



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

AGENDA FOR THE PLANNING SUB COMMITTEE B

Members of Planning Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **12 March 2019 at 7.30 pm.**

Yinka Owa
Director of Law & Governance

Enquiries to : Zoe Lewis
Tel : 020 7527 3486
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Despatched : 4 March 2019

Welcome:

Members of the public are welcome to attend this meeting.

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

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor 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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business
6. Minutes of Previous Meeting

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B. Consideration of Planning Applications

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2.	23 Romilly Road, London, N4 2QY	65 - 98
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4.	Basement and Ground, 37-39 Exmouth Market, Islington, London, EC1R 4QL	119 - 154
5.	St Joan Of Arc Primary School, 54 Northolme Road, London, N5 2UX	155 - 192
6.	Units 8, Roman Way Industrial Estate, 149 Roman Way, London, N7 8XH	193 - 212
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, 7 May 2019

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

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London Borough of Islington

Planning Sub Committee B - 27 November 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 27 November 2018 at 7.30 pm.

Present: **Councillors:** Kay (Chair), Khondoker, Klute and Graham
(Substitute) (In place of Chapman)

Councillor Jenny Kay in the Chair

26 **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.

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

Apologies were received from Councillors Chapman and Woolf.

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

Councillor Graham substituted for Councillor Chapman.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

RESOLVED:

That the minutes of the meeting held on 2 October 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

32 **3 BICKERTON ROAD, LONDON, N19 5NJ (Item B1)**

Conversion of existing single family dwelling to create 3 self-contained units (1x 3bed/5 person and 1 x 2 bed/4person and 1 x 2bed/3 person), and demolition of existing rear outrigger and the erection of a full width ground floor rear extension, partial width first floor rear extension, roof extension with rooflights above, plus alterations to rear window openings and windows. Proposed terrace above rear ground floor level with associated balustrade and associated works.

(Planning application number: P2018/2148/FUL)

In the discussion the following points were made:

- The planning officer stated that the proposal included balustrading on the front boundary wall and the existing flank wall on the eastern side had a window which would be removed and replaced with three windows. Condition 7 would be amended accordingly to include the provision of details regarding the front boundary materials.
- In response to a member's question, the planning officer stated that Flat 3 did not have any outside amenity space and Flat 2 had a terrace. It would not be practical to provide these flats with access to part of the garden.
- The applicant was asked for his motivation for the development when the viability assessment had shown a £400,000 deficit. The applicant stated that he was anticipated keeping the flats and renting them out.
- In response to a member's question about residents' objecting to overlooking, the planning officer stated that there was 1.7m high screening on both sides which was generally accepted as the standard height to prevent overlooking.
- In response to concern about the trees in the garden, the planning officer stated that the tree officer considered that no condition was required as the trees were significantly far away from the development.
- It was considered that the development was largely policy compliant. However, there were minor issues in relation to space standards and amenity space and there was no affordable housing contribution. Although the proposed development was in a conservation area, the conservation officer had said no harm would be caused to either the host building or the wider conservation area.

Councillor Graham proposed a motion to condition that the trees could not be harmed. This was seconded by Councillor Kay and carried.

Councillor Graham proposed a motion to condition that the three windows on the eastern side be fixed shut. This was seconded by Councillor Kay and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with the amendment to Condition 7 as outlined above and the additional conditions as outlined above, the wording of which was delegated to officers.

33

CALEDONIAN PARK CLOCK TOWER AND HERITAGE CENTRE, MARKET ROAD, LONDON, N7 9DY (Item B2)

Variation of condition 6 (hours of operation) of planning permission ref: P2016/0730/FUL, dated 23/05/2016 for the restoration of the grade II* listed clock tower and parts of the grade II* listed historic market railings and to provide a heritage centre in Caledonian Park.

The proposal included changes to the approved hours of operations for the Heritage Centre and Café.

(Planning application number: P2017/4433/S73)

In the discussion the following points were made:

- The planning officer stated that the words 'and the clock tower' should be removed from Conditions 6 and 7.

Planning Sub Committee B - 27 November 2018

- A member queried maximum occupancy figures and the planning officer stated that these would be required to be submitted by the applicant to meet Condition 12.
- In response to members' questions, the planning officer advised that the minimum closest distance between the building and closest residential property was 15m corner to corner; it was not intended that there be any amplified music and this was conditioned by Condition 12; and deliveries and parking had been conditioned in the original approval and would remain unchanged. The site management plan would require any potential anti-social behaviour to be monitored and managed by the staff present on site during the operation hours.
- In response to members' questions, the applicant advised that the extended hours were being sought as the current hours would limit the use of the facilities by the community. The opening hours sought were more in line with the park's opening hours. A member of staff would be present during any private bookings and alcohol was not allowed to be consumed. Natural surveillance of people using the facilities would reduce anti-social behaviour. In addition, there would be a full time officer on site who could respond to any anti-social behaviour issues. The maximum occupancy was approximately 35 people for the Heritage Centre and 27 people for the café. The current restriction meant that even the toilets could not be used before 10am at weekends and past 6pm in the summer when the park was open until 9pm.
- The planning officer confirmed that in the original proposal back in early 2018, the heritage centre was proposed to be opened for 13 hours longer each week in the summer than the current consented hours and 4 hours longer in winter; and the café would be open for 4 hours longer each week in the summer and 2 hours longer in the winter.
- Following a first consultation on opening hours, the applicant had reduced the proposed hours and a second consultation had been held.
- Some members considered that with the heritage centre and café not yet open, this was not the appropriate time to apply for extended hours.
- A member commented that it was sensible to have the hours of the heritage centre and café more in line with the park's opening hours. It would provide more opportunities for community groups to use the facilities.

