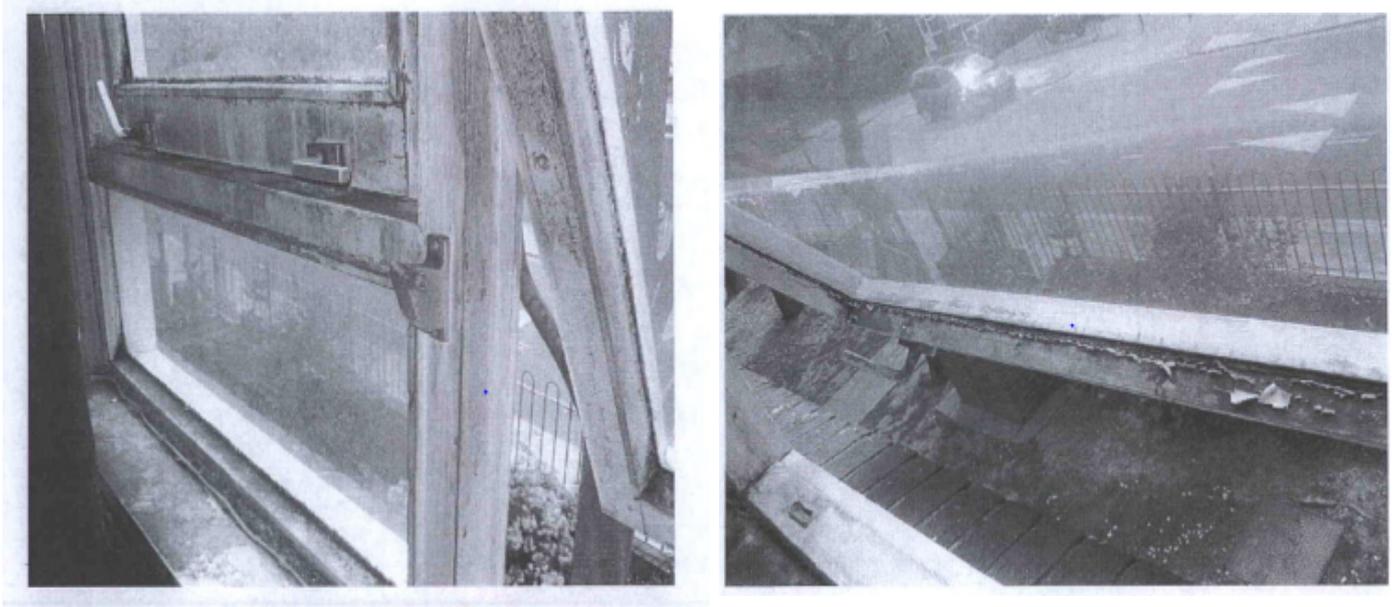


Image 5: Current Condition of windows No.11 and No.13 Saltdene

4. SUMMARY

- 4.1 Planning permission is sought for the replacement of existing single glazed timber windows with double glazed UPVC windows. The key considerations in determining the application relate to the impact on the appearance of the existing buildings and on the character and appearance of the surrounding area, as well as sustainability.
- 4.2 The application is brought to committee because estate owned by the London Borough of Islington.
- 4.3 The application site relates to a residential block, which is situated within the Regina Road; namely No.s 1– 42 Satdene. The building elevation, which fronts the Regina Road, feature single glazed timber windows. The application site is not listed and site is not located within a conservation area.
- 4.4 It is also considered that the proposed UPVC windows and the provision of double glazing would improve the sustainability and thermal efficiency of the residential units. As such, the proposal is considered acceptable and is recommended for approval subject to conditions, in accordance with policies DM2.1, DM7.2 and DM7.4 of the Development Management Policies.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the north side of Regina Road, close to the junction with Tollington Park. The host building is six storey purpose build block of flats which was constructed in the 1970s and are used for residential purposes.
- 5.2 The application site is not listed and is not within conservation area. However, the host building sits in between two conservation area, Stroud Green Conservation Area lies to the west and Tollington Park lies to the east. The immediate surrounding area is predominantly residential with exhibit differing architectural qualities and styles, including some late Victorian properties.
- 5.3 A total of 42 flats are situated within this host building.

6. PROPOSAL (IN DETAIL)

6.1 Planning consent sought for the replacement of the existing single glazed timber windows with double glazed UPVC windows including trickle vents. The proposed replacement windows are similar in appearance and colour, however, would differ in terms of materials. The materials proposed would be UPVC double glazing.

7. RELEVANT HISTORY

7.1 **991491:** Installation of safety guardrails to roof (Approved 12/10/1999)

7.2 **P080722:** To erect thin wall flue on the outside of Saltdene Adjacent to boiler house. The flue is fitted vertically from ground to approximately 1 metre above roof line (Approved 26/06/2008)

ENFORCEMENT:

7.3 None Relevant.

PRE-APPLICATION ADVICE:

7.4 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 137 adjoining and nearby properties on 14 December 2016. As a result, the public consultation of the application therefore expired on 06 January 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, 1 letter of support had been received from the public with regard to the application. The comments are summarised as followed:

8.3 The current windows are poor with draught leaking out from each and every window, therefore, the current windows in need of replacement.

Internal Consultees

8.4 None

External Consultees

8.5 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;

- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”

9.3 At paragraph 7 the NPPF states: “that sustainable development has an economic, social and environmental role”.

9.4 The National Planning Policy Framework 2018 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.

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

9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Guidance

- 9.10 The National Planning Policy Framework 2018 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.
- 9.11 The National Planning Practice Guidance is a material consideration and has been taken into account as part of the assessment of the proposal.

Development Plan

- 9.12 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.
- 9.13 Some weight is attributable to the Draft London Plan.
- 9.14 This report considers the proposal against the following development plan policies and documents

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Design
- Neighbouring Amenity
- Sustainability

Design

- 10.2 Islington's Planning Policies and Guidance encourage high quality design which serves to compliment the character of the area. In particular, 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.
- 10.3 The host building is six storey purpose build block of flats which was structured in the 1970s and are used for residential purposes. The properties adjoining and adjacent to the western side of Regina Road are mainly late Victorian terrace style development with traditional timber sash windows. Furthermore, 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. The existing building contains single glazed timber framed windows, which are currently in a poor state of repair, therefore, require replacement. The change of materials would not result in an unacceptable degree of visual harm to the appearance of the building or to the character and appearance of the area, particularly having regard to the significant variation in building style, age and materials immediately in the vicinity.
- 10.4 A sample has been provided to Council officers. Should planning permission be granted, a condition outlining that the materials be consistent with the details provided in this application would be imposed (Condition 3). Image 6 show a comparison between the existing and proposed window frames. As shown below, the window frames would be similar in appearance and thickness to the existing windows. Officers have noted the overall thickness of the existing timber frame (see image 7) and also note the current disrepair of some windows as highlighted in image 5 above.

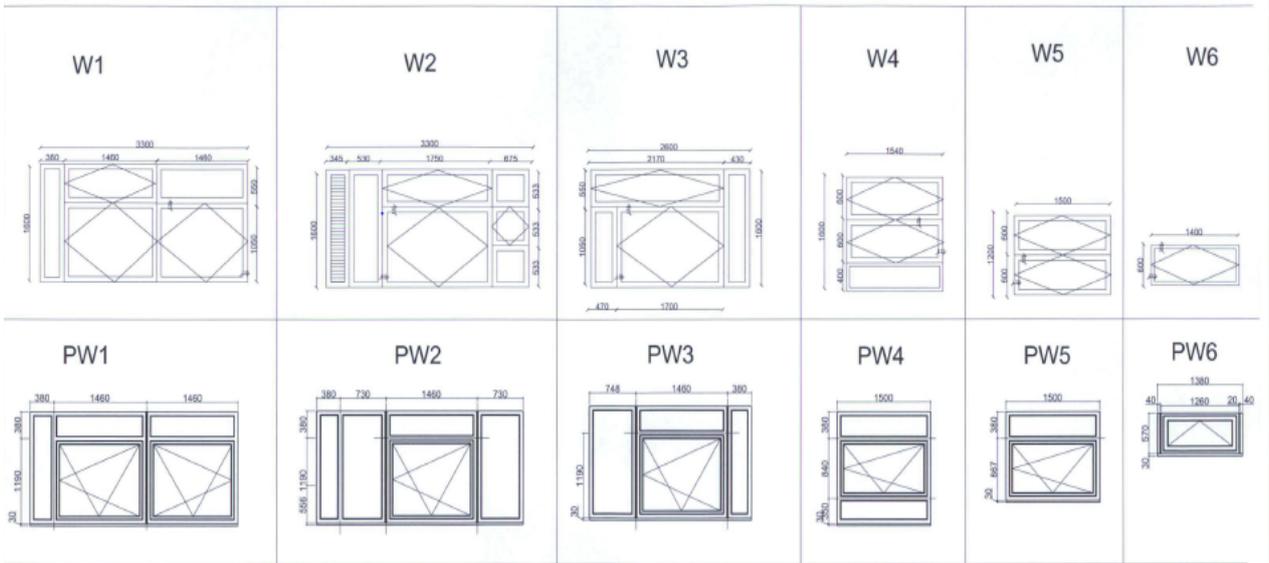


Image 6: Examples of the proposed window design



Image 7: Timber window Thickness

10.5 The proposed replacement works would achieve a more consistent and uniform fenestration design. Given the overall thickness of the existing frames and the general condition, Officers are satisfied that the replacement UPVC would not significant harm to the character of the existing building. Furthermore, the building is located sufficient distance outside the conservation areas to harm their overall setting. Therefore, it is considered that the replacement windows would improve

the appearance of the post-war flat development with its uniform design approach and would not have undue harm to the character and appearance of the surrounding area.

- 10.6 Given the above, the proposal is considered to be consistent with the aims of the Council's policies on design and to accord with policies 7.6 (Character) of the London Plan 2016, policy CS8 (Enhancing Islington's character) of the Core Strategy 2011 and policy DM2.1 of the Development Management Policies 2013.

Neighbouring Amenity

- 10.7 Policy DM2.1 of the Development Management Plan states that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, overlooking, privacy, direct sunlight and daylight, over dominance and sense of enclosure.
- 10.8 The application proposes the replacement of the existing windows, which will be within the same openings. As no additional windows or doors will be installed, it is not considered that the proposal will have a detrimental impact on the amenity of any adjoining occupiers by way of overlooking or loss of privacy. As such, it would comply with policy DM2.1 of the Development Management Policies 2013.

Sustainability

- 10.9 The proposed double glazed uPVC windows would serve to improve the thermal efficiency of each individual residential unit, thereby contributing to reductions in carbon emissions, energy usage and would assist in combatting fuel poverty.
- 10.10 In light of the above, the proposal is compliant with Policy DM7.2, which requires developments to be energy efficient in design and specification.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed replacement windows would improve the appearance and provide more consistent fenestration for the elevations subject to this application. Due to the specific details of units proposed and variety of building styles, age and materials extant, the proposal is considered to be acceptable in this instance. It is considered that the proposed frames would not be substantially different to those existing in the building.
- 11.2 The proposed development is considered to accord with the policies of the National Planning Policy Framework 2018, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents 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 Sub Committee resolve to GRANT planning permission subject to conditions to secure the following:

List of Conditions:

1	Commencement CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: Design and Access Statement (September 2016); Existing Elevation (No-001), Existing Elevation (No-002), Existing Elevation (No-003), Existing Elevation (No-004), Proposed Elevation (No-011), Proposed Elevation (No-012), Proposed Elevation (No-013), Proposed Elevation (No-014), Existing Window Schedule (No-WDS 001), Section Detail (No – 000), Existing & Proposed windows Schedule (No-000), Proposed Window Schedule (No- WDS 011), Site Location Plan: 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	Materials 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. 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.

List of Informatives:

1	It is recommended that you obtain technical advice regarding building control matters during the early stages of project design, and Islington Building Control has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant building control regulations, please contact Andrew Marx on 0207 527 5999 or by email at building.control@islington.gov.uk .
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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 National Guidance

The National Planning Policy Framework 2018 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

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

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

C) Development Management Policies June 2013

Design and Heritage
Policy DM2.1 Design

Energy and Environmental Standards
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

Local Cycle Route

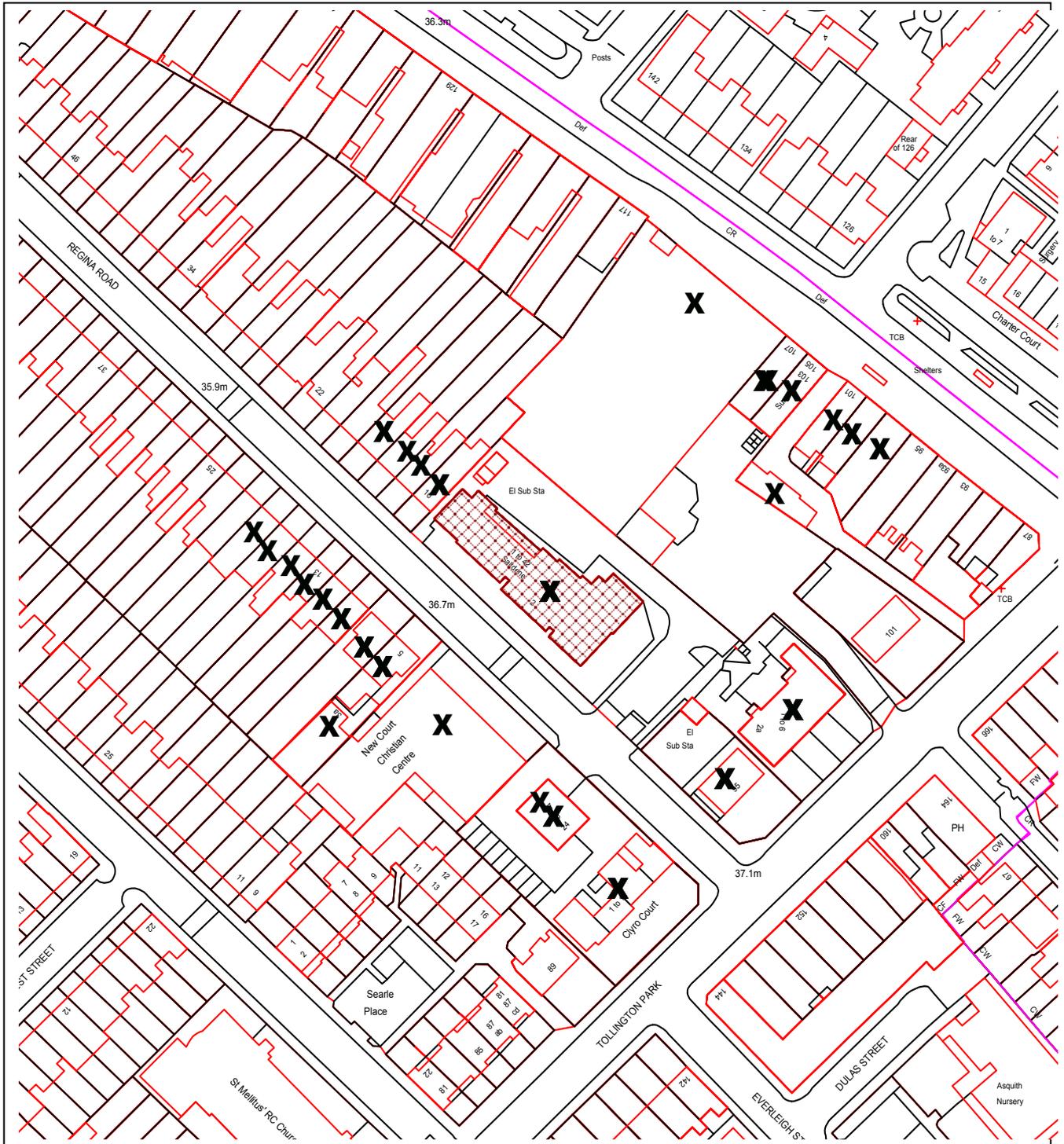
4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan**
- Urban Design Guide (2017)
- London Plan**
- Sustainable Design and Construction

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ISLINGTON SE GIS Print Template



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P2016/4705/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department

PLANNING SUB COMMITTEE B		Agenda Item: B4
Date:	2 nd October 2018	NON-EXEMPT

Application number	P2015/3543/FUL
Application type	Full Planning Application
Ward	Mildmay Ward
Listed building	No
Conservation area	Highbury New Park
Development Plan Context	<ul style="list-style-type: none"> - Highbury New Park Conservation Area - Local cycle routes - Channel Tunnel Rail Link - Rail Safeguarding Area - Within 50m of Canonbury Conservation Area
Licensing Implications	None
Site Address	147 Grosvenor Avenue, London N5 2NH
Proposal	Erection of a full width lower ground floor extension, part width ground floor rear infill extension and a part width first floor rear extension. Conversion of the extended property into 6 residential units (1 x 2 bed unit, 3 x 2 bed units and 2 x 3 bed units).

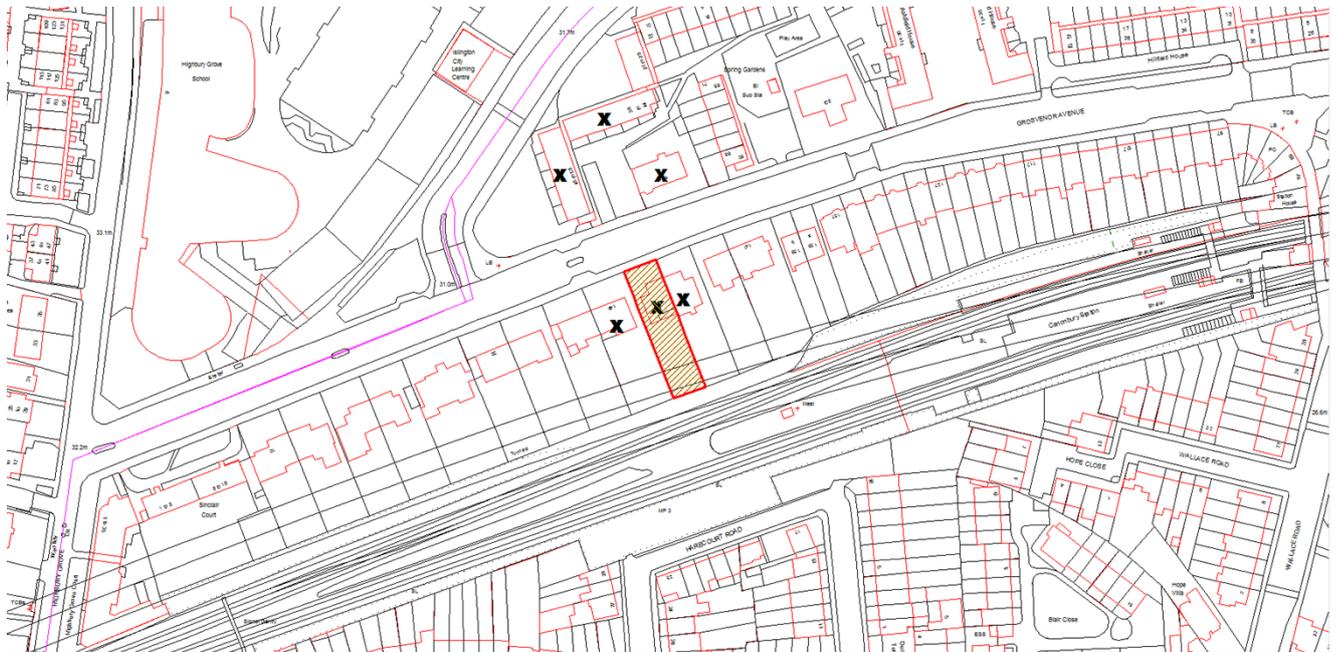
Case Officer	Daniel Jeffries
Applicant	Mr Rajesh Bajaj
Agent	None

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to GRANT planning permission, subject to the conditions set out in Appendix 1; and

1.2 Conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

Application Site



Image 1: Aerial view of the application site



Image 2: Existing rear elevation of the application site



Image 3: Existing rear extension of the adjoining property at no. 145 Grosvenor Avenue

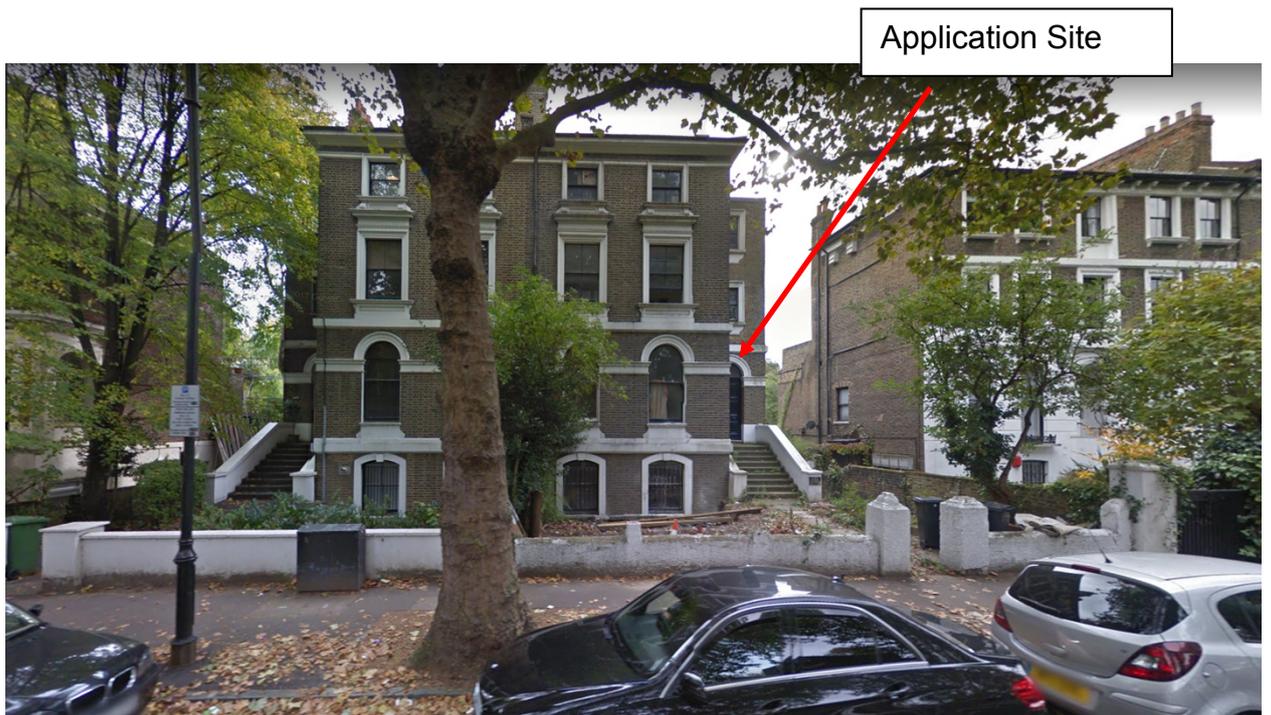


Image 4: Street view of the site

4. SUMMARY

- 4.1 The proposal is for the erection of rear extensions at lower ground, ground and first floor levels and for the conversion of the existing basement and ground floors into a total of 6 no. flats within the building overall creating 2 no. additional residential units.
- 4.2 A similar two-storey full width rear extension and a conservatory at first floor level to the adjoining property at no. 145, which the application site forms a paired semi-detached villa. In light of the neighbouring property, the principle of the extensions is therefore considered acceptable, given the site circumstances.
- 4.3 Overall, due to materials, design and appearance the proposed extensions are considered sympathetic to the architectural character of the host building and would not significantly harm the character and appearance of the surrounding Highbury New Park Conservation Area.
- 4.4 The intensification of residential use (C3) resulting in 2 no. additional flats (6 no. in total) is considered acceptable in principle at this location which is in residential use and would be appropriate and compatible with the existing surrounding residential properties. Whilst there are concerns in relation to dual aspect and accessibility requirements, the resulting quality of accommodation is considered, on balance, to be acceptable and broadly would meet the standards stipulated within policy DM3.4 of the Development Management Policies.
- 4.5 A viability assessment was provided to demonstrate that the full affordable housing contribution would not be viable. Following an in depth review and discussions with the Council's Internal Viability Team, the Independent Surveyor concluded in their final report that the scheme could support affordable housing contributions of £43,500, the applicant agreed to make this contribution and signed a unilateral undertaking.
- 4.6 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, overlooking or loss of light, sense of enclosure nor loss of outlook.
- 4.7 The proposal is considered acceptable and it is recommended for approval subject to conditions and legal agreement.

5. SITE AND SURROUNDING

- 5.1 No. 147 is a three-storey semi-detached villa over basement converted into 4 flats (one per floor) and is located on the south-western side of Grosvenor Avenue. The building is not statutory or locally listed but it is located within the Highbury New Park Conservation Area. The surrounding area is predominantly residential in character. There are a number of trees which are

positioned along the southern boundary shared with the adjacent railing track route.

- 5.2 At the initial site visit in February 2015 the property was observed to be in a state of disrepair. The Environmental Health Officer visited the site on 25 May 2016 and by Enforcement Officer on 15 June 2016 who observed the property in use as an unauthorised HMO (House in Multiple Occupancy) use, in relation to the basement and first floor flats. As detailed within the enforcement section below an enforcement notice was served to return the host property into four self-contained flats (ref. E/2016/0111). The Enforcement Officer confirmed that the requirements of the enforcement notice had been complied with on 23 August 2016. The case officer visited the site again on 10 May 2017 and observed the property vacant, in a satisfactory condition and reverted back to 4 self-contained flats.

6. PROPOSAL

- 6.1 It is proposed to erect a full width rear extension at lower ground floor level, a part width infill extension at upper ground floor level; and a rear side extension at first floor level. The proposed extensions would be constructed of matching bricks, with artificial roof tiles and rear facing double glazed windows to match the existing. The proposal would result in the conversion of the 2 no. existing units on lower ground and ground floor into 4 no. flats, creating 2 no. additional flats. The resulting 6 no. flats comprising of 1 no.1 bed flat, 3 no. two-bed flats and 2 no. three bed-flats. No alterations are proposed to the second floor flat.
- 6.2 Amended plans were received in September 2017 to remove the proposed side elevation windows at lower ground floor level and at first floor level. These side elevation secondary windows would have served a bedroom within Flat 3 at first floor, and the lounge/kitchen of Flat 1A at lower ground floor level.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

145 Grosvenor Road

- 7.1 Planning permission (ref. 821484) granted for use of 1st floor and 2nd floor for 2 three room flats with creation of roof terrace for each flat and other minor external alterations on 26/01/1983.
- 7.2 Planning permission (ref. 830083) granted for conversion of basement to provide two 1 bedroom flats on 06/07/1983.
- 7.3 Planning permission (ref. 930512) granted for erection of roof extension to rear forming a dormer window to provide an additional bedroom with a study on 22/07/1993.

- 7.4 Planning permission (ref. P001858) granted for insertion of velux window in rear roof slope and new doors to existing roof terrace, in association with loft conversion on 28/03/2001.
- 7.5 Planning permission (ref. P021773) granted for replacement of existing extension at upper ground floor level on 28/10/2002.
- 7.6 Planning permission (ref. P061313) granted for loft conversion including new door to existing terrace on 08/09/2006.

147 Grosvenor Road

- 7.7 Planning permission (Ref. P2015/0095/FUL) granted for conversion of ground and basement flats into 4 units by the addition of a rear extension to 1st floor creating a roof terrace. (Creating 2 extra units since 4 are existing) Withdrawn by the applicant.
- 7.8 Planning permission (ref. TP7157 - London County Council) granted for conversion of the property into 4 no. flats on 23/11/1936.
- 7.9 **Pre-application Advice:** The advice was that the principle of the development, to extend the property to the rear and to split it into 4 flats in total was considered to be acceptable. Following a meeting with the Council, two further options were provided. The option showing a pitched tiled roof and two small traditional windows was the preferred option. It was further advised that the existing sash windows should be retained and continued across the rear, not only for the benefits in terms of retaining a traditional feature but it also introduced a lightweight appearance to the extension. The additional height to the rear projection was reduced and the additional window was considered to be more in keeping with the existing fenestration. As such no objection was raised in this respect.

ENFORCEMENT:

- 7.10 October 2016: Enforcement Case (Ref. E/2016/0199) relating to the state of the front garden causing injury to visual amenity. An enforcement notice was issued to the applicant to remedy this breach. The Enforcement Officer confirms that the requirements of this notice have been fully complied with. The enforcement case was subsequently closed.
- 7.11 August 2016: Enforcement Case (Ref. E/2016/0111) relating to unauthorised change of use of the lower ground floor and first floor to an unauthorised HMO (House in Multiple Occupation) (Sui Generis). An enforcement notice was issued to the applicant to remedy this breach. The Enforcement Officer confirms that the requirements of this notice have been fully complied with. The enforcement case was subsequently closed.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 47 adjoining and nearby properties at Grosvenor Avenue and Spring Gardens, on 02 September 2015. A site notice and a press advert were displayed on 10 September 2015. The amended drawings relating to the removal of the windows resulted in further consultation to adjoining neighbours by letter on 20 July 2017. The public consultation of the application therefore expired on 17 August 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 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):

- Extensions are harmful to the character and integrity of the building (Paragraphs 10.12 to 10.20)
- First floor side extension would be visible from the street (Paragraphs 10.15)
- Unacceptable size and design (Paragraphs 10.12 to 10.20)
- A more acceptable waste storage should be reinstated (Paragraphs 10.62 to 10.64)
- Works carried out with no planning permission (Paragraphs 7.10, 7.11, 10.2 and 10.3)
- Developer's attitude to date has been consistently negligent (Paragraph 10.65)
- Building left in a state of total neglect and threatening the fabric of the adjoining property at no. 145 (Paragraph 10.65)
- Developer has does not have knowledge or concern of the area or its community, interested in creating the maximum amount of units for the highest possible profit and proposal would reinstate empty units and additional housing (Paragraphs 10.65 to 10.66)
- Loss of daylight/sunlight and privacy to adjoining properties along Grosvenor Ave (Paragraphs 10.21 to 10.25)
- Inaccuracy of the drawings (Paragraph 10.67)
- The flat roof should not be used as a roof terrace (Paragraph 10.26)
- The impact on parking in area and lack of parking associated with the proposal (Paragraph 10.56 to 10.58)

External Consultees

8.3 **LAMAS:** The committee were of the opinion that a higher design standard was needed and felt that the windows were fundamental to the application and cannot be conditioned.

- 8.4 **The London Underground Limited:** Advised that London Underground Infrastructure Protection has no comment to make on this planning application. However, there are Network Rail assets close to this site.
- 8.5 **Network Rail:** Confirmed that the applicant must ensure that their proposal, both during construction and after completion of works on site, does not
- Encroach onto Network Rail land
 - Affect the safety, operation or integrity of the company's railway and its infrastructure
 - Undermine its support zone
 - Damage the company's infrastructure
 - Place additional load on cuttings
 - Adversely affect any railway land or structure
 - Over-sail or encroach upon the air-space of any Network Rail land
 - Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- 8.6 **Adams Integra:** Concluded that the applicant should be required to provide a financial contribution of £43,500 towards affordable housing provision. (Please see paragraphs 10.34 to 10.49)

Internal Consultees

- 8.7 **Design and Conservation Officer** stated that they have concerns in relation to the design of the proposed extensions, in terms of the bulk and massing. It was advised that the extensions would not strictly accord with the requirements of the Urban Design Guide 2017 or Conservation Area Design Guidelines.
- 8.8 **Development Viability Officer** highlighted that the premises had been left vacant since its purchase in 2014 and that the property had been in a state of neglect. It was therefore requested that this should be reflected in the current use value of the property.
- 8.9 It was further stated that even leaving the above considerations aside, the value of 1,600,000 for 2 x 2 bed units (so an average of £800,000 each), when neither of them were new build and one of them in a basement, were pretty high, especially when compared with the prices estimated for the new, proposed 2 bed units.
- 8.10 In relation to sales values and current values of the property it was stated that all of the proposed units are of significantly higher quality than the existing and will be newly refurbished and in some parts newly built in the extension parts of the proposal. This was reflected in the sales values vs the existing values.
- 8.11 Concerns were also raised regarding two of the proposed and one of the existing units (lower ground floor) being adequately reflected in the sales/current values used.

- 8.12 In relation to building cost it was clarified that the lower ground front elevation is raised and back elevation is level with garden and therefore the works involve no excavation, so there should be no extra costs required for basement construction.
- 8.13 With all of the above in mind, the Independent Surveyor (Adams Integra) was requested to review the updated (dated August 2017) appraisal.
- 8.14 The Internal Viability Officer agreed with the Independent Surveyor's final report which concluded that the scheme could support affordable housing contributions of £43,500 (as compared to £100,000 required by the SPD). This updated assessment dated August 2018 has been reviewed by the Council's Viability Officer, in February 2018, who confirmed that they are in agreement with the conclusions. This has been reviewed in September 2018 and remains agreed.
- 8.15 **The Environmental Health Team:** previously advised that the owner of the property have been prosecuted in relation to the housing conditions at the host property and Improvement Notices have also been served. The Environmental Health Team confirmed that a court case took place on 27th July 2018 in relation to this matter. The court case has subsequently been concluded. The conclusions of this prosecution were that the applicant was guilty on charges relating to no. 190 Seven Sisters Road and not guilty for charges relating to no. 147 Grosvenor Avenue. The applicant's co-defendant was found guilty on charges relating to no. 147 Grosvenor Avenue and not guilty relating to no. 190 Seven Sisters Road. The defendants are now awaiting sentencing, and this matter is discussed in paragraphs (10.2 and 10.65) below.
- 8.16 **Legal Team:** stated that the reviewed evidence suggests that there were at least 3 separate flats at the property during 2014 and there are some periods prior to this between 1993 and 2014 when there are no records of one or more of the flats paying council tax. The Legal Officer stated that based on this evidence, we cannot demonstrate that the use of the property was anything other than 4 (possibly 3) separate flats within the previous 20 years. Prior to this, there is no information, but this would not be a reason to assume that a change of use has taken place and even if there were evidence that a change of use had happened previously, it would surely be argued that there had been a more recent change of use back to the previous lawful use. It should also be noted that the historic planning permission (ref. TP7157 - London County Council) relating to the conversion of the host building, was for 4 no. self-contained flats which would accord with the assessment.
- 8.17 It was also highlighted that, the land registry office copies obtained in relation to 147 Grosvenor Road are for one freehold property, there is no split between the basement, ground floor, first floor or second floor.
- 8.18 **Enforcement Officer:** Confirmed that the host property was served enforcement notice as a result of investigations (refs. E/2016/0199 and

E/2016/0111) in relation to the use of unauthorised use of the property as a HMO, in relation to the lower ground floor and first floor flats, and the state of the front garden. They have also confirmed that these enforcement notices have been complied with.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
 - As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".
- 9.4 The updated National Planning Policy Framework 2018 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.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.

- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.10 Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

10 ASSESSMENT

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

- Land Use
- Design
- Neighbouring Amenity
- Quality of accommodation
- Affordable housing small sites
- Trees
- Highways and Transportation
- Sustainability
- Accessibility
- Refuse

Land Use

- 10.2 The application site was subject to an Enforcement Case (Ref. E/2016/0111) relating to unauthorised change of use to sui generis HMO. The site has reverted back to the lawful use as 4 self-contained flats (C3 Use Class) as historically approved by London County Council in 1936 (ref. TP7157 granted 23/11/1936). The Council's legal team also accepts this as the lawful use. The Enforcement Case has now been closed in August 2016, due to the remedy in accordance with the requirements of the enforcement notice. The owner of the property has been prosecuted by the Environmental Health Team in relation to the housing conditions at the property and Improvement Notices were also served. The court case for this prosecution has taken place, and the outcome concluded.
- 10.3 The Enforcement Officer and the Planning Case Officer visited the property on separate occasions in 2016 and 2017 and are satisfied, that despite being vacant at the time, the premises have been reverted back to the lawful use as 4 self-contained flat (C3 Use Class).
- 10.4 It is proposed to extend and convert the existing property comprising of 4 vacant no. 2 bed units (C3 Use Class) into 6 no. residential units (C3 Use Class) consisting of 1 no. 1 bed flat, 3 no. two-bed flats and 2 no. three bed-flats. The intensification of residential use (C3 use class) is considered acceptable in principle at this location which is in residential use (C3 use class).
- 10.5 The existing second floor flat would remain as a 2-bed unit and the existing 2 bed unit at first floor level would be converted into a 3 bed unit facilitated in the main via the proposed extension. The existing ground floor flat is a generous 2-bed unit, and this would be converted into 1 bed and 2 bed flats. The existing lower ground floor currently accommodates a 2 bed unit which would also be converted to 1 no. 2 bed self-contained flat and a 1 no. 3-bed flat.
- 10.6 It is considered that the increased number of residential units (C3 Use) and overall housing mix would be appropriate and compatible with the existing surrounding residential properties. The provision of additional housing at this location would be supported by policy CS12 of the Core Strategy which seeks

to meet and exceed the borough housing targets through provision of additional housing in suitable locations as in this instance.

Design, Conservation and Heritage Considerations

- 10.7 Within the National Planning Policy Framework, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 197 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.8 Paragraphs 193 to 197 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."
- 10.9 Paragraph 195 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.
- 10.10 Policy DM2.1 seeks to ensure all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 10.11 Policy DM2.3 seeks to ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance, and that alterations to existing buildings in conservation areas conserve or enhance their significance.

Assessment of the proposal

- 10.12 The current application is a resubmission of a previously withdrawn application ref. P2015/0095/FUL) for conversion of ground and lower ground floor flats into 4 units by the addition of a rear extension to 1st floor creating a roof terrace, (creating 2 extra units since 4 are existing). During the assessment of the previous application concerns were raised regarding the proposed extension being too wide, as it extended over the three storey projection, across the full width of the main part of the host property. It was also considered that the design of the previous scheme, proposed a pattern of fenestration that was out of keeping with the existing character and appearance of the host building.
- 10.13 The current scheme proposes to erect a full width lower ground floor rear extension and a rear infill extension at ground floor level constructed of brick to match the existing building. It is further proposed to erect a rear infill extension at first floor level.

10.14 The lower ground floor extension would extend from the original rear building line 3.25m past the existing rear extension and infilling the recessed area). The proposed infill rear extension at upper ground floor level would be 2.65m deep in line with the existing part width ground floor extension. The proposed windows, to the ground floor infill extension would match the existing windows to the existing part-width ground floor extension. The new window and door at lower ground floor level would be aligned and would match the windows on the upper floors to the main building.

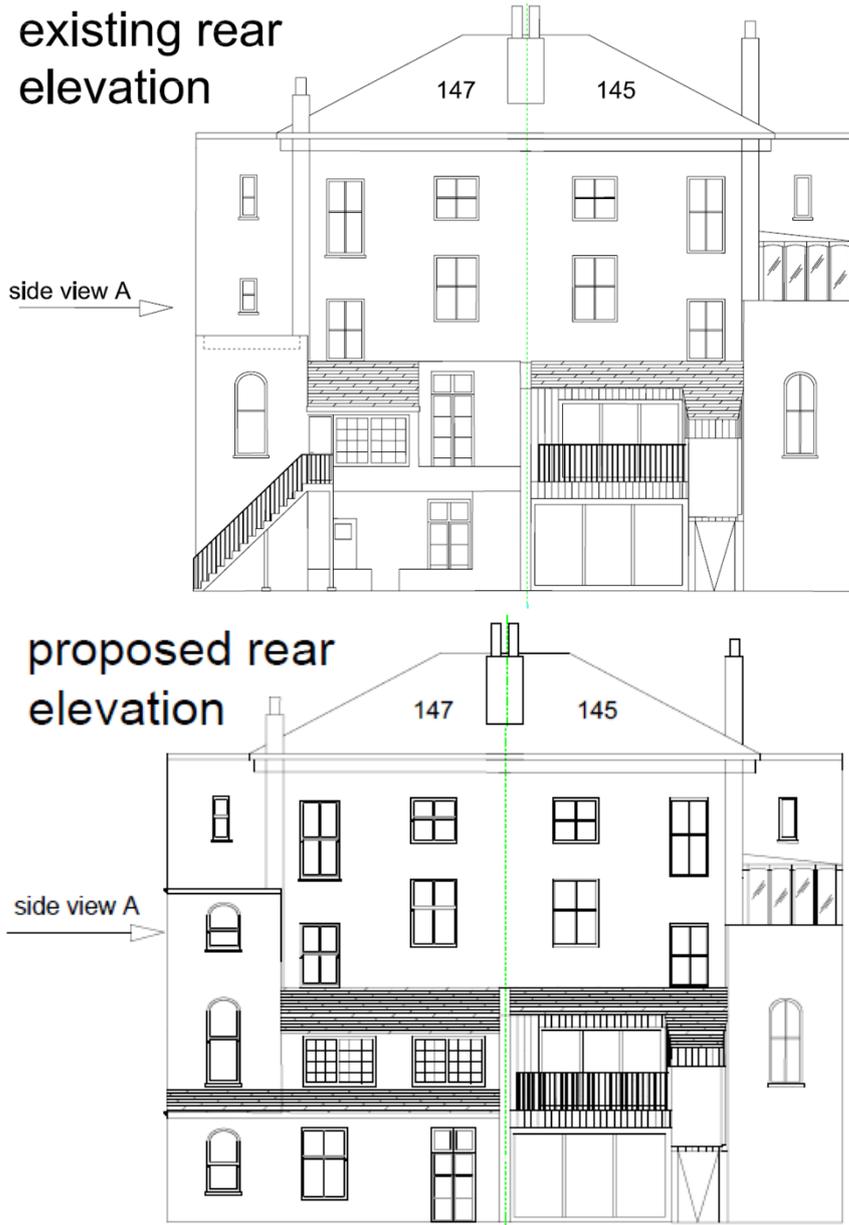


Image 5: Existing and Proposed Rear Elevation

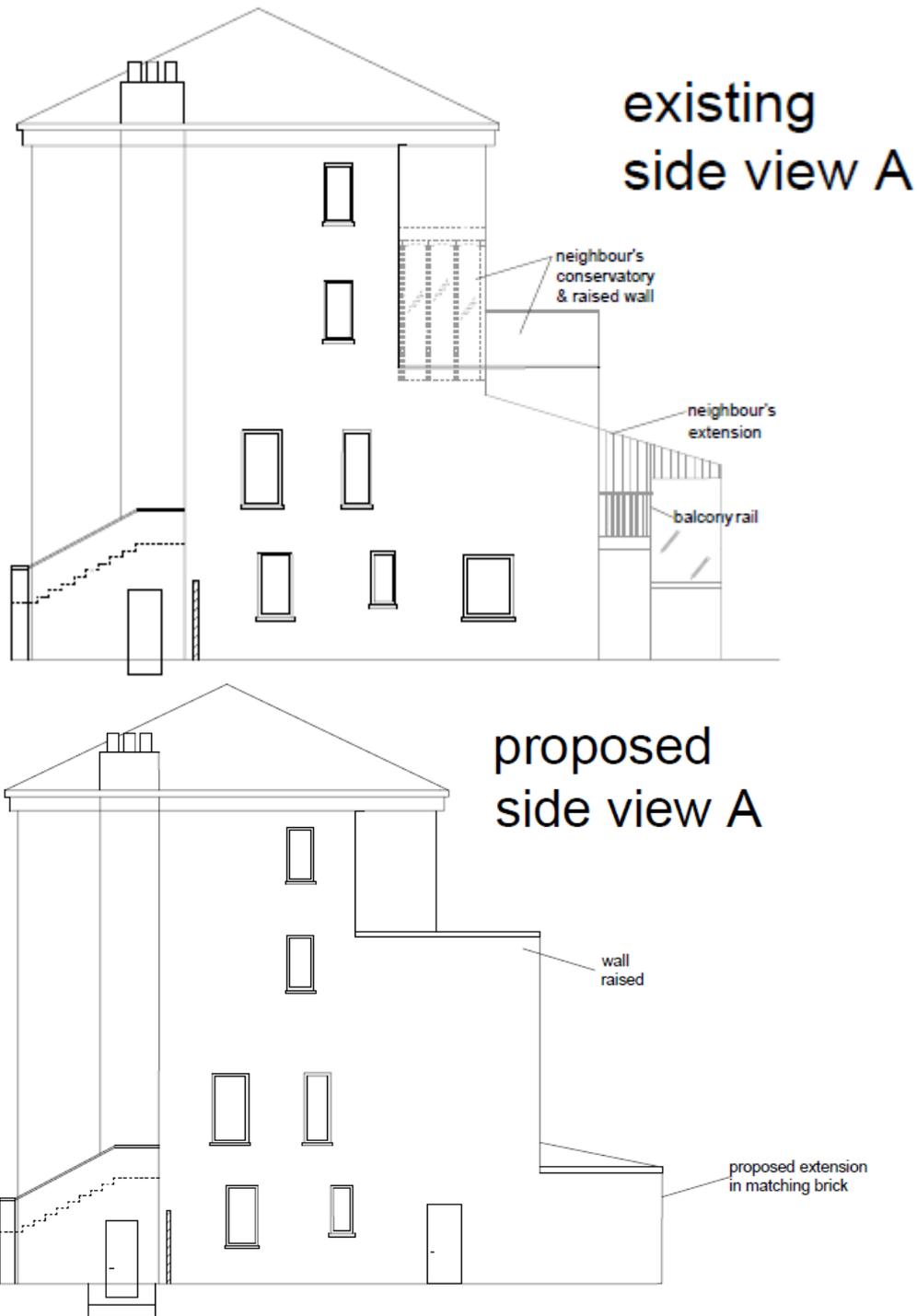


Image 6: Existing and Proposed Side Elevations

10.15 The first floor level rear extension would be 5m deep on top of the existing extension at lower ground floor level. The proposed windows on the rear elevation at first floor and lower ground level are modelled on the style of the existing windows at ground floor level.

10.16 It is acknowledged that the proposed extensions would not strictly accord with either the Urban Design Guide 2017 or the Highbury New Park Conservation

Area Design Guidelines. The guidance advises that two-storey full-width rear extensions are generally not supported in conservation areas. However, the assessment of the design of the proposal should take into consideration the context to which the application site sits, and also whether the proposal would be subordinate to the host building.

- 10.17 In this instance, the adjacent property no. 145 Grosvenor Road benefits from planning permission for a number of historical applications for extensions to the property, including at upper ground floor, lower ground floor and roof level. Whilst not all of these permissions appear to have been implemented, the existing situation at this adjacent property, includes a full width two storey extension, and a two storey addition, to the side of the main part of the property, including a roof terraces above.
- 10.18 The host property together with no. 145 Grosvenor Road, forms a pair of semi-detached properties. In this context, when having regard to the existing alterations to this adjacent property, and half of the semi-detached pair, it is considered that whilst not matching, the proposal would however restore some balance to the pair when viewed from the rear. It is also considered that the proposed extension would be subordinate to the host building. Therefore, whilst the extension is not technically complying with the design guidance, the overall extensions are proportionate and subservient to the large semi-detached properties.
- 10.19 The submitted Design and Access Statement confirms that proposed materials would include matching bricks and artificial slate tiles. It is considered that subject to the recommended condition requiring the use of matching materials, including the use of natural slate tiles, this would ensure that the proposal would be in keeping with the visual appearance of the host building and surrounding area.
- 10.20 Overall, whilst there are concerns in terms of the proposals compliance with the design guidance, due to their scale, design, materials used and visual appearance and the context of the additions found at no. 145 Grosvenor Road, the proposed extensions are considered sympathetic to the architectural character and integrity of the host building and would not significantly harm the character and appearance of the surrounding Highbury New Park Conservation Area. The proposal would also accord with policies DM2.1 and DM2.3 of the of the Development Management policies (2013) which requires new development to respect and respond positively to existing buildings and wider context.

Neighbouring Amenity

- 10.21 Policy DM2.1 x) states that development proposals should 'provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook'. In addition, part xi) of this policy states that should 'not unduly prejudice the satisfactory

development or operation of adjoining land and/or the development of the surrounding area as a whole'

- 10.22 In this instance, the consultation process has raised a number of concerns in relation to the loss of privacy and overlooking to neighbouring properties. The proposal would result in the installation of new windows to the rear elevation of the host property. However, these additional openings would face the rear garden and not directly face any habitable windows found at the neighbouring properties. It should also be noted that the proposal has been amended to remove the side elevation windows at lower ground floor and first floor level. The existing situation at the host property sees a degree of overlooking to the rear gardens of the adjoining properties at nos. 145 and 149. The proposal is therefore not considered to exacerbate unacceptably the degree of overlooking to these gardens nor result in or a harmful loss of privacy and overlooking to neighbouring properties.
- 10.23 In addition, concerns have also been raised regarding noise disturbance. The proposal is for the intensification of the existing residential use, however given that only 2 no. additional units will be created it is not considered to result in an unreasonable increase in noise disturbance to neighbouring properties. However, should there be excessive noise generated from such a use, the Council's Public Protection team has powers to deal with noise nuisance.
- 10.24 There is currently planting to the boundary with no. 145 which is approximately 7m high. The infill extension at ground floor level would not be deeper than the existing part width rear extension and would not be higher than the existing boundary wall with no. 145. The proposed lower ground floor extension given its location and the position of the boundary wall is not considered to impact on the amenity of the occupiers of no. 145. The proposal is therefore considered not to result in harmful loss of light or loss of outlook to the neighbouring property at no. 145 Grosvenor Avenue.
- 10.25 All the extensions would be positioned away from the boundary with no. 149. Due to location the proposal is considered not to result in harmful loss of light to the adjoining property at no. 149. It should also be noted that drawings have been provided to show the separation distance between this adjacent property and the host property, including showing the 45 degree angle in terms of assessing its impact on the potential loss of daylight/sunlight.

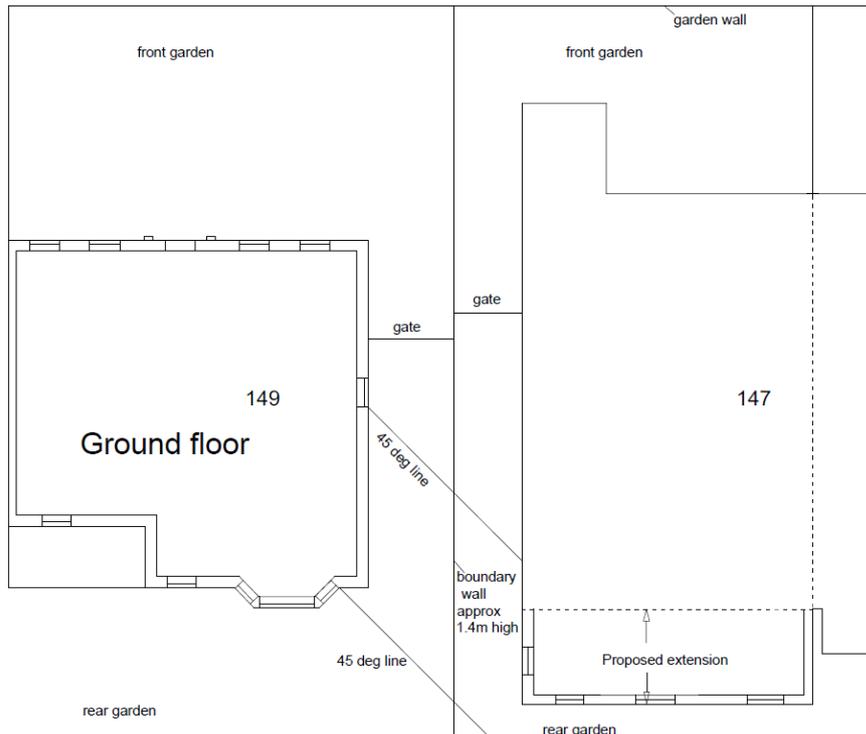


Image 7: Ground Floor Plan showing relationship with adjacent property

- 10.26 Concerns were raised in relation to the use of the flat roof at first floor level above the rear outrigger as a roof terrace by Flat 3. This application would not allow access to this roof. Planning permission would be required for the use of this flat roof as a roof terrace and any alterations to this window, which is not proposed within this application.
- 10.27 Overall, the proposal is considered not to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Development Management Policies which requires development to safeguard the amenity to neighbouring properties.

Quality of Resulting Residential Accommodation

- 10.28 Policy DM3.4 provides advice in relation to standards for all new housing developments. This policy requires accommodation of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 10.29 The application seeks to extend and convert the existing property, comprising of 4 no. 2 bed units, into 6 no. residential units. consisting of 1 no. 1 bed flat, 3 no. two-bed flats and 2 no. three bed-flats. The two existing units which would be retained are located at first and second floors, being Flats 3 and 4. The second floor unit (Flat 4) would not be altered and the first floor unit (Flat 3) would be retained in a modified form. Flat 3 would be reconfigured and enlarged, benefitting from the proposed first floor extension. The two proposed units located at lower ground (basement) and ground floor are as a result of the subdivision of these two existing flats (Flats 1 and 2), and the

proposed rear extensions at these levels. The proposal would result in the creation of 4 no. flats at lower ground (Flats 1A and 1B) and ground floor levels (Flats 2A and 2B).

10.30 As shown in table 2 below the resulting residential units would meet the minimum gross internal area stipulated within the Development Management Policies (2013) and the London Plan (2016).

Table 1 - Gross Internal Area required

	Dwelling type (bedroom (b)/persons- bedspaces (p))	Required GIA (sqm)	Proposed GIA (sqm)
Unit 1A	2b3p	61	70
Unit 1B	3b4p	74	82
Unit 2A	1b2p	50	50
Unit 2B	2b3p	61	61
Unit 3	3b5p	86	87
Unit 4	2b4p	70	72

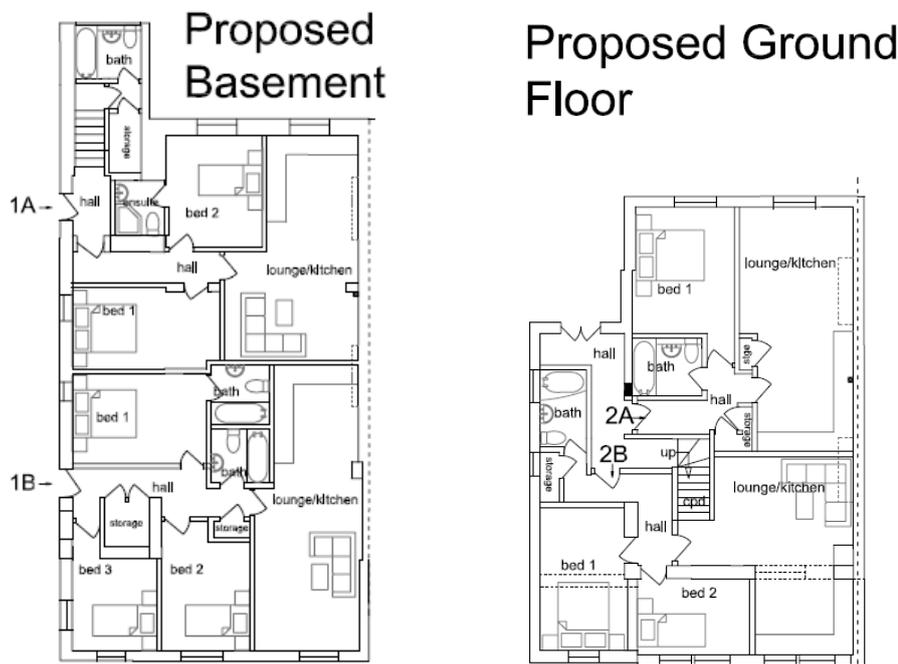


Image 8: Proposed Basement and Ground Floor Plan showing layout of proposed flats 1A and 2A

As shown in table 1 above, all of the 6 no. self-contained flats would meet the minimum gross internal area stipulated within the Development Management Policies (2013).

- 10.31 The proposed and retained units are considered to have bedrooms and living areas which would meet the minimum room size requirements of these stipulated within the Development Management Policies. However, it should be noted that whilst the two retained units (Flats 3 and 4) and the flats at lower ground floor (Flats 1A and 1B), would have some degree of dual aspect, the two flats at upper ground floor (Flats 2A and 2B) would provide single aspect. The only windows at this level relates to Flat 2B serve a bathroom and storage which are likely to be obscure glazed.
- 10.32 In relation to outdoor amenity space, part C of policy DM3.5 seeks to ensure that 'the minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above). In this instance, the occupiers of the flats would have access to the rear garden, which is approximately 280sqm and would be used as a communal area for all flats, except for Unit 1B which would have access to its own garden space of 30sqm. It is considered that this would be acceptable outdoor amenity provision for these residential units.
- 10.33 It is acknowledged that there are concerns in relation to the lack of dual aspect to the proposed residential units at upper ground floor level (Flats 1A and 1B). However, the other 4 no. residential units would have dual aspect, including the proposed units at lower ground level, and the proposal would provide generally good standard of accommodation, including meeting the internal space standards for both the flats and room sizes, having access to daylight to all habitable rooms, and acceptable levels of outlook and floor to ceiling heights. The residential units would also have access to the rear garden as amenity space. Overall, given the above it is considered that whilst there are concerns in relation to the lack of dual aspect, on balance, the proposal would provide a good standard of residential accommodation to future occupiers which would be in line with Policy 12 of the NPPF; Policy 3.5 of the London Plan 2016; policy CS12 of the Core Strategy 2011 and policies DM2.1 and DM3.4 of the Development Management Policies 2013.

Affordable Housing and Financial Viability

- 10.34 Islington's Affordable Housing Small Sites Contribution SPD (2012) states that 'all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough'. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.
- 10.35 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight;

both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning statute, namely s38(6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990.

- 10.36 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.
- 10.37 The need for affordable housing in Islington is substantial, and processes are in place to ensure that the borough's small sites policy does not have a disproportionate impact on the financial viability of developments. Whilst the NPPF is a material consideration and weight must be given to it, the council must also consider whether local circumstances with regards to affordable housing and the nature of development sites should be given equal or greater weight. The recent appeal decisions supporting the borough's approach to small sites affordable housing contributions are also a material consideration, and suggest that local circumstances are such that more weight can be attached to the borough's adopted development plan policy than the NPPF. Therefore, Islington will continue to consider Core Strategy policy CS12 part G as part of the decision making process for relevant applications, and assess the weight to be given to it against local and national policies.
- 10.38 Applicants can either agree to the payment of the commuted sum of £50,000 for each additional unit created (£60,000 per unit in the south of the borough), or provide a viability assessment to demonstrate that the full contribution, being £100,000 in this instance (2 x £50,000), is not viable.
- 10.39 A viability assessment was submitted to support the application. In the assessment of the current application there has been a total of 3 viability reports by Adams Integra. The first report dated October 2015 stated that the scheme could not afford to make any contributions. The Internal Viability Officer reviewed this first report in detail in October 2015. It was highlighted that the premises had been left vacant since its purchase in 2014 and the property has been in a state of neglect. The Internal Viability Officer therefore suspected that the Foxton's valuation of the existing property was probably not based on a personal site visit but merely on the location of the property. It was therefore requested that this should be reflected in the current use value of the property.
- 10.40 It was further stated that even leaving the above considerations aside, the value of 1,600,000 for 2 x 2 bed units (so an average of £800,000 each), when neither of them were new build and one of them in a basement, were pretty high, especially when compared with the prices estimated for the new, proposed 2 bed units (£100,000).

- 10.41 In relation to sales values and current values it was stated that all of the proposed units would be of significantly higher quality than the existing and would be newly refurbished and in some parts newly built in the extension parts of the proposal. This was reflected in the sales values vs the existing values. It was further queried if the fact that two of the proposed and one of the existing units are basement units was adequately reflected in the sales/current values used.
- 10.42 In relation to building cost it was highlighted that the basement front elevation is raised and back elevation is level with the garden and therefore the works involve no excavation, so there should be no extra costs required for basement construction.
- 10.43 With all of the above in mind, the Independent Surveyor (Adams Integra) was requested to have another look at the appraisal. A subsequent report dated April 2016 by Adam's Integra stated that the scheme could make the full required contributions of £100, 000.
- 10.44 In October 2016 the applicant submitted a revised assessment, valuations from three estate agents for existing and proposed, offer letter for purchase of completed property (illustrating existing valuation) and build quotes from two building companies. Following a further review, Adams Integra concluded in their final report dated October 2016 that the scheme could support affordable housing contributions of £43 500. Adams Integra clarified that the main difference is that in the April 2016 appraisal they looked at the existing use as being an 8-bed house and made the comment that *"We have been made aware that the property has been deliberately left vacant by the applicant since its purchase in 2014, left neglected to the point that it was apparently a threat to the fabric of an attached neighbouring property, including being left windowless for the past year with pigeons living in it."*
- 10.45 They had also looked at the sales values of all 6 of the proposed flats including the existing 2nd floor flat.
- 10.46 However, in the October 2016 appraisal they only looked at the existing use value of the existing 2-bed basement flat; the existing 2-bed ground floor flat and the existing 2-bed first floor flat with the assumption that they were in a reasonable state of repair. They did not include the existing 2nd floor flat. On the sales they only looked at the 5 proposed flats and did not include the existing 2nd floor flat.
- 10.47 Following the final report dated October 2016, the applicant stated that it would appear that Adams Integra reduced the value of the flats at lower ground and ground floors from £1,600,000 to £1,450,000. However, this reduced value of £1.45m does not accurately reflect the condition of the property as at 20th October 2016 since work was carried out from August 2016 to 20th October 2016; the property being brought to a better standard than when originally purchased. Also, contrary to the information provided the property was occupied until August 2016

10.48 In response to the applicant's statement, Adams Integra's stated that the final report dated October 2016 states that the following

It is our opinion that these values are high.

*The basement flat particularly is overvalued. In our opinion there is a **ceiling level on 2-bed flat values** and they are in need of refurbishment. We have applied the following values:*

Existing 2-bed basement flat @ 1,398 ft² - £750,000

Existing 2-bed ground floor flat @ 1,086 ft² - £700,000

10.49 It remains Adam's Integra's opinion, within the updated report dated August 2017, which includes the above and correspondence with the applicant, that there should be a contribution of £43,500. It should be noted that this is a reduction from the required affordable housing contribution of £100,000.

10.50 The Council's internal viability team concurred with Adams Integra's Existing Use Value (EUV) based Benchmark Land Value (BLV) of £2,050,000 for the property. It was noted that the April 2016 Report calculated the EUV based BLV on the basis that the property was a single residence and not flats leading to a higher £2.3m BLV. It was also stated that the previous £1.6 million BLV used in the February 2015 (withdrawn application ref. P2015/0095/FUL) and October 2015 reports appear not to reflect the physical state of the building and the necessary refurbishment costs.

10.51 The current building may have been improved in recent years but would require further refurbishment to achieve the values of nearby comparatives – therefore when calculating the BLV, the required refurbishment costs would effectively reduce the sales values derived from comparative flats and lead to a lower BLV. The sum being requested (£43,500) reduced from previous FVA iterations and the Viability Officer was therefore of the opinion that the sum of £43,500 can be provided without rendering the development unviable.

10.52 The Viability Appraisal was subsequently updated in August 2017 to reflect the additional correspondence and discussions with the applicant, which concluded that the financial contribution (£43,500) was required. The applicant agreed to make the required contribution of £43,500 and signed a unilateral agreement which confirms that the proposed scheme is fully capable of being delivered. The Council's Viability Team have subsequently reviewed the information in September 2017 and subsequently in September 2018, and have confirmed their agreement to Adams Integra's assessment.

Trees

10.53 There are no trees in close vicinity to the proposed extension at lower ground floor level. It is also confirmed that no pruning or tree works would be needed to assist in the erection of the proposed extensions. It is therefore considered

that the proposal would not result in any impact to existing trees. This would be in line with the requirements of policy DM6.5 of the Development Management Plan.

Highways and Transportation

- 10.54 The site is located within an area with excellent (PTAL – 6a) public transport accessibility links, including being within walking distance of Canonbury train station. The neighbour consultation process raised concerns in relation to the proposal providing inadequate parking to occupiers and the potential impact on other road users. Policy DM8.5 provides advice in relation to vehicle parking in relation to residential development (for use class C3). This policy seeks to ensure no provision for vehicle parking or waiting will be allowed for new homes, except for essential drop-off and wheelchair-accessible parking, and that applications for vehicle parking within the curtilage of existing residential properties will be refused.
- 10.55 This policy approach is also supported by part H of Core Strategy policy CS10 which seeks to encourage sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free.
- 10.56 Whilst it is acknowledged that the proposal does not provide off-street parking any off-street parking would be contrary to the above policies. In this instance, the proposed additional residential units (Flats 1A and 2A) would be car free, which would be secured by the Unilateral Undertaking. Given these restrictions it is considered that the proposal would comply with policy CS10 of the Core Strategy and policy DM8.5 of the Development Management Policies which expects all new developments to be ‘car free’.
- 10.57 The Council’s policy DM8.4 requires adequate cycle storage provision being storage for 1 cycle per bedroom. In this instance the proposal would result in a total of 13 no. bedrooms within the host building. Whilst no cycle storage has been provided, it is considered that there is adequate space for this storage to be provided within the rear garden, and a condition has been recommended for details to be submitted for a minimum of 13 no. cycles.

Sustainability

- 10.58 Policy DM7.1 provides advice in relation to sustainable design and construction, stating ‘Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development’.
- 10.59 In this instance given the proposal relates to the conversion of the existing building rather than a new build, the requirement for financial contribution of carbon off-setting is not applicable nor is a condition required in relation to water efficiency standard for residential developments (95 litres/person/day). Therefore, on balance the proposal would be acceptable in terms of complying with the policies in regard to sustainability.

Accessibility

- 10.60 Policy DM2.2 seeks to ensure that all developments demonstrate that they provide for ease of and versatility in use and deliver safe, legible and logical environments. In this instance, access to the lower ground floor flats (Flat 1A and 1B) is from the side/west elevation of the host building, whereas the remaining flats on the upper floors (Flats 2A, 2B, 3 and 4) share the main entrance to the front elevation of the property. It is acknowledged that the upper floor flats would not be wheelchair accessible, with the only access via the existing internal staircase. Also the lower ground floor units, whilst providing level access, would unlikely be wheelchair accessible given the restricted size of the corridors and the internal steps in Flat 1A to the bathroom.
- 10.61 Notwithstanding these concerns, given the proposal relates to a conversion of an existing building, that the internal staircase already provides access to the existing flats on the upper floors, with none of the existing units being wheelchair accessible, it is considered not to warrant refusal in this instance.

Refuse

- 10.62 It is stated in the submitted Design and Access Statement and shown within drawing 2341/15B the refuse storage area would remain in the north west corner of the front garden. Whilst no specific details have been provided in relation to capacity, 6 no. bins have been provided, being 1 no. bin per residential unit. However, a standard wheelie bin is 240 litres in capacity, meaning that a total of 1440 litres (6 x 240 litres) would be provided.
- 10.63 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units, and is shown in the table below:

Size of Unit	Total storage capacity required for Refuse and Recycling
One bedroom	200 litres
Two bedroom or more	A further 140 litres for each additional bedroom
Recycling - At least 50% of total storage capacity (calculated using the table above) must be allocated for recycling.	

Table 2: Recommended refuse and recycling storage provision for new residential units.

- 10.64 In this instance the guidance recommends the provision for the residential units should be a total of 1700 litres (1 (1 bedroom) x 200 litres, 3 (2 bedroom) x 340 litres and 1 (3 bedroom) x 480 litres) for refuse and recycling. Whilst it is acknowledged that the provision would be below the guidance stated above, this shortfall is not considered to warrant refusal in this instance. Therefore, the proposed refuse and recycling facilities are considered acceptable. However, it should also be noted that there is adequate space for additional storage in this location should it be required.

Other Matters

- 10.65 The neighbour consultation process has raised concerns that the developer's attitude to date has been consistently negligent, the building being left in a state of neglect, windowless for a year and therefore not protected from the elements and threatening to the fabric of the adjoining property at no. 147. The works proposed would address this concern with a scheme that would improve the fabric of the building and provide additional housing.
- 10.66 Objections also state that aside from his aggressive method of operation the developer does not have knowledge or concern of the area or its community and is interested in creating the maximum amount of units for the highest possible profit. The potential interest to maximise highest possible profit is not a material consideration. The application therefore cannot be refused for this reason.
- 10.67 The submitted drawings are considered to be an accurate reflection of the host building and the proposed alterations.
- 10.68 As noted in the consultation section above, the owner of the application building has been subject to a prosecution by the Council's Environmental Health Team in relation this building, and no. 190 Seven Sisters Road and its housing conditions. Whilst the applicant and co-defendant were found guilty of the charges this matter is not relevant to the assessment of the application as it is not a material planning consideration.

11 SUMMARY AND CONCLUSION

- 11.1 Whilst there are concerns in relation to the proposed units failing to achieve dual aspect and accessibility, the resulting residential accommodation is considered satisfactory and would accord with relevant policies. A viability assessment was provided to demonstrate that the full affordable housing small sites contribution would not be viable. The Independent Surveyor concluded in their final report that the scheme could support affordable housing contributions of £43,500. The applicant agreed to make this contribution and signed a unilateral agreement which confirms that the proposed scheme is fully capable of being delivered.
- 11.2 Subject to the use of natural slate roof tiles, the materials, design and appearance the proposed extensions are considered sympathetic to the architectural character of the host building and would not significantly harm the character and appearance the surrounding Highbury New Park Conservation Area.
- 11.3 The proposed development is not considered to result in overshadowing, overlooking, loss of privacy, loss of light, over-dominance, increase sense of enclosure nor loss outlook to neighbouring residential properties.
- 11.4 Overall, the proposal is considered to accord with relevant policies.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to a Unilateral Undertaking and conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a 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:

The Heads of Terms are:

- £43,500 contribution towards the provision of off-site affordable housing within the Borough
- Car-free development for the 2no. new residential units

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index.

RECOMMENDATION B

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

List of Conditions:

1	Commencement 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)
2	Approved plans list DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans: 2341/0C, 2341/1C, 2341/2D, 2341/3C, 2341/4D, 2341/5C, 2341/9D, 2341/10D, 2341/11A, 2341/15B, 2341/12A, 2341/13A, 2341/14A, Design and Access Statement- Ref. 2341C/DAS, Photo-Sheets. 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.
4	Materials to Match (Compliance)
	<p>CONDITION: The facing materials of the extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing, including the use of natural slate roof tiles and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable and would be in keeping with the visual appearance of the host building and wider area.</p>
5	Refuse (Details)
	<p>CONDITION: Prior to the commencement of the hereby approved development, the details of refuse / recycling shown in drawing no. 2341/15B shall be implemented in full, prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</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	Cycle (Details)
	<p>CONDITION: Prior to the commencement of the hereby approved development details of storage of a minimum of 13 no. cycles shall be submitted and approved in writing to the local planning authority. The approved details shall be implemented in full, prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To provide adequate cycle storage.</p>

List of Informatives:

1	Car free development
	You are advised that this permission has been granted subject to a condition securing that all new residents of the development shall not be eligible for parking permits in the area.
2	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 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</p>

	<p>Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
3	<p>Construction and after completion of works on site</p>
	<p>INFORMATIVE: The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:</p> <ul style="list-style-type: none"> - encroach onto Network Rail land - affect the safety, operation or integrity of the company's railway and its infrastructure - undermine its support zone - damage the company's infrastructure - place additional load on cuttings - adversely affect any railway land or structure - over-sail or encroach upon the air-space of any Network Rail land - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
4	<p>Future maintenance</p>
	<p>INFORMATIVE: The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any</p>

	structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.
5	Drainage
	INFORMATIVE: No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
6	Plant & Materials
	INFORMATIVE: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
7	Scaffolding
	INFORMATIVE: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
8	Piling
	INFORMATIVE: Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
9	Fencing
	INFORMATIVE: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land.

	Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
10	Lighting
	INFORMATIVE: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
11	Noise and Vibration
	INFORMATIVE: The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
12	Landscaping
	<p>INFORMATIVE: Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:</p> <p>Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"</p> <p>Not Permitted: Alder (Alnus Glutinosa), Aspen - Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum),</p>

	Sweet Chestnut (<i>Castanea Sativa</i>), London Plane (<i>Platanus Hispanica</i>).
13	Vehicle Incursion
	<p>INFORMATIVE: Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.</p> <p>As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.</p>
14	Network Rail
	<p>INFORMATIVE: Network Rail further strongly recommended that the developer contacts AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site and also agree an Asset Protection Agreement to enable Network Rail approval of detailed works. It was further advised that more information can also be obtained from the www.networkrail.co.uk/asp/1538.aspx</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 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

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

2. Development Plan

The Development Plan is comprised of the London Plan 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

3 London's people

Policy 3.5 Quality and design of housing developments

6 London's transport

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.4 Housing standards

DM3.5 Private outdoor space

Transport

DM8.4 Cycle parking

DM8.5 Vehicle parking

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design
- Small Sites Contribution
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide 2017

London Plan

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

PLANNING COMMITTEE REPORT

Agenda Item B5

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

PLANNING SUB COMMITTEE B		Agenda Item: B5
Date:	2 nd October 2018	NON-EXEMPT

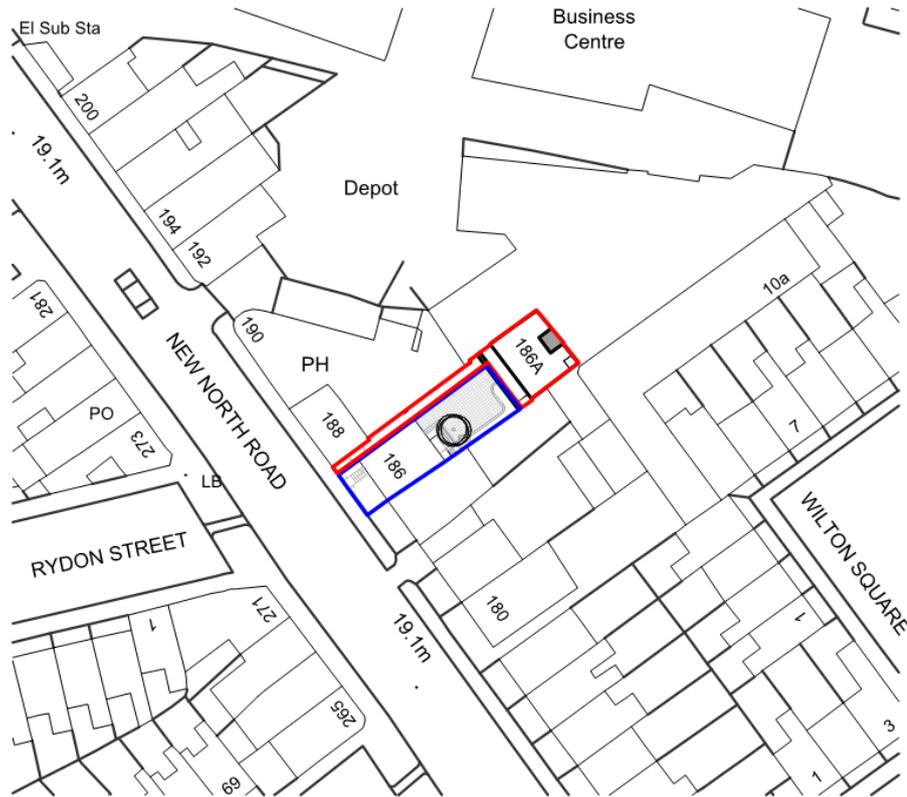
Application number	P2018/0246/FUL
Application type	Full Planning
Ward	St. Peters
Listed building	Locally listed (180-186 New North Road - Grade B)
Conservation area	Arlington Square
Development Plan Context	Arlington Square Conservation Area Locally Listed Building (180-186 New North Road - Grade B) Within 100m SRN (New North Road) Within 50m of Conservation Area (East Canonbury) Article 4 Direction A1-A2
Licensing Implications	n/a
Site Address	186A New North Road, London, N1 7BJ
Proposal	Alteration to the existing 1 bedroom dwelling house located at the rear of 186 New North Road including internal alterations, construction of a new roof, provision of an internal courtyard and alterations to the facade.