Following the use of the chair's casting vote, the following decision was made.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended above.

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FOXAMA HOUSE, 17-18 HAYWARD'S PLACE, LONDON, EC1R 0EQ (Item B3)

RECONSULTATION: Section 73 application for the variation of Condition 2 (drawing and document numbers) and Condition 8 (Flat roof not used as amenity space) of planning consent ref P2017/3258/FUL dated 21/03/2018 for 'Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.' The Section 73 variation is to install a metal and glass barrier on the approved roof terrace to allow part of the terrace to be used as an outdoor amenity

Planning Sub Committee B - 27 November 2018

space; and replacement of glazed sliding doors at north-east elevation with windows and a fire escape door. REASON: Revised description to include replacement of glazed sliding doors.

(Planning application number: P2018/2236/S73)

In the discussion the following points were made:

- The location of the 1.1m screen on the terrace was discussed to ascertain whether this could be moved to address an objector's concern about potential overlooking. The applicant stated that this could be changed.
- In response to a resident's concern about what the terrace could be used for, the planning officer stated that its use was ancillary to B1 office use. Any change to this would require planning permission.

Councillor Kay proposed a motion to add a condition that revised details be submitted regarding the new location of the 1.1m terrace screening. This was seconded by Councillor Graham and carried.

RESOLVED:

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report with the additional condition as outlined above, the wording of which was delegated to officers.

WORDING DELEGATED TO OFFICERS

This wording has been provided by officers following the meeting and is included here for completeness.

MINUTE 32

3 BICKERTON ROAD, LONDON, N19 5NJ

AMENDED CONDITION 7: Notwithstanding the drawings and details hereby approved, no permission is granted for the balustrade and screening to the rear first floor roof terrace shown on drawing number 1_22 Rev B or the railings to the front boundary wall shown on drawing number 3_11 Rev B. Full details and drawings of screening and balustrades to the terrace, and railings to the front boundary wall, shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the terrace. The details shall include obscure glazed screening with a height of at least 1.7m and black metal balustrades to the terrace, and black metal railings to the front boundary wall. These shall be retained thereafter into perpetuity.

REASON: To ensure that the resulting appearance and construction of the development is of a high standard and preserves the character and appearance of the St John's Grove Conservation Area, and to prevent the undue overlooking of neighbouring habitable room windows in the aim of protecting residential amenity.

ADDITIONAL CONDITION 8: The three east-facing windows to the flank elevation shown on the hereby approved drawing number 3_12 Rev B shall be fixed shut, and shall be provided as such prior to the first occupation of the development.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

REASON: To ensure that the development does not unduly prejudice the short to long term development potential of the neighbouring Silver Court site at no. 1 Bickerton Road.

ADDITIONAL CONDITION 9: Prior to the commencement of the development hereby approved (including demolition and all preparatory work) the tree within the rear garden of the property (as indicated on the architects proposed ground floor plan ref: 339_1_21_A) will need to be adequately protected. This will involve the installation of heras fencing (or suitable alternative) which will be positioned at a point approximately 4m from the stem of the retained tree and span the complete width of the garden. The fence will be secured and fixed into the ground in such a way as to prevent access and fence movement.

The protected area will be referred to as the Tree Protection Zone (TPZ) and will be area regarded as sacrosanct. No materials will be stored within this area and no construction activities undertaken within the TPZ.

To confirm compliance with this condition a photo of the installed fence will be sent to the Council which will need to confirm both its robust construction and correct positioning.

Should the tree be inappropriately damaged or destroyed during construction, or die within 5 calendar years of the completion of the development then an appropriate replacement tree providing similar canopy cover is required to be planted. The size, species and location

of the replacement tree shall be submitted to and approved in writing by the local planning authority.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

ADDITIONAL CONDITION 10: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To replace the three trees to be removed to facilitate the repair of the boundary wall and comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan.

MINUTE 34

FOXAMA HOUSE, 17-18 HAYWARD'S PLACE, LONDON, EC1R 0EQ

ADDITIONAL CONDITION 8: Notwithstanding the drawings and details hereby approved, revised drawings and details shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing, demonstrating a revised location of the metal glass barrier to ensure that the south-east corner of the outdoor roof area at fourth floor level is not used as a terrace. The area to be used as a terrace shall be shown dashed in blue on the plan, and the remainder of the flat roof area shall be shown dashed in red on the plan.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

The area shown dashed in red on the plan subsequently approved in writing by the Local Planning Authority shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or fire escape in case of emergency.

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REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policies 7.6 and 7.15 of the London Plan 2016 and policy DM2.1 of Islington's Development Management Policies 2013.

ADDITIONAL CONDITION 9: The roof terrace shown dashed in blue on the plans subsequently submitted to and approved by the Local Planning Authority in accordance with Condition 8, shall not be used except between the hours of 09:00 and 18:00 Monday to Friday except in the case of essential maintenance or repair, or escape in case of emergency.

REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policies 7.6 and 7.15 of the London Plan 2016 and policy DM2.1 of Islington's Development Management Policies 2013.

The meeting ended at 9.00 pm

CHAIR

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COMMITTEE AGENDA

**1 1 - 3 Hungerford Road
Islington
London
N7 9LA**

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

**3 63 Aberdeen Park
London
N5 2AZ**

**4 Basement and Ground
37 - 39 Exmouth Market
Islington
LONDON
EC1R 4QL**

**5 St Joan Of Arc Primary School
54 Northolme Road
London
N5 2UX**

**6 Units 8,
Roman Way Industrial Estate,
149 Roman Way
London
N7 8XH**

**1 1 - 3 Hungerford Road
Islington
London
N7 9LA**

Application Number: P2018/2649/FUL
Ward: Holloway

Proposed Development: Erection of four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use) (4x1BED; 3x2BED, 1x3BED and 1x4BED) together with ancillary private patios to rear elevation and communal rear garden, and front boundary wall and railings (following demolition of existing buildings on site).