Case Officer	David Nip
Applicant	Ms Jo Trench
Agent	Mr Gareth Marriott - Jan Kattein Architects

1. RECOMMENDATION

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

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



3. **PHOTOS OF SITE/STREET**



Image 1. Aerial view of the site, situated behind 186 New North Road



Image 2. The site entrance from New North Road via the side door of 186 New North Road.



Image 3. The locally listed terrace of 180-186 New North Road further down south



Image 4. The adjoining 188-190 New North Road comprises a public house and residential units on the upper floors



Image 5. The front elevation of the subject building at 186A new north road, which sits adjacent to the Canonbury Business Centre (left and rear).



Image 6. The front elevation of the site building and the existing garden



Image 7. The view of the rear elevation of 184-186 New North Road from the site building.



Image 8. The interior of the site building.



Image 9. The interior of the site building.

4. SUMMARY

- 4.1 Planning permission is sought for alteration of the single storey building at the rear of 186 New North Road. The residential use of the building was established back in 2016, when Certificate of Lawfulness was granted (ref P2016/1690/COL) for the rear building (186A New North Road) as a self-contained residential unit under Class C3.
- 4.2 The application is referred to the planning sub-committee as it has received 5 objections from the surrounding neighbours.
- 4.3 The proposed development aims to improve both the interior and exterior of the building, following the Prohibition Order issued by the Council's Public Protection Team. The building is currently barred from letting out to tenants, and therefore, the proposal attempts to improve the quality of the building in order to address the issues highlighted in the Prohibition Order.
- 4.4 The proposed development comprises a number of physical changes including alteration to the roof and the front elevation of the building, it is considered that the proposed works would have an acceptable impact to both the appearance of the building and the character of the surrounding conservation area.
- 4.5 The amenity impact of the proposal has been duly considered and objections from the surrounding neighbours have been taken into account. It is considered that the extent of the proposed work is limited and would not cause significant harm to the living condition of the adjoining neighbours, including neighbours at nos.180-184 and no.188 New North Road, in terms of outlook, privacy, sense of enclosure, access of daylight and sunlight. It is also judged that the proposed development would not adversely affect the operation of the commercial units at the Canonbury Business Centre.
- 4.6 Overall, it is considered that the proposal complies with the relevant planning policies and planning permission is recommended to be granted.

5. SITE AND SURROUNDING

- 5.1 The site, namely 186A New North Road, comprises a single storey building located at the rear of 186 New North Road. The building footprint is approximately 56.8sqm, it is almost in square shape, and comprises a pitched roof sloping down from the rear of the building from 3.3m to 2.5m in height. It abuts the site boundary of the Canonbury Business Centre at the north, which comprises a number of commercial properties.
- 5.2 There is a mix of uses along this section of New North Road. The site sits behind a row of 3 storey terrace properties on 180-186 New North Road, and there are also residential units above the North by Northwest Pub (formerly the North Pole) at 188-190 New North Road.
- 5.3 The site forms part of the Arlington Square Conservation Area. 180-186 New North Road are locally listed (Class B), as well as 190 New North Road (also Class B).

6. PROPOSAL (IN DETAIL)

- 6.1 The application sought permission for alterations to the single storey building. The front elevation and the roof form will be altered with a new internal layout. The proposed works include:
- Creation of a new rear courtyard
 - Replacement of main roof
 - Installation of fanlights into front elevation
 - Install new double glazed timber doors and windows
- 6.2 The footprint of the building would not be increased, however, the new front elevation of the building would be increased from 2.6m to 3.3m in height, match the height of the existing rear of the building; the roof form would also be changed to remove the existing pitched roof.
- 6.3 There are also internal works which are relevant to this application:
- Demolish and rebuild internal partitions
 - Dry-line and insulate external walls
 - Insulate existing concrete floor slab and install floating timber floor
 - Replace electrics, plumbing and heating
- 6.4 As the building is not listed, the internal works would not require planning permission, nonetheless, they are still considered as relevant material considerations to this application.

7. **RELEVANT HISTORY:**

- 7.1 The following applications are considered relevant to the site and the proposal:

PLANNING APPLICATIONS:

- 7.2 **P2016/4600/FUL** - Construction of a roof extension to create an additional storey and convert the unit into a two storey building; creation of a side walkway with steps at the front garden and a roof terrace on the first floor with rooflights and screen enclosure. Refused 19/01/2017.

Reasons for refusal:

1. Reason: The proposed first floor extension, provision of new terrace, walkway and alteration to the front entrance, would by reason of the inappropriate design, scale, massing and appearance, are considered to be incongruous when seen from the public and private realm. The proposal would have a clear adverse visual impact on the character and appearance the host property and wider terrace setting. The proposed works are, therefore, contrary to Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012, policy 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2016 and Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011, Policy DM2.1 and DM2.3 of the Development Management Policies 2013, Conservation Area Design Guidelines and the Urban Design Guide SPD 2006.
2. REASON: The proposed first floor extension and walkway would lead to unacceptable loss of privacy to the adjoining occupiers at no.184 and no.186 by

reason of overlooking. The proposed works are therefore contrary to Policy DM2.1 of the Development Management Policies 2013.

7.3 **P2016/1690/COL** - Application for a Lawful Development Certificate for an Existing use as a single dwelling house began more than four years before the date of this application. Approved 30/06/2016.

7.4 **P2016/0138/COL** - Application for a Lawful Development Certificate for existing use of the rear outbuilding as a separate residential unit under Use Class C3. Refused 09/03/2016.

Reason for refusal:

1. The Local Planning Authority is not satisfied, on the basis of the evidence submitted, that it has been adequately established that the unit known as 186A, New North Road, N1 7BJ, has been operating as a self-contained residential flat (Use Class C3) for a continuous period of 4 years prior to the date of this application and so cannot be established under the Town and Country Planning Act 1990 as amended in section 171(b) (1).

7.5 **P2015/4228/COL** - Application for a Lawful Development Certificate for existing use of the rear outbuilding as a separate residential unit under Use Class C3. Withdrawn 01/12/2015.

ENFORCEMENT:

7.6 None.

PRE-APPLICATION ADVICE:

7.7 None.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 33 adjoining and nearby properties at New North Road, Wilton Square and the Canonbury Business Centre on 05/02/2018. Site notice and press advert were displayed on 08/02/2018. The public consultation of the application therefore expired on 01/03/2018, 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 5 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).

- The development constitutes over development and it is sited within the conservation area (paragraph 10.13)
- The garden is not for house building (paragraph 10.13)
- The development would be at close proximity to neighbours' window (paragraph 10.22)

- The traffic congestion is unbearable and the building works would worsen the transport issue (paragraph 10.23)
- The proposed works constitute new build (paragraph 10.27)
- A new build would be liable for CIL payment (paragraph 10.27)
- The entrance way to the building is not compliant with current Islington guidelines on accessible entrances (paragraph 10.28)

External Consultees

8.3 None

Internal Consultees

8.4 **Design and Conservation Officer:** No objection to the proposed alteration, it would not cause additional visual harm to the site and surrounding when compared to the existing structure.

8.5 **Public Protection Team:** No objection to the proposed works. With regard to the Prohibition Order under the Housing Act, the applicant will need to submit full plans to demonstrate compliance and that all the “hazards” identified have been adequately addressed. The building would also need to show compliance with Building Regulations.

9. Relevant Statutory Duties and Development Plan Considerations

9.1 Islington Council (Planning Sub Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington’s Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within a conservation area, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 The National Planning Policy Framework (NPPF) Paragraph 10 states: “at the heart of the Framework is a presumption in favour of sustainable development; as supported by paragraph 11, which states that this presumption applies to both plan and decision making. For decision-taking this means: approving development proposals that accord with the development plan without delay.

9.3 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

- 9.4 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.5 Members of the Planning Sub Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.6 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 9.7 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 are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 9.8 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:

Arlington Square Conservation Area
Locally Listed Building (180-186 New North Road - Class B)
Within 100m SRN (New North Road)
Within 50m of Conservation Area (East Canonbury)
Article 4 Direction A1-A2

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Conservation
- Impact on the amenity of neighbouring properties
- Other matters

LAND USE

10.2 The proposal comprises no change to the land use of the site. The application sought permission for building operations only and the site will remain as a single residential unit.

10.3 Concerns were raised with regard to the land use of the site. It was commented that the space located at the rear of 186 New North Road should not be used for housing.

10.4 It is worth clarifying that the existing residential use of the site was established in 2016 when a Lawful Development Certificate was granted (ref: P2016/1690/COL) for the use of the building as a self-contained residential unit.

10.5 Therefore, it is considered that the proposed work under this application has no implications on the established use of the building and land. The principle of the residential use of no.186A New North Road is not a considered to be a material consideration under this application.

10.6 Therefore, it is concluded that the proposal does not raise any land use issues.

DESIGN AND CONSERVATION

10.7 The revised NPPF (2018) recognises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.8 London Plan (2016) Policies 7.4, 7.5, 7.6 and 7.8 require buildings to make a positive contribution to their public realm and streetscape, to be of the highest architectural quality and to be of proportions, composition, scale and design which enhances and appropriately defines the public realm. Buildings should not cause unacceptable harm to surrounding amenity and should make the public realm comprehensible at a human scale, particularly at ground level. These policies are supported locally by Islington Policies CS8 and CS9 which encourage traditional street patterns and sympathetic building designs, and policies DM2.1 and DM2.3 which require development to be of high quality contextual design and to conserve or enhance the conservation area's significance (where the proposal would affect the setting of a conservation area).

- 10.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; it also requires decision maker to have special regard to preserve or enhance the significance of heritage assets through the planning process. The proposal has been considered within the context of the Conservation Area and the surrounding buildings.
- 10.10 It is worth noting that a planning application was refused in 2016 to extend the building to two storeys with an elevated walkway leading to the front of the site; one of the reasons for refusal for that application was the adverse visual impact and the harm to the character of the conservation area.
- 10.11 The site forms part of the Arlington Square Conservation Area and the front row of terrace properties at no.180-186 New North Road are locally listed. When assessing this application, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. In accordance with policy DM2.3, it is important to consider the impact of the proposal on the significance of the non-designated heritage assets, such as locally listed buildings.
- 10.12 The Conservation Area Design Guidelines paragraph 4.3 states that the Council wishes to retain all locally listed buildings. The proposal would not result in demolition or alteration of the locally listed building at 186 New North Road as the application only relates to the residential unit at 186A New North Road, which is located to the rear of the site. As part of the proposed works, it would involve replacement of the existing roof, increase in the height of the front wall and partial demolition to the rear to form a new courtyard area with additional fenestration. The rear building would remain non visible from the New North Road frontage and the proposed change would not have an adverse impact towards the public realm.
- 10.13 The current application seeks to retain the existing building as single storey; in light of the refusal under P2016/4600/FUL, the single storey design is considered to be acceptable in principle and would not be considered as over-development of the site. The existing lean to roof will be removed and replaced by a new roof, and the building footprint would not be changed, and there will be no reduction in the garden space between 186 and 186A New North Road.
- 10.14 Having reviewed the plans and the surrounding area, the proposed development is considered appropriate in terms of scale and massing; the proposed 3.3m front elevation would be 700mm higher than the existing but would match with the existing height at the rear of the building. The building is surrounded by high boundary walls on both the north east and north west, the additional height is considered to be acceptable in terms of scale and proportion. The proposed building would remain subservient to the surrounding properties and would not detract from the character of the conservation area and the host locally listed terrace to the front.



Image 10. Existing and proposed front elevation

- 10.15 In terms of appearance, the new front (south-west) elevation would comprise new high level fanlights above the main entrance and windows, this would allow a greater degree of daylight/sunlight to enter the building. The brick wall will be repaired with stock brick matching the existing brickwork; the new roof will be in mastic asphalt.
- 10.16 As opposed to the locally listed building at the front, the existing building at 186A is of no heritage significance and therefore, the proposed alteration is not considered to harm the appearance of the site building, nor the 3 storey locally listed terrace at 180-186 New North Road.
- 10.17 The fanlight comprises a visually lightweight design which is considered to be an acceptable addition to the front elevation. Overall, it is acknowledged that the existing building is of poor visual and structural quality and the intention to improve the building is welcomed.
- 10.18 The proposed roof design comprises timber and asphalt roof, with a small rooflight at the eastern corner of the building, this is considered to be acceptable in this instance. The roof would be largely screened by the proposed heightening of the front elevation and would have a lesser visual impact to the surrounding area. A rear courtyard has also been created to allow a greater level of daylight/sunlight to the rear of the building, as the current building is single aspect, the proposed change would improve the quality of the accommodation and can be supported.
- 10.19 Overall, it is considered that the design of the proposed development is of appropriate scale, height and detailed design and is in accordance to Development Management Policies DM2.1 and 2.3, the relevant Urban Design Guide and Conservation Area Design Guidelines.

AMENITY OF NEIGHBOURING PROPERTIES

- 10.20 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.21 Objections have been received from the surrounding neighbours which concerns were raised in relation to the potential impact towards neighbouring amenity. The

amenity impact of the proposal has been duly considered in light of the objections.

- 10.22 The proposed footprint of the building would not be increased under this application, and the proximity of the buildings towards the neighbouring windows would not be altered. It is considered that the proposed alteration to the building and the increased height of the front elevation by 700mm would not cause any harmful impact to the neighbours in terms of outlook, privacy, access of daylight/sunlight or sense of enclosure.
- 10.23 Further consideration is given to the impact to the adjoining neighbours on New North Road, in terms of the construction impact and transportation. As New North Road is part of the Strategic Road Network (SRN) with a high flow of traffic, and there is no onsite or offsite parking at the front of 186 New North Road, it is necessary to secure further details in relation to the construction management of the proposal, to ensure that the development would not impede the highway nor the local transport network during construction. The construction management details should also include measures in minimising noise and to control of dust, to ensure that the proposed development would have an acceptable impact towards neighbouring amenity.
- 10.24 The proposal would be considered acceptable on the grounds of amenity, and in accordance with policy DM 2.1A (X).

OTHER MATTERS

- 10.25 The site building abuts the common boundary of the Canonbury Business Centre and 184 New North Road; Party Wall Agreements will need to be put in place prior to the construction works commencing, however, this is not a planning material consideration. An informative is recommended.
- 10.26 A Prohibition Order was issued dated 21/12/2017 under the Housing Act against the property, preventing the current building being let out to tenants. However, it is noted in Schedule 2 of the Order that no works are required to mitigate the hazards providing that the building is not occupied by tenants or anyone other than the owners and their immediate family. This planning application assesses the merits of the proposed external works against the relevant planning policies, however, it is worth noting that the internal conditions and the hygienic standard of the property highlighted within the Prohibition Order are not planning matter and do not require planning consent. Furthermore, the proposed work under this application would require subsequent approval under Building Regulations and addresses the Building Control issues highlighted within the Prohibition Order. A copy of the Prohibition Order is set out in Appendix 3, and an informative is recommended to inform the applicant.
- 10.27 Concerns raised in one representation queries whether the proposed development would constitute a “new build”. Having regard to the history of the site and the proposed development under this application, the proposed work is not considered to be “new build” as there is no creation of any new residential units or any change of use of the site. The proposed physical alterations are significant, however, it is judged that the proposal would not result in complete demolition of the site building and that the existing floorspace and parts of the building fabric would be remained and repaired. The existing use of the site is a single residential unit under Class C3, and the proposed building would have the same use; therefore, it is judged that the proposed works would not constitute a

new residential unit and as such, CIL is not considered liable under this application as the proposal would not result in creation of a new residential unit, and the proposed building works would not create more than 100sqm of additional floorspace.

- 10.28 Concern is also raised in relation to the front entrance and the access of the building. The existing access to no.186A is via the side entrance of no.186 New North Road as highlighted on the site plan. Whilst the access to the site should be improved and this has been highlighted in the Prohibition Order, the quality of the existing access is not a planning consideration under this application as it falls outside the scope of the development.

11. **SUMMARY AND CONCLUSION**

Summary

- 11.1 It is considered that the proposed development would have an acceptable impact on height, scale, detailed design and siting. The proposed development includes the essential works that would bring the building back to an acceptable standard. Therefore, it is considered that the proposal is in accordance with the relevant policies within the Development Plan.
- 11.2 The objections from the surrounding neighbours have been considered and it is judged that the development will not have a detrimental impact upon amenities of the adjoining neighbours due to modest scale of changes and complies with policy DM2.1A(x).

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	<p>3 Year Consent Period</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans:</p> <p>001, 002 rev.B, Design and Access Statement</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials (Compliance):</p> <p>MATERIALS (COMPLIANCE): The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>The external walls should be constructed of materials that are of a similar appearance to those used in the construction of the exterior of the existing building, in terms of colour and style of brick used - to the materials used in existing house walls. The doors and windows to the front elevation shall be in timber.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Construction and Environmental Management Plan (Details)</p> <p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking of construction vehicles during the construction period;

	<p>c) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway.</p> <p>d) Details of measures taken to prevent noise disturbance to surrounding residents;</p> <p>e) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area.</p> <p>The proposed development shall thereafter be carried out in accordance with the approved details and measures.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
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List of Informatives:

1	<p>Hours of construction</p> <p>Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team. T: 020 7527 7272 E: pollution@islington.gov.uk</p>
2	<p>Building Control</p> <p>The Building Acts and Building Regulations: To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.</p> <p>T: 020 7527 5999 E: building.control@islington.gov.uk</p>
3	<p>Party Wall Act</p> <p>Works to party walls, boundary walls and excavations near neighbouring buildings are subject to a specific piece of civil law, The Party Wall etc. Act 1996, as well as planning requirements and building regulations.</p> <p>Unlike planning or building regulations, The Party Wall Act is a civil matter between the owners of the land in question. It is not overseen, administered or enforced by the local planning authority.</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 2018 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**

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**

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

C) **Development Management Policies June 2013**

Design and Heritage
DM2.1 Design
DM2.3 Heritage

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

The following SPGs and/or SPDs are relevant:

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

APPENDIX 3: PROHIBITION ORDER UNDER THE HOUSING ACT



HOUSING ACT 2004
SECTIONS 20 & 21
PROHIBITION ORDER – WK/170039251

Islington Council ("the Council") is satisfied that Category 1 and 2 hazards exist on the dwelling known as

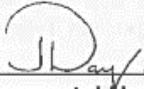
BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

and is further satisfied that no Management Order is in force in relation to the premises under Chapter 1 or 2 of Part 4 of the Housing Act 2004

- 1 This Order is made as the deficiencies specified in **SCHEDULE 1** give rise to the hazards at the premises as specified in **SCHEDULE 1**.
- 2 This Order prohibits the use of the dwelling for the following purposes: -
The building must not be occupied by tenants or by anyone other than the owners of the property and their immediate family.
- 3 The Council considers the making of the Prohibition Order as the most appropriate course of action under Sections 5(2) & 7(2) of the Housing Act 2004 for the reasons stated in the attached statement of reasons

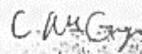
See **SCHEDULE 2** for the remedial action, which the Council considers would, if taken in relation to the hazard result in the Council revoking this Order.

Dated: 21 December 2017

Signed: 
Title: Senior Environmental Health Officer
Authorised Officer

NOTE: The Senior Environmental Health Officer dealing with this matter is Miss J. Day, who can be contacted at:

Residential Team C
Public Protection Division
222 Upper Street
London
N1 1XR
Telephone: 020 7527 3073

Signed: 
Date : 21/12/2017

See notes on rights of appeal against this notice and other information on reverse

Notes

These notes are intended as general information to the recipients(s) of this as a broad summary of their rights of appeal against the notice. They are not intended to be definitive and persons considering an appeal are advised to seek independent legal advice and/or refer to the full version of Schedule 1 of the Housing Act 2004. Further advice can be obtained from the Residential Property First-tier Tribunal 10 Alfred Place, London, W1CE 7LR. Tel: 020 7446 7700 Fax: 0207 637 1250 or Email: rplondon@hmcts.gsi.gov.uk Web: <http://www.justice.gov.uk/tribunals/residential-property>.

Meaning of Category 1 and Category 2 hazard

"category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score 1000 or more; "category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score 1000; "hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise). "prescribed" means prescribed by The Housing Health and Safety Rating System (England) Regulations 2005 www.opsi.gov.uk/si/si2005/20053208 (see section 261(1)); and "prescribed band" means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

Right of appeal (under Part 3 of Schedule 2, Housing Act 2004)

If you do not agree with this Order you may appeal against it to the Residential Property Tribunal but you must do this within 28 days from the date the Order was made.

- 7 (1) A relevant person may appeal to a residential property tribunal against a prohibition order.
- (2) Paragraph 8 sets out a specific ground on which an appeal may be made under this paragraph, but it does not affect the generality of Paragraph 7 sub-paragraph (1).
- 8 (1) An appeal may be made by a person under paragraph 7 on the ground that one of the courses of action mentioned in Paragraph 8, sub-paragraph (2) is the best course of action in relation to the hazard in respect of which the order was made.
- (2) The courses of action are-
 - (a) serving an improvement notice under section 11 or 12 of this Act;
 - (b) serving a hazard awareness notice under section 28 or 29 of this Act;
 - (c) making a demolition order under section 265 of the Housing Act 1985 (c. 68).

Appeal against decision relating to revocation or variation of prohibition order

- 9 A relevant person may appeal to a residential property tribunal against-
 - (a) a decision by the local housing authority to vary a prohibition order, or
 - (b) a decision by the authority to refuse to revoke or vary a prohibition order.

Time limit for appeal

- 10 (1) Any appeal under paragraph 7 must be made within the period of 28 days beginning with the date specified in the prohibition order as the date on which the order was made
- (2) Any appeal under paragraph 9 must be made within the period of 28 days beginning with the date specified in the notice under paragraph 3 or 5 as the date on which the decision concerned was made.

- (3) A residential property tribunal may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) or (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

Powers of residential property tribunal on appeal under paragraph 7

- 11 (1) This paragraph applies to an appeal to a residential property tribunal under paragraph 7.
 - (2) The appeal-
 - (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
 - (3) The tribunal may by order confirm, quash or vary the prohibition order.
 - (4) Paragraph 12 makes special provision in connection with the ground of appeal set out in paragraph 8.
- 12 (1) This paragraph applies where the grounds of appeal consist of or include that set out in paragraph 8.
 - (2) When deciding whether one of the courses of action mentioned in paragraph 8(2) is the best course of action in relation to a particular hazard, the tribunal must have regard to any guidance given to the local housing authority under section 9.
 - (3) Sub-paragraph (4) applies where-
 - (a) an appeal under paragraph 7 is allowed against a prohibition order made in respect of a particular hazard; and
 - (b) the reason, or one of the reasons, for allowing the appeal is that one of the courses of action mentioned in paragraph 8(2) is the best course of action in relation to that hazard.
 - (4) The tribunal must, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.

Powers of residential property tribunal on appeal under paragraph 9

- 13 (1) This paragraph applies to an appeal to a residential property tribunal under paragraph 9.
 - (2) Paragraph 11(2) applies to such an appeal as it applies to an appeal under paragraph 7.
 - (3) The tribunal may by order confirm, reverse or vary the decision of the local housing authority.
 - (4) If the appeal is against a decision of the authority to refuse to revoke a prohibition order, the tribunal may make an order revoking the prohibition order as from a date specified in its order.

"The operative time" for the purposes of section 24(5)

- 14 (1) This paragraph defines "the operative time" for the purposes of section 24(5) (operation of prohibition orders).
 - (2) If an appeal is made under paragraph 7 against a prohibition order which is not suspended, and a decision on the appeal is given which confirms the order, "the operative time" is as follows-
 - (a) if the period within which an appeal to the Lands Tribunal may be brought expires without such an appeal having been brought, "the operative time" is the end of that period;

- (b) if an appeal to the Lands Tribunal is brought, "the operative time" is the time when a decision is given on the appeal which confirms the order.
- (3) If an appeal is made under paragraph 7 against a prohibition order which is suspended, and a decision is given on the appeal which confirms the order, "the operative time" is as follows-
 - (a) the time that would be the operative time under sub-paragraph (2) if the order were not suspended, or
 - (b) if later, the time when the suspension ends.
- (4) For the purposes of sub-paragraph (2) or (3)-
 - (a) the withdrawal of an appeal has the same effect as a decision which confirms the notice, and
 - (b) references to a decision which confirms the order are to a decision which confirms it with or without variation.

"The operative time" for the purposes of section 25(7)

- 15 (1) This paragraph defines "the operative time" for the purposes of section 25(7) (revocation or variation of prohibition orders).
- (2) If no appeal is made under paragraph 9 before the end of the period of 28 days mentioned in paragraph 10(2), "the operative time" is the end of that period.
 - (3) If an appeal is made under paragraph 10 within that period and a decision is given on the appeal which confirms the variation, "the operative time" is as follows-
 - (a) if the period within which an appeal to the Lands Tribunal may be brought expires without such an appeal having been brought, "the operative time" is the end of that period;
 - (b) if an appeal to the Lands Tribunal is brought, "the operative time" is the time when a decision is given on the appeal which confirms the variation.
 - (4) For the purposes of sub-paragraph (3)-
 - (a) the withdrawal of an appeal has the same effect as a decision which confirms the variation, and
 - (b) references to a decision which confirms the variation are to a decision which confirms it with or without variation.

Meaning of "relevant person"

- 16 (1) In this Part of this Schedule "relevant person", in relation to a prohibition order, means a person who is-
- (a) an owner or occupier of the whole or part of the specified premises,
 - (b) authorised to permit persons to occupy the whole or part of those premises, or
 - (c) a mortgagee of the whole or part of those premises.
- (2) If any specified premises are common parts of a building containing one or more flats, then in relation to those specified premises, "relevant person" means every person who is an owner or mortgagee of the premises in which the common parts are comprised.

Application for approval to use the premises for a particular purpose

You may apply to the Local Authority for approval to use part or all of the premises for a particular purpose. The Local Authority must not unreasonably withhold approval but if approval is refused they must notify you of that decision and the reasons for it within 7 days of making it. If you disagree with the decision you may appeal to the residential property tribunal but you must do so within 28 days of the notification of the refusal.

(section 22)

Application for revocation or variation of the order

If you are satisfied that the remedial action specified in the order to remove the specified hazard(s) have been complied with in full, or where the order relates to a number of different hazards that the remedial action relating to some of the hazards have been complied with, you may apply to the Local Authority for revocation or variation of the order as appropriate.

(section 25)

Offence of failing to comply with prohibition order etc.

- (1) A person commits an offence if, knowing that a prohibition order has become operative in relation to any specified premises, he-
 - (a) uses the premises in contravention of the order, or
 - (b) permits the premises to be so used.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction-
 - (a) to a fine and
 - (b) to a further fine not exceeding £20 for every day or part of a day on which he so uses the premises, or permits them to be so used, after conviction.
- (3) In proceedings against a person for an offence under subsection (1) it is a defence that he had a reasonable excuse for using the premises, or (as the case may be) permitting them to be used, in contravention of the order.

(section 32)

Recovery of possession of premises in order to comply with order

Nothing in -

- (a) the Rent Act 1977 (c. 42) or the Rent (Agriculture) Act 1976 (c. 80), or
- (b) Part 1 of the Housing Act 1988 (c. 50), prevents possession being obtained by the owner of any specified premises in relation to which a prohibition order is operative if possession of the premises is necessary for the purpose of complying with the order.

(section 33)

Land Charge

When the Order becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 37)

General Advice

If you do not understand this Order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTIONS 20 & 21

STATEMENT OF REASONS

RE: BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

The authority is satisfied that Category 1 and 2 hazards exist at the above premises and that action should be taken in respect of those hazards.

In determining the most appropriate action regard has been given to the following:

- Views of the owners. The owners have been informed of the council's intention to make a Prohibition Order and their representations have been taken into account.
- Views of the occupier. The council has been informed that the dwelling is currently occupied by one of the owners and his representations have been taken into account.
- Impact course of action would have on the local environment. The making of a Prohibition Order will not have an impact on the local environment.
- Value of the property. The dwelling is an outbuilding. The owners intend to demolish it and to re-build. The making of a Prohibition Order will not affect the value of the current structure.
- Views of the LFB. The Fire Brigade has been consulted and has given advice.

The following actions (in bold) were considered before the authority made its decision:

1. The making of a **Prohibition Order** is the most appropriate course of action to deal with the significant hazards identified in the premises as they pose a serious risk to the health and safety of any (or potential) occupiers or visitors. The nature of the risks is such that it is not considered reasonable or safe for the premises to remain occupied by anyone other than the owners of the building and their immediate family in its current condition and remedial action is considered unreasonable or impracticable.
2. The service of an **Improvement Notice** is not an appropriate course of action to deal with the significant category 1 hazards identified in the premises. Due to the serious nature of the hazards and the amount of work required to mitigate those Hazards it is not considered reasonable or practicable to require remedial works to reduce or remove the hazards.
3. The service of a **Hazard Awareness Notice** is not an appropriate course of action due to the significant nature of the hazards and the risks they pose to any potential occupier and visitors to the property. The authority considers that giving advice to those responsible for the existence of the hazards but not taking action to reduce/remove them is not an acceptable course of action.
4. Taking **Emergency Remedial Action** or making an **Emergency Prohibition Order** is not an appropriate course of action in this case because the hazards encountered, although significant, do not pose a serious risk of imminent harm to the health and safety to the occupiers and visitors to the property.
5. The making of a **Suspended Prohibition Order** is not an appropriate course of action as the conditions in the property present a serious risk to health and safety and it is not considered appropriate for the building to become occupied by anyone other than the owners or immediate family until a specified time.
6. There are no good reasons known to the authority that would warrant considering serving a **Suspended Improvement Notice**.
7. **Demolition or clearance** are not the most appropriate courses of action because of the high values of property in Islington and the demand on available units of accommodation within the area. The owners are planning to demolish the building and to re-build it once planning consent has been given.

Decision

The decision is to make a **Prohibition Order**, which is considered to be the most effective and appropriate means for dealing with the hazards identified in the premises.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTIONS 20 & 21

SCHEDULE 1 (DEFICIENCIES AND HAZARDS ARISING)

RE: BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

The building is an outbuilding located at the rear of the garden to the property known as 186 New North Road. The design and structure of the building is more suited for use as a workshop or garage and it is not suitable for use as residential accommodation. The following Hazards are present:

1. Damp and Mould (Category 2 Hazard)

The building has no insulation to walls or roof, no extract ventilation to kitchen & shower and no Damp proof course. There is dampness to walls around the shower cubicle and disrepair to the corrugated plastic roof. There do not appear to be any gutters or rainwater goods

2. Excess Cold (Category 1 Hazard)

The building is constructed with single-brick solid walls and a concrete floor with no thermal insulation to either. There is no thermal insulation to the zinc roof which also has a number of skylights with single glazing. There is a concrete lintel above the window that will cause cold bridging. The glazing to the window, entrance door and original garage doors is single glazed. There is dampness to the walls around the shower cubicle. There is excessive ventilation in the form of holes drilled in the external kitchen door and uncontrollable draughts from the kitchen door & gaps in and around the original garage doors. The WC is external, located outside the building, which means occupants have to go outside to use it.

3. Entry by Intruders (Category 1 Hazard)

The building is located at the rear of the garden meaning that occupants have to walk the length of the garden to reach it. There is no automatic security lighting and the external lights located on the side elevation of 186 New North Road have to be turned on manually. There are two means of access to the building: the original garage doors and an external door leading into the kitchen area. Both of these are of insubstantial construction and have inadequate locks. There is single glazing to the window and doors which would afford easy access. The outside WC requires occupants to come out of the building to use.

4. Domestic Hygiene/ Pests (Category 2 Hazard)

There are numerous entry points for vermin and insects to the building via holes drilled in the kitchen door, gaps under & around garage doors, the roof structure and solid floor. The building is not designed for residential use and is not proofed against avian pests or vermin.

5. Personal Hygiene (Category 2 Hazard)

The WC is external. The WC cubicle is unhygienic with bare bricks and there is no wash hand basin. The macerator to external WC has a waste pipe with a long run and uphill sections before it joins soil pipe and the WC smells after flushing (sewage smell). There is inadequate surface water drainage to rear garden.

6. Falls on the level (Category 1 Hazard)

Access to the building is via the rear garden to 186 New North Road with uneven paving, and inadequate lighting, which has to be turned on manually which results in trip hazards. There is inadequate drainage to the rear garden with rainwater from the roof of the building appearing to discharge directly into the garden which results in slip hazards. Injury is likely to be exacerbated by the hard surfaces. There is no defined path leading to the building.

7. Electrical Hazards (Category 2 Hazard)

The electrical installation to the building and the external light fittings to 186 New North Road are out of date and not compliant with current regulations. The external fittings are not weathertight and require being turned on manually.

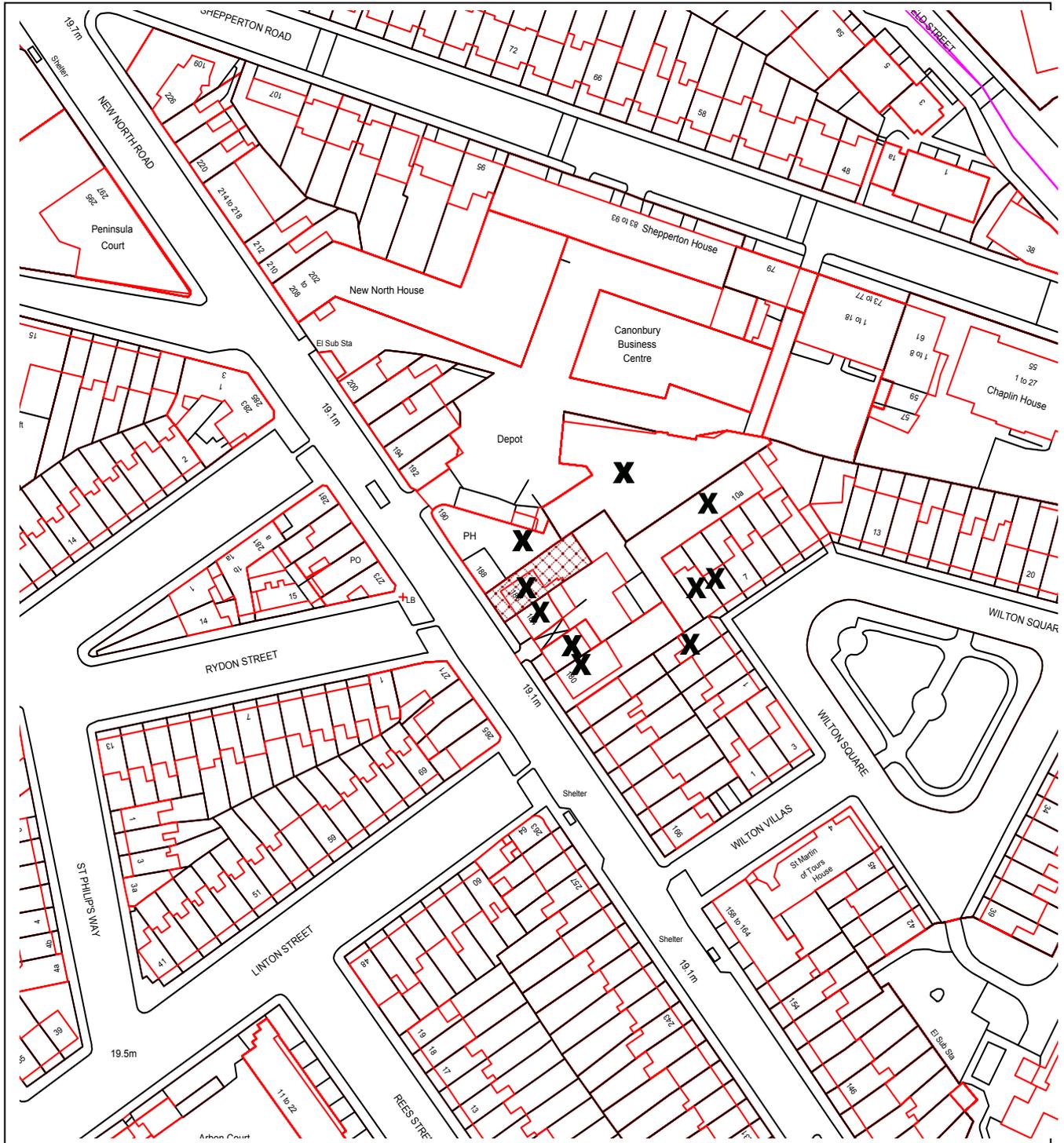
8. Fire (Category 2 Hazard)

There is no automatic fire detection and warning system provided to the building to give occupants early warning in the event of a fire and cooking appliances are located next to external door. The electrical installation is out of date and does not meet current regulations. There are polystyrene tiles to the walls and ceiling in the kitchen which would spread fire quickly and there is inadequate fire separation between the kitchen and living room/bedroom as there is no fire door and the partition wall does not provide 30 minutes fire separation. The two exit doors from the building both require a key to open which would delay occupants means of escape in the event of a fire. Means of escape to the main road is via a lean-to attached to 186 New North Road which is being used to store bicycles, combustible materials and other items.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005
HOUSING ACT 2004 SECTIONS 20 & 21
SCHEDULE 2 (WORKS TO REDUCE/REMOVE HAZARDS)
RE: BUILDING KNOWN AS 186A NEW NORTH ROAD, LONDON, N1 7BJ

1. The building is not suitable for occupation in its current condition and would require a significant amount of work to mitigate the Hazards listed in Schedule 1.
2. The owners have informed the council that, despite its current condition, they wish to use it as residential accommodation pending their intended application for planning permission. The building will then be demolished and a new structure built.
3. No works are required to mitigate the Hazards, providing that the building is not occupied by tenants or anyone other than the owners and their immediate family.

ISLINGTON SE GIS Print Template



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P2018/0246/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		Agenda Item: B6
Date:	02 October 2018	NON-EXEMPT

Application number	P2017/1670/FUL
Application type	Full Planning Application
Ward	Highbury West Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	None
Licensing Implications	None
Site Address	23 Romilly Road, London, N4 2QY
Proposal	Creation of a basement extension under the footprint of the existing house including the formation of light wells to the front and rear of the property. Conversion of the existing single-family dwelling house into 2no. self-contained flats (1no. 3 bedroom unit and 1no. 2 bedroom unit).

Case Officer	Rebecca Neil
Applicant	Jamie Majid
Agent	AA Studio Architecture Ltd

1.0 RECOMMENDATION

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

2.0 SITE PLAN (site outlined in red)



Fig. 1 Site plan

3.0 PHOTOS OF SITE/STREET



Fig. 2 View of street (23 Romilly Road outlined in red)



Fig. 3 Existing front elevation



Fig. 4 Existing rear elevation

4.0 SUMMARY

- 4.1 Planning permission is sought for the creation of a basement extension under the footprint of the existing house, including the formation of light wells to the front and rear of the property. Permission is also sought for the conversion of the existing single family dwelling house into two self-contained flats (a 3-bed unit and a 2-bed unit).
- 4.2 The application is brought to committee because 9 objections have been received from members of the public and, in the opinion of the Head of Service, it would be best considered by committee.
- 4.3 The depth and extent of the proposed basement is considered acceptable and would comply with the design specifications listed within the Islington Basement SPD (2016). Whilst the application site is the first property in the street to create a basement, it would not detract from the character and appearance of the property or wider street scene. A Structural Method Statement (SMS) has been provided as required and complies with the criteria set out in Appendix B of the Basement SPD.
- 4.4 The proposal complies with the policy requirements of Policy DM3.3 (Residential Conversions and Extensions) in that there would be no loss of a small residential unit. The conversion is therefore acceptable in principle. The new residential units would provide a good standard of living space for future occupiers. The applicant has submitted a viability assessment to demonstrate that payment of the small sites contribution would render the project unviable, and this has been scrutinised by an independent assessor. No small sites contribution will therefore be sought.
- 4.5 Given the above, the proposal is considered acceptable subject to suitable conditions as set out in **Appendix 1**, and it is recommended that the application be approved.

5.0 SITE AND SURROUNDINGS

- 5.1 The application site is a 3-storey, 4-bedroom dwelling located on the western side of Romilly Road. The building is constructed in London stock brick with timber sash windows on the upper floors, and a decorative bay window at ground floor level. To the rear, the property has previously been extended to full width at ground floor level, and to half width at first floor level.
- 5.2 The property forms part of a row of Victorian terraced houses, all of which have shallow front garden areas. The area is predominantly residential in character, with a mix of single family dwellings and flat conversions. The site is neither listed nor located within a conservation area.

6.0 PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for a basement extension underneath the footprint of the dwelling, plus the addition of two light wells at the front and rear of the property. At the rear, the light well would be 1.5 metres deep and would extend across the full-width of the property. At the front it would protrude approximately 1 metre into the front garden, in line with the existing bay window. The basement would be approximately 2.75 metres in depth, with an internal floor-to-ceiling height of 2.6 metres.
- 6.2 The basement extension is proposed in connection with the conversion of the existing single family dwelling into two self-contained flats - a 3-bed, 5-person (3b5p) flat at basement and ground floor level (Flat A), and a 2-bed, 3-person (2b3p) flat at first and second floor level (Flat B). Flat A measures 105m² in area and Flat B is 80m². Both flats would be accessed via the existing front door, with the entrances to each flat off a communal hallway at ground floor level. Flat A has a rear garden area, accessed from a

walkway over the basement lightwell. Two cycle parking spaces are proposed, one for Flat A (located in the rear garden) and one for Flat B (located in the front garden).

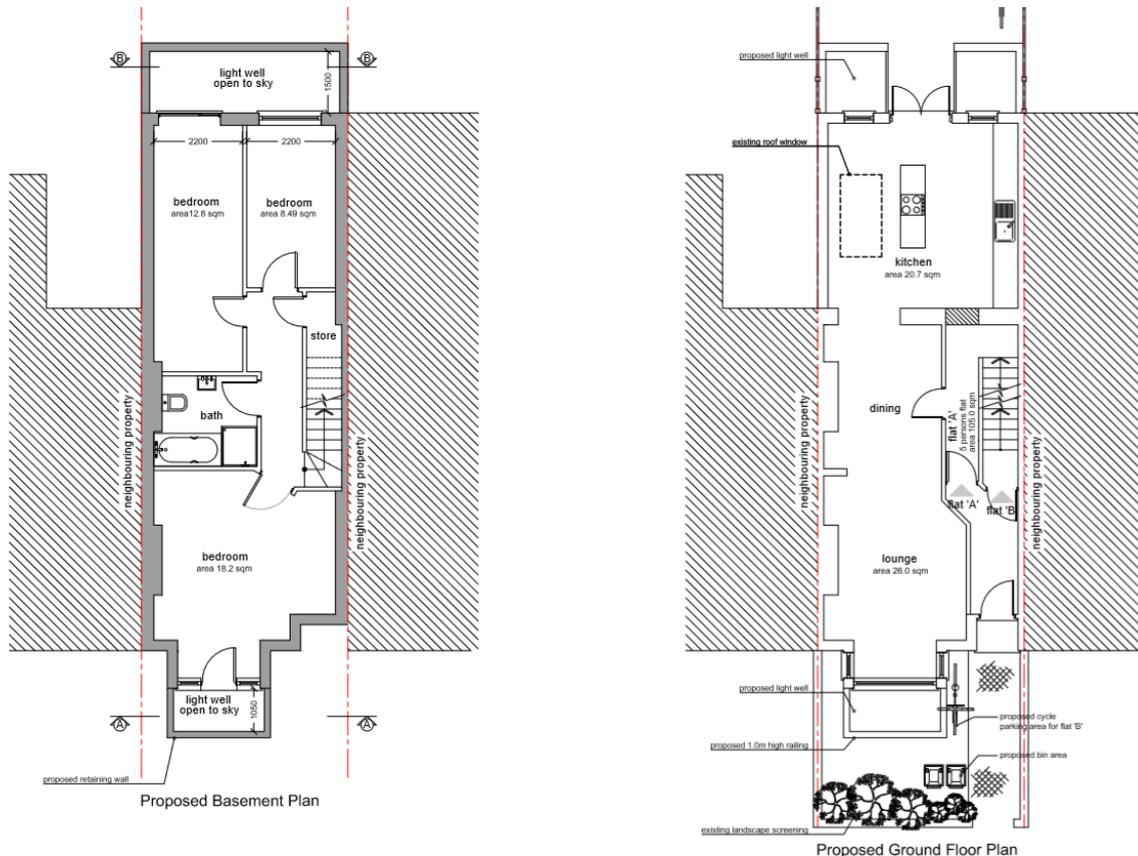


Fig. 5 Proposed basement and ground floor plans

Scheme revisions

- 6.3 The application initially involved a second floor rear extension which has been removed from this proposal (revised drawings are Rev. B).
- 6.4 A revised Structural Method Statement (SMS) was provided in November 2017 and another on 15 August 2018 following concerns that it did not provide sufficient detail as to how groundwater, drainage and flooding had been addressed (as required by the Basement Development SPD).

7.0 RELEVANT HISTORY

Planning applications

- 7.1 P2017/0446/FUL – Creation of a new basement including the installation of new light wells and staircases to the front and rear. Erection of a ground floor and second floor rear extension. Conversion of the existing dwelling into 3no. self-contained flats (withdrawn on 30/03/2017).

Enforcement

7.2 None.

Pre-application advice

7.3 None.

8.0 CONSULTATION

Public consultation

8.1 Letters were sent to occupants of 18 adjoining and nearby properties on Romilly Road and Plimsoll Road on 10 May 2017. A site notice was displayed outside the site on the same date. The initial public consultation period expired on 01 June 2017. Since that date, there have been two further consultations – one in November 2017 and one in August 2018 – following the submission of the two revised Structural Method Statements. The most recent consultation period expired on 30 August 2018, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 A total of 8 objections were received following the consultation in May 2017; a further 4 objections were received following re-consultation, and at the time of writing this report, 1 further objection had been received to the proposal. Overall, a total of 10 residents have objected to the proposal and have raised the following issues:

- The basement extension would constitute overdevelopment of the site (objection addressed in para. 10.7 below);
- The basement extension would affect the structural integrity of the neighbouring houses and cause problems in relation to drainage and water ingress into neighbouring properties (objection addressed in para. 10.8 below);
- The proposal would result in the loss of a good-sized family home (objection addressed in para. 10.5 below);
- The second floor extension would result in a loss of light to neighbouring properties (second floor extension now removed from the application – para 6.3 above)
- The basement would receive inadequate levels of daylight and sunlight (objection addressed in para. 10.16 below);
- The development would result in increased congestion and impact upon resident parking, particularly at school drop-off and collection times (objection addressed in para. 10.22 below);
- The construction of a basement light well at the rear will reduce the size of the garden at 23 Romilly Road, whilst increasing the number of people living at the property (objection addressed in paras. 10.9 and 10.17 below); and
- The construction work will cause noise and disturbance for neighbouring residents (objection addressed in para. 10.19 below).

Internal consultees

8.3 Access and Inclusive Design – have objected to the proposal as neither of the new dwellings are visitable or adaptable (there is no step-free access to the third floor and no WCs on the ground floor or principal floor of the upper floor flat).

8.4 Highways – No objection subject to the stipulations of section 179 of Highways Act (explanatory note forwarded to the applicant).

8.5 Public Protection – No comments received.

External Consultees

8.6 None.

9.0 RELEVANT STATUTORY DUTIES, DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

9.1 Islington Council (Sub Committee B), in determining this planning application, has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan).

9.2 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.3 Members of the Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. Details of all relevant policies and guidance notes are attached in **Appendix 2**. This report considers the proposal against the following documents:

National Policy

- 9.6 The National Planning Policy Framework 2018 ('NPPF') contains a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in the determination of this application and has been taken into account during the assessment of these proposals.

Development Plan

- 9.7 The Development Plan is comprised of the London Plan 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the 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) / Documents (SPDs)

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

10.0 ASSESSMENT

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

- Principle of development (residential conversion)
- Principle of development (basement)
- Design, character and context
- Inclusive design
- Quality of residential accommodation
- Impact on neighbouring amenity
- Affordable housing (small sites contributions)

Principle of development (residential conversion)

- 10.2 Policies in Chapter 3 of the London Plan and Policy CS12 of the Islington Core Strategy 2011 encourage the provision of additional housing in suitable locations to assist in meeting and exceeding the borough's housing targets. The conversion of larger properties into flats contributes to Islington's housing supply, accounting for a small but important portion of additional homes, and within this context the modest uplift in housing at this site is supported.
- 10.3 Policy DM3.3 of the Islington Development Management Policies 2013 provides that the conversion of residential units into a larger number of self-contained units will normally only be permitted where the total floor area is in excess of 125m² (GIA). It also provides that proposed conversions must meet several criteria, including that the dwelling mix does not include 1-person units and at least one unit of 2+ bedrooms is provided. In this case, the existing floor space is more than 125m², there are no 1-person (or indeed 1-bedroom) units, and both units provided have 2+ bedrooms. All criteria are therefore met.
- 10.4 Policy DM3.3 goes on to explain that the council will assess the acceptability of proposed conversions which meet the above criteria with regard to:

- The extent to which the proposal contributes to meeting housing size priorities set out in Table 3.1 (considered acceptable, and discussed in para. 10.6 below);
- The effect on the amenity of adjacent properties (considered acceptable, and discussed in para. 10.19 below);
- the physical characteristics of the property, including internal layout and the relationship of rooms on different floors within the scheme (considered acceptable);
- the amenity of future occupants (considered acceptable, and discussed in paras. 10.16-10.17 below); and
- the effect of any changes to the external appearance of the building (considered acceptable, and discussed in para. 10.10-10.12 below).

10.5 Objections have been received to the proposal on the grounds that it would result in the loss of a family-sized dwelling. However, the proposed basement and ground floor unit is *also* a family-sized dwelling, having three good-sized bedrooms and access to a private rear garden area. The scheme therefore provides a new family-sized unit which is not significantly smaller than the existing dwelling (105m² proposed size of new lower floor unit), whilst also providing the benefit of an additional 2-bed unit. Consequently, in planning terms there is no objection to the loss of the original home, whilst also adding an additional residential unit to the borough's housing stock.

10.6 Policy DM3.1 of the Islington Development Management Policies provides that all sites should provide a good mix of housing sizes and, in terms of market housing, requires 10% of residential schemes to consist of 1-bed units, 75% to consist of 2-bed units and 15% to consist of 3-bed+ units (Table 3.1 on page 31). Whilst it is not possible to mechanically apply Table 3.1 in the context of such a small site, this scheme provides a broadly policy-compliant mix of unit sizes in that it features one of each of the two preferred sizes. Consequently, there is no objection to the housing mix in this instance.

Principle of development (basement)

10.7 There is no principle objection to basement development in Islington subject to compliance with the Basement Development Supplementary Planning Document (hereafter 'the Basement SPD'). This SPD, adopted in January 2016, provides that basement development should be appropriate and proportionate to its context, should not cover more than 50% of the remaining garden area or exceed the area of the original footprint (whichever is the lesser), should be only a single storey deep, and should not exceed a floor to ceiling height of 3 metres. The proposed basement at 23 Romilly Road is of an appropriate design (see paras. 10.10-10.12 below), is a single storey, and has a floor-to-ceiling height of 2.6 metres. It therefore meets the design criteria as set out in the Basement SPD and would not constitute overdevelopment of the site.

10.8 The Basement SPD also requires basements to be designed to safeguard the structural stability of the existing building, nearby buildings, trees and any infrastructure. It requires applicants to submit a Structural Method Statement (SMS) and a Construction Management Plan (CMP) with any planning application for basement development (with the CMP being secured by condition; see Condition 4). These documents must be endorsed by a suitably qualified person. The applicant has submitted a method statement prepared by a structural engineering firm (PGCS Partnership) and signed off by a chartered Civil Engineer. Following a request for further detail in respect of groundwater, drainage and flooding, a further Ground Investigation Report (prepared by Ground & Water Limited) was submitted on 15 August 2018. This report details the findings of a site investigation carried out on 06 August 2018. Groundwater was encountered at Borehole 1 (located in the front garden), and the report concludes that it is '*possible that perched groundwater could be encountered during basement excavation*' (page 2). The report recommends dewatering during construction and suggests particular methods to aid basement construction below

the perched water table. The report also indicates that, according to Environment Agency records, Romilly Road is at low risk of surface water flooding. It is now considered that the information submitted satisfies the requirements of the Basement SPD. The proposal would also be subject to an application under the Building Regulations. A condition is also recommended in Appendix 1 (Condition 7) requiring the Chartered Structural Engineer certifying the Structural Method Statement shall monitor the safety of the construction stages during the development to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded.

- 10.9 The proposal, due to the creation of light wells to the front and rear of the property, results in the loss of a small amount of private garden space. However, due to the modest nature of the light wells, a sufficient amount of garden space (in excess of 30m²) is retained for the ground floor dwelling.

Design, character and context

- 10.10 The National Planning Policy Framework (NPPF) provides that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of the Islington Core Strategy requires new buildings to be sympathetic in scale and appearance and complementary to local identity, and Policy DM2.1 of Islington's Development Management Policies requires new development, *inter alia*, to respect and respond positively to existing buildings, the streetscape and wider context, and to be sustainable, durable, adaptable, safe and inclusive.
- 10.11 The Basement Development SPD provides that the design of basements and associated structures must be of a high quality and should respect and respond positively to existing buildings, the streetscape and the wider context, surrounding heritage assets and locally distinctive patterns of development and landscape. It goes on to state that light wells should be modest in size, discreetly located, and designed to protect and enhance the character and appearance of the area.
- 10.12 The rear light well is discreetly located in the existing rear garden of 23 Romilly Road and cannot be seen from the street. It is of a simple design, left open to the sky, and would have no adverse impact upon the appearance of the existing rear elevation. The light well to the front of the property sits below the existing bay window and is 1 metre in depth and 2.5 metres in width. It therefore results in the removal of very little functional space, with the majority of front garden area being retained. However, the drawings show a wall/railing of approximately 0.8 metres in height surrounding the front light well, which it is considered would be visually harmful in the street scene (given that most front gardens in the area have low boundary walls and no structures in their front gardens). It is considered that a flush metal grille would be a more appropriate solution and a condition will be attached requiring details of an alternative means of enclosure for this light well (Condition 5). Subject to this, the basement light wells are suitably designed to be sympathetic to their context and comply with the design guidance set out in the Basement SPD (2016).

Inclusive design

- 10.13 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Policy DM3.3 provides that all residential conversions must be designed to meet the standards set out in Islington's Accessible Housing SPD (now incorporated within the Inclusive Design in Islington SPD), unless exceptional circumstances can be demonstrated.
- 10.14 However, on 01 October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. As a result of the changes, Islington is no longer able to insist that developers meet its own SPD standards for accessible housing. The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to Islington's present wheelchair accessible housing standard. However, these standards can only be enforced in relation to new build housing, rather than residential conversions.
- 10.15 The council's Inclusive Design officer has objected to this scheme on the grounds that the first floor flat is not 'visitible or adaptable', with the primary concerns being that there is no step-free access to the first floor, and there is no WC on the principal floor of Flat B. However, it is not possible to convert this property into two or more units and achieve the desired level of step-free access without installing a platform lift, which is not practical or viable for a scheme of this scale. Therefore, realistically, accessible standards as requested by our Inclusive Design Team can only occur by leaving the property exactly as it is. It is the opinion of officers that refusing the application on these grounds, given the fact that this is a small scale conversion of an existing terraced house which is supported in principle, would be unreasonable and would leave the local authority vulnerable to challenge on appeal.

Quality of residential accommodation

- 10.16 The Mayor's Housing SPG and Development Management Policy DM3.4 set out detailed requirements for new residential accommodation to ensure that it provides a high level of residential amenity and quality of living accommodation for prospective occupiers. The proposed residential units are both dual aspect with good cross-ventilation and have adequate access to daylight and sunlight in all rooms. The lower floor flat has been configured so that the bedrooms are located at basement level, with the primary living spaces – which should benefit from greater levels of daylight and sunlight – located at ground floor. The units measure 105m² (Flat A) and 80m² (Flat B), far in excess of the minimums stipulated in Table 3.2 of the Islington Development Management Policies. It is therefore considered that the two residential units provide a good standard of residential accommodation.
- 10.17 Policy DM3.5 (Part C) of the Islington Development Management Policies provides that all new residential development will be required to provide good quality, private outdoor space. The minimum requirement is 5m² on upper floors and 15m² on ground floors for 1- and 2-person dwellings, and a minimum of 30m² for family housing (3-bed units and above). The ground floor, 3-bed dwelling has access to a good-sized private garden which exceeds 30m². The flat on the upper floors does not have any private amenity space; however providing a balcony or terrace is not possible on this site without comprising the privacy of neighbours. As the lack of private amenity space is the only real deficiency in what is generally a spacious, well laid-out 2-bed flat over two floors, it is considered that this should not warrant refusal of this application. Both units would provide a satisfactory living

environment for future occupiers, thereby complying with Policy DM3.5 (and Table 3.2) of the Islington Development Management Policies 2013.

Amenity of neighbouring occupiers

- 10.18 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.19 The basement extension, by virtue of its location below ground, has no impact on the amenity of neighbouring properties by virtue of loss of light, outlook or privacy. Several objectors have expressed concerns over the impact of the construction process on the amenity of nearby residents. It has long been established that the impact of construction is not a material planning consideration and should not be taken into account by a local planning authority when deciding whether to grant planning permission for a particular development. However, it has become common practice to seek to control and/or mitigate construction impacts through the submission of a Construction Management Plan (CMP), an approach which is also encouraged by the Islington Basement Development SPD. If members see fit to grant permission for this extension, then a condition shall be attached requiring the submission of a full CMP covering the specific matters set out in the Basement SPD (see Condition 4). As part of a full CMP, the applicant would be expected to comply with Islington's Public Protection Noise Service Code of Practice. Within the guidance, the Council allows building works that generate noise to be carried out between the hours
- 8am – 6pm (Monday to Friday)
 - 8am – 1pm (Saturday)
 - No audible building works on Sunday or Public Holidays

Affordable housing

- 10.20 Policy CS12 (Part G) of the Islington Core Strategy 2011 provides that all sites capable of delivering 10 or more units must provide affordable homes on-site, and that schemes below this threshold will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough. The Affordable Housing Small Sites SPD (adopted in 2012) states that in line with the local plan evidence base, the council will expect developers to be able to pay a commuted sum for sites delivering fewer than 10 residential units. In the north and middle parts of the borough, this sum is of £50,000 per unit. Notwithstanding the above, the SPD provides, that in instances where the applicants consider that this level of contribution would leave the development unviable, the council will accept the submission of a viability assessments to justify failure to provide the full financial contribution.
- 10.21 In this instance, the applicant has claimed that it would not be viable to provide a payment of £50,000. A viability assessment has been submitted and has been scrutinised by the council's independent viability assessors, Adams Integra. They consider the applicant's estimated build costs of £300,000 to be a fair and reasonable reflection of the proposed works, and concur that when the total costs of achieving the development are subtracted from the likely revenue generated by the completed scheme, it yields a deficit of £174,000. Consequently, the scheme is not viable at a profit level of 15%, and the scheme cannot support any affordable housing contribution. The council's Viability Team agree with the findings of Adams Integra that the scheme cannot viably provide the £50,000 commuted

sum, or indeed any contribution at all. Consequently, an affordable housing small sites contribution will not be sought from the applicant.

Other material considerations

- 10.22 In line with Policy DM8.5, no additional on-site vehicle parking will be permitted as part of this proposal and no additional parking permits will be issued to any occupiers of additional housing units created through conversions. This is secured by condition (Condition 6).

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development is considered acceptable in principle, and would comply with the provisions of Islington's Basement SPD. The benefits of the scheme, including the modest uplift in housing, have been weighed against the shortcomings of the proposal, including the lack of private amenity space for the upper floor flat and the lack of step-free access. Objections from residents have also been considered in the final balance of planning considerations, and it is recommended that permission is granted subject to appropriate conditions relating to materials, a Construction Management Plan, details of the light well enclosure and car-free development.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

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 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.</p>
2	Approved plans
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>23-PP-200 23-PP-201 23-PP-202 23-PP-203 23-PP-204 Rev A 23-PP-205 Rev A 23-PP-206 Rev A 23-PP-207 Rev B (proposed rear elevation) 23-PP-207 Rev B (proposed side elevations)</p> <p>Design and Access Statement prepared by AA Studio Architecture Limited Method Statement prepared by PGCS Partnership (November 2017) Ground Investigation Report prepared by Ground and Water Limited (August 2018)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant; for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials to match (compliance)
	<p>CONDITION: The facing materials of the basement extensions hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
4	Construction Management Plan (details)
	<p>CONDITION: No development shall take place on site unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local</p>

	<p>Planning Authority. The CMP shall be prepared in accordance with Islington Council's Basement Development SPD (2016). The CMP shall provide details in relation to:</p> <ul style="list-style-type: none"> (a) proposed programme of works (b) site manager/liaison officer details (c) proposed programme of works (d) hours of work (e) access arrangements for vehicles and material storage (f) noise, air quality and vibration control <p>The development shall be carried out strictly in accordance with the CMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
5	Details of basement light well (details)
	<p>CONDITION: Notwithstanding the plans hereby approved, no permission is granted for the railing to the front light well. Plans showing an alternative method of enclosure to the front basement light well (such as a flush metal grille) shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing.</p> <p>The development shall be carried out in accordance with the amended plans so approved and shall be maintained as such thereafter.</p> <p>REASON: To maintain the character and appearance of the street scene.</p>
6	Car free development (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 units designated in this planning permission as "non car free"; or (3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
7	Structural Method Statement (compliance)
	<p>CONDITION: The Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) certifying the Structural Method Statement (SMS) dated November 2017 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this</p>

condition.

REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).

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 2018 contains a presumption in favour of sustainable development and seeks to secure positive growth in a way that 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, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 2013.

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

Chapter 3: London's People

- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.12 Negotiating affordable housing on individual schemes
- Policy 3.13 Affordable housing thresholds
- Policy 3.14 Existing housing

Chapter 5: London's response to climate change

- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.13 Sustainable drainage
- Policy 5.15 Water use and supplies
- Policy 5.18 Construction, excavation and demolition waste

Chapter 6: London's Transport

- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking

Chapter 7: London's Living Spaces and Places

- 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 7.8 Heritage assets and archaeology
- Policy 7.18 Protecting open space and addressing deficiency

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 CS11 Waste
- Policy CS12 Meeting the housing challenge
- Policy CS15 Open space and green infrastructure

C. Islington Development Management Policies 2013

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
- Policy DM3.1 Mix of housing sizes
- Policy DM3.2 Existing housing
- Policy DM3.3 Residential conversions and extensions
- Policy DM3.4 Housing standards
- Policy DM3.5 Private outdoor space
- Policy DM3.7 Noise and vibration (residential uses)
- Policy DM6.3 Protecting open space
- 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 DM7.4 Sustainable design standards
- Policy DM7.5 Heating and cooling
- Policy DM8.1 Movement hierarchy
- Policy DM8.2 Managing transport impacts
- Policy DM8.4 Walking and cycling
- Policy DM8.5 Vehicle parking
- Policy DM8.6 Delivery and servicing for new developments
- Policy DM9.2 Planning obligations

3. Designations

None relevant.

4. Supplementary Planning Guidance (SPGs) / Documents (SPDs)

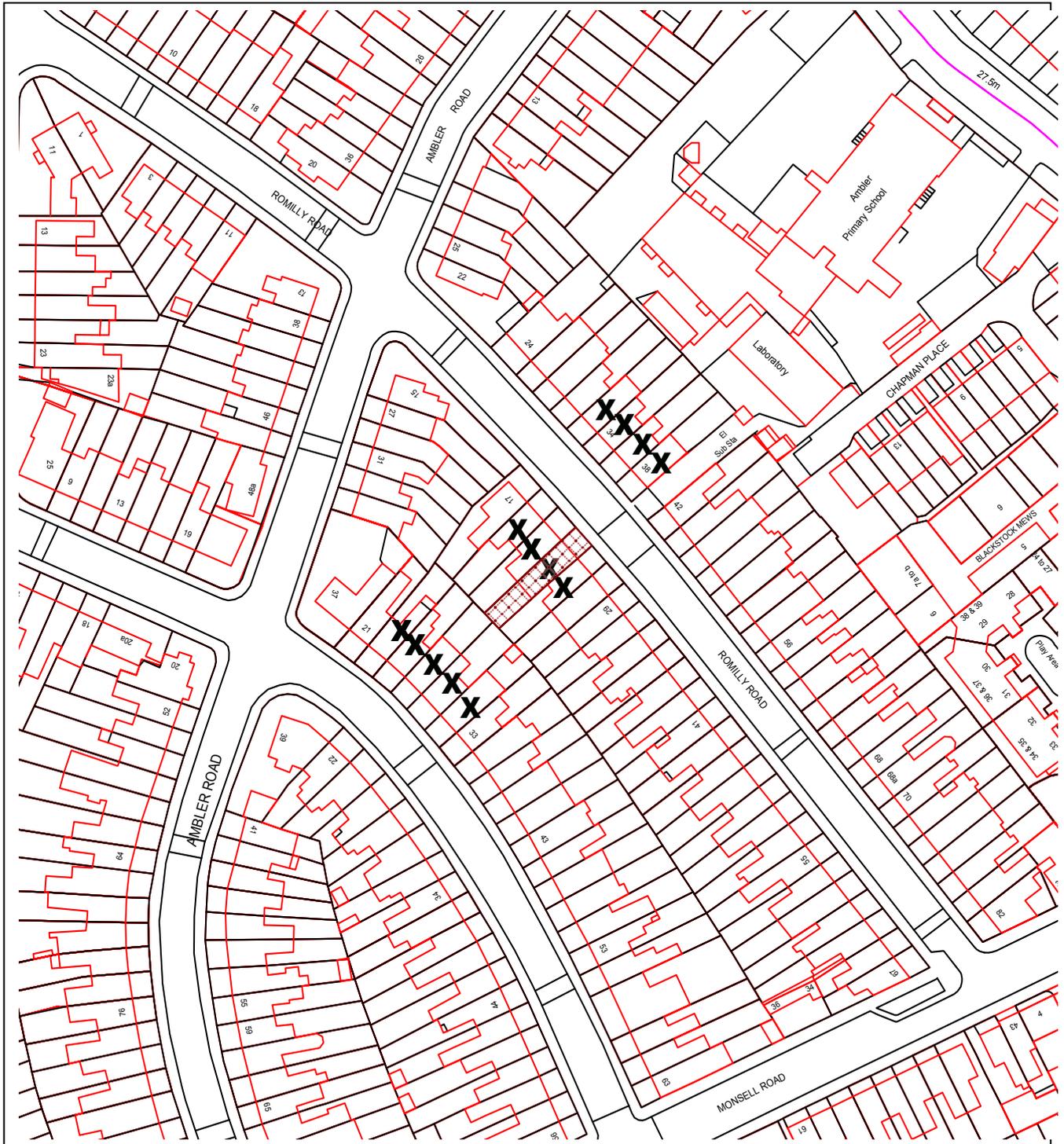
The London Plan

- Housing (2016)
- Character and Context (2014)
- Sustainable Design and Construction (2014)

Islington Development Plan

- Islington Urban Design Guide (2017)
- Basement Development (2016)
- Inclusive Design in Islington (2014)
- Environmental Design (2012)
- Affordable Housing Small Sites Contributions (2012)

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 A		Agenda Item: B7	
Date:	2 nd October 2018	NON-EXEMPT	

Application number	P2017/5001/FULL
Application type	Full Planning application
Ward	Tollington
Listed Building	Adjoins a Grade II Listed Building
Development Plan Context	Employment Growth Area
Licensing Implications Proposal	None
Site Address	440 A Hornsey Road, LONDON, N19 4EB
Proposal	Demolition of existing warehouse buildings and erection of a mixed use development comprising 490m ² of commercial floorspace (Use Class B1) contained within a two storey building with basement level and a further two storey building (no basement level) to create 3 x two storey residential dwellings comprising 2 x 2 bed and 1 x 3 bed (Use Class C3) access gate, landscaping, pv panels, refuse and bike facilities and associated alterations.

Case Officer	Paul Conboy
Agent	Rok Planning Miss Bethan Hawkins

1. RECOMMENDATION

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

1. conditions set out in Appendix 1; and
2. Completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the contributions for affordable housing, carbon offsetting contributions and securing a car free development.

2 SITE PLAN (SITE OUTLINED IN BLACK)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of site from Thorpedale Road.



Image 2: Aerial view of site from Hornsey Road.



Image 3: View of existing accessway into the site, adjacent to the Grade II listed building at 440 Hornsey Road.



Image 4: Rear view of 440 Hornsey Road (Grade II Listed Building)



Image 5 : View from within the site of adjoining properties along Hornsey Road.



Image 6: Internal view of the existing warehouse on site.



Image 7: View from the site of the rear of properties along Thorpedale Road.

4. SUMMARY

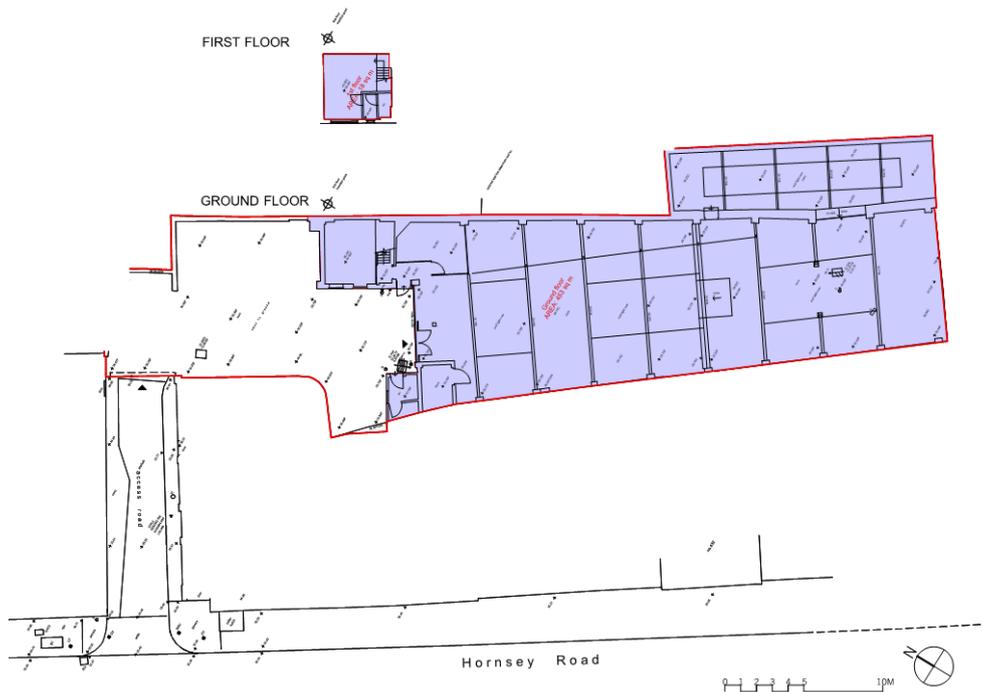
- 4.1 The application seeks permission for the complete redevelopment of the site including the demolition of the existing buildings on site which were previously used by a glass merchant, glazing company contractors workshop and associated office and storage areas. The current lawful use of the site is for light industry B1 uses. The redevelopment of the site would comprise of a mixed use commercial and residential scheme to include the provision of a two storey plus basement level office building forming 490 sq. metres of flexible B1 office floor space and a linked two storey building in the south eastern section of the site to accommodate 3 two storey dwellings.
- 4.2 The principle of the development is considered acceptable given that it would be a modest increase in the existing business floorspace and would provide additional residential accommodation in a highly accessible location.
- 4.3 The design, layout, scale and massing of the proposed development is considered to be visually acceptable and would visually integrate with the surrounding properties and be in keeping with the built form and scale of the surrounding area. The development would add visual interest to what is an existing poorly maintained and dilapidated site.
- 4.4 The quality of the resulting commercial and residential space is on balance considered to be acceptable, complying with the minimum internal space standards required by the London Plan and Mayor's Housing SPG (2016). The Core Strategy aims to ensure that in the future an adequate mix of dwelling sizes are delivered within new development, alongside the protection of existing family housing. Policy CS12 (Meeting the housing challenge) notes that a range of unit sizes should be provided within each housing proposal to meet the need in the borough, including maximising the proportion of family accommodation. Development Management Policy DM 3.4 (Mix of housing sizes) further states the requirement to provide a good mix of housing sizes. The removal of a previously proposed basement level to the proposed houses and the reduction of the number of new units from 4 to 3 with larger rear gardens is considered to have overcome the previous sole reason for refusal issued by the council and upheld at appeal by the Planning Inspectorate.
- 4.5 The proposal also secures the full small sites payment of £150,000 towards off site affordable housing provision and CO2 offsetting fee of £4, 500. This will be secured through a Unilateral Undertaking.
- 4.6 Private amenity space is provided (Unit 1: 14.5 sqm; Unit 2: 12.8 sqm; Unit 3: 12.4 sqm), whilst it would be below the Council's requirements, it is considered acceptable given the tight constraints of the site.
- 4.7 The redevelopment of the site has no vehicle parking on site and occupiers will have no ability to obtain car parking permits (except for parking needed to meet the needs of disabled people), in accordance with Islington Core Strategy policy CS10 which identifies that all new development shall be car free. Appropriately located cycle parking facilities for residents have been allocated within the site in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'.
- 4.8 The development would be located in close proximity to adjoining commercial and residential uses. Careful consideration has been given to ensure that the proposed built form and layout of windows would not materially prejudice the amenity levels of adjoining occupiers/users. Where there will be negative impacts these are considered to not be so material in scale to justify the refusal of the application.
- 4.9 In terms of accessibility, refuse and sustainability credentials the proposed development is considered to be compliant with the council standards and expectations for a development of this scale and type. Conditions are suggested to ensure this moving forward. The proposal is therefore recommended for approval, subject to conditions and S106 legal agreement.

4.10 During the assessment of the application, amended drawings were received to address overlooking and privacy concerns of adjoining occupiers to the rear of properties along Bracey Street and to directly address the secure by design officer's comments to secure a fully secure development. These changes and opaque screening to the rear facing bedrooms of the residential units have been fully considered within this report.

4.11 The recent Inspectors appeal decision has been given significant weight in the assessment of this current application.