REASON FOR RECONSULTATION: Amended layouts and units, updated Planning Statement and Design and Access Statement.

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: Mr Christian Eliades

Recommendation:

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

Application Number: P2017/1670/FUL

Ward: Highbury West

Proposed Development: Creation of a basement extension under the footprint of the existing house including the formation of lightwells 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.

(RECONSULTATION 14 DAYS - NEW DOCUMENTATION/DRAWINGS SUBMITTED - including Construction Method Statement - wiith further structural information and accompanying structural drawings)

Application Type: Full Planning Application

Case Officer: Post Committee Resolution

Name of Applicant: Mr Jamie Majid

Recommendation:

**3 63 Aberdeen Park
London
N5 2AZ**

Application Number: P2018/2871/FUL

Ward: Highbury East

Proposed Development: Erection of a timber clad outbuilding located to the end of the rear garden.

Application Type: Full Planning (Householder)

Case Officer: Sandra Chivero

Name of Applicant: Ms Maria Loukanova

Recommendation:

**4 Basement and Ground
37 - 39 Exmouth Market
Islington
LONDON
EC1R 4QL**

Application Number: P2017/1262/FUL

Ward: Clerkenwell

Proposed Development: RECONSULTATION: Change of use from Betting Shop (Sui Generis Use Class) at ground and basement levels, to A3 (Restaurants and Cafes) at Ground Floor Level and A4 (Drinking Establishments) at basement level, including installation of associated extractor plant at rear.

REASON: submission of revised plans to demonstrate locations and types of servicing equipment, as well as revised Noise Report; and to note existing lawful use as Sui Generis.

Application Type: Full Planning Application

Case Officer: Nathan Stringer

Name of Applicant: Debenham Property Trust

Recommendation:

5 St Joan Of Arc Primary School
54 Northolme Road
London
N5 2UX

Application Number: P2018/1231/FUL

Ward: Highbury East

Proposed Development: Proposed single storey extension to the south east corner of the existing school building as an expansion of the existing after school facilities including a Reception Office, Library, Meeting Rooms, Teaching Kitchen and WCs and store rooms including new separate accessible entrance (following demolition of existing single storey building)

REASON FOR CONSULTATION: Amended description and drawings, and details of consultation process with neighbours

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: Fish

Recommendation:

6 Units 8,
Roman Way Industrial Estate,
149 Roman Way
London
N7 8XH

Application Number: P2018/3090/FUL

Ward: Caledonian

Proposed Development: "Change of use of the ancillary storage function to the brewery to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use, with limited hours of operation ."

Application Type: Full Planning Application

Case Officer: Owen Griffiths

Name of Applicant: Hammerton Brewery Limited

Recommendation:

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department



PLANNING SUB-COMMITTEE B		AGENDA ITEM NO:
Date:	12 th March 2019	NON-EXEMPT

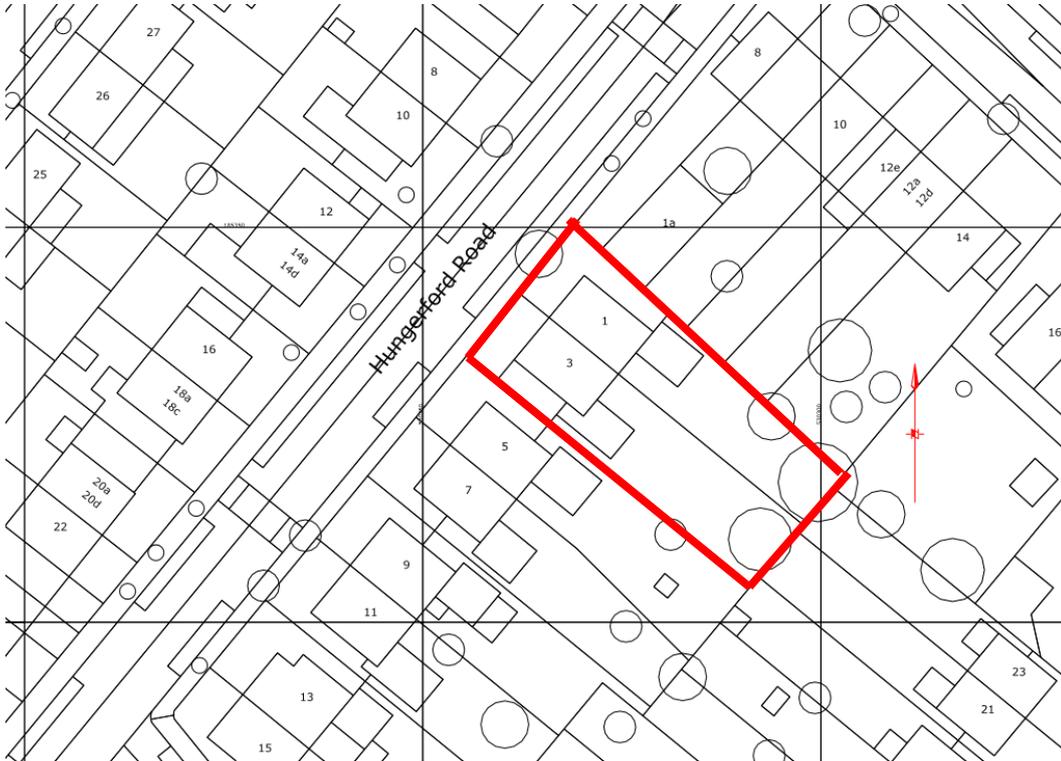
Application number	P2018/2649/FUL
Application type	Full Planning Application
Ward	Holloway
Listed building	Grade II Listed Building 60m away to north east (St Luke's Church)
Conservation area	Hillmarton Conservation Area
Development Plan Context	Hillmarton Conservation Area Article 4 Direction – Hillmarton Conservation Area Tree Preservation Order (no. 272/T1) Within 100m of a Strategic Road Network (SRN)
Licensing Implications	No
Site Address	1 - 3 Hungerford Road, Islington, London N7 9LA
Proposal	Erection of a four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use) (4x1BED; 3x2BED, 1x3BED and 1x4BED) together with ancillary private patios to rear elevation and communal rear garden, and front boundary wall and railings (following demolition of existing buildings on site).

Case Officer	Daniel Jeffries
Applicant	Mr Christian Eliades
Agent	AD Design Concepts - Mr Almas Bavicic

1. RECOMMENDATION

- 1.1 The Committee is asked to resolve to **GRANT** planning permission – subject to
- i) conditions set out in Appendix 1; and
 - ii) 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**



PHOTOS OF SITE/STREET



Image 1: Aerial View of the Application Site



Image 2: Photograph from street level showing the front elevation of the host buildings prior to demolition



Image 3: Photograph from street level showing the front elevation of the host buildings following demolition



Image 4 and 5: Photographs taken from within the application site showing existing front elevation of demolished buildings

3. SUMMARY

- 3.1 Planning permission is sought for the erection of a four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use). The unit mix would comprise of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. 3-bedroom unit and 1 no. 4-bedroom unit. The proposal would also include private patios to the rear elevation and communal rear garden, and would include the installation of a front boundary wall and railings.
- 3.2 The proposal is submitted as a result of the demolition of the existing four storey building, which was split into (10 no.) flats, including 2 no. studios, 7 no. 1 bedroom units, and 1 no. 2 bedroom unit. The demolition of the original building has been subject to an enforcement investigation and subsequent successful prosecution.
- 3.3 The development proposed is considered to be acceptable in land use terms given that it would replace previously demolished residential buildings, consisting of 10 no. residential units. Whilst the proposal would be design in a manner similar to the pre-existing building and those along the street there are a number of alterations to the original design. These include changes at roof level (the design of the roof and reduction of front dormer windows), ground floor (new timber porches), the addition of a first floor side extension, as well as alterations to the windows and doors.
- 3.4 The overall design and appearance of the proposed building is considered acceptable in the context of the Hillmarton Conservation Area and the setting of the nearby Grade II Listed Building. Detailed conditions have been recommended by the Design Officer to ensure the building replicates the historic form.
- 3.5 Furthermore, there will not be an adverse level of overshadowing or sense of enclosure caused to nearby properties. The information provided in support of the application, along with information required by condition, is considered to demonstrate and ensure that the proposed development will preserve the residential amenities of the nearby properties and the proposed dwellings within the development scheme. The proposal would replace the units within the pre-existing demolished buildings with an improved standard of accommodation and a more appropriate/balanced housing mix.
- 3.6 The proposed development is considered to accord with the National Planning Policy Framework 2018, and the policies found within the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents. As the proposal would result in a reduction of 1 no. unit (9 no. residential units) from the pre-existing no. of flats, it would not be liable for small sites contributions. A legal agreement has been secured for carbon offsetting and restricting car parking permits for future occupiers. The proposal is therefore recommended for approval subject to this legal agreement and appropriate conditions. Therefore, the committee are asked to resolve to grant permission for this scheme for the detailed reasons set out within this report.

4. SITE AND SURROUNDING

- 4.1 The site was previously occupied by a pair of semi-detached four storey buildings to the south of Hungerford Road, which were split into 10 no. flats. These buildings were demolished unlawfully in November 2017, and were subject to an enforcement investigation and prosecution.
- 4.2 The buildings were not listed but the site is located within the Hillmarton Conservation Area. The Hillmarton Conservation Area is characterised by three and four storey semi-detached villas or as terraces, some in small groups. Within this conservation area, the nearest listed building (Grade II) is the St Luke's Church located 60m to the north east and to the north side of Hillmarton Road.
- 4.3 The immediate surrounding area is predominately residential, with either side of the public highway having a row of semi-detached properties.

5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks planning permission for the erection of a four storey building containing 9 no. self-contained residential units (C3 use). This building would appear as a pair of semi-detached properties. The 9 no. self-contained residential units would consist of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. 3 bedroom units and 1 no. 4-bedroom unit. The proposal would also include private patios to rear elevation and communal rear garden, and would include the installation of a front boundary wall and railings.
- 5.2 The application is submitted following an enforcement investigation and successful prosecution of the applicant as the original four storey buildings (nos. 1 and 3 Hungerford Road) were demolished. The site has lay with the partial remains of the ground floor walls, since the unauthorised demolition. The application seeks to reinstall a building of replica design in the same location as the previously demolished existing building with the exception of the materials used (with timber windows and doors), the design of the roof level and increase in height, the inclusion of porches, the inclusion of a first floor side extension (to no. 1) and enlargement of the width of the pre-existing two storey side extension (to no. 3), alteration of the front boundary.