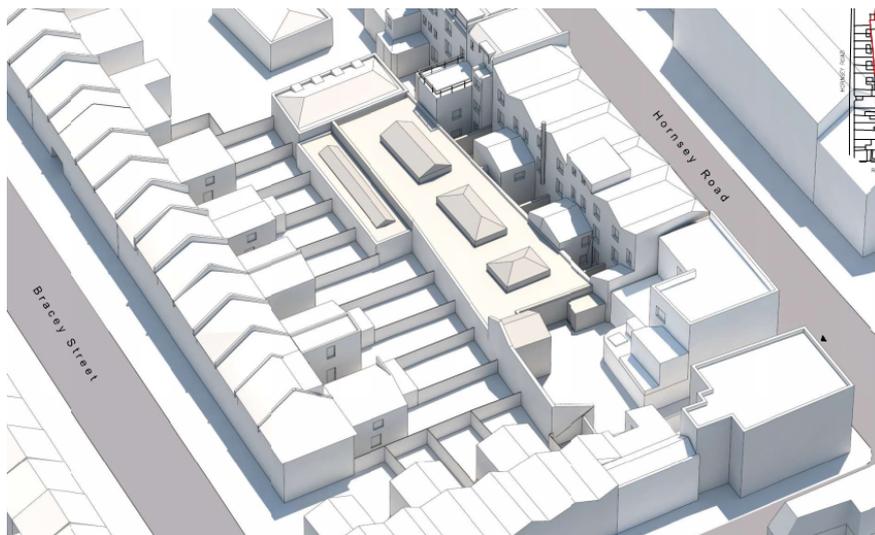
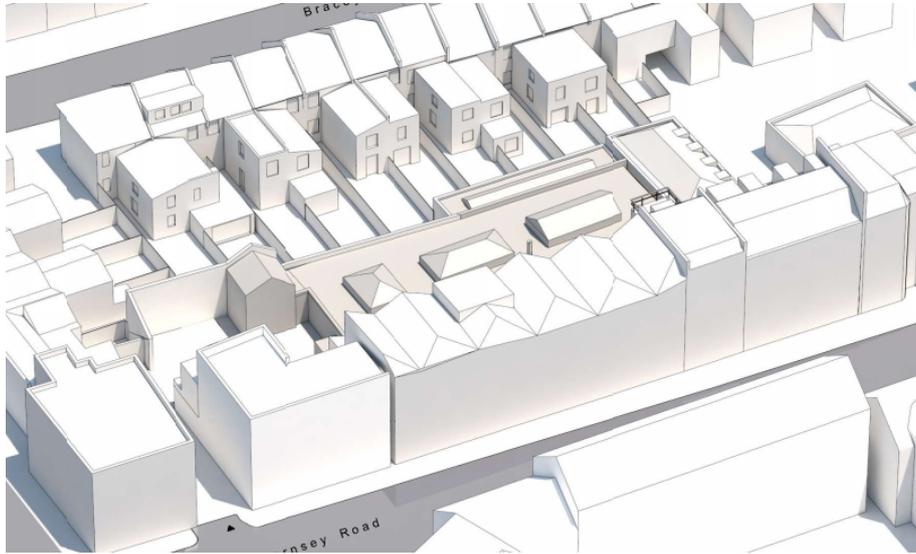
5. SITE AND SURROUNDING

5.1 The site is located on the eastern side of Hornsey Road and is land locked to all sides by a mix of residential and commercial units. The site has only one vehicular access from Hornsey Road. Adjoining the site and close to the existing access road is 440 Hornsey Road, a Grade II Listed building which comprises a mosque which was formerly known as the Hanley Arms Public House. The site itself is not listed and is not located within a Conservation Area. The site is of irregular shape and has no street frontage. The existing building consists of single floor level with high ceilings and large series of rooflights representing a building of nearly two storeys in height internally. The existing arrangement on site includes a large warehouse structure which abuts the rear boundary walls of Bracey Street and Hornsey Road with an open parking and courtyard area facing the main access into the site and the rear of properties along Thorpedale Road. The existing buildings are in a poor state of repair and are vacant and considered to offer a negative visual impact on the surrounding area albeit being minimally visible being located within its backland location. The site has historically been used a glass merchant, glazing company contractors, workshop, office and ancillary storage. The site is located within an Employment Growth Area



Existing site layout and coverage

- 5.2 The site has a PTAL rating of 2 with the closest tube station being Archway which is located 0.8 miles from the application site. The site is located within a designated Environment Agency flood risk category 1 which indicates that the majority of the site is at a very low risk of surface water flooding.



Existing built form of the application site from Hornsey and Thorpedale Road.

6. PROPOSAL (in Detail)

- 6.1 The application seeks to demolish all the buildings on site to create a mixed use development with both commercial and residential components. The proposed height of both the commercial and residential aspects of the scheme is two storeys in height above ground level with the commercial office accommodation located in the northern section of the site and comprising of office accommodation within a proposed basement level and related space at ground and first floor level. The residential section would be located in the south eastern section of the site and would abut the commercial section of the site albeit with no proposed basement and access would be from a proposed courtyard through the main access gate from Hornsey Road.

Commercial elements of the scheme

- 6.2 The proposal seeks to remove all the existing buildings from the site which comprises of 440 sq metres in an inefficient layout on the site and replace it with a two storey plus basement office building located towards the entrance of the site from Hornsey Road. The space created would equal 490 square metres with 194 sq metres at basement level, 153 sq metres at ground floor level and 143 sq metres at first floor level. These office spaces are proposed to be capable to be used flexibly into the future as a number of small office units or larger units as the market demand may dictate. The existing eastern boundary wall is proposed to be reduced in height from 1.24 metres at the highest point towards northeast/eastern edge of the site to a reduction of the existing wall by 0.91 metres towards the residential section of the scheme all facing the rear gardens of properties along Bracey Street.

Residential Scheme

- 6.3 The current proposal seeks to erect three 2 storey residential dwellings in the south eastern corner of the site. The previous dismissed scheme sought permission for 4 self-contained dwellings and included a full basement level for each of the proposed dwellings. The current proposals do not have a basement level proposed for the residential units in a direct attempt by the applicants to address the one previously reason for refusal:
- 6.4 The proposal is a resubmitted scheme (P2016/3218/FUL) which was refused under delegated authority on the 19th December 2016 the following reasons (**See appendix 3**):

REASON: The proposal fails to provide a satisfactory standard of amenity for the future occupiers of the proposed family sized units, by reason of poor levels of outlook, creation of undue sense of enclosure, and resultant poor living environment to the main habitable spaces of the proposed units at basement, ground and first floor levels. Therefore the proposal is contrary to policies 3.4 and 3.5 of the London Plan (2015), policies CS8 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013).

- 6.5 The main differences between this previously refused and dismissed appeal scheme are as follows:
- The removal of the proposed basement level accommodation to the residential units within the scheme.
 - Reduction of the residential units from 4 to 3 units overall with a change in the mix from 4 x 2 beds previously to 2 x 2 beds and 1 x 3 bed currently.
 - Reconfiguration of the residential floor spaces and enlargement of rear gardens.
 - Increase in the proposed employment space from previously 456 sq metres to the current 490 sq metres. (Uplift of 44 sq metres)
 - Minor elevation alterations, screening details to the front and rear first floor of the development and further landscaping details.
 - Reduction in the height of the entire existing eastern boundary walls by varying amounts from 1.24 metres at the maximum to 0.91 metres towards the residential section of the scheme.

- 6.6 The proposed development would develop the majority of the site with new built form of two storeys with open courtyards and associated paving and landscaping. The proposed buildings would have a simplistic yet contextual modern form utilising handmade brick finish at ground floor levels and metal cladding to the first floor levels with flat roofs and extensive green roofs and solar panels. The proposed 3 residential units would have access to a private rear garden space.
- 6.7 The site itself would have a new access gate to create a secure and safe main entrance to the site which has no through route. The eastern existing boundary wall facing the rear gardens of Bracey Street is proposed to be lowered by varying heights from 1.24 metres to 0.91 metres to create better rear garden spaces for the proposed residential units. All other existing boundary walls along the northern, southern and western boundaries of the site would remain unaltered. Previous plans to lower the existing western shared common boundary walls of the site and the rear of properties along Hornsey Road have been removed from the proposal and these boundary walls will remain as existing. The northern and southern boundary walls would not be changed in height also.

7. RELEVANT HISTORY

PLANNING APPLICATIONS:

- 7.1 19/12/2016 Planning Application ref P2016/3218 Refused 19th December 2016 for the demolition of the existing warehouse buildings at 440 A Hornsey Road and erection of a mixed use development comprising of 456 m² of commercial space (use class B1) and 4 two storey residential dwellings with basement levels.

REASON(S) FOR REFUSAL: The proposal fails to provide a satisfactory standard of amenity for the future occupiers of the proposed family sized units, by reason of poor levels of outlook, creation of undue sense of enclosure, and resultant poor living environment to the main habitable spaces of the proposed units at basement, ground and first floor levels. Therefore, the proposal is contrary to policies 3.4 and 3.5 of the London Plan (2015), policies CS8 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013). **(See Appendix 3 for decision notice and subsequent appeal decision.**





CGI visuals of the refused scheme and dismissed at appeal.

- 7.2 21/12/2015 Planning Application (ref: P2015/3118/FUL) refused for *Demolition of existing warehouse buildings at 440A Hornsey Road (Use Class B1) and erection of 5 no. three storey residential dwellinghouses with green roofs and three storey commercial unit (Use Class B1) measuring 325sqm at 440A Hornsey Road London N19*
- 7.3 P111702 - Construction of three storey plus basement building comprising x 2 office/light industrial uses (B1 use class) in basement, x 6 two bedroom (three and four person) flats on ground, first and second floors including demolition of existing light industrial building (B1 Use Class). Conservation area consent application P111703 also submitted. (Withdrawn 20/03/2013)
- 7.4 P112614 - The demolition of a single storey warehouse and the erection of a two storey plus basement building, comprising four 2-bedroom flats and two B1 office/workshop spaces. (Refused. 30/07/2012)

ENFORCEMENT:

- 7.5 None

PRE-APPLICATION:

- 7.6 Pre-application Advice (ref: Q2014/4209/MIN) in relation to redevelopment of the site including the demolition of the existing office building and creation of 389sqm of office (Use Class B1) and 5 no. three storey residential units (Use Class C3) utilising the existing access to the site off Hornsey Road. 440A Hornsey Road.
- 7.7 Advice was provided that any redevelopment of the site must ensure the provision of the maximum amount of business floorspace reasonably possible. Secondly, as the site is currently in business use, even without DM5.1A the Council would require no net loss of business floorspace in accordance with DM5.2A. Proposals that would result in a loss or reduction of business floorspace will be refused unless it can be demonstrated that there are exceptional circumstances, through the submission of clear and robustly evidence which shows there is no demand for the floorspace.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining neighbouring properties along Hornsey Road, Thorpedale Road and Bracey Street on the 10th January 2018, and site notice and press adverts were also displayed with the consultation ending on the 8th of February 2018. Following the receipt of amended drawings (introducing rear first floor opaque glazing to the proposed residential units) a further 21-day consultation occurred on the 19th July 2018 and this period of reconsultation ended on the 16th August 2018.
- 8.2 The consultation period has expired; however, it is council policy to accept letters of representation up until the date of determination. At the time of the writing of this report 13 letters of objection and a petition comprising of 294 signatures objecting to the proposal have been received, with the areas of concerns raised summarised as follows (with paragraph numbers stated in brackets stating where the issue is addressed)
- Inappropriate design and visual appearance on the surrounding area (**10.14-10.24**)
 - Height of building and harm to the setting of the adjoining Hanley Arms (440 Hornsey Road) (**10.14-10.24**)
 - Loss of daylight/sunlight to neighbouring properties. (**10.45-10.57**)
 - Loss of privacy/outlook to the rear and front of the development of neighbouring properties along Hornsey Road and Bracey Street. (**10.55-10.57**)
 - Increased enclosure levels to adjoining properties (**10.55-10.57**)
 - Poor standard of accommodation and living space for future occupiers of the units. (**10.25-10.32**)
 - Concerns over access issues and parking congestion in front of the site. (**10.60 -10.66**)
 - Safety concerns over emergency access and fire brigade. (**Fire brigade and Met Police raise no objections to the proposed development**)
 - Fear of anti-social behaviour and crime around the site. (**10.80 to 10.83**)
 - Object to lowering of boundary walls in terms of structural integrity, safety and overlooking. (**10.33-10.40 &10.45-10.59**)
 - Object open courtyard areas within the proposed development adjoining rear of properties along Hornsey Road in terms of security. (**10.78 to 10.81**)
 - Structural and ground concerns regarding the basement excavation and proposals for the site. (**10.33-10.40**)
 - Traffic and noise from construction concerns related to the development. (**10.60-10.66**)
 - Compromise neighbours plans for a vertical garden on flat roof area of 432 Hornsey Road. (**No impact here, officers cannot withhold planning permission on the basis of what may or may not happen on a different site without a clear causal link between the two. In this case there is no such link.**)

- Noise pollution and transference from the increased commercial and residential use. (**10.85 to 10.86**)
- Refuse and recycling concerns (**10.78-10.79**)
- Impact on the fire escape and emergency access (**Fire brigade raises no objections to the development**)
- Disruption during construction period. (**10.83-10.85**)
- Query the veracity of the lighting strategy and its impact on adjoining properties. (**10.82**)
- Object to the use of green roofs and measures to attract birds and bats to the development as a whole. (**10.77**)

Internal Consultees

- 8.4 **Design & Conservation:** raised no objections to the proposal bearing in mind the backland nature of the site and the very poor appearance of the existing buildings on site. Considered the low height and scale of the proposed development including proposed setbacks away from the boundaries with the adjacent Grade II Listed building would have a neutral impact on its setting and wide urban setting compared to the existing buildings within the site. Noted careful conditions of refuse store adjacent to list building and opportunity should be taken to improve access way and entrance gate into the site to improve the visual amenity of the area.
- 8.5 **Policy officer:** Bearing in mind previous refusal reasons and Inspectors findings: No objection – Notes the uplift in commercial space over the existing amount on site of 50 sq metres which is welcome in an employment growth area.
- 8.6 **Pollution (Acoustic) Officer:** raised no objections subject to conditions regarding a construction management plan, construction environmental plan, noise equipment condition for ground source heat pumps proposed and a land contamination condition.
- 8.7 **Inclusive Design Officer:** Initial concerns regarding achieving category 2 housing addressed with amended plans and further conditions to be secured.
- 8.8 **Sustainability Officer:** raised no objections subject to energy and sustainability conditions. Welcome green roofs and solar panels.
- 8.9 **Highways: Officer advises the imposition of a construction management plan and advises that conditions are attached to ensure:**
- 1 that no vehicles will be permitted to wait and load from Hornsey Road for any duration to prevent an impact on the strategic road.
 - 2 Delivery and service plan to be submitted before commencement of works on site.
 - 3 A condition to be secured requiring a condition survey of the public highway will be taken and formally submitted to Islington Streetworks for approval before works commence on site.
- 8.10 **Licensing:** No comments
- 8.11 **Street Environmental Services refuse:** No objections to revised bin storage facilities and location.

External Consultees

- a. **English Heritage (GLAAS):** Responded no comments to make in relation to the application.
- b. **Fire Brigade:** no objections to the proposal subject to the application meeting the requirements of approved document B5 of the Building Regulations.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

- 9.1 National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay.
- 9.2 At paragraph 8 the NPPF (2018) states: "that sustainable development has an economic, social and environmental role".
- 9.3 The updated National Planning Policy Framework 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 Planning Practice Guidance for England has been published online.
- 9.4 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.5 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.6 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

Development Plan

9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and 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)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

Land use

Design and visual impact on the street scene and adjoining Grade II Listed building.

Mix and standard of accommodation

Basement development

Inclusive design

Impact on neighbouring amenity

Transport and highways

Affordable housing

Sustainability

Waste/Recycling

Security issues and crime issues

Land contamination

Noise and light pollution

Land use

Principle of business floorspace

10.2 The proposal would result in the demolition of the existing buildings used as workshops and glass merchants. The existing building consists of 440 sqm of business floorspace. Following amendments to the scheme the proposed building would create 490 sq metres of floorspace for business use (B1 Use), at basement, ground and first floor levels. It is noted that the site is located within an employment growth area and the maximisation of new and increased employment floorspace is expected by policies DM 5.1 & 5.2.

10.3 Policy DM5.1 of Development Management Policies (2013) provides advice on the provision of new business floorspace. The most relevant sections of this policy are Part A and Part F. Part A states the following:

'Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:

i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and

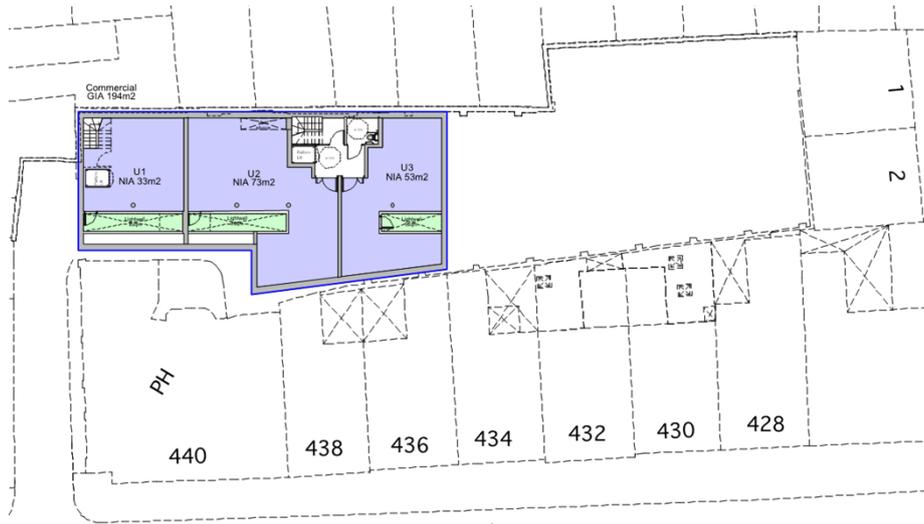
ii) a mix of complementary uses, including active frontages where appropriate'.

10.4 Part F states the following:

'New business floorspace must be designed to:

i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and

10.5 It is considered that the reprovided office floorspace will be of a high quality with a good layout and access through the site offering flexible workspaces to cater for a variety and mix of uses within the employment sector. It is noted that the propose basement office space has limited outlook and ventilation with small front and one internal courtyard to U3. However, the overall sizes and layout of the units are considered to be useful for small office spaces and commercial activities and addresses the tight constraints and physical limitations of the site adequately in this particular case.



Proposed basement plan



Proposed ground floor plan



Proposed first floor plan

- 10.6 Given the total business floorspace would be increased to what currently exists with an uplift of 44 sq metres, having regard to the constraints of the site, and the other material considerations in the assessment of the application, it is considered that the proposal has provided the maximum amount of business floorspace reasonably possible on the site, to comply with both sections i & ii of DM policy 5.2. Furthermore, it is considered the proposal would comply with section ii, given the proposal would include new residential units, which are found within the surrounding area, and would be complementary the proposed business floor space.
- 10.7 In terms of Part F, the proposal is considered to have future flexibility for a range of uses, including subdivision and / or amalgamation for a range of business accommodation, including for small businesses. The new business floorspace would be split between the basement, and ground and first floor levels.
- 10.9 The proposal is considered to comply with Part F, section ii, given that the scheme separates the access to the residential units, which have individual entrances, from the business floorspace which are accessible from the west elevation towards the south of the building.
- 10.10 Notwithstanding the above it is acknowledged that Policy DM5.4 requires the development proposals for employment floorspace, within Employment Growth Areas and Town Centres, must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. However, this policy relates to major developments.

Proposed residential uses.

- 10.11 The proposed creation of a residential units as part of a mixed use scheme is supported in principle. The council has a strong need for additional good quality housing provision and commercial floorspace. It is widely accepted that B1 office uses can function well in tandem with residential units when designed well without adversely affecting the quality and functioning of either use or causing undue negative impact on adjoining units.
- 10.12 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide more high quality, inclusive and affordable homes within the borough. As such, in principle, it is considered in land use terms that the redevelopment of this site for residential units is acceptable, subject to the appropriate reprovision of business floorspace.
- 10.13 It is also considered that, given this narrow back land location, other commercial uses such as retail would not be appropriate, and an active frontage in this case, is not necessary. Furthermore, the principle of a mixed use redevelopment of the site was not objected to by the council or the Planning Inspectorate previously.

Design and Impact on the Conservation Area

- 10.14 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. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.

10.15 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Paragraph 190 requires applicants to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.

10.16 Paragraphs 190 to 196 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."

10.17 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. In this instance, the proposal seeks planning permission for the demolition of the existing single storey building to be replaced by a proposed two storey building with a basement level below.

Site layout

10.18 The site is not located within a conservation area but adjoins a Grade II Listed building and occupies a tightly constrained backland site. At present the existing buildings on site while low scale in overall massing and height offer little visual interest to the site. The lack of breaks in built form along the majority of the boundaries (including the Grade II Listed buildings) creates a relatively cramped existing site coverage overall which offers little visual interest when viewed from the surrounding private realm.

Height and massing

10.19 The proposed development is considered to be of an appropriate overall height, scale and massing bearing in mind the immediate context of larger two to three storey buildings fronting Hornsey Road and Thorpedale Road. It is well established in townscape terms and on constrained sites for the need to create lower subservient buildings to adjoining built context to create an integrated scheme. In this case the additional height of the proposed development is not considered to be excessive bearing in mind the context and the relationship of the site to adjoining properties. The development has purposely been set away at ground and first floor levels from the rear of properties 422 to 440 Hornsey Road in recognition of the close proximity of these buildings at present to try and better reveal the setting of the adjoining Grade II listed building which is welcomed. The overall massing and height of the development is considered to be a contextual and subservient response to the surroundings which seeks to create useful space without dominating its surrounds in visual terms.



Proposed CGI aerial view of the development from Hornsey Road.



Proposed aerial view from Bracey Street.



Proposed aerial view from Thorpedale Road

Detailed design and materials

10.20 The proposed design is intended to be read as one complete scheme with two distinct parts, one being commercial and residential. The building would be constructed of a simple yet contextual brick finish with the main finish being Highbury's hoskin brick with zinc cladding and aluminium framed windows, timber panelled bike store and access gate. The proposed first floor levels of the residential units would have partial obscure screening to the front to a height of 1.7 metres. The entire developments roof would be flat with extensive green roofs and solar pv panels.



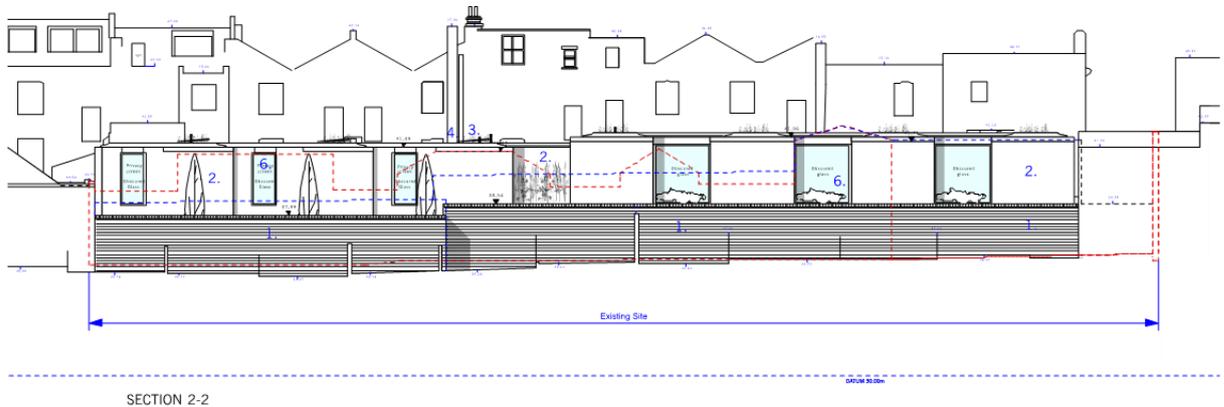
Proposed South-West Elevation (Section 3-3)

Proposed views of the development from the rear of properties along Hornsey Street.



Proposed North-East Elevation (Section 2-2)

- GF Landscape Redesign



SECTION 2-2

Proposed CGI views of the development from the rear of properties along Bracey Street

Setting of the adjacent Grade II listed building

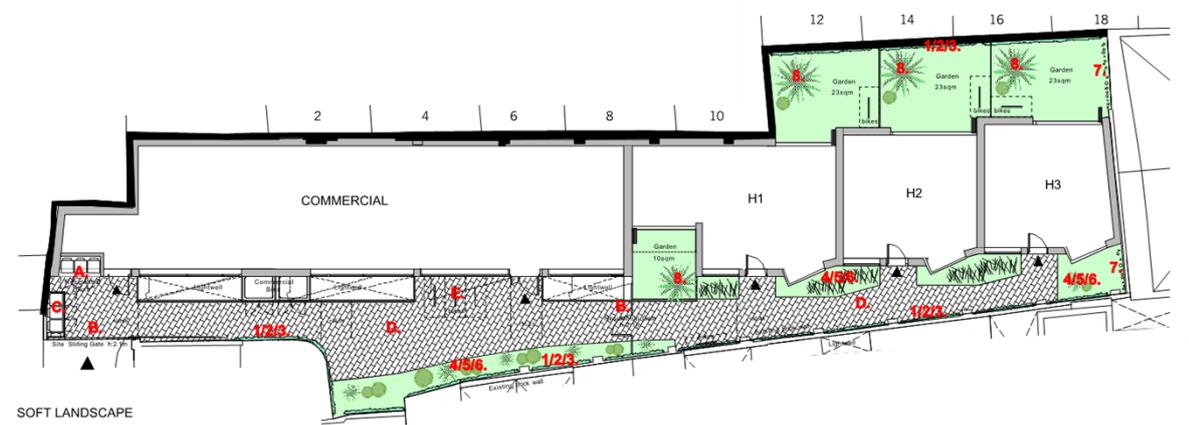
- 10.21 As detailed above, it is considered that the overall scale, massing and appearance of the proposed development offers a modern yet subservient redevelopment of the site that respects the immediate context and built form around the site. It is not considered that the proposed development would have any harmful visual impact on the setting of the adjacent Grade II listed building. This is particularly having regard to the present state of buildings on the site. The redevelopment will be set away from the rear elevations of this building and will create landscaped areas adjacent to the listed building which make the demarcation between both sites more legible and in fact enhance the setting of the listed building and its wider setting.
- 10.22 It is also important to note the Inspectors findings attached below in relation to a similarly designed redevelopment of the site which was at appeal.

22. The proposal would be situated behind Number 440 Hornsey Road; a grade II listed building, which is currently in use as a mosque. The architectural merit of the listed building is primarily confined to the front and side elevations. Taking into account the state of disrepair of the existing building on the appeal site, I consider that the proposal would result in a visual improvement to the appeal site. Also details of the bin store could be required by condition to ensure that this does not have an adverse effect on the setting of the listed building. Consequently, I consider that the proposal would preserve the setting of the listed building in accordance with the expectations of the Act¹.

- 10.23 The proposed redevelopment of the site would offer a well-designed and attractive low scale development which would not dominate its backland location. The acceptable scale would remain subservient to its surrounding and would respect the setting of the adjacent listed building. Bearing in mind the existing structures and appearance of the site it is considered that the redevelopment of the site would enhance the character and appearance of the site particularly from surrounding viewpoints from the private realm. The Council's Design and Conservation officer raised no objections to the scheme. The proposed development is considered to accord with DM policies 2.1, CS policy 9, The London Plan, Islington's Urban Design Guidance and the Updated NPPF 2018.

Landscaping plans

- 10.24 The landscaping through the creation of paved courtyards, landscaped areas and the proposed green roofs will also significantly improve the landscaping around the site which will be visually attractive when viewed from surrounding properties over the existing situation on site and this is considered to be a visual benefit also to the scheme.



Proposed landscape plan

Standard of accommodation

10.25 Policy DM3.4 of the Islington's Development Management Policies (June 2013) sets out the standards expected of accommodation in the borough. The size of the units would comply with and exceed the minimum floorspace requirements found within the Table 3.3 of the Development Management Policies (2013), and would have acceptable sized living areas and bedrooms. The units therefore comply with Policy DM3.4 in this regard.

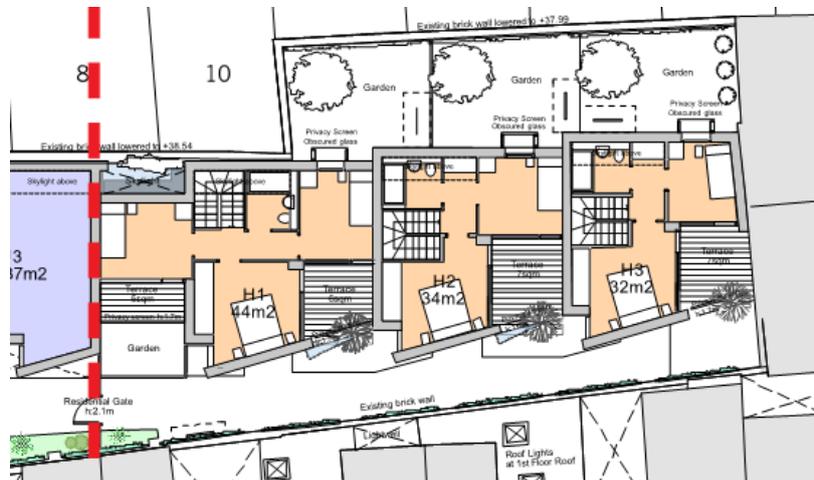
The following table shows the proposed unit sizes:

Unit	bedrooms	Required Floor Space (m2)	Provided Floor Space (m2)
Unit H1	3	61	98
Unit H2	2	61	75
Unit H3	2	61	76

10.26 In terms of amenity space, DMP policy DM3.5 states that all new residential development and conversions are required to provide good quality private outdoor space. The table below explains the proposed private amenity space for each unit:

Unit	Bedrooms	Required amenity Space (m2)	Provided amenity Space (m2)
Unit H1	3	30	44
Unit H2	2	17 to 18 sq metres	30
Unit H3	2	17 to 18 sq metres	30

10.27 The proposed amenity space for each unit consists of private rear gardens for each unit measuring 33 sq metres for the 3 bed unit and 23 sq metres for the 2 x 2 bed units and also includes 2 x first floor front terraces leading off the proposed bedrooms to unit 1 measuring 11 sq metres in total with the 2 bed units having one terrace each measuring 7 sq metres. Bearing in mind the constraints of the site it is considered that the units have very good provision of outside amenity space. Whilst the front terraces are small in nature and located close to the sites boundary wall to the rear of properties along Hornsey Road this creates some useful outside space for the bedrooms and the units have a larger more open rear private garden space to the rear.



Proposed ground and 1st floor floorplans including amenity space provision for the proposed residential dwellings.

10.28 The previously dismissed appeal schemes sole reason for refusal concerned poor living environment for prospective occupiers of the units to all the main habitable spaces at basement, ground and first floor level particularly in relation to outlook and poor enclosure levels. The current proposal has removed previous plans for bedrooms at basement levels and this has considerably improved the quality of the units overall. The reduction of the proposed residential units from 4 to 3 units and the change in proposed mix from 4 x 2 beds to the current 2 x 2 beds and 1 x 3 bed has also allowed larger rear gardens for each of the proposed units which is also a welcome amendment compared to the appeal scheme.

10.29 The proposed terraces to first floor levels are still small and the outlook from the proposed bedrooms is limited to a degree. However, enclosure and outlook concerns raised previously in terms of the overall quality of the proposed living units is considered to have been materially addressed and on balance overall particularly at ground level. It is considered that on balance having regard to the constraints of the site the proposed 3 units in this case have addressed the previous concerns and reason for refusal relating to the poor outlook and enclosure levels to the main habitable spaces of the proposed residential units. Whilst the outlook and enclosure levels to the proposed units at front ground and first floor level is restricted the units no longer have compromised and poor quality basement habitable spaces as previously proposed here.

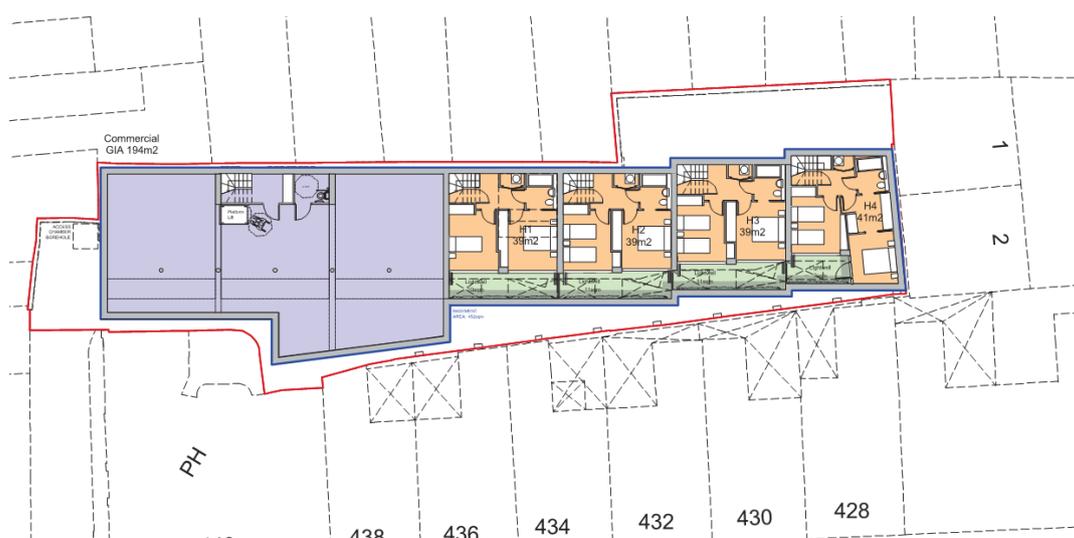
The units also have larger and more useful rear gardens than previously proposed which is considered to be a welcome and mitigating factor in this current scheme.

10.30 Previous Inspectors comments noted in particular concerns in relation to outlook and enclosures levels attached below. Members attention is drawn to the fact that as part of the appeal scheme there was habitable bedrooms proposed.

11. All of the properties at ground floor level would have an outlook onto a high wall to the front which would result in poor outlook and a sense of enclosure. In particular, due to the narrow walkway and proximity to the high boundary wall the outlook to Unit 4 would be significantly compromised and enclosed. I acknowledge that Units H2, H3 and H4 would look out onto a rear amenity space which would compensate for the lack of outlook to the front and provide some relief from the sense of enclosure. However, I note that the courtyard of Unit H1 is significantly smaller than the other units and is enclosed by high walls. At first floor level, the lounge area of Unit 1 would face out onto a small terrace in close proximity to the flank wall of the adjoining unit. Indeed, the living areas of Units H2-H4 would also look out onto flank walls of adjoining units, albeit they would have a larger terrace.

12. Attention is drawn to the dual aspect nature of the ground and first floor of Unit 1; however, both aspects would have an outlook onto a small courtyard/terrace, enclosed by high walls. Whilst Unit 1 would have a large courtyard to the basement, the walkway above would result in a compromised outlook and sense of enclosure. Although the heights of the existing walls are to be reduced they would, nevertheless, be of a significant height. I have had regard to the CGI images; however, they only serve to demonstrate the sense of enclosure which would be experienced.

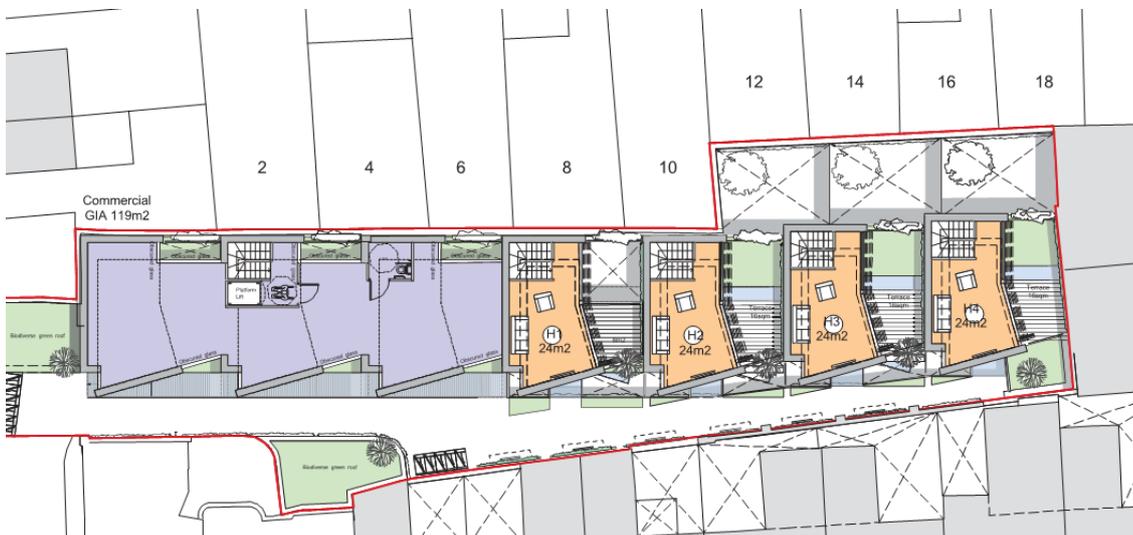
13. I acknowledge that an element of judgement may be required in assessing the outlook which would be experienced by a development proposal. Nonetheless, taking the above factors in combination, I consider that overall the proposal would provide a poor standard of accommodation. In particular Units H1 and H4 would experience unacceptable levels of outlook and enclosure.



Dismissed basement floor plan



Dismissed ground floor plan



Dismissed first floor plan

10.31 The proposed units are all dual aspect and provide a good level of sunlight and daylight from both aspects with good levels of natural ventilation. The submitted Daylight and Sunlight assessment shows that all rooms in the residential part of the scheme comply with both Annual Daylight Factor and Vertical Sky Component, in accordance with the BRE guidelines.

10.32 In conclusion it is considered that the proposed mix, number, size and quality of the proposed residential units is on balance acceptable and has adequately addressed the previous main reason for refusal concerning the quality of the proposed residential units living environment in this case.

Basement Development

10.33 The proposal will also include the provision of a basement under the footprint of the proposed building and within the application site. The basement would benefit from front lightwells to provide an external source of daylight, outlook and ventilation. The Basement SPD sets out the relevant guidelines for commercial and mixed-use developments in paragraphs 7.1.16 and 7.1.17.