Revisions

- 5.3 Following Officers advice, the original application was revised to make amendments to the internal configuration of the proposed units, with associated repositioning of windows, and the reduction and repositioning of the front dormer windows

6. **PLANNING HISTORY:**

1 and 3 Hungerford Road

- 1.1 P2014/5093/FUL - Demolition of existing single and two storey side and rear extensions; construction to two- storey side and rear extensions; Alterations to windows and doors to rear elevation. Approve with conditions on 02/03/2015.
- 1.2 P2016/4369/S73 - Application for Removal of Variation of Condition 2 (Approved Plans) of planning application reference: P2014/5093/FUL dated 02 March 2015. Withdrawn on 25/11/2016.
- 1.3 P2016/4426/FUL - Demolition of rear elevation, existing mansard roof, single and two storey side/rear extensions; reconstruction of rear elevation, mansard roof and erection of two- storey side and rear extensions; Alterations to windows and doors to rear elevation. (Resubmission on recently approved application reference P2014/5093/FUL) Approve with conditions on 19/01/2017.
- 1.4 P2017/4854/FUL - Retrospective consent for demolition of buildings and erection of 2 No. three storey buildings (with mansard roof levels) to create 12 self-contained residential flats. Invalid
- 1.5 P2017/1807 - Demolition and rebuild of existing building to match previously granted consent (ref: P2016/4426/FUL) Withdrawn on 18/05/2017.

7. **PRE-APPLICATION ADVICE:**

- 7.1 Q2018/0844/MIN - Pre-application for the proposed three storey building with roof level accommodation above (as a result of demolition of nos. 1-3 Hungerford Road) to allow for the creation of 9 no. self-contained flats (3 x 1 bedroom flats, 3 x 2 bedroom flats and 3 x 3 bedroom flats) and associated external alterations including rebuilding of front boundary walls. Advised that the principle of providing new residential accommodation is encouraged, with the Development Management Policies (2013) stating that 'High density development is needed to accommodate the projected population growth within the borough'. In terms of design, there are a number of concerns and a number of revisions would be needed including the design of the roof, and there are a number of design measures which need to be incorporated within any application. The majority of the proposed flats appear to be of adequate size, including living areas and bedrooms, and have an acceptable layout with windows to all habitable rooms. However, there are concerns with some of the units including being below the minimum size requirements and failing to provide dual aspect, which is likely to be further restricted by the use of obscured glazing on the side elevations. It is considered that the proposal would not cause an unacceptable impact in regards to neighbouring privacy, sense of enclosure or outlook. In this instance the Affordable Housing Small Sites Contributions SPD on 25 October 2012, a contribution of £50,000 (*£50,000 for*

every new residential unit proposed) is not applicable, given the number of units (10) in the pre-existing building.

8. ENFORCEMENT:

- 8.1 E06/02676 – Enforcement Investigation in relation to unauthorised UPVC windows installed. Case closed on 22/10/2009
- 8.2 E/2017/0107 – Enforcement Investigation in relation to removal of trees in a Conservation Area. Case closed on 06/06/2017
- 8.3 E/2017/0395 – Enforcement Investigation in relation to Demolition of semi-detached villas. On 24 November 2017, it was brought to the council’s attention that 1 and 3, Hungerford Road were in the process of being demolished. A site visit, on this date, by a Planning Enforcement Officer confirmed that the pair of semi-detached villas had already been substantially demolished. Each villa had been demolished to ground floor level. In addition, no approved form of support was in place for what (little) remained of the side elevations of either 1 or 3 Hungerford Road, or to what remained of the front elevations to either villa.
- 8.4 The planning permission granted on 19 January 2017 (P2016/4426/FUL) for the demolition of the rear elevation, existing mansard roof, single and two-storey side extensions, and the reconstruction of the rear elevation, mansard roof, together with the erection of two-storey rear and side extensions indicated on the approved demolition plans the removal of the roof and side elevations at this level, the rear elevation and two side wing extensions. In addition, the approved Structural Engineers plans of the permission also indicated the removal of the existing chimney breasts through the height of the buildings, the removal of the internal load bearing walls, existing timber floor joists and staircases. This in effect was a façade retention scheme that authorised the relevant demolition of each of the properties other than part of the side and front elevation walls of each of them. The permission was also subject to a number of conditions, including:
- That the works would be carried out in compliance with the approved plans (condition 2);
 - That the works were to be carried out in accordance with a Construction Method Statement, which was to be approved in advance of work starting (condition 4); and
 - That the works were to be carried out in accordance with a Structural Method Statement, which was to be approved in advance of work starting (condition 5).
- 8.5 However, the extent of demolition undertaken and its methodology did not replicate the approved plans of the planning permission or its conditions and was thus unauthorised. It is an offence under section 196D of the Town and Country Planning Act 1990 (as amended) to demolish a building in a conservation area or fail to comply with a condition where relevant demolition has been granted.

- 8.6 The unauthorised demolition works and breaches of condition of the 2017 planning permission formed the subject of legal proceedings in this regard.
- 8.7 On 11 December 2018, the construction company and its Director, pleaded guilty to a total of 10 offences at Highbury Court Magistrates Court for substantially demolishing the pair of semi-detached villas without planning permission and for failure to comply with conditions of the 2017 planning permission. The sentence was handed down on 19th December 2018, with the construction company and its Director ordered to pay a fine and costs.

9. CONSULTATION

Public Consultation

- 9.1 This application has been subject to two rounds of consultation to allow for further information.
- 9.2 Letters were sent to occupants of 68 no. adjoining and nearby properties on 20th August 2018. A site notice was displayed outside the site, and a press notice was displayed. The initial public consultation of the application therefore expired on 13th September 2018.
- 9.3 A second round of consultation letters were sent out to the occupants of 68 no. adjoining and nearby properties on the 15th November 2018 following the submission of amended drawings in relation to the internal reconfiguration layout of the proposed self-contained residential flats, as well as some design changes. The second public consultation expired on the 29th November 2018, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 9.4 At the time of the writing of this report 8 no. letters of representation had been received from the public with regard to the application, whilst generally supportive of the principle of the development raise concerns with the proposal. The issues raised can be summarised as follows (including corresponding paragraphs in this report addressing the issues in brackets):
- Clarification if proposal includes rear garden boundary wall (paragraph 11.39)
 - Concerns about the design and visual appearance of the proposal and impact on Conservation Area, particularly in relation to the porches and doors (paragraphs 11.5 to 11.54)
 - Inappropriate use of materials (paragraphs 11.45 to 11.51)
 - Development should be car-free and no cross-overs should be allowed (paragraphs 11.97 and 11.98)
 - Construction hours, noise levels (paragraph 11.79)
 - Requests constant inspection and/or supervision (paragraph 11.106)
 - Overlooking including between proposed units (paragraphs 11.74 to 11.79)
 - Blue plaque should be reinstated (paragraph 11.52)

- Lack of nesting locations for swifts and bats (paragraph 11.104)
- Lack of details of landscaping (paragraph 11.40)
- Flat roofs not to be used as roof terraces (paragraph 11.79)
- Requests a structural method statement (paragraph 11.105)
- Party Wall concerns (paragraph 11.105)

Internal Consultees

- 9.5 Highways: raised no objections to the proposal subject to conditions relating to the submission of a Construction Management Plan. (Condition 15)
- 9.6 Design & Conservation: raised no objections subject to conditions relating to materials, and the method of construction, particularly in relation to roof, brickwork and the front railings.
- 9.7 Trees: raised no objections subject to conditions relating to the submission of an arboricultural method statement and a pre-commencement meeting with tree officers.(Conditions 12 and 13)
- 9.8 Pollution (noise): raised no objections to the proposal but requested a condition relating to the submission of a Construction Management Plan. (Condition 15)
- 9.9 Inclusive Design: whilst raising no objections to the general layout, did have a number of concerns in relation to the layout of Unit 1, and the lack of a lift for future occupiers.
- 9.10 Enforcement: confirmed that the application site has been subject to enforcement action and resulted in the successful prosecution regarding the demolition of the pre-existing pair of semi-detached properties.

External Consultees

- 9.11 None

10. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 10.1 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 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)).

10.2 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..."

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

10.4 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.

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

10.6 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.

10.7 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.

- 10.8 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.
- 10.9 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

- 10.10 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.
- 10.11 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:
- Hillmarton Conservation Area
 - Site within 100m of a SRN (Strategic Road Network)
 - Tree Preservation Order (LBI TPO (no. 272) 2006)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

11. ASSESSMENT

- 11.1 The main issues arising from this proposal relate to:
- Land Use
 - Design
 - Quality of Resulting Residential Accommodation
 - Neighbouring Amenity
 - Trees
 - Sustainable Design
 - Accessibility

- Highways and Transportation
- Affordable Housing and CIL
- Other matters

LAND-USE

- 11.2 As noted within the enforcement section above, the application site originally consisted of 2 no. semi-detached properties which was split into self-contained residential units. This application was submitted following advice by the Council's Enforcement Team to replace the pre-existing buildings which were demolished unlawfully in November 2017.
- 11.3 The current application seeks to reinstate a pair of semi-detached villas on the exact same position where the former building stood. The reinstatement of a building on the site, similar in design to what previously stood is welcomed subject to complying with the issues highlighted above and addressed in the remainder of this report.
- 11.4 It must be noted that the previous property contained a total of 10 No. residential units (comprising 6x1-beds, 2 x 2-beds and 2 x studios) which were undersized and poorly laid out. The reduction of one unit is considered acceptable given the overall standard of accommodation that previously existed, in particular the 2 studio units which measured approximately 24 & 26 square metres respectively. Both of these units were significantly below the minimum floorspace standards for 1-person residential unit (37 square metres minimum). A reduction in the number of units is therefore considered acceptable given the pre-existing layouts. Furthermore, as the application site is within a residential area the proposal to reintroduce new self-contained residential units in this location is considered acceptable in land use terms, subject to all other material considerations, and would be consistent with the Hillmarton Conservation Area Design Guidelines which seeks to ensure that the Council will operate its land use policies so as to enhance the character and vitality of the area.

DESIGN

- 11.5 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving the visual appearance and historic character of conservation areas.
- 11.6 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 the Local Planning Authority has a duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to preserving or enhancing its visual appearance and its historic character.
- 11.7 Whilst the host building was not a listed building, the application site is located within the Hillmarton Conservation Area and also there is a Grade II Listed Building, being St Lukes Church, located 60m to the north east, along Hungerford Road and on the north side of Hillmarton Road. Therefore, the

proposal is required to pay special regard to either preserving or enhancing the visual appearance and historic character of the host buildings and the heritage assets, being primarily the Hillmarton Conservation Area, and St Luke's Church the Grade II Listed Building.

- 11.8 The National Planning Policy Framework (NPPF) confirms 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 and should contribute positively to making places better for people.
- 11.9 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'. 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'.
- 11.10 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'.
- 11.11 The Urban Design Guide 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. The Hillmarton Conservation Area Design Guidelines provides advice in relation to acceptable forms of development in the limits of this conservation area.