10.34 Paragraph 7.1.16 of the SPD sets out:

‘On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development. Areas of landscaping proposed should be designed as deep soil landscaping with natural drainage and no basement or other impermeable structure underneath’.

10.35 Paragraph 7.1.17 sets out:

‘In order to ensure consistency and safeguard against potential adverse impacts, commercial and other redevelopment sites must take into account and respond to the issues covered by this guidance and submit the appropriate documentation required in support of any planning application’.

10.36 A comparison between the extent of the proposed basement excavation on the appeal scheme (ref. P2014/4396/FUL) and the latest application can be made between the images below.



Extent of proposed basement within the current submission before members.



Extent of basement dismissed at appeal basement.

- 10.37 Paragraph 7.2.2 states that 'basements should generally not exceed 1 storey in depth, and not exceed 3m floor to ceiling height'. The depth of the basement level would be 1 storey which would be the same as those on the floors above. It considered that the depth of the proposed basement would be acceptable.
- 10.38 The extent and depth of the basement excavation within this application is considered to remain proportionate, subordinate to the above ground building element, and would not have an adverse impact on the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines for commercial and mixed use developments in the Basement Development SPD and is acceptable in this regard
- 10.39 A Basement Structural Method Statement has been submitted by a Chartered Structural Engineer including a Ground Movement and Hydrological report and letter which indicate the potential ground movement related to the development from category 0 negligible damage to category 1 which is very slight damage this concludes that the construction of the basement is feasible and will not have an adverse impact on flooding, surface water flow, ground water flow, ground stability, or adjacent structures.
- 10.40 The amenity impact of the development in relation to the operation and construction of the proposed basement extension, including noise, air quality and vibration control would be subject to control by the submission of a Construction Management Plan (CMP) prior to the commencement of the development in accordance with the Basement SPD. It is therefore considered that the proposed basement level accommodation would accord with the requirements of the Basement SPD.

Inclusive Design

- 10.41 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years. Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The London Plan 2016, requires that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.42 Islington's Inclusive Design SPD states: 'The distance from car parking spaces, bus stop, dropping-off, car club and loading bays to the main entrance to the development should be kept to a minimum (no more than 50m), and the route to the entrance of the residence wheelchair accessible. The maximum distance between the dropping off point at the main entrance and unit H3 (furthest residential unit from the entrance) is 43m, which is wheelchair accessible. Therefore, the proposed development is in line with the Inclusive Design SPD.
- 10.43 On the proposed commercial units there are platform lifts for wheelchairs/mobility scooter. There are no longer any bedrooms at basement level and therefore the bedrooms can be accessed at first floor level. All of the residential units meet the DMP housing standards (DM3.4) and NSS and therefore provide enough room for the potential for a stair lift. Overall, the proposed development meets all aspects of policy DM2.2 Inclusive Design.
- 10.44 A condition has been attached to ensure that the proposal would achieve the Inclusive Design SPD standards. The proposal is therefore considered acceptable and the units would generally conform to accessible standards set within the Supplementary Design Guide (Inclusive Design) and would be compliant with Policy DM 2.2 (Inclusive Design) of the Development Management Policies 2013.

Neighbouring Amenity

- 10.45 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. The proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.46 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.

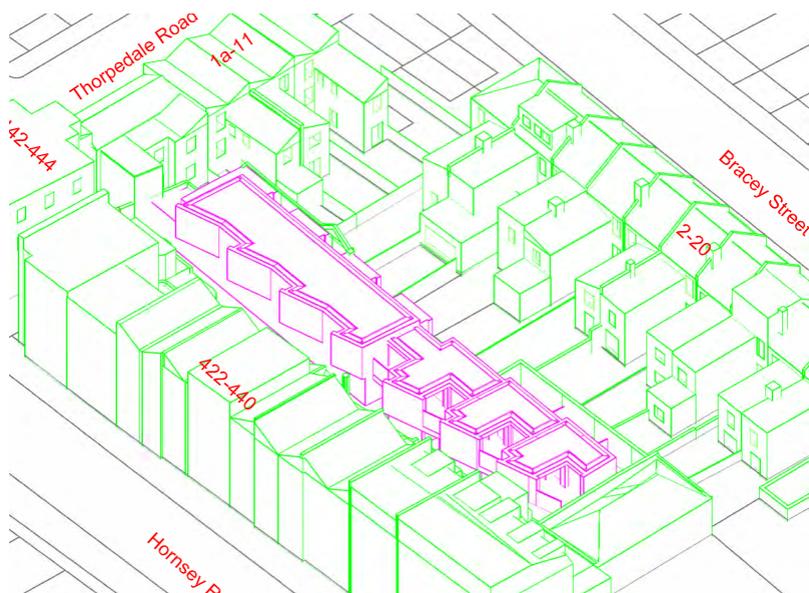
Daylight/Sunlight

- 10.47 The loss of daylight can be assessed by calculating the Vertical Sky Component (VSC) which measures the daylight at the external face of the building. Access to daylight is considered to be acceptable when windows receive at least 27% of their VSC value or retain at least 80% of their former value following the implementation of a development. Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.
- 10.48 BRE Guidelines paragraph 1.1 states: *"People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by"*. Paragraph 1.6 states: *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings"*.
- 10.49 Daylight: the BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value

the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value." (No Sky Line / Daylight Distribution).
- 10.50 At paragraph 2.2.7 of the BRE Guidelines it states: *"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time."*

10.51 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost n40% for a completely unobstructed vertical wall.

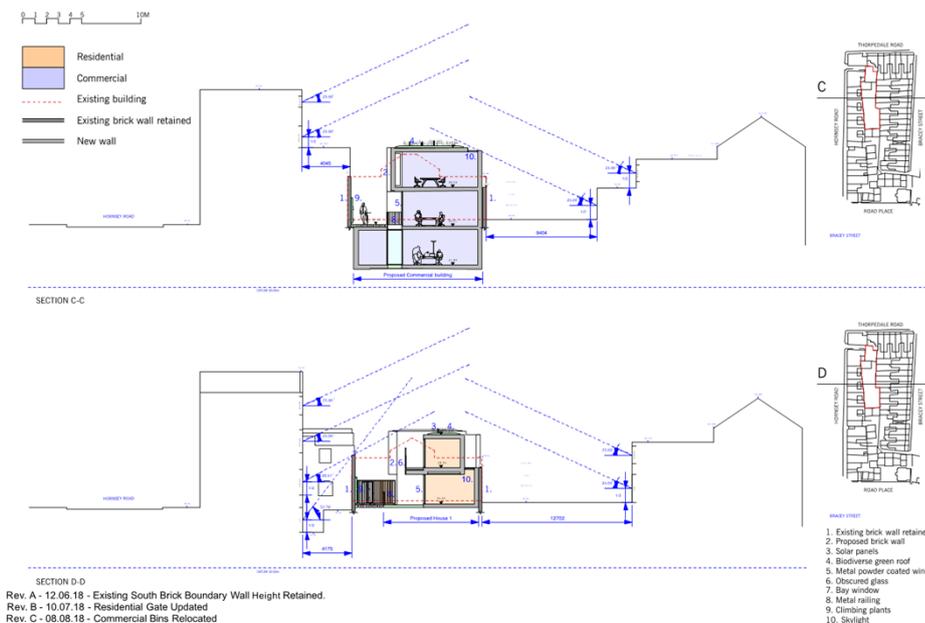
10.52 All the immediate surrounding properties have been tested to ascertain the potential loss of daylight and sunlight as a result of the proposed development. The closest neighbouring properties are found to the north, east, west and south of the site, being the upper floors of 442 to 444 Hornsey Road and 1a to 11 Thorpedale Road to the northeast and north of the site, 2 to 20 Bracey Street properties to the east of the site and 422 to 440 Hornsey Road to the west of the site. The diagram below shows these properties in relation to the application site. The buildings to the south of the site are enclosed by high boundary walls to a height of nearly two storeys so there is not considered to be any adverse impact on this building in any form.



Properties rear habitable room windows adjoining the site evaluated for sunlight/daylight purposes.

10.53 The submitted sunlight/daylight report shows quite clear results which comply fully with the Bre standards with no significant or material loss of sunlight/daylight to any of the adjoining properties around the site. The rear habitable room windows pass the VSC tests easily to indicate negligible impact on adjoining properties in terms of any potential material loss of sunlight/daylight. It is important to note that the existing site is bound by a reasonably high boundary wall facing onto all adjoining properties rear gardens and curtilage and that the overall scale of the development at two storeys in height being set off the main boundaries with adjoining properties further ensures that there would be no material loss of daylight/sunlight to adjoining properties/uses in this case.

10.54 The drawing below clearly shows the proposed massing of the development over what exists on site at present and how this would impact the amenity levels of adjoining occupiers. The boundary walls would remain the same height along and northern and southern boundaries. The south eastern boundary backing onto the rear gardens of Bracey Street properties would be lowered by metres 1.24 metres along the rear commercial elevation and by 0.91 metres along the rear elevations of the residential section to allow a better rear garden space for the proposed residential units and access to light for the commercial spaces. The outline of the existing form can be seen on the drawing showing the proposed building as higher although more set back away from the shared boundaries of the site in the south eastern corners compared to the existing built form. The proposed development will clearly be higher and more visible from the rear of adjoining properties than the existing built form on site but this increase in height and overall scale is not considered to give rise to any material loss of sunlight/daylight.



Sections through the proposed development and relationship to adjoining properties.

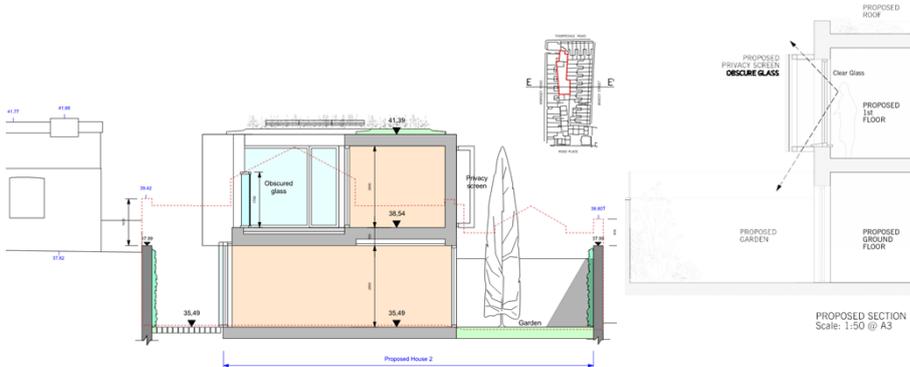
Outlook, overlooking, privacy and enclosure

10.55 Outlook and enclosure – the visual amenity provided by the immediate surroundings of a (usually residential) property, as experienced from its windows or outdoor spaces – can be affected by the close siting of another building or structure. Depending on its proximity, size and appearance – can create an oppressive, increased sense of enclosure to the detriment of the amenities of rooms in a neighbouring property, particularly those of single aspect dwellings, or those that already have limited outlook. Outlook does not refer to views of a particular landmark or feature of interest, or long views over land not in the ownership of the viewer.

10.56 As the proposal would increase the height of the building to two storeys overall compared to the existing building on site, it is expected that there would be some impacts on outlook from adjoining occupiers towards the site. Inevitably the proposed building will become more of a feature from these viewpoints. The larger section of the development containing the commercial spaces would be located towards the non-residential rear elevation of 440 Hornsey Road (mosque) and other properties along this road would maintain their high boundary wall which would limit the view and experience of the built form from the lower levels of adjoining properties. It is also noted that the residential elements of the proposal will not have any windows directly looking towards the rear of properties along Hornsey Road. The rear first floor windows to the residential and commercial floors will be located varying distances from its shortest 8.3 metres to the longest at nearly 20 metres as the gardens vary in overall depth in relation to the application site. The rear first floor windows of the residential and commercial spaces are proposed to be opaque glazed to avoid direct overlooking and address privacy concerns.

10.57 It is noted that the front elevation of the development will face the existing high boundary wall of 428 to 440 Hornsey Road at a very close distance of at its smallest 2 metres to the common boundary wall with the distance between the upper floor rear elevations of the properties along Hornsey Road and the development measuring approx. 7.1 metres at its shortest point. It is recognised that this distance is close and that the development will be experienced and visible over the existing boundary wall. While noticeable and visible from these properties the majority

10.59 The acceptable design, scale, massing, height and window treatments are considered to have been well considered to ensure that the development will safeguard the amenity levels of adjoining occupiers to exert no material loss of outlook, enclosure nor increased incidence of overlooking or loss of privacy as a result of the proposed development.



Details of rear first floor opaque screening to bedrooms within the residential section of the scheme.

Transport

10.60 Policy DM8.4 states that minor developments creating new residential are required to provide cycle parking in accordance with the minimum standards set out in Appendix 6. Cycle parking is required to be designed to best practice standards and shall be secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible. The proposed units will be car free in accordance with policy CS10 of the Core Strategy. The exceptions to this are blue badge holders and Islington residents who have already held a permit for the specified period of one year. This will be secured via legal agreement.

10.61 In this instance, 1 cycle space per bedroom (7) should be provided. Cycle storage provision has been incorporated within each unit for two cycles, at ground floor level. It is considered that this provision would be adequate for the residential units.

10.62 For the business floorspace element of the proposal, 1 cycle storage space is required for each 80 sqm of floorspace. The total proposed floorspace requires provision of 6 cycle spaces. The applicants have committed to providing 22 cycle spaces for the development as a whole.

10.63 With regards to the servicing of the business floorspace, the previous uses on site only ever had a narrow access into the site. DM policy 8.6 outlines the council's expectations for the provision for delivery and servicing arrangements in new developments for off street servicing particularly for commercial developments over 200 sq metres. To ensure that proposed delivery and servicing arrangements are acceptable:

It must have demonstrated that servicing and delivery vehicles can enter and exit the site in forward gear.

Details shall be submitted to establish the delivery and servicing needs of developments.

Details of refuse and recycling must be submitted indicating locations for collection vehicles to wait and locations of refuse and bins stores within the site.

10.64 It is noted that it is difficult for vehicles to enter the existing site in a forward gear due to the narrowness of the site and the historical use of the site has not had easy access for the site to be accessed in a forward gear from Hornsey Road. It is considered that to create a development to enable the forward entering and exiting of the site by vehicles would require a drastic reduction in the scale of the development to the detriment of the visual amenity of the area and the loss of employment and residential floorspace.

10.65 It is considered that the overall scale, quantum and layout of the site has evolved to create a proportionate development of the site which will be able to function well without this ability to be serviced in forward gear from Hornsey Road. The commercial space is of a reasonable size and is located through the main access gate to ease delivery and servicing overall the development is built out and as it functions.

10.66 The councils transport officer has requested detailed construction management and delivery and servicing plans to ensure the final development is carried out carefully bearing in mind the limited access route into the site. Additionally, a condition be secured to carry out a survey of the public highway around the site to be undertaken and details and results of which to be submitted to the councils for approval prior to the commencement of the development in this case. Subject to these conditions it is not considered that the proposed mixed use development here would require any more servicing and delivery requirements over what has historically existed on site.

Small sites (affordable housing) and Crossrail contributions

10.67 The Core Strategy Policy CS 12 – ‘Meeting the Housing Challenge’ requires (part G) “.... all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.”

10.68 Islington’s Affordable Housing Small Sites Contribution SPD (2012) states that ‘all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough’. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.

10.69 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight; both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning

statute, namely s38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

10.70 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.

10.71 The need for affordable housing in Islington is substantial, and processes are in place to ensure that the borough's small sites policy does not have a disproportionate impact on the financial viability of developments. Whilst the NPPF is a material consideration and weight must be given to it, the council must also consider whether local circumstances with regards to affordable housing and the nature of development sites should be given equal or greater weight. The recent appeal decisions supporting the borough's approach to small sites affordable housing contributions are also a material consideration, and suggest that local circumstances are such that more weight can be attached to the borough's adopted development plan policy than the NPPF. Therefore, Islington will continue to consider Core Strategy policy CS12 part G as part of the decision making process for relevant applications, and assess the weight to be given to it against local and national policies.

10.72 The proposal would create 490 square metres of floorspace with a small uplift of 44 sq metres compared to the existing quantum of existing commercial floorspace. As such, financial contributions would be required in the funding of Crossrail, and the Mayoral Community Infrastructure Levy in this instance.

10.73 The Applicant has agreed a Unilateral Agreement for payment of the full contribution to off-site Affordable Housing of £150,000 and £4,500 towards Carbon Offsetting measures will be provided to the Local Planning Authority, prior to issuing of a decision notice. Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012) and the Environmental Design SPD (2013).

Sustainability

10.74 Policy DM7.2 requires developments to achieve best practice energy efficiency standards, in terms of design and specification. Minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO2 emissions of at least 19% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2013 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible.

10.75 An Energy and Sustainability statement has been submitted. The document illustrates that the scheme will incorporate a number of sustainability measures including construction details, and the use of photovoltaic panels and a green roof. A condition will ensure the implementation of these measures and compliance with a reduction of 19% of regulated CO2 emissions. In addition, a contribution of £1,500 per unit towards carbon offsetting is secured through a unilateral legal agreement.

10.76 Policy DM7.4 provides advice in relation to Sustainable design standards. The submitted Energy Strategy report has confirmed that the proposal would be built to achieve best practices and guides for sustainable development. However, a condition has been recommended to ensure compliance to achieve final energy reductions and water usage targets. In addition, conditions relating the submission of a Construction Management Plan and a report to ensure compliance with water efficiency have been recommended. Overall, the proposal is considered to have an acceptable impact in terms of sustainable design.

10.77 Concerns raised from neighbours regarding maintenance and possible waste from disposal from the bird/bat boxes and green roofs have been noted. However, it is considered that these can be managed appropriately and are very much welcome features in visual and bio diverse terms and there are no substantive reasons or justification to remove these elements from the proposal. It is not considered that the extent and scale of green roofs and bird/bat boxes provided and biodiverse measures would cause such a large number of birds and bats visiting the site to such a degree that this wildlife would cause any discernible noise or other nuisance to adjoining occupiers/users.

Extent of green roofs and solar panels proposed



Waste/Recycling

10.78 The ground floor entrance area of the site has a dedicated waste/recycling space for the residential and commercial units. The Council's Street Environment Services Officer has advised that this provision would be satisfactory and amendments have been made during the course of the application to move the commercial uses main bin stores closer to the main gated access way into the site to decrease the distances overall.

10.79 The proposal commercial and residential uses, would increase the natural surveillance of this area, and discourage anti-social behaviour or fly tipping activities immediately adjacent to the entrance to the business floorspace element of the proposal.



Main vehicular access and refuse facilities for the development.

Security, crime & fire safety concerns

- 10.80 A number of concerns have received in relation to security of the alleyway to the front/west elevation of the proposal. During the course of the application the Met police office has sought and secured several changes to the scheme in order to increase the surveillance of the surroundings and to ensure that the built form would deter crime and anti-social behaviour. These amendments have been secured and the Officer raises no objections to the scheme in its current form.
- 10.81 Key changes include ensuring a secure main gate with electronic access is created into the main site to create a safe and secure entrance and with a smaller gate within the commercial courtyard to separate the commercial aspect of the scheme from the residential spaces to create a sense of security and privacy overall and ownership clarity. The officer also welcomes the removal of plans to lower the western boundary wall with properties along Hornsey Road and measures to erect security railings on the lower elements of the commercial section of the proposal.
- 10.82 The SBD officer also welcomes the lighting plan and notes that bringing the site into a mixed commercial and residential use will increase natural surveillance within and around the site which will increase security and safety overall. On this basis the SBD officer raises no objections to the development in terms of any potential anti-social, increased crime incidences or security concerns. Officers have no reason to doubt the veracity of the lighting details and do not consider the extent of lighting to be excessive.

Lighting Strategy



Proposed lighting strategy on site.

10.83 It is also important to note that The fire brigade have been consulted regarding the proposed development and have raised no objections to the proposal subject to the application meeting the requirements of approved document B5 of the Building Regulations.

Land Contamination

10.84 The application site has historically been used for light industrial purposes. The councils noise and contaminated land officer has requested that any planning permission is granted with a detailed land contamination condition to fully address this issue.

Noise disturbances related to the development

10.85 Consideration has been given to the tightness of the site and somewhat restricted access way into the site. The councils Acoustic/Noise officer has considered the development and the submitted details in relation to how the development would be built and managed over time through refuse collection plans and servicing and delivery plans. The officer recommends further Construction Management Plans, Delivery and servicing plan and a construction environment management plan to ensure there is no material noise disturbances to adjoining occupiers as the development is built out and operates on completion.

10.86 In relation to potential noise disturbance coming from the site once in use, these concerns have been fully considered. However, the overall scale, quantum and size of the commercial and residential uses proposed are not considered to be excessive or inappropriate within this dense urban location. The proposed use will increase natural surveillance around the site, increase security overall and is less likely to cause any discernible noise disturbances than previous lawful uses of the site for light industrial processes.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed demolition of the existing workshops/offices (B1 c use class) and the construction of a 2 storey with a basement level commercial building (490 sq metres B1 a use class) and a 2 storey residential building is acceptable in land use terms, would have an acceptable impact upon the character and appearance of the area and wider urban setting due to its high quality and subservient design and will not have a detrimental impact upon the amenities of neighbouring properties.
- 11.2 The proposal would result in an increase of 50 sq metres of business floorspace over what exists currently on site and would provide residential units which would have, on balance, acceptable living conditions for future occupiers of the residential and commercial aspect of the proposed scheme. The proposed development is considered to offer a productive and well-designed redevelopment of this underutilized site in this case. The reason the previous appeal was dismissed related to the poor quality of the proposed living environment for the units is considered to have been overcome on balance within this application through the reductions in the number of and mix of residential units in this submission including the removal of the previously proposed residential basement floor level.
- 11.3 The proposed development would not materially harm the amenity levels of adjoining occupiers in terms of loss of daylight/sunlight, outlook, enclosure levels, noise pollution or any material loss of privacy or overlooking incidences due inbuilt design features, screening and window arrangements.
- 11.4 The proposed development is of a very similar overall design, scale, massing and height as the previously dismissed appeal (planning ref P2016/3218 full). The sole reason for refusal and the ultimate reason for refusal upheld by PINS concerned the quality of the proposed residential units and not the general design or massing as previously proposed.
- 11.5 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies, and the National Planning Policy Framework and is recommended for approval subject to appropriate conditions and unilateral undertaking.

12. Conclusion

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

APPENDIX 1 – RECOMMENDATIONS.

RECOMMENDATION A

That planning permission be granted subject to the completion of a unilateral section 106 agreement to secure:

- a) A financial contribution of £150,000 towards the provision of off-site affordable housing.
- b) A financial contribution of £4,500 towards CO2 off setting.
- c) Car free development

RECOMMENDATION B

That the grant of planning permission be subject to conditions:

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>Design and access statement dated 8th August 2018 Rev F by Chassay & Last Architects, drawing numbers: C-HRD3-156C, C-HRD3-157C, C-HRD3-155A, C-HRD3-154F, C-HRD3-153F, C-HRD3-152F, C-HRD3-151B, C-HRD3-150, C-HRD3-152F, C-HRD3-502, C-HRD3-503, C-HRD3-504, C-HRD3-A303A, C-HRD3-302, C-HRD3-102, C-HRD3-304, C-HRD3-450E, C-HRD3-451F, C-HRD3-452E, C-HRD3-453E, C-HRD3-356B, C-HRD3-357B, C-HRD3-358B, C-HRD3-352B, C-HRD3-351C, C-HRD3-352B, C-HRD3-353F, C-HRD3-359, C-HRD3-354, C-HRD3-355B, C-HRD3-SK-PS-03A, C-HRD3-SK-PS-02A, C-HRD3-SK-PS-01A, Daylight and sunlight report by BVP Partners, Planning Statement by RPS/CGMS ref JCG 18860 dated December 2017, Phase II Geoenvironmental Report numbered 4316-2 v 5 by AP Geotechnics, Ground movement and hydrogeological report dated July 2016 by CGL Solutions, Flood risk assessment ref HLEF42103/001R dated December 2017, Marketing Report by Martyn Gerrard Commercial updated January 2017, Sustainability Statement 7 Energy Strategy Report by Price & Myers project number: 24185.001 dated 12th December 2017, Structural Methodology statement by Jampel Davison & Bell dated December 2017, letter of reliance from CGL dated December 2017, Construction Management Plan by Chassay & Last dated December 2017 & Noise impact assessment report 12680.NIA.01.</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> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) and all boundary treatments including final details and appearance of the developments front gate and internal residential entrance gate. f) divisions between terraces. g) any other facing 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	Accessible Homes
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the 3 residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing.</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>
5	Construction Management Plan (CMP)
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The Statement shall provide details relating to:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors; ii. loading and unloading of plant and materials; iii. storage of plant and materials used in constructing the development;

	<p>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</p> <p>v. wheel washing facilities;</p> <p>vi. measures to control the emission of dust and dirt during construction</p> <p>vii. vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>viii. mitigation measures of controlling noise from construction machinery during business hours;</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
6	Green Roof details
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green roofs to the development hereby approved (including details of the extent of green roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The green roofs shall:</p> <ul style="list-style-type: none"> • form biodiversity-based roofs with extensive substrate bases (depth 80-150mm); • cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and • be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. <p>An explanation as to why any areas of roof would not be covered with green roofs shall be included with the above details. Green roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>No roofs, including the green roofs, shall 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 development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to protect neighbouring privacy, and to ensure surface water run-off rates are reduced.</p>
7	Sustainable Development
	<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, and a water efficiency target of 110 l/p/d. No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</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>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
8	Contaminated land
	<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 safeguard public amenity and health.</p>
9	Delivery and servicing plan details
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
10	Waste facilities
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans drawing numbers C-HRD3-152F & C-HRD3-502 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</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>

11	Bike storage facilities
	<p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 22 bicycle spaces (7 for the commercial spaces and 15 spaces for the residential) shall be constructed in accordance with approved plan C-HRD3-152F prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
12	Landscaping details
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximizes biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) 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 paving's, 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 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 into perpetuity.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>

13	Construction Environment Management Plan
	<p>CONDITION: Notwithstanding the details submitted with the application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>The CEMP shall include details and arrangements regarding:</p> <ul style="list-style-type: none"> a) The notification of neighbours with regard to specific works; b) Advance notification of any access way, pavement, or road closures; c) Details regarding parking, deliveries and storage including details of the routing, loading, off-loading, parking and turning of delivery and construction vehicles and the accommodation of all site operatives', visitors' and construction vehicles during the construction period; d) Details regarding the planned demolition and construction vehicle routes and access to the site; e) Details regarding dust mitigation and measures to prevent the deposit of mud and debris on the public highway. No vehicles shall leave the site until their wheels, chassis and external bodywork have been effectively cleaned and washed free of earth, mud, clay, gravel, stones or any other similar substance; f) Details of waste storage within the site to prevent debris on the surrounding estate and the highway and a scheme for recycling/disposing of waste resulting from demolition and construction works; g) The proposed hours and days of work (with reference to the limitations of noisy work which shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturdays, and none on Sundays or Bank Holidays.) h) Details of any proposed external illumination and/or floodlighting during construction, including positions and hours of lighting; i) Details of measures taken to prevent noise disturbance to surrounding residents; j) Information on access and security measures proposed to prevent security breaches at the existing entrances to the site, to prevent danger or harm to the neighbouring residents, and to avoid harm to neighbour amenity caused by site workers at the entrances to the site; k) Details addressing environmental and amenity impacts (including (but not limited to) noise, air quality, smoke and odour, vibration and TV reception) l) Details as to how safe and convenient vehicle access will be maintained for all existing vehicle traffic using Thorpedale Road, Bracey Street and Hornsey Road at all times, including emergency service vehicles; m) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and n) Details of any further measures taken to limit and mitigate the impact of construction upon the operation of the highway and the amenity of the area. o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. <p>The report shall assess the impacts during the preparation/demolition, excavation and construction phases of the development on the surrounding roads, together with means of mitigating any identified impacts. The report shall also identify other local developments and highways works, and demonstrate how vehicle movements would be planned to avoid clashes and/or highway obstruction on the surrounding roads.</p> <p>The demolition and development shall thereafter be carried out in accordance with the approved details and measures. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: In order to secure the safe and efficient operation of the highway network, local residential amenity and to mitigate the impacts of the development.</p>
14	<p>Bird nesting boxes</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, no less than 8 nesting boxes / bricks shall be installed on the development hereby approved.</p> <p>The nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
15	<p>Structural Method Statement (compliance)</p>
	<p>CONDITION: The Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) certifying the Structural Methodology statement by Jampel Davison & Bell dated December 2017/2017 submitted to support the hereby approved development shall be retained (or a replacement person holding equivalent qualifications shall be appointed and retained) for the duration of the development to monitor the safety of the construction stages and to ensure that the long term structural stability of the existing buildings and other nearby buildings are safeguarded, in line with the supporting Structural Method Statement. At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.</p> <p>REASON: To ensure that the construction work carried out is in accordance to the submitted Structural Method Statement for the duration of the construction and maintain compliance with the Islington Basement Development SPD (2016).</p>
16	<p>Street public highway survey to be submitted.</p>
	<p>CONDITION: A condition survey of the public highways main accessway and approach from Hornsey Road shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>REASON: In the interest of sustainable transport and ensuring highways freeflow and safety along Hornsey Road.</p>
17	<p>Opaque the rear windows and screen details</p>
	<p>CONDITION: Notwithstanding the hereby approved plans, the final details (samples and detailed plans) of the exact location, design, scale, extent, finish and appearance of all screenings details and opaque glazing to both the front and rear first floor elevations to both the commercial and residential aspects of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter into perpetuity.</p> <p>REASON: In order to achieve a high quality final appearance of the development and to ensure adequate privacy and amenity levels to adjoining users.</p>

List of Informatives:

1	CIL Informative (Granted)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
2	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.
3	DEFINITIONS: (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
4	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.
5	Means of escape
	You are advised that during building works a temporary means of escape must be provided to any surrounding buildings which have an existing means of escape accessed via the application site.
6	Noise and construction noise and disturbances
	Nuisance from Construction Work: Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are: " 08:00 to 18:00 Monday to Friday " 08:00 to 13:00 Saturday " No work on Sundays and Public Holidays If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team. T: 020 7527 7272 E: pollution@islington.gov.uk

7	London Fire Brigade
	The London Fire Brigade note that they would expect any new development here to meet the requirements of Approved Document B5 of the building regulations.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2018 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 and the Finsbury Local Plan 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

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

B) Islington Core Strategy 2011

Spatial Strategy
 Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Design and Heritage

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

Housing

DM3.1 Housing Mix
 DM3.4 Housing Standards
 DM3.5 Private Amenity Space

Employment

Sustainable Design

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

Energy and Environmental Standards

DM8.4 Walking & Cycling
 DM8.6 Delivery & Servicing

DM5.1 New business floorspace
DM5.4 Size and affordability of workspace

Infrastructure and implementation
DM9.2 Planning obligations

Health and Open Space

DM6.3 Protecting open space
DM6.5 Landscaping, trees and biodiversity

5. Designations

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

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

The following SPGs and/or SPDs are relevant:

- | | |
|--|-------------------------|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines (2002) | - Crossrail Funding SPG |
| - Urban Design Guide (2017) | |
| - Angel Conservation Area Design Guidelines | |
| - Inclusive Design SPD | |
| - Affordable Housing Small Sites Contributions SPD | |
| - Basement SPD | |
| - Planning Obligations (S106) SPD | |



Appeal Decision

Site visit made on 6 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/V5570/W/17/3168707

440A Hornsey Road, Islington, London N19 4EB

- 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 Fitzpatrick Team Developments Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3218/FUL, dated 12 August 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the demolition of the existing warehouse buildings at 440A Hornsey Road and erection of a mixed use development comprising 456m² of commercial space (Use Class B1) and 4 no two storey residential properties plus basement level.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans have been submitted since the determination of the application in support of the appeal which shows minor amendments to the basement level of Unit H4 in order to meet with BRE requirements. As the proposed variations are minor, I am satisfied that accepting the plans would not prejudice the interests of any party and I have determined the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of future occupiers with specific reference to outlook.

Reasons

4. The site is situated on the eastern side of Hornsey Road and is surrounded on all sides by a mix of residential and commercial units. It is proposed to demolish the existing warehouse buildings and erect a mixed use development comprising 456m² of commercial space (Use Class B1) and 3 x 2 bedroom and 1 x 1 bedroom residential dwelling houses over basement, ground and first floor levels. The units would be accessed via an access road from Hornsey Road and a glazed walkway adjacent to the boundary wall to the rear of the properties at 438-426 Hornsey Road.
 5. The units would accommodate bedrooms at basement level, looking into a basement level light well, kitchen dining space at ground floor looking onto private outdoor amenity space to the rear of each unit and living room at first floor level each with access onto a private terrace.
-

6. Following the amendments to the plans, an update to the daylight/sunlight assessment has been carried out which states that the average daylight factor (ADF) would remain above BRE recommended values in all rooms.
7. The proposed basements would accommodate bedrooms served by front light wells. The basement bedroom of Unit 1 would look out onto a 25m² courtyard which is 3.4m deep and 6m wide. Unit 4 contains 2 bedrooms that look out onto a 12m² courtyard which is 2-3m deep and 5m wide. The size of the courtyards of Units 2 and 3 fall somewhere in between these measurements.
8. The appellant points to the fact that these dimensions meet the requirements set out in criterion F of Policy DM3.5 which states that any basement and/or ground floor units should have a defensible space of not less than 1.5m in depth in front of any window to a bedroom or habitable room. However, I agree with the Council that outlook is a different concept to that of defensible space. The bedroom windows would be in close proximity to an approximately 6.7m high boundary wall, to the front of the units which would significantly restrict occupier's outlook, particularly in relation to Unit 4. The sense of enclosure would be compounded by the presence of the walkway over each of the light wells which would further reduce outlook.
9. Attention is drawn to computer generated 3 dimensional images showing the outlook from some of the units. I note that these have been updated to reflect the design amendments to the scheme and that they have been produced on the basis of detailed drawings and thus I have no reason to doubt their accuracy. In terms of the basements, the CGI views show the approach to the houses from the mews where the basements can be seen. Views out from a basement bedroom within Unit 2 are also shown. However, Unit 4 is not shown which has the smallest courtyard and which is closest to the boundary wall. Furthermore, I agree with the Council that the view from the basement bedroom is taken from the opposite end of the room and, therefore, does not accurately indicate the build-up of the boundary wall from basement level. Furthermore, the image of the approach to the houses serves to demonstrate the oppressive effect of the proposed walkway on the bedrooms and the courtyard areas below.
10. I have considered the revised plans for Unit H4; however, the reduction in the light well would compound the sense of enclosure to the bedrooms and courtyard of Unit H4. I, therefore, consider that all bedrooms would have a poor outlook and a sense of enclosure. Bedrooms are habitable rooms which can be expected to have a reasonable outlook.
11. All of the properties at ground floor level would have an outlook onto a high wall to the front which would result in poor outlook and a sense of enclosure. In particular, due to the narrow walkway and proximity to the high boundary wall the outlook to Unit 4 would be significantly compromised and enclosed. I acknowledge that Units H2, H3 and H4 would look out onto a rear amenity space which would compensate for the lack of outlook to the front and provide some relief from the sense of enclosure. However, I note that the courtyard of Unit H1 is significantly smaller than the other units and is enclosed by high walls. At first floor level, the lounge area of Unit 1 would face out onto a small terrace in close proximity to the flank wall of the adjoining unit. Indeed, the living areas of Units H2-H4 would also look out onto flank walls of adjoining units, albeit they would have a larger terrace.

12. Attention is drawn to the dual aspect nature of the ground and first floor of Unit 1; however, both aspects would have an outlook onto a small courtyard/terrace, enclosed by high walls. Whilst Unit 1 would have a large courtyard to the basement, the walkway above would result in a compromised outlook and sense of enclosure. Although the heights of the existing walls are to be reduced they would, nevertheless, be of a significant height. I have had regard to the CGI images; however, they only serve to demonstrate the sense of enclosure which would be experienced.
13. I acknowledge that an element of judgement may be required in assessing the outlook which would be experienced by a development proposal. Nonetheless, taking the above factors in combination, I consider that overall the proposal would provide a poor standard of accommodation. In particular Units H1 and H4 would experience unacceptable levels of outlook and enclosure.
14. Attention is drawn to revised plans which were submitted to the Council and subsequently withdrawn for a three dwelling scheme on the appeal site. I note that the bedrooms would face onto a small courtyard enclosed by a high wall with a walkway above and as such would still experience a sense of enclosure, although the courtyard for H4 would be slightly larger. However, the unit which is most constrained in the current appeal proposal (H1) is replaced with a commercial unit. Overall, the withdrawn scheme would be less harmful than the appeal proposal and does not, therefore, justify the harm which I have identified.
15. I have had regard to the fact that the proposal meets internal space standards and outdoor amenity space standards and other policy requirements. The appellant also points to the generous internal dimensions of the units, the presence of nearby parks and the viability assessment which considers that the units would sell at market value. Although the proposal meets the density standards set out at table 3.2 of the London Plan, the supporting text to Policy 3.4 is clear that it is not appropriate to apply Table 3.2 mechanically and that other factors such as, amongst other things, local context and design need to be taken into account. In this case, I consider that the proximity to surrounding development is such a factor. Consequently, none of these factors would justify the harm which I have identified with regards to outlook.
16. Attention has also been drawn to other mews style developments in the area. In the case of Derry Mews, I note that the front of the dwellings are relatively close to the boundary wall, however, I note that these properties do not have basement level accommodation with light wells and walkways above. The case at Lotus Mews also does not have accommodation at basement level with walkways above. In both these cases, the sense of enclosure is not as significant as would be experienced by the appeal proposal. Neither of these examples are, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
17. The proposal would make a contribution, albeit limited, to housing land supply, including a contribution to off-site affordable housing. There would be some economic benefits in the short term during the construction phase and in the longer term as future residents would support local businesses and services. It would also result in the redevelopment of a previously developed site in an accessible location. However, none of these benefits either individually or cumulatively would outweigh the significant harm which I have identified.

18. For the reasons stated, I conclude that the proposal would harm the living conditions of future occupiers with specific reference to outlook. The proposal would, therefore, be contrary to Policies 3.4 and 3.5 of the London Plan 2016, Policies CS8 and CS9 of the Islington Core Strategy 2011 and Policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013) which collectively seek to secure a high quality of development which provides a good level of amenity.

Other matters

19. Criterion G of Policy CS12 of Islington's Core Strategy requires that 50% of additional housing to be built in the Borough over the Plan period should be affordable. In addition, all sites capable of delivering 10 or more units gross should provide affordable homes on-site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing provision elsewhere in the Borough.

20. The Islington Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) 2012 requires all minor residential developments resulting in the creation of one or more additional residential unit(s) to provide a commuted sum of £50,000 per unit towards the costs of providing affordable housing units on other sites within the Borough.

21. The Council consider that in the event that the appeal were to be allowed, the proposal should make a contribution to off-site affordable housing by way of a section 106 agreement. Following the undertaking of a viability assessment and negotiations with the Council a contribution of £76,199 has been agreed and a signed section 106 unilateral undertaking has been provided. The proposal also makes a 'carbon off-set contribution' of £6000 to be spent by the Council on the reduction of carbon dioxide emissions from the existing building stock in the Borough. As I am dismissing the appeal on other grounds it has not been necessary to consider this matter in any further detail.

22. The proposal would be situated behind Number 440 Hornsey Road; a grade II listed building, which is currently in use as a mosque. The architectural merit of the listed building is primarily confined to the front and side elevations. Taking into account the state of disrepair of the existing building on the appeal site, I consider that the proposal would result in a visual improvement to the appeal site. Also details of the bin store could be required by condition to ensure that this does not have an adverse effect on the setting of the listed building. Consequently, I consider that the proposal would preserve the setting of the listed building in accordance with the expectations of the Act¹.

Conclusion

23. For the reason stated, and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector

¹ Planning (Listed Building and Conservation Areas) Act 1990

PLANNING DECISION NOTICE



ISLINGTON

Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333

222 Upper Street
LONDON N1 1YA

Case Officer: Thomas Broomhall

T: 0207 527 5978

E: planning@islington.gov.uk

Issue Date: 21 December 2016

Application No: P2016/3218/FUL

(Please quote in all correspondence)

CgMs
140 London Wall,
7th Floor
London
EC2Y 5DN

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Refusal of permission

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, in accordance with the plans submitted and by virtue of the reason(s) given.

Location:	440 A Hornsey Road, LONDON, N19 4EB
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Application Type:	Full Planning Application		
Date of Application:	15 August 2016	Application Received:	15 August 2016
Application Valid:	31 August 2016	Application Target:	26 October 2016

DEVELOPMENT: Demolition of the existing warehouse buildings at 440A Hornsey Road and erection of a mixed use development comprising 456 square metres of commercial space (Use Class B1) and 4x 2 bedroom residential dwelling houses and basement level excavation.

PLAN NOS: Design and Access Statement July 2016, Planning Statement ref: JCG18860 August 2016, Outlook and Amenity Assessment 10th May 2016, Letter from CgMs dated 10th August 2016 ref: BH/MR/18860, Report on Marketing Procedures August 2016, Construction Management Plan dated 25 July 16 Rev A, Daylight & Sunlight Report ref: 10731/Report/Hornsey Road/Daylight & Sunlight/April2016/rm, Ground Movement and Hydrogeological Report July 2016, Phase 1 Environmental Assessment ref: 4316 -2 v5 dated 19th April 2016, Phase II Geo-environmental Report, Noise Impact Assessment Report ref: 12680.NIA.01 dated 26 May 2015, Flood Risk Assessment April 2016, Energy Strategy Report ref: 24185, Letter from Copp Wilson Pettit Moore dated 10th March 2016 & Structural Methodology Statement July 2016.

Drawing numbers: HRD2 Existing drawing set dated 25th July 2016 comprising of : C-HRD2-A101, Existing GIA, C-HRD2-A102, C-HRD2-A103, C-HRD2-A104, C-HRD2-A300, C-HRD2-A301, C-HRD2-A302, C-HRD2-A303, C-HRD2-A400, C-HRD2-A401, C-HRD2-A402, C-HRD2-A403, HRD2 Proposed Drawing Set dated November 2016 Rev B comprising of : C-HRD2-A150, C-HRD2-A151 Rev B dated 30/11/2016, C-HRD2-A152 Rev B dated 30/11/2016, C-HRD2-A153 Rev B dated 30/11/2016, C-HRD2-A154 Rev B dated 30/11/2016, C-HRD2-A155 Rev B dated 30/11/2016, C-HRD2-A156 Rev B dated 30/11/2016, C-HRD2-A157 Rev B dated 30/11/2016, C-HRD2-A158 Rev B dated 30/11/2016, C-HRD2-A350 dated 30th November 2016,

P-DEC-RF1

C-HRD2-A351 Rev B dated 30/11/2016, GHRD2-A352 Rev B dated 30/11/2016, GHRD2-A353 Rev B dated 30/11/2016, C-HRD2-A354 dated 30th November 2016, C-HRD2-A355 dated 30th November 2016, C-HRD2-A356 Rev B dated 30/11/2016, C-HRD2-A357 Rev B dated 30/11/2016, C-HRD2-A358 Rev B dated 30/11/2016, GHRD2-A450 Rev B dated 30/11/2016, GHRD2-A451 Rev B dated 30/11/2016, GHRD2-A452 Rev B dated 30/11/2016 & C-HRD2-A453 Rev B dated 30/11/2016.

REASON(S) FOR REFUSAL:

- 1 REASON: The proposal fails to provide a satisfactory standard of amenity for the future occupiers of the proposed family sized units, by reason of poor levels of outlook, creation of undue sense of enclosure, and resultant poor living environment to the main habitable spaces of the proposed units at basement, ground and first floor levels. Therefore the proposal is contrary to policies 3.4 and 3.5 of the London Plan (2015), policies CS8 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM3.4 of the Islington Development Management Policies (2013).

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Councils website.

A pre-planning application advice service is also offered and encouraged.

- 2 The applicants have indicated during the course of the application their willingness to pay the small sites contribution as supported by the recent viability assessment of the scheme carried out during the course of the application. In the event of an appeal or resubmission the council would seek to secure this payment as required by planning policies and the council's small sites contribution SPD.

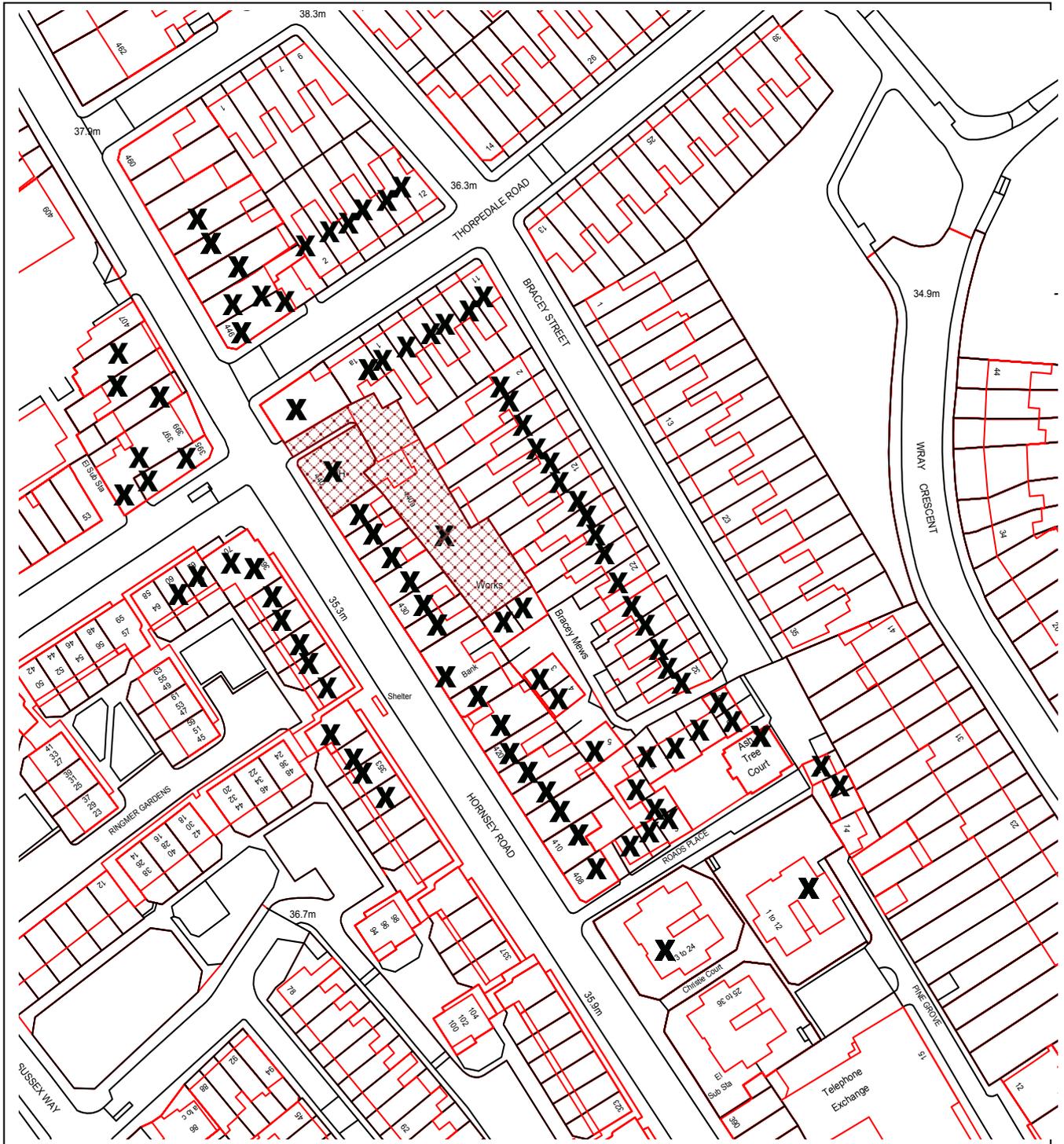
Certified that this document contains a true record of a decision of the Council

Yours faithfully



**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

ISLINGTON SE GIS Print Template



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P2017/5001/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		
Date:	02 October 2018	NON-EXEMPT

Application number	P2017/4174/FUL & P2017/4227/LBC
Application type	Full Planning Permission and Listed Building Consent
Ward	Clerkenwell
Listed building	Grade II Listed
Conservation area	Clerkenwell Green
Development Plan Context	Core Strategy Key Area – Bunhill and Clerkenwell Finsbury Local Plan Area – Historic Clerkenwell Heritage Site – Historic Clerkenwell Central Activities Zone Local view from Archway Bridge (LV5)
Licensing Implications	None
Site Address	18 ½ Sekforde Street, London, EC1R 0HL
Proposal	Partial demolition of the rear courtyard wall and the insertion of a new gate to access the communal garden space and associated landscaping.

Case Officer	Rebecca Neil
Applicant	Greg Marsh and Katherine Haddon
Agent	Ackroyd Lowrie

1.0 RECOMMENDATION

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

2.0 SITE PLAN (site outlined in red)



Fig. 1 Site plan

3.0 PHOTOS OF SITE

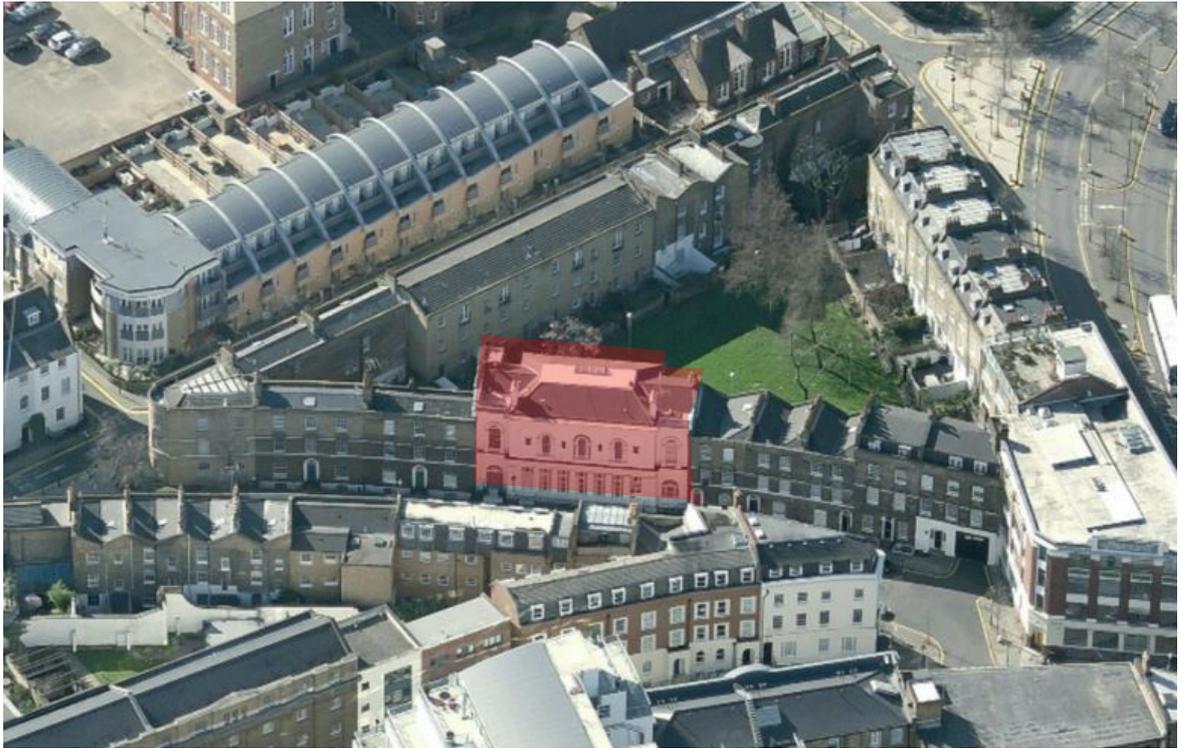


Fig. 2 Aerial view of the application site (looking west)



Fig. 3 Rear boundary wall (where alterations are proposed)



Fig. 4 Communal garden to the rear of the site

4.0 SUMMARY

- 4.1 Planning permission and listed building consent is sought for the insertion of a new gate in the historic rear boundary wall of 18 ½ Sekforde Street, as well as steps in the rear garden. The new gate and steps would enable the occupants to access the communal garden directly behind the site, which is owned by the London Borough of Islington. Consent is also sought for partial demolition of the higher rendered wall to the rear of the property.
- 4.2 The application is brought to committee because 12 objections have been received from members of the public.
- 4.3 The proposal to insert a new opening in the wall and associated alterations would result in harm to the significance of the listed building, but this harm is considered to be 'less than substantial' within the context of the National Planning Policy Framework (2018). The harm would be outweighed by the proposed enhancements to the building, namely the removal of the 1970s rendered wall abutting the historic brickwork. The proposal would not have any detrimental impacts on the amenity of neighbouring properties.
- 4.4 Although the proposal would provide a means to access to the communal garden, granting planning permission and/or listed building consent for this development does not confer any rights upon the applicant or their successors in title to use the land. The legislative regime governing rights of access is separate from that governing the planning system, and cannot be taken into account in determination of this proposal, which must be assessed according to its planning merits only. In order to access the land, the applicants must seek permission from the Council as landowner and, if members are minded to grant consent, a condition is proposed that will ensure this occurs prior to any works taking place on the site (Condition 6 of P2017/4174/FUL).
- 4.5 Given the above, the proposal is considered acceptable subject to suitable conditions as set out in **Appendix 1**, and it is recommended that the application be approved.

5.0 SITE AND SURROUNDINGS

5.1 The application site comprises a large two-storey (plus basement) terraced property located on the western side of Sekforde Street. Originally built circa 1840 for the Finsbury Savings Bank, it was later used as an office and was converted to residential use in the 1990s. The building has an attractive white stucco façade onto Sekforde Street, and retains much of the original brickwork on the rear elevation. The property has a small private courtyard at the rear enclosed by a high, rendered wall constructed in the 1970s, as shown in Fig. 3 above. Beyond this wall, there is a lower brick wall which is primarily original fabric, but has undergone several alterations, including 20th century red-tile coping, brickwork re-patching and repointing with cement mortar. The building is Grade II listed and is located within the Clerkenwell Green Conservation Area.

5.2 Behind the site is a triangular piece of land bounded by Sekforde Street, Woodbridge Street and Skinner Street/Corporation Row. This piece of land is owned by the London Borough of Islington and is accessed through a locked undercroft passage underneath 23 Sekforde Street or via locked gates on Corporation Row. The land is used as amenity space by residents of adjoining properties, some of whom enjoy direct access onto the space through gates in their rear boundary walls. Originally used as stables, the land no longer contains any permanent structures, but there are a number of items of garden furniture and gardening equipment kept there on what appears to be a permanent basis.

6.0 PROPOSAL (IN DETAIL)

6.1 Planning permission and listed building consent is sought for the demolition of the inner leaf wall for the length of the internal courtyard, and the insertion of a gate into the historic rear wall to provide access from 18 ½ Sekforde Street to the communal garden. The application also involves the repair and repointing of the brickwork to the historic wall.



Fig. 5 Rear elevation as existing



Fig. 6 Rear elevation as proposed

- 6.2 On the inside of the wall (in the rear garden of 18 ½ Sekforde Street), a small area of the courtyard will be excavated to the level of the shared communal garden, and steps will be installed.

7.0 RELEVANT HISTORY

Planning applications

- 7.1 950265 and 950266: Planning permission and listed building consent for the conversion of the building into two residential units - Approved 26/09/1995.
- 7.2 991079 and 991080: Planning permission and listed building consent for refurbishment of single family dwelling house including rearrangement of window openings to rear elevation and alterations to front entrance steps - Approved 08/10/1999.
- 7.3 P021185 and P021186: Planning permission and listed building consent for the retention of a timber door in the external wall to the rear of the property – Refused 18/02/2003.
- 7.4 P2018/1786/LBC: Listed building consent for various internal alterations at ground and first floor levels – Approved 17/07/2018.

Enforcement

- 7.5 An enforcement case was opened in relation to the site on 15 February 2002 (Ref: E010454). The alleged breach was unauthorised works to the rear boundary wall and the insertion of a door to provide access to the communal garden. Following refusal of the retrospective applications in February 2003 (see above), an enforcement notice was served and an appeal against this notice was dismissed on 22 December 2005. A visit to the site on 09 October 2006 confirmed that the notice had been complied with, the door had been removed and the wall had been repaired. The case was closed on 13 October 2006.

Pre-application advice

- 7.6 Pre-application advice was given on 13 October 2017 in relation to a proposal to insert a new garden gate to provide access to the communal garden and alterations to the rear wall (Ref: Q2017/3122/LBC). The advice given was that if the doorway and wall were finished to an appropriately high standard then the works, specifically the removal of the modern

rendered wall, would result in an improvement to the listed building and wider conservation area.

8.0 CONSULTATION

Public consultation

8.1 Letters were sent to occupants of 22 adjoining and nearby properties on Sekforde Street and Woodbridge Street on 30 October 2017. A site notice was displayed outside the site on 02 November 2017. The public consultation period expired on 23 November 2017, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 To date, a total of 11 objections have been received from members of the public. Objectors have raised the following issues:

- The new gate would have a negative visual impact on the listed building and wider conservation area (objection addressed in paras. 10.6-10.12 below);
- The high boundary wall is 'an integral feature of the bank' and the proposal to demolish 48% of it infringes on the desirability of preserving the building and its historic interest (objection addressed in paras. 10.12 below);
- The reduction in the height of the boundary wall 'affects privacy' (objection addressed in paras. 10.15 and 10.16 below);
- The communal land belongs to Islington Council and is for the use and enjoyment of the Council tenants, not 18.5 Sekforde Street, which 'has never been part of the community' (objection addressed in paras. 10.2-10.5 below);
- The area adjacent to the wall is used for barbequing (objection addressed in para. 10.18 below);
- 18.5 Sekforde Street contains office accommodation and allowing access to the communal space could result in the space being used as a smoking area (objection addressed in para. 10.5 below);
- The owner has previously demolished the wall to gain access without permission, is not living at the property and is only seeking access to the rear garden so that they can sell it on (objection addressed in para. 10.17 below);
- Notification letters were not sent to everybody who accesses the communal garden area. (objection addressed in para. 10.19 below).

8.3 One resident has expressed support for the scheme on the basis that the owners wish to use the space primarily for their young daughter.

Internal consultees

8.4 Conservation and Design Team: Whilst the new opening would cause harm to the listed building, the removal of the modern rendered wall is considered to be a significant enhancement which would outweigh the harm arising from the new opening.

8.5 Housing Team: Objects to the proposal on the grounds that there is no right of way or entitlement for the applicant to use the land they would be creating access to. Granting an easement to use this land may impede any future development of the site for housing or use as public realm/greenspace (discussed in para. 10.2 - 10.5 of this report).

External Consultees

8.6 Clerkenwell Green Preservation Society – No response received.

9.0 RELEVANT STATUTORY DUTIES, DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

9.1 Islington Council (Planning Sub Committee B), in determining this planning application, has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
- As the development affects a listed building, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990); and
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.3 Members of the Planning Sub Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. This report considers the proposal against the following documents:

National Policy

9.6 The National Planning Policy Framework 2018 ('NPPF') contains a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in the determination of this application and has been taken into account during the assessment of these proposals.

9.7 The NPPF states, in para. 196, that where a 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.

Development Plan

9.8 The Development Plan is comprised of the London Plan 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the 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) / Documents (SPDs)

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

10.0 ASSESSMENT

10.1 The main planning issues relating to these applications are:

- Land use (planning application only);
- Impact of the proposal on designated heritage assets (planning permission and listed building consent);
- Impact upon neighbouring amenity (planning application only).

Land use

10.2 Whilst the operational development proposed as part of these applications takes place solely on land owned by the applicant, it does affect a party wall adjoining a communal garden to the rear, which is owned by Islington Council. Furthermore, the gate would allow the occupiers of 18 ½ Sekforde Street to access the communal garden. Islington's Housing Service, who manage the land, have objected to the owner of 18 ½ using this space in the absence of any formal arrangements regarding access or the payment of maintenance charges. They also consider that allowing the occupants of 18 ½ to access the land may impede any future development of the site for housing or use as public realm/greenspace.

10.3 Access to the land *per se* is not a matter for the local planning authority. Planning does not concern itself with issues of ownership - the applicant would still need to agree the terms of access to the land with the Council as landowner independently of these applications. By granting planning permission and listed building consent for this proposal, the local planning authority would be permitting the physical alterations only, *not* any use of the communal garden space. In order to access the land itself, the applicants would need to obtain formal permission (via an easement, licence or other right of way) from the Council

as freeholder (via the Housing team), and it is understood that the applicants are currently in dialogue with the housing service in respect of such an arrangement. A condition will be attached (Condition 6) which will require the relevant consents to be obtained prior to any development taking place on site.

- 10.4 Prejudice to the future development of land *is* a well-established planning consideration. Although usually applicable to much larger, comprehensive development (such as where land is subject to a Site Allocation or a Masterplan), it has been held to be relevant to individual development proposals (see, for example, *Aldergate Projects Ltd v Nottinghamshire County Council [2008] EWHC 2881*). In this instance, the insertion of the gate would not prevent the land being used as public open space at a future point. It is also considered unlikely that the land would be for housing development due to its constrained location but, in any event, the Council as landowner must grant consent for the occupants to access the land, and should be able to impose sufficient conditions on any such grant to ensure that the right could be terminated in the event of the land being required for alternative development. In conclusion, providing that the applicants resolve a method of access with the Council as landowner, as required by Condition 6, this proposal would not prejudice the future development of land and raises no land use issues.
- 10.5 It should be noted that, despite several objections from members of the public suggesting that the property is in full or partial use as an office, this is not the case. The property has been in lawful residential use since the 1990s and is currently occupied as a single family dwelling house by the applicants and their daughter. Whilst there may be reasons to resist granting the occupants of 18 ½ Sekforde Street a licence or easement to use the land, there are no sound *planning* reasons why they should be excluded from the space (to the contrary, their residential property has limited amenity space within its boundary and allowing them access to additional space accords with the general objectives of the local plan).

Impact on designated heritage assets

- 10.6 As set out in para. 9.1 of this report, the Council has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. Additionally, the Council has a statutory duty under the same Act to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.7 The National Planning Policy Framework (NPPF) provides that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a 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 (para. 196).
- 10.8 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of the Islington Core Strategy requires new buildings to be sympathetic in scale and appearance and complementary to local identity, and Policy DM2.1 of Islington's Development Management Policies requires new development, *inter alia*, to respect and respond positively to existing buildings, the streetscape and wider context.
- 10.9 Policy DM2.3 of the Islington Development Management Policies provides that alterations to buildings in conservation areas must be of a high quality contextual design so that they conserve or enhance the conservation area's significance, and that the significance of

Islington's listed buildings is required to be conserved or enhanced. Policy DM2.3 (Part C) also states: "*Proposals to repair, alter or extend a listed building must be justified and appropriate... Proposals to repair, alter or extend a listed building which harm its significance will not be permitted unless there is a clear and convincing justification.*"

- 10.10 The applicant has submitted a heritage statement prepared by Alan Baxter, in accordance with the NPPF (para. 189) and Policy DM2.3 (Part B) of the Islington Development Management Policies. This statement concludes that the front façade of the building, facing Sekforde Street, is of **high** significance, the rear elevation is of **moderate** significance, and the original brick wall is of **limited** significance. Officers broadly concur with this assessment, and this is also supported by the Inspector's decision from 2005, which concludes that the brick wall possesses some historic interest, but that its significance was '*diminished with the provision of the higher modern block wall*' (para. 7). This being the case, it is considered that this proposal would result in *some* harm to the significance of the listed building, as it results in the insertion of an opening where historically there was none, and the removal of a small amount of historic brickwork (though most of the brick to be removed dates from the reinstatement in 1995). The harm would, however, be less than substantial. Similarly, given that the gate would be visible from the semi-private realm only, and there are already several other gates in the vicinity, this gate would result in limited harm to the Conservation Area (that harm again being less than substantial within the context of the NPPF).
- 10.11 Other minor alterations are proposed within the existing courtyard area, including the lowering of the ground level to that of the garden and the provision of access steps. These alterations are minor and would not be visible from outside of the courtyard area, and they would have no impact on the character or appearance of the conservation area. However, as they form an integral part of the provision of an access to the communal garden where none would have existed previously, it is considered that they contribute towards the less than substantial harm to the listed building (the Inspector refers to this harm in para.10 of his decision as '*small but significant*').
- 10.12 Accordingly, decision makers must ask themselves whether there are any benefits offered by the proposal that would outweigh the identified harm. In this instance, the applicant is proposing to remove the higher of the two garden walls, a 1970s addition which possesses very little architectural merit and does not make a positive contribution to the special architectural interest of the listed building or to the character and appearance of the conservation area. Removing this wall will better reveal the rear elevation of the building (which is of greater significance) and improve the relationship of the property to its historic rear boundary wall and the communal garden to the rear. Overall, this part of the proposal is a significant enhancement to the listed building which outweighs any harm arising from the new opening and associated works.
- 10.13 As pointed out by several objectors, an enforcement notice was issued in 2004 requiring the removal of a similar opening in the rear boundary wall. The recipient lodged an appeal, which was dismissed on 22 December 2005. The Inspector considered that the unauthorised works had been undertaken crudely, and that no details had been received to show how the doorway would be finished. He concluded that the development resulted in harm to the listed building and wider conservation area. As set out above, officers agree with the Inspector's assessment of harm but, unlike at the time of the enforcement notice in 2005, *this* proposal involves additional works which are considered beneficial to the listed building and result in a significant enhancement which outweighs the harm caused. Additionally, unlike in 2005, this proposal is the subject of a full planning and listed building consent application supported by a robust assessment of the significance of the listed building. The local authority is now able to attach conditions accordingly to ensure that the work is carried out to an appropriately high standard.

- 10.14 The new gate would be a wooden plank gate with a painted finish. This is reflective of other gates into the communal garden and is considered acceptable. A condition will be attached to ensure that the materials used accurately replicate that of the historic masonry, and that the timber plank gate has a painted finish (Conditions 3 and 4 of P2017/4174/FUL and Conditions 2 and 3 of P2017/4227/LBC, listed in **Appendix 1**).

Impact upon neighbouring amenity

- 10.15 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 This proposal does not involve making the wall higher, or creating any additional volume, so there are no impacts in terms of overshadowing, daylight or sunlight, over-dominance, sense of enclosure or outlook. The proposal involves *lowering* the boundary treatment, with some objectors expressing the view that this will affect their privacy. The resulting boundary wall (on the inside of 18 ½ Sekforde Street) would be 1.8 metres, equivalent to a standard close-boarded garden fence. Even should someone be able to look over the top, it would be only onto the communal garden space which is already overlooked by the upper floors of several other properties (and is not protected by planning policy to the same degree as habitable rooms). Consequently, the proposal would not result in any undue loss of privacy.

Other objections raised by residents

- 10.17 Objections have been received on the basis that the applicants previously carried out works without consent, and some objectors have claimed that the sole purpose of the proposal is to generate profit for the applicants when they sell the property. The past conduct or future intentions of an applicant are not material planning considerations and cannot form part of the decision-making process. Notwithstanding this, members may wish to note that the current applicants, were not the owners at the time the enforcement notice was issued and are not, to the Council's knowledge, responsible for any breaches of planning control at 18 ½ Sekforde Street. To the contrary, they have sought listed building consent on two separate occasions since taking possession of the property and have engaged with officers through the pre-application process.
- 10.18 An objection has also been received to the proposal the basis that the area where the new gate is to be installed is used by tenants for barbecuing. There are no alterations that would extend into the communal garden area that would alter the ability of users to have barbecues and there appears to be no reason why other areas of the site cannot be used for such purposes.
- 10.19 Objectors have commented that notification letters were not sent to everybody who accesses the communal garden area. Notification letters were sent to all properties directly adjoining 18 ½ Sekforde Street in accordance with council procedures, and a site notice and press advert was displayed (in accordance with statutory requirements for listed building and conservation area applications).

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 Whilst the proposal will cause some harm to the designated heritage assets, this harm is 'less than substantial' within the context of the NPPF, and is outweighed by the proposal to remove the high rendered wall to the rear of the property, which is considered to represent an enhancement to the listed building and wider conservation area. Objections from residents (and from the Council's Housing service) have been considered in the final balance of planning considerations, and it is recommended that planning permission and listed building consent is granted subject to appropriate conditions relating to materials and arrangements for securing lawful access to the land.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION 1: That the grant of **planning permission** (Ref: P2017/4174/FUL) be subject to the following conditions:

1	Commencement (compliance)
	<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.</p>
2	Approved plans (compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>0170-GA-000 Site and location plan 0170-GA-001 Existing ground floor and landscape plan 0170-GA-002 Existing rear elevation 0170-GA-003 Existing front elevation 0170-GA-004 Existing and proposed sections CC and DD 0170-GA-010 Proposed ground floor and landscape plan 0170-GA-012 Proposed rear elevation 0170-GA-020 Proposed demolition plan</p> <p>Design and Access Statement prepared by Ackroyd Lowrie (dated 20 October 2017) Heritage Statement prepared by Alan Baxter (dated October 2017)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant; for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials to match (compliance)
	<p>CONDITION: The facing materials of the works hereby approved (including any new pointing to the historic masonry) shall match the existing adjacent work in terms of the methods used, colour, texture, profile and architectural detailing.</p> <p>REASON: In order to conserve the significance of the heritage asset in accordance with the National Planning Policy Framework 2018, policy DM2.3 of Islington's Development Management Policies (2013) and policy CS9 of Islington's Core Strategy (2011).</p>
4	Appearance of gate (compliance)
	<p>CONDITION: The timber plank gate hereby approved shall have a painted finish.</p> <p>REASON: In order to conserve the significance of the heritage asset in accordance with the National Planning Policy Framework 2018, policy DM2.3 of Islington's Development Management Policies (2013) and policy CS9 of Islington's Core Strategy (2011).</p>
5	No consent granted for landscaping works in communal garden (compliance)
	<p>CONDITION: Notwithstanding the approved drawings and documents, no permission is granted for any landscaping works to the land labelled 'communal garden' on the approved</p>

	<p>location plan 0170-GA-000. This permission is for works to the property at 18 ½ Sekforde Street and to the party wall only.</p> <p>REASON: To ensure appropriate management of the communal garden, which is owned by the London Borough of Islington.</p>
6	Landowner's consent (compliance)
	<p>CONDITION: No works pursuant to this planning permission shall take place until such times as the relevant agreement has been obtained from the Islington Council (as landowner) to access the land labelled 'communal garden' on the approved location plan 0170-GA-000 (including for the purposes of construction).</p> <p>REASON: To ensure that access arrangements to the site can be properly managed so as not to prejudice the future development of the adjoining land.</p>

RECOMMENDATION 2: That the grant of **listed building consent** (Ref: P2017/4227/LBC) be subject to the following conditions:

1	Commencement (compliance)
	<p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Materials to match (compliance)
	<p>CONDITION: The facing materials of the works hereby approved (including any new pointing to the historic masonry) shall match the existing adjacent work in terms of the methods used, colour, texture, profile and architectural detailing.</p> <p>REASON: In order to conserve the significance of the heritage asset in accordance with the National Planning Policy Framework 2018, policy DM2.3 of Islington's Development Management Policies (2013) and policy CS9 of Islington's Core Strategy (2011).</p>
3	Appearance of gate (compliance)
	<p>CONDITION: The timber plank gate hereby approved shall have a painted finish.</p> <p>REASON: In order to conserve the significance of the heritage asset in accordance with the National Planning Policy Framework 2018, policy DM2.3 of Islington's Development Management Policies (2013) and policy CS9 of Islington's Core Strategy (2011).</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 2018 contains a presumption in favour of sustainable development and seeks to secure positive growth in a way that 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, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 2013.

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

Policy 7.2	An inclusive environment
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology
Policy 7.18	Protecting open space and addressing deficiency

B. Islington Core Strategy 2011

Policy CS7	Bunhill and Clerkenwell
Policy CS8	Enhancing Islington's character
Policy CS9	Protecting and enhancing Islington's built and historic environment
Policy CS15	Open space and green infrastructure

C. Finsbury Local Plan 2013

Policy BC7	Historic Clerkenwell
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D. Islington Development Management Policies 2013

Policy DM2.1	Design
Policy DM2.2	Inclusive Design
Policy DM2.3	Heritage
Policy DM3.5	Private outdoor space
Policy DM6.3	Protecting open space
Policy DM6.5	Landscaping, trees and biodiversity

3. Designations

Core Strategy Key Area – Bunhill and Clerkenwell
Finsbury Local Plan Area – Historic Clerkenwell
Heritage Site – Historic Clerkenwell
Central Activities Zone
Local view from Archway Bridge LV5

4. Supplementary Planning Guidance (SPGs) / Documents (SPDs)

The London Plan

Character and Context (2014)

Islington Development Plan

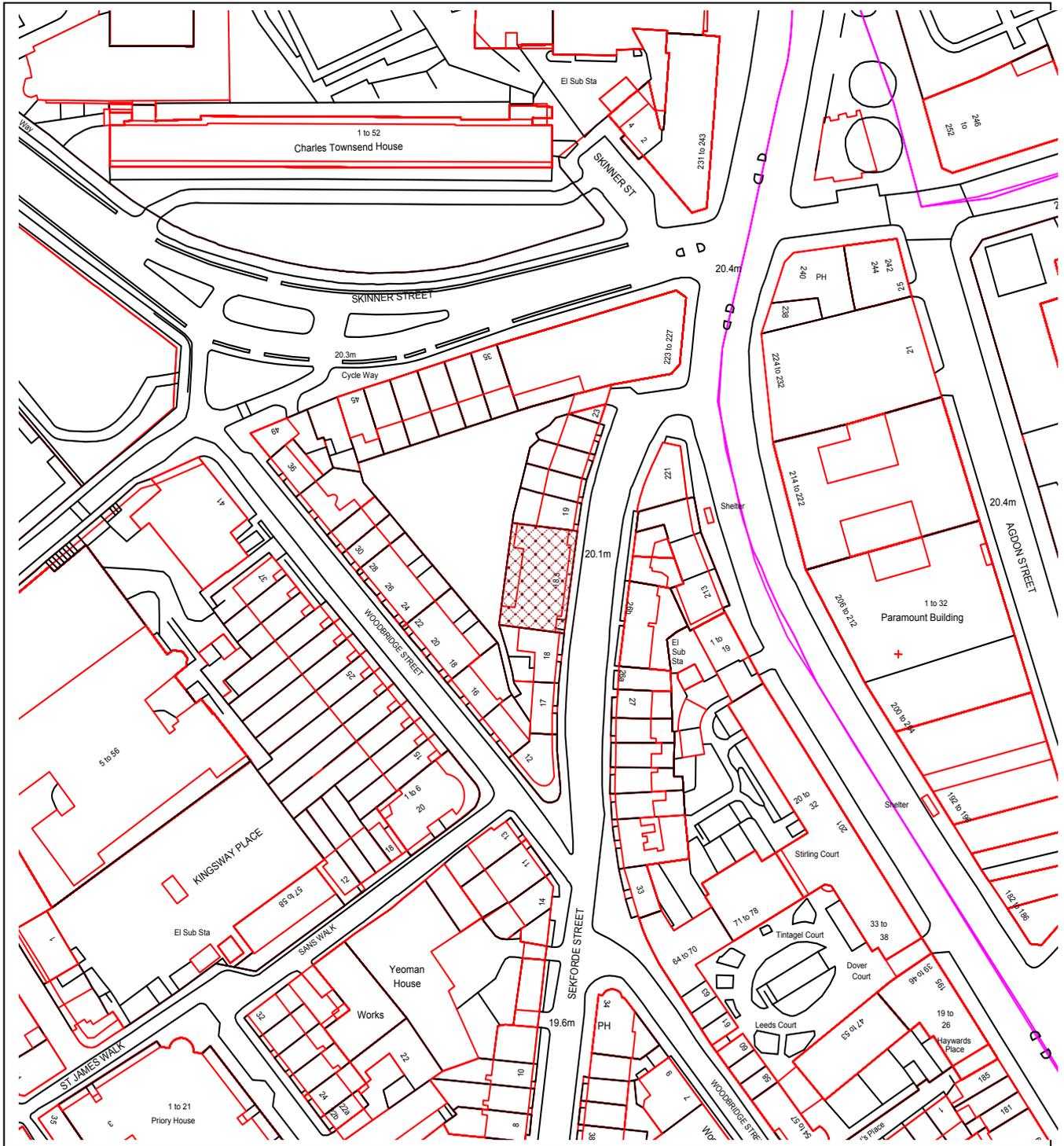
Islington Urban Design Guide (2017)

Inclusive Design in Islington (2014)

Clerkenwell Green Conservation Area Design Guidelines (2012)

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ISLINGTON SE GIS Print Template



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P2017/4227/LBC

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PLANNING COMMITTEE REPORT

PLANNING SUB-COMMITTEE B		AGENDA ITEM NO: B9
Date:	2 nd October 2018	NON-EXEMPT

Application number	P2018/1744/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Not Listed
Conservation area	St. Luke's Conservation Area
Development Plan Context	Priority Employment Area (Genral) Central Activities Zone (CAZ) Core Strategy Key Area – Bunhill % Clerkenwell
Licensing Implications	N/A
Site Address	Easyhotel House, 80 Old Street, London, EC1V 9AZ.,
Proposal	Change of use of the existing ground floor Use Class A1/A3 retail/café/restaurant unit (163 square metres GIA) to Use Class C3 (hotel) to accommodate 7 additional hotel rooms and separate hotel reception area along with the creation of a new external entrance to the ground floor façade, as well as a change of use of existing ground floor hotel and office reception (Use Class B1(a)/C3) to a separate office reception area (Use Class B1(a)).