Site context and impact on the Hillmarton Conservation Area

- 11.12 The application site is situated on the south east side of the public highway of Hungerford Road, positioned adjacent to a two storey detached residential property, no. 1A Hungerford Road, to the north east, and the row of three storey semi-detached residential buildings, with roof level accommodation above, to the south east, with the closest being nos. 5 and 7. These semi-detached properties are a feature of the Hungerford Road, and the wider conservation area.
- 11.13 In this instance, prior to their demolition the application site consisted of two four storey semi-detached villas. As with many buildings along this street, the host buildings were three storeys in height with a roof level of accommodation above, with projecting dormer windows with flank parapet walls. The two buildings had side extensions, being two storeys to no. 3 and single storey to no. 1, bay windows and separate entrances. In addition, there was a low level boundary wall along the front of the site. A photograph of the host buildings, prior to demolition, from street level is shown in the photograph above (Image 2), and the drawing below (Images 6 and 7).



Pre-existing front elevation (prior to demolition)



Pre-existing rear elevation (prior to demolition)

Image 6 and 7: Drawings showing pre-existing situation (top) from street level (front elevation) and from the rear prior to demolition (bottom)

11.14 As the drawings in Images 6 and 7 illustrate the pre-existing buildings were grand in scale and provided fine examples of mid-Victorian 1850's/1860's architecture, with key decorative features of particularly on the façade. It must also be highlighted that the previous building was home to Lilian Lindsay, who became the first qualified female dentist in Britain and the first female president of the British Dental Association.

11.15 This proposal seeks to replace the demolished buildings with a four storey building (with accommodation within the roof) which will appear as two semi-

detached properties, with 2 no. two storey side extensions. In addition, the proposal also includes the replacement of the existing front boundary wall.

General design approach

- 11.16 Whilst it is noted that this application would replace a previously demolished building, the advice found within the Urban Design Guide and the Hillmarton Conservation Area Design Guidelines in relation to new buildings should be considered.
- 11.17 Whilst it is acknowledged that the application does not relate to a terraced street, the advice in paragraph 5.144 of the Urban Design Guide (2017) is relevant to this site. It provides advice in relation to two approaches that can satisfactorily respond to the character of Victorian/Edwardian terraced streets, which are as follows:
- A building that is designed so that it appears as part of an existing front wall that connects the two terraces, but nevertheless separate from the terraced buildings.
 - A full height building that follows the existing scale, proportions, roofline and building line of the adjacent street frontage.
- 11.18 The Hillmarton Conservation Area Design Guidelines paragraphs 32.8 and 32.9 notes that new buildings should conform to the height, scale and proportions of existing buildings in the immediate area, and blend in with and reinforce the existing character of the area.
- 11.19 In this instance, the general design approach is to have a full height building that follows the existing grand scale, proportions, roofline and building line of the adjacent street frontage (and previous buildings). Whilst each of the elements of the proposal has been assessed individually in terms of its acceptability in design terms within this report, it is considered that given the circumstances of this application arising a full height replacement building is supported. It is also noted that whilst it would not be identical the proposal would largely replicate what has been demolished. It would retain a similar height, 0.2m increase, and general design approach, including side extensions to both properties, and dormer windows at roof level, as found on the pre-existing building and those found along Hungerford Road.
- 11.20 Notwithstanding the assessment of each element of the proposal, the principle scale of the building proposed is generally consistent with the established local contextual character. It is therefore considered that the design of the building would be acceptable in design terms, and be contextual and reinforce the existing character of the area and would preserve the appearance of the Hillmarton Conservation Area.



Proposed Front Elevation

Image 8: Drawing showing proposed front elevation and view from street level

Side extensions

- 11.21 In terms of the proposed side extensions, the revised proposal would result in both sides of the host building having two storey additions, rather than a single storey at no. 1 and two storey at no. 3. Paragraphs 5.141 to 5.144 of the UDG provides advice in relation to side extensions. It notes that *'on residential streets characterised by semi-detached dwellings, any proposal for a side extension between semi-detached dwellings should take into account the rhythm and symmetry of the built form and the street as a whole'*.
- 11.22 It is noted that paragraph 32.16 of the Conservation Area Guidelines states that the Council will not normally grant planning permission for side extensions. It also notes that side extensions generally spoil the character of the area, and there will generally be a presumption against them unless there are good reasons otherwise. However, in this instance, there are several examples along Hungerford Road with similar sized semi-detached buildings having side extensions at either single storey or two storeys in height, including the pre-existing host buildings. It is considered that the proposed side extensions would remain subordinate to the main part of the host buildings, being one storey below the main roof eaves, whilst providing a degree of symmetry when viewed from street level, and would follow the general rhythm of the street as a whole.
- 11.23 Notwithstanding the above, it should also be noted that no. 1 Hungerford Road has also previously benefited from planning permission (ref. P2014/5093/FUL) for a two storey side extension. Whilst this permission was never implemented, it would have been assessed against the Council's current policies. It is acknowledged that the proposal would have been assessed against the superseded Urban Design Guide (2006). In addition, it is acknowledged that the proposed two storey side extension at no. 3 Hungerford Road would be 0.3m wider than the existing situation, to infill the gap between the shared boundary with no. 5. However, this is considered to improve the symmetry

between these properties when viewed from street level. As illustrated below in Image 9, the previously approved side elements were not symmetrical. Increasing the width of the side element for no. 3 would ensure both villas match and therefore enhance their overall character of the villas and wider Hillmarton Conservation Area.



Image 9: Approved drawing showing front elevation under application ref. P2014/5093/FUL

11.24 The UDG advice is provided above, and paragraph 32.17 recommends that where *side extensions are rebuilt they should have a flat or low pitch roof, hidden behind a horizontal front and side parapet, and should use matching materials to the main house.* The design of the side extensions would include a flat roof, and are considered to be subordinate to the host buildings, set a floor down from the eaves level. Therefore, subject to the use of matching materials this element of the proposal would be acceptable in design terms.