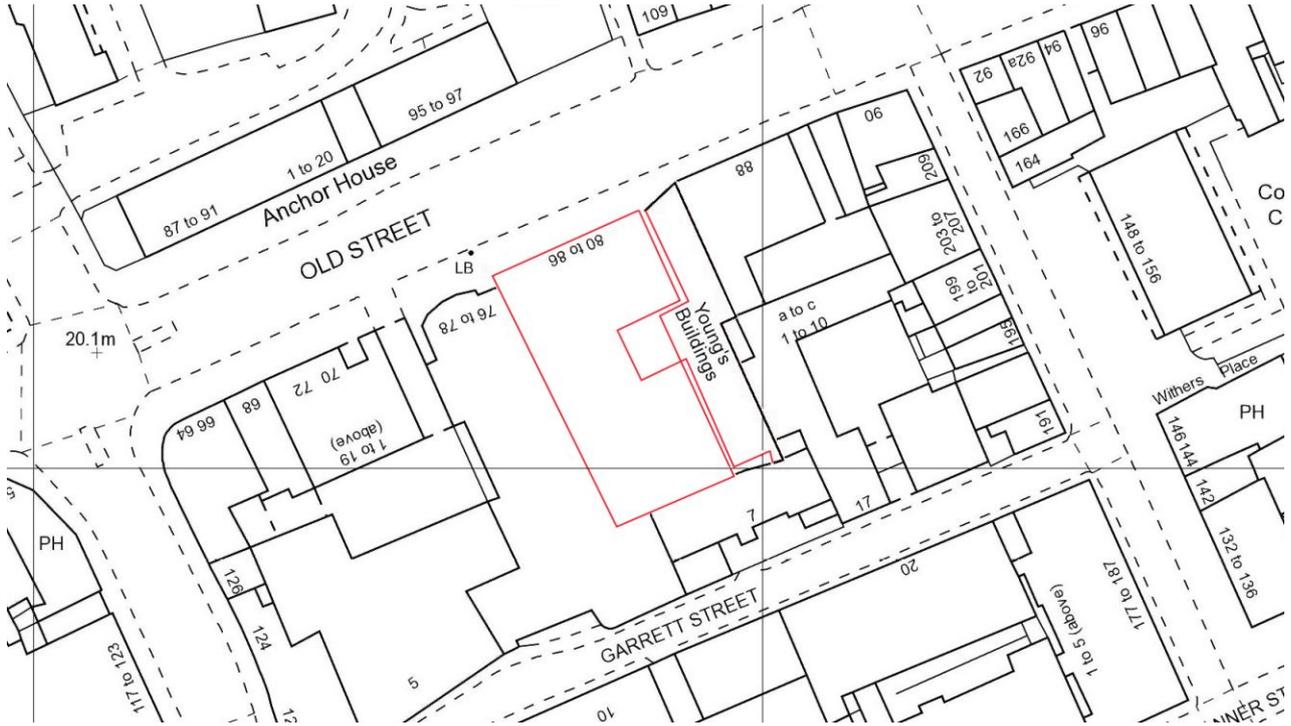
Case Officer	John Kaimakamis
Applicant	easyHotel UK Ltd.
Agent	Savills (UK) Limited - Raymond Tutty

1. RECOMMENDATION

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

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

2. SITE PLAN (site outlined in red)



3. PHOTOS OF SITE/STREET



4. SUMMARY

4.1 The application follows on from a previously refused scheme, which sought permission to change the use of parts of the ground floor, as well as the entire 3rd and 4th floors to hotel rooms. That

scheme was unacceptable, primarily because of the loss of office space and the impacts arising from such large hotel.

- 4.2 It is worth highlighting that Development Plan Policy clearly sets out where hotels will be acceptable in principle, and the site is not within an area where planning policy indicates hotels should be located. However, in this case there are material considerations which would indicate that the additional hotel rooms on the ground floor could be supported.
- 4.3 This current scheme is modest in scale (involving an increase of 7 hotel rooms, of which 3 of them would be accessible hotel rooms). The proposal also includes the addition of 103 square metres of additional office floorspace through the creation of a separate office lobby and reception area at ground floor level where currently it contains a combined office/hotel lobby area. The creation of a separate office reception area would also result in a continuous ground floor frontage of reception and lobby areas, thus resulting in a more active frontage. Additionally, the minor increase in the number of hotel rooms would not result in an over intensification of the use of the site. Nor would the additional rooms displace any business floor space. Subject to conditions to ensure impacts are appropriately mitigated, it is considered that the current scheme can be supported.
- 4.4 The retail/cafe unit has never been implemented and the applicant has submitted a market report that demonstrates that units of this nature and size of 163 square metres in the middle section of Old Street are low in demand and having a negative impact on rental values in the area and leaving parts of the street with empty or underutilised properties. There would still be the accessible provision of essentially daily goods within a short walking distance of the site towards the Old Street roundabout and Goswell Road end of Old Street. Given the above, there is no objection to the loss of the shop/café space (use Class A1/A3).

5. SITE AND SURROUNDING

- 5.1 The site accommodates a 6-storey (plus basement) building located on the southern side of Old Street between the junctions with Whitecross Street and Golden Lane. The building was purpose-built for office use in the 1980s and remained in exclusive office use until 2010. The building is faced in red brick with aluminium windows arranged in four distinct sections, with arched windows at 3rd and 4th levels and a mansard roof at 5th floor level containing 8 dormer windows.
- 5.2 The building itself is of limited architectural merit, but is located within the St Luke's Conservation Area. The building itself covers the majority of the 930m² site. To the east of the site there is a private yard known as 'Young's Buildings' which is shared with the residential dwelling at its southern end, and 15 Garret Street to the east and provides a fire exit from the rear of the building and accessed to a service area with a cycle parking garage and two disabled car parking spaces.
- 5.3 The site has the second highest possible Public Transport Accessibility Level (PTAL) rating of (6a). The site is within the Central Activities Zone (CAZ), and an Employment Priority Area (General). Additionally, the site is set within the St Luke's Conservation Area (CA16) and the Bunhill and Clerkenwell key area.

6. PROPOSAL (IN DETAIL)

- 6.1 In describing the current scheme it is important to note the planning history, which includes a scheme allowed at appeal (Planning ref: P101847, Appeal ref: APP/V5570/A/11/2149827). The appeal scheme permitted the change of use of the ground (part), first and second floors to hotel use (use Class C1). Additionally the appeal scheme approved the change of use of another part of ground floor to a dual retail/café use (use Class A1/A3). Office space was to be retained on the 3rd, 4th, and 5th floors. Alterations were also approved to the street elevation compromising new entrance and two entrance canopies. Overall 80 hotel rooms were approved at appeal.
- 6.2 The approved alterations to the street elevation were not implemented, nor was the retail/café use (use Class A1/A3) at ground level.

- 6.3 In 2014 the Council became aware that the space approved at ground level as retail/café use (use Class A1/A3) had also been converted (without approval) to hotel use. Additionally, the office space to be retained at the 3rd and 4th levels was also converted (without approval) to hotel use.
- 6.4 In June 2016 the Council refused permission (ref: P2015/2680/FUL) for a scheme which sought to regularise the situation on site at the time, seeking approval for:
- the change of use on the ground floor of the area approved as retail/café use (use Class A1/A3) use to hotel use (use class C1).
 - the change of use of office space (use Class B1) on the 3rd and 4th levels of the building to hotel use (use class C1).
- 6.5 That scheme was refused for 5 reasons, which are summarised below:
- the proposal would result in an unacceptable loss of business floor space, detrimental to the areas primary business role and the function of the Central Activities Zone,
 - The intensification of the hotel at the site is considered to be excessive for the site and inappropriate given the location, resulting in the displacement of business floor space, compromising economic function /growth
 - The development fails to provide 10% of the additional hotel rooms as wheelchair accessible,
 - The development results in delivery and servicing vehicles waiting and/or loading/unloading on the adjoining highway or reversing into or out of the site from the highway.
 - In the absence of an appropriate Section 106 legal agreement, the application fails to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed
- 6.6 There was no objection raised in the decision to the additional hotel rooms installed on the ground floor, which replaced space which had been approved for retail/café type uses (use class A1/A3). The current application seeks to regularise the situation (i.e. additional hotel rooms at the ground floor level). The floor area which would change from the Café approved to hotel rooms equates to 163sqm.
- 6.7 This application was dismissed at appeal (Ref: APP/V5570/W/16/3165171) and the owner of the building has since converted the third and fourth levels back into office use. This has left part of the ground floor area unresolved in terms of regularisation as the originally permitted A1/A3 unit did not form part of the refusal reasons above, however as no permission was allowed at appeal, there is no formal consent for the additional hotel rooms that were created within the floorspace allocated to the A1/A3 unit.
- 6.8 Therefore, the current application seeks to permit the change of use of the existing ground floor Use Class A1/A3 retail/café/restaurant unit (163 square metres GIA) to Use Class C3 (hotel) to accommodate 7 additional hotel rooms and separate hotel reception area along with the creation of a new external entrance to the ground floor façade, as well as a change of use of existing ground floor hotel and office reception (Use Class B1(a)/C3) to a separate office reception area (Use Class B1(a)).
- 6.9 In summary, the existing 163 square metres of A1/A3 use would be changed to 103 square metres of office use to create a separate office reception area at ground floor level and the remaining 63 square metres would be changed to hotel use to accommodate 7 additional rooms, of which 2 would be for accessible use.
- 6.10 The creation of a separate office reception area has resulted in a new lift being inserted along the eastern side of the building, which has resulted in some floor layout changes on the upper floors, however there would be no increase in the number of hotel rooms on the first and second floors. The changes have resulted in a further 2 rooms on the upper floors being made for accessible use, whilst showering facilities and cycle storage would be made available for the office users within the basement.

6.11 The only external works would be to the ground floor frontage to accommodate the newly created office reception area.

7. RELEVANT HISTORY:

7.1 The following applications are considered relevant to the proposal currently under determination:

P101482: Change of use of part of the ground floor from B1 to a dual A1/A3 use, replacement of a window with a door, and installation of a flue to the roof

Approved 03/09/2010

P101847: Change of use of the existing 6-storey office building to provide for a 80-bed hotel (use Class C1) at ground, first and second floor levels, provision of a retail/restaurant (use Class A1/A3) unit at ground floor level, retention of office use at third, fourth and fifth floor levels, and associated external alterations in the form of a new entrance and new canopy to existing entrance.

Refused 17 January 2011, **appeal (ref: APP/V5570/A/11/2149827) allowed** 17 August 2011.

P2015/2680/FUL: Application for retrospective planning permission for change of use of part of ground floor to hotel (use Class C1) to provide a further 12 hotel rooms, and change of use of 3rd and 4th floors from office (use Class B1) to hotel (use Class C1) to provide a further 66 rooms (158 in total).

Refused 15 June 2016. **appeal (ref: APP/V5570/W/16/3165171) to be heard** 21 March 2017.

ENFORCEMENT:

7.2 The following enforcement cases are considered relevant to this application:

E11/05360 – unauthorised use of ground, first and second floors as a hotel. This case was closed on 09 September 2011 following the retrospective permission being granted on appeal.

E/2014/0554 – unauthorised change of use of third and fourth floors from offices (use Class B1) to hotel rooms (use Class C1). The case remains open.

CONSULTATION

Public Consultation

7.3 Letters were sent to occupants of 130 adjoining and nearby properties at Old Street, Whitecross Street, Garrett Street, Golden Lane, Helmet Road and Anchor Yard on 21/06/2018. A site notice and press advert also were displayed on 21/06/2018. The public consultation on the application therefore expired on 12/07/2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.

7.4 In response to the consultation 1 submission was received raising objection to the scheme. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- noise generated by the applicant during construction works would be disruptive (*Paragraphs 10.28 – 10.29*).
- the inconvenience of construction works, including (a) the use or parking of vehicles down Young's Buildings (which is loud and, in the evening, very bright given the use of headlights), (b) loud workmen, (c) inconsiderate workmen (including smoking, loitering outside my kitchen window) etc, and (d) use of Young's Buildings for storage of construction materials.
(*No works are proposed to the side elevation and any works conducted on the site would need to adhere to the submitted Construction Management Plan*)
- The possibility of any new entrance to the hotel / proposed cafe (etc.) being via Young's Buildings.
(*The new entrance to the hotel is along the frontage of the building on Old Street*)

- Damage to my property. As mentioned, my kitchen/lounge, second bedroom and bathroom face Young"s Buildings. The alleyway is very narrow. If it is going to be a construction site, or used for the storage of materials (etc.), there is a high risk of damage to the rear of my property.
(These are not planning matters. The owner of the site would require to adhere to relevant legislation outside of planning should they cause damage to neighbouring properties).

External Consultees

7.5 The application was referred to TfL who raised no objection.

Internal Consultees

7.6 Delivery, Servicing, Waste Collection: No objection

7.7 Public Protection Division: No objection

7.8 Access Advisor: No objection

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES:

8.1 Islington Council (Planning Sub Committee), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development is within a conservation area, the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

8.2 National Planning Policy Framework (NPPF) (2018): Paragraph 11 states: 'at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...'

8.3 At paragraph 8 the NPPF (2018) states: 'that sustainable development has an economic, social and environmental role'.

8.4 The 2018 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF (2018) is a material consideration and has been taken into account as part of the assessment of these proposals.

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

- 8.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 8.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 8.8 Members of the committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Development Plan

- 8.10 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 are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

- 8.11 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:
- Core Strategy: CS7 - Key Area Bunhill & Clerkenwell
 - Employment Priority Area (General)
 - Central Activities Zone (CAZ)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 EIA screening/scoping is not required. The proposal is not considered to fall within the regulations requiring an EIA.

10. ASSESSMENT

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

- The principle of the development
- Design
- Accessibility
- Neighbouring amenity
- Energy and sustainability
- Highways and transportation matters

Land-use

Retail/cafe space (use Class A1/A3)

- 10.2 Part of the ground floor of the building has approval (via the allowed appeal ref: APP/V5570/A/11/2149827) to operate as a shop/café (use Class A1/A3). Whilst this element of the allowed appeal decision has not been delivered, it formed part of the implemented allowed appeal decision.
- 10.3 This space currently has been fitted out with 15 hotel rooms, which are unauthorised. This application seeks to change the use of the allowed A1/A3 unit (163 square metres) to additional office B1 floorspace (103 square metres) and 7 additional hotel rooms.
- 10.4 Development Management Policies (2013) policy DM4.7 relates to dispersed shops noting that proposals for the change of use of shops located outside of town centres will not be permitted, unless there is no demand for the retail space.
- 10.5 The supporting text to policy DM4.7 notes that local shops can provide a valuable service to the local community by providing for essential day-to-day needs
- 10.6 In this case, the originally permitted alterations to the front elevation (which would have created a separate shop/café entrance) have not been implemented (there has never been access from the street to the shop/café space). There is no evidence that the approved shop/café space (use Class A1/A3) was ever in use as such, and it is not considered that the loss of the retail/café space would result in the loss of a facility providing essential day-to-day needs.
- 10.7 The applicant has no marketing evidence available for the current unit. Nevertheless, the applicant has submitted a market report that demonstrates that units of this nature and size of 163 square metres in the middle section of Old Street are low in demand, having a negative impact on rental values in the area and leaving parts of the street with empty or underutilised properties.
- 10.8 Specifically, it concludes that *“Information from our active agency department from past lettings and rent reviews done has shown that the retailers that trade successfully are located on the busier pitches near Old Street Roundabout and Goswell Road’s main junction. The middle section of Old Street has struggled to obtain occupiers both retail and office users but recently the national showroom occupiers have expanded East down Old Street from the Clerkenwell Road end towards the secondary/tertiary locations near the subject property. Our experience with 64-66 Old Street showed these national showroom occupiers will not continue to rent these units as they believe they will not trade well however smaller, newer brands have & will consider showroom spaces further along Old Street but not with the classic A1 use but with Office/Showroom use that would fall under B1. This can be seen with occupiers such as; Spacecraft, Dynamobel, Ocee Design and Forma 5.*

The general secondary/tertiary retailers on Old Street survive mainly in 500-600 sq.ft ground floor retail units. In our opinion there are few national covenants and a few general retailers who have a desire to acquire retail units of this size in a non-retail location.

Based on our market research and our transactional history over the past 18 months it is clear that the local secondary/tertiary market does not have the same demand for these retail properties with occupiers seemingly less attracted to the location than they were in the past. This is crystallised by the number of properties either on the market or vacant at the moment with little interest from prospective tenants.”

- 10.9 The site is not within a town centre, and as such the absence of retail space at the site would not have a detrimental impact on the vitality or viability of any town centre. Further, 103 square metres of the unit would be changed to office floorspace, which is a use suitable for this site within a designated employment area. The proposal would also improve the current arrangement with a separate office reception area and activate the ground floor frontage across the whole site. Finally, there would still be the accessible provision of essentially daily goods within a short walking distance of the site towards the Old Street roundabout and Goswell Road end of Old Street. Given the above, there is no objection to the loss of the permitted shop/café space (use Class A1/A3) on the ground floor.

Office floorspace (Use Class B1(a))

- 10.10 London Plan (LP) Policy 2.10 recognises the ‘mixed’ nature of much of the CAZ and seeks to enhance and promote the unique international, national and London wide role of the CAZ through the promotion of a range of mixed uses including: ensuring that development of office provision is made for a range of occupiers, and; supporting and improving the retail offer of the CAZ to meet the needs of its residents, workers and visitors.
- 10.11 Islington Core Strategy Policy CS13 encourages new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres where access to public transport is greatest. Furthermore, it seeks to safeguard existing business spaces throughout the borough by protecting the change of use to non-business uses, particularly in the CAZ. Additionally, development which improves the quality and quantity of existing provision will be encouraged.
- 10.12 The site is located in the Bunhill and Clerkenwell Core Strategy Key area and the provisions of the Finsbury Local Plan are applicable. Policy BC8 of the Finsbury Local Plan supports the provision of a mix of employment uses, (the definition includes offices, industry, warehousing, studios, workshops, showrooms, retail, entertainment and private educational, health and leisure uses). In general terms it encourages office development (i.e. B1 (a) uses) throughout the designated area and the provision of a range of smaller floorplate, flexible and adaptable workspaces, alongside complementary uses. In addition, as the site also lies within the Employment Priority Area (General) (as designated in the Finsbury Local Plan) the policy aims to sustain the existing level of business floorspace to support existing clusters of economic activity.
- 10.13 The proposal would represent an uplift in office floorspace accommodation of 103 square metres resulting in an overall total of 2162 square metres on the site, which is welcomed. Therefore, the proposed development complies with the above policies in so far as providing additional office floorspace at ground level in order to create a separate reception and lobby area. This new entrance would require some external façade alterations that are appropriate in design terms and would assist in providing an improved active frontage along Old Street. Subject to a condition prohibiting obscuring the frontage glass, the proposal would provide natural surveillance and an active frontage to this elevation of the building.
- 10.14 Policy BC8 also stipulates that within the Employment Priority Area (General), the employment floorspace component of a development or change of use proposal should not be “*unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*

- i. A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*

- ii. *Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*
- iii. *Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.”*

10.15 In this instance the two main uses of the site, i.e. hotel and office floorspace, have been previously established at appeal. The permitted scheme allowed for a combined hotel and office entrance and reception area. The current application seeks to create separate entrances for the two uses and providing a separate core for each. Crime prevention encourages separate cores and entrances for security considerations and the proposal rationalises the ground floor frontage to allow for separate entrances and lobby areas. As such, limited ground floor frontage area would be available for A1 use and the wider benefits associated with the separation of the two uses at ground floor level are considered appropriate in this instance. Further, the entire ground floor frontage would be for entrance and lobby areas and as such allow for an active frontage across the entire site.

10.16 The application results in an uplift of 100 square metres of office floor space, which would primarily be used for the creation of the separate office entrance. Given the minimal uplift and its location at the front of the site, it is not considered in this instance that the provision of a portion of this uplift in the region of 5% (equating to 5 square metres) of affordable workspace would result in a space that is manageable and useful for such purposes.

Hotel rooms

10.17 London Plan (2016) policy 4.5 relates to London’s visitor infrastructure and notes that within the CAZ smaller scale hotels (i.e. less than 20,000sqm) should be located in CAZ fringe locations. The CAZ SPG (March 2016) notes that when considering potential impacts of new hotel development on the balance of local land uses, boroughs should consider whether additional hotel provision would negatively impact the availability of local employment and commercial floorspace in the area.

10.18 Islington’s Core Strategy (2011) policy CS14 directs hotels (as a Town Centre use) to be located within town centres. Policy DM4.11 of the Development Management Policies (2013) sets out the sequentially preferred locations for the provision of hotel accommodation, namely:

- In designated town centres;
- Within areas of the Central Activities Zone which are within the designated City Fringe Opportunity Area or are in close proximity to national railway hubs.

10.19 The site has a planning history which is relevant to this application, namely the refusal of planning application ref: P2015/2680/FUL, which was subsequently considered at appeal (ref: APP/V5570/W/16/3165171). The appeal scheme had been refused in part due to the site being an inherently inappropriate location for any intensification of the hotel use. The Planning Inspector did not agree with this view, and while the appeal was dismissed, this was on the basis of office space being displaced by hotel rooms, rather than any objection in principle to additional hotel rooms being located at the site.

10.20 Policy DM4.11 of the Development Management Policies (2013) notes that hotel development will only be supported where it would not compromise economic function/growth. The previously refused scheme was considered contrary to this policy requirement given the loss of business space involved.

10.21 In this instance, the creation of 7 additional hotel rooms would not displace any office accommodation, as it has arisen from the change of use of an unimplemented A1/A3 unit. The proposal would actually increase the amount of office floorspace by 103 square metres and the creation of a separate office reception area would result in an improvement on the current situation whereby the office and hotel uses share the same entrance area and lifts within the building. The proposal would also help activate the entire ground floor frontage of the site.

10.22 In view of the small size of the increase in hotel rooms, the circumstances of this particular case and the above appeal decision, no objection is raised in principle to the additional hotel rooms at

ground floor level. Further, the increase in hotel rooms at ground floor level would not be so great as to suggest a significant uplift in guests (limiting additional noise and disturbance).

- 10.23 The size, layout and quality of the additional 7 hotel rooms are commensurate with rooms already within the existing hotel. The use of these rooms are for short stay accommodation and transient usage and there are no minimum size standards for such rooms. Additionally, the size and quality of the hotel rooms on the upper floors was no considered inappropriate previously at appeal.

Design, Conservation and Heritage Considerations (including Archaeology)

- 10.24 Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan (2015). Policies CS8, CS9 and CS10 in Islington's Core Strategy (2013), and policies in chapter 2 of Islington's Development Management Policies (2013), are also relevant. In this case the application proposes minimal external alterations, which are limited to the ground floor frontage along the eastern side of the building. The works have been designed in a manner that is respectful to the existing building by bringing down the existing ground floor window to create an additional door entrance. The works would help create an active frontage along Old Street and are considered to be appropriate. All other works as part of the proposal are internal alterations that would not affect the external appearance of the building. As such, it is considered that the proposal would not cause any harm to the street scene or Conservation Area.

Accessibility

- 10.25 Development Management Polices (2013) policy DM2.2 and DM4.11 require development to be inclusive and accessible, with policy DM4.11 requiring 10% of the rooms to be wheelchair accessible. Section 4.8 and 4.9 of the Inclusive Design in Islington Supplementary Planning Document (February 2014) deals with the design of hotel rooms and associated ensuite bathrooms and makes it clear how rooms should be designed in order to comply.
- 10.26 The application was referred to the Council's Access Officer who confirmed that the layout shown on the plans submitted with this application would ensure the ground floor hotel rooms would meet requisite accessibility standards.
- 10.27 The existing part of the site that contains hotel use currently contains 4 accessible hotel rooms. These would be increased to 7 accessible rooms, with 2 being provided within the 7 additional rooms at ground floor level, while another 2 accessible rooms would be provided within the reconfigured layout at first and second floors.
- 10.28 Works are required to change the existing ground floor layout to ensure accessibility standards are met, and subject to a condition being imposed on any consent to ensure the ground floor layout accords with the approved plans, no objection would be raised to this scheme in terms of accessibility.

Neighbouring Amenity

- 10.29 London Plan (2015) Policy 7.15 states that development proposals should minimise the existing and potential adverse impacts of noise. Development Management Policy DM2.1 confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.30 Islington's Development Management Policies (2013) policy DM4.11 requires that hotel development not result in adverse impacts on residential amenity, and for major hotel proposals to be accompanied by information detailing how any impacts on residential amenity will be mitigated. The application relates to the change of use of 163sqm of existing space in the building to additional office floorspace (103 square metres) and 7 additional hotel rooms.
- 10.31 Compared to the previously refused scheme dismissed at appeal, involving an increase 78 room (nearly doubling the size of the hotel), the proposed scheme would add 7 additional hotel rooms, and

the scheme is accompanied by a information regarding the management procedures which would be put in place to ensure impacts associated with the operation of the hotel are mitigated. Subject to a condition being imposed on any consent to require adherence to these procedures, no objection would be raised.

Energy and Sustainability

- 10.32 Development Management Policies (2013) policy DM7.1 sets out the energy and sustainability standards that development of different sorts must comply with.
- 10.33 The policy notes that sustainability requirements need to be commensurate with the scale of development proposed. In this case the scale of proposed works is minimal (limited to some internal configuration of the ground floor hotel rooms). In view of the minor scale of the proposed works, no objection is raised in terms of sustainability.

Highways and Transportation

- 10.34 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies (2013). Policy DM8.2 is clear that in order for development to be acceptable they are required to fully mitigate impacts on cycle routes and have no negative impacts on the safe and efficient operation of transport infrastructure. The policy also requires development to adequately address delivery and servicing requirements. Policy DM8.4 requires that development demonstrate that there will be no road safety conflicts between pedestrians and cyclists, and vehicles entering and servicing a development. Policy DM8.6 requires servicing and delivery vehicles to be able to enter and leave a site in forward gear. The policy goes onto require details to show that any on street servicing will be safe and not cause any obstruction or nuisance.
- 10.35 The delivery and servicing plan proposes that servicing take place outside of the peak hour (so as to minimise conflicts with cyclists and other road users), and additionally at times when nearby residents are less likely to be asleep.
- 10.36 Subject to the development according with the servicing strategy contained within the Access Statement submitted, and this being secured by way of a planning condition on any consent, there would not be an objection in relation to servicing.

Contaminated Land

- 10.37 The site is covered with buildings or hard surfaced area, limiting access to the ground (thereby limiting access to any contamination could potentially be present). It is worth noting that the development is largely retrospective, while there would be some minor work required, construction impact (including on air quality) would be minimal, and no objection is raised to the proposal in this regard.

National Planning Policy Framework

- 10.38 The NPPF requires that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It also advises that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 10.39 In this case, taking account of the planning history and minor scale of the proposal, it is considered that the determination of the application has been approached in a positive way. In the final balance of planning considerations set out below, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The site has a planning history which is directly relevant to the assessment of the current scheme. There has not been an objection to the loss of the café/retail space (use Class A1/A3) at ground floor level raised in previous decisions. This is due in part because the café/retail space (use Class A1/A3) was never actually implemented. The addition of 7 hotel rooms and the addition of 103 square metres of office floorspace to accommodate the creation of a separate office reception and lobby area is not considered to overly intensify the use of the site in an inappropriate manner and would allow for a sensible solution to the regularisation of the ground floor areas. Additionally, the creation of the new separate office entrance would assist in creating a continuous active frontage along Old Street.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

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

List of Conditions:

1	Approved Plans and Documents
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>15126-AEX (03)-001_00 - Site Location Plan; 15126-AEX (03)-009_01 - Existing Basement Plan; 15126-AEX (03)-010_02 - Existing GF Plan; 15126-AEX (03)-011_01 - Existing 1F Plan; 15126-AEX (03)-012_01 - Existing 2F Plan; 15126-AEX (03)-013_01 - Existing 3F Plan; 15126-AEX (03)-014_01 - Existing 4F Plan; 15126-AEX (03)-015_01 - Existing 5F Plan; 15126-AEX (03)-016_01 - Existing Roof Plan; 15126-AEX (05)-002_00 - Existing North Elevation; 15126-AEX (05)-003_00 - Existing East Elevation; 15126-AEX (05)-004_00 - Existing West Elevation; 15126-AEX (05)-005_00 - Existing South Elevation; 15126-APL (03)-309_00 - Proposed Basement Plan; 15126-APL (03)-310_01 - Proposed GF Plan; 15126-APL (03)-311_01 - Proposed 1F Plan; 15126-APL (03)-312_01 - Proposed 2F Plan; 15126-APL (03)-313_01 - Proposed 3F Plan; 15126-APL (03)-314_01 - Proposed 4F Plan; 15126-APL (03)-315_01 - Proposed 5F Plan; 15126-APL (03)-316_01 - Proposed Roof Plan; 15126-APL (05)-302_01 - Proposed North Elevation; 15126-APL (05)-303_00 - Proposed East Elevation; 15126-APL (05)-304_00 - Proposed West Elevation; 15126-APL (05)-305_00 - Proposed South Elevation; Design and Access Statement dated 11 May 2018 prepared by tatehindle; Commercial Market Report dated 29 January 2018 prepared by Goodsir Commercial; and Construction Management Plan Revision 00 dated 13 August 2018 prepared by tatehindle.</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	Accessibility
	<p>CONDITION: Within 4 months of the date of this consent, the internal layout of the ground floor hotel rooms development shall be altered to accord with approved plan ref: 15126-APL (03)-310_01 - Proposed GF Plan.</p> <p>Thereafter the development layout of the hotel shall accord with approved plans and accessible facilities shall be maintained in good working order for the life of the development.</p> <p>REASON: To ensure the development provides adequately for disabled persons.</p>
3	Loading, unloading and servicing
	<p>CONDITION: Loading, unloading and servicing of the development shall be undertaken strictly in accordance with the details set out in the Access Statement within the Design and Access Statement dated 11 May 2018 prepared by tatehindle and the Construction Management Plan Revision 00 dated 13 August 2018 prepared by tatehindle.</p> <p>REASON: In the interests of protecting adjoining residential amenity and preventing undue noise nuisance.</p>
4	No Obscuring of Ground Floor Frontage
	<p>CONDITION: The window glass of all ground floor frontage shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level be placed within 2.0m of the inside of the window glass.</p>

REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

2. Development Plan

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

A) **London Plan (2016)**

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

3 London's people

Policy 3.1 Ensuring equal life chances for all

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.5 London's visitor infrastructure

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

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 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

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 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

economy
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon emissions

Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.18 Protecting local open space and addressing local deficiency

8 Implementation, monitoring and review

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

B) Islington's Core Strategy 2011

Spatial Strategy

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

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)
Policy CS19 (Health Impact Assessments)
Policy CS20 (Partnership Working)

C) Development Management Policies 2013

Design and Heritage

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

Shops, culture and services

DM4.1 Maintaining and promoting small and independent shops
DM4.2 Entertainment and the night-time economy
DM4.3 Location and concentration of uses
DM4.5 Primary and Secondary Frontages
DM4.6 Local shopping Areas
DM4.7 Dispersed shops
DM4.8 Shopfronts
DM4.9 Markets and specialist shopping areas
DM4.10 Public houses
DM4.11 Hotels and visitor accommodation
DM4.12 Social and strategic infrastructure and cultural facilities
Employment
DM5.2 Loss of existing business floor space
DM5.4 Size and affordability of workspace

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space
DM6.3 Protecting open space
DM6.4 Sport and recreation
DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing

Infrastructure

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

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses
BC10 Implementation

Designations

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

Core Strategy: CS7 - Key Area Bunhill & Central Activities Zone (CAZ)
Clerkenwell
Employment Priority Area (General)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

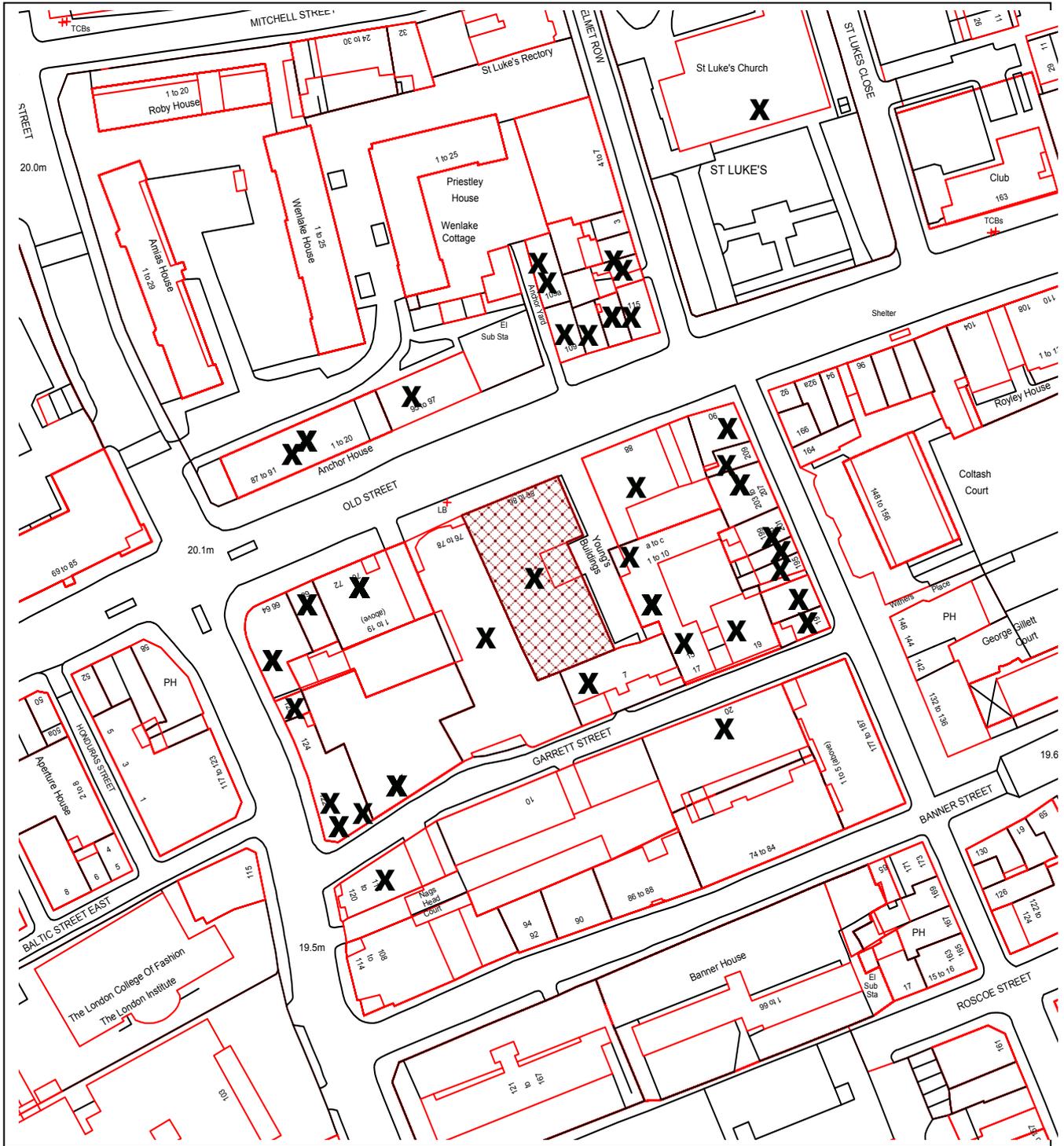
- Environmental Design
- Accessible Housing in Islington
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

London Plan

- Central Activities Zone Supplementary Planning Guidance (2016)
- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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