Rear additions

11.25 The proposed side extensions would extend beyond the rear elevation of the host building resulting in a two storey rear additions to each building, across half the width of each property. Paragraphs 5.133 to 5.140 of the Urban Design Guide provide advice in relation to rear additions, noting that they must be subordinate to the main building and maintain the rhythm of the street. It notes that the depth should be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building, ensuring they don't interrupt a consistent arrangement/rhythm or inappropriately dominate the garden/the main building. The Conservation Area Design Guidelines seeks to ensure the scale and integrity of the existing buildings by ensuring that extensions are subordinate to the mass and height of the main building. It also confirms that two storey half width rear additions would be acceptable. It is

therefore considered that these additions are in accordance with the Council's design guidance.



Proposed Rear Elevation

Image 10: Proposed drawing showing rear elevation

- 11.26 Whilst it is acknowledged that the proposed rear additions would be larger than the pre-existing additions (in terms of height and depth), they were two storey in height, and it should be noted that the pre-existing host buildings already benefitted from two storey rear additions. Furthermore, Officers are satisfied that the rear elements are proportionate to the grand scale of the building. As illustrated in image 10, both projecting elements are set comfortably away from the adjoining neighbours, and are proportionate to the main building. It must be noted that the semi-detached properties along Hungerford Road characterised with two storey rear additions. The proposal would also provide the two properties with a degree of symmetry.
- 11.27 Given the site context, it is considered that this element of the proposal would be acceptable in design terms, subject to the use of appropriate materials.

Roof level

- 11.28 The main difference at roof level, in comparison to the pre-existing building, relates to the shape and the position, number and design of the proposed dormer windows. In terms of these changes the advice found within paragraphs 5.153 to 5.158 of the UDG note that a mansard roof is a traditional type of roof addition, incorporating a steep angled front and rear and shallow angled roof up to the ridge-line.
- 11.29 The pre-existing buildings a roof level had a parapet wall on each side with vertical side elevations, which is not considered to be compliant with the UDG. However, the design of the roof level within this application does not include any parapet walls, and instead includes pitched side, front and rear roofslopes.

- 11.30 In addition, the proposed roof level would include dormer windows, on the front, rear and side roofslopes. Paragraphs 5.159 to 5.161 of the UDG provide advice in relation to dormer windows, noting that they are typically incorporated within pitched and mansard roofs. The UDG notes that the position of dormers should take into account the composition of the windows immediately below them on the elevation. They should generally line up with and be no wider overall than the windows immediately below them on the elevation. As a result, the window within the dormer will be narrower than the windows on the main building. It also notes that *‘the detailed design and proportions of the dormer should relate to the windows of the original house. The solid surrounds (cheeks) of the dormer should be as slender as possible; simple lead cheeks with a double hung timber sash window is often the best solution in historic buildings. Except for the window frame and cheeks, there should not be any solid face. The dormer should be positioned a clear distance below the ridge-line, significantly clear of the boundary parapets, and above the line of the eaves’*.
- 11.31 Notwithstanding the above, it should be noted that the Hillmarton Conservation Area Design Guidelines provides guidance in relation to rooflines and dormer windows. It confirms that the roofline of a street is a major component of its character, noting that long views down side streets or from public areas are also important. The Council may permit dormer windows to an approved design on the properties listed in Schedule 32.1, and that new or enlarged dormer windows will not be permitted on the front or side roof slopes of properties listed in Schedule 32.2, and that roof extensions and party wall alterations or rooflights which are visible from the street or public areas will not be permitted on the properties listed in Schedule 32.3.
- 11.32 Given the host buildings, nos. 1 and 3 Hungerford Road, are within Schedule 32.1 the principle of dormer windows are acceptable and conform to the Conservation Design Guidelines, subject to the detailed design advice found within the UDG. In this instance, the front and rear roofslopes would have two dormer windows and one dormer on the side elevation of each property, set down from the ridge and away from the roof eaves, being designed that they would be smaller than the windows on the floors below. The dormers on the front roofslope would be positioned centrally in between the gaps of the windows on the floors below, on the side and rear roofslopes would be positioned to align with those on the floors below.
- 11.33 Overall, subject to the use of matching materials the proposed changes to the roof level are considered acceptable in design terms, and compliant with the advice found within the Urban Design Guide and Hillmarton Conservation Area Design Guidelines.

Boundary Treatment and paving to front and rear garden

- 11.34 Paragraph 5.32 of the UDG provides advice in relation to boundary walls/railings noting that they *should be designed in a manner that is consistent with the existing street and should provide an open aspect. Front boundary walls are typically part of the uniform design of the residential frontage, often incorporating dwarf walls and/or low-level railings.*

- 11.35 The Conservation Area Design Guidelines paragraphs 32.25 and 32.26 also provide advice in relation to boundary treatment. It seeks to retain original brick boundary walls and railings, and new walls or railings should be to a pattern suitable for the property and the street. Also it notes that where walls or rebuilt or reinstated they should be in stock brick to match the house, and that timber fencing should be avoided to street frontages.
- 11.36 In this instance, the application seeks to replace the existing low-level boundary wall to the front of the property, with a new low level boundary wall with metal railings above. The proposed wall and associated columns providing access to the front doors would be constructed in brick with iron railings and gates.



Proposed front elevation including front boundary

Image 11: Drawing showing proposed front boundary

- 11.37 As illustrated within image 11 above, the proposed boundary treatment would conform with the design guidance. The use of a dwarf wall and railings visually enhances the appearance of the villas from the street. It successfully integrates with the larger boundary pillar serving no. 1A Hungerford Road and creates a distinctive finish to the pair.
- 11.38 It is considered that subject to recommended conditions relating to the painting of the railings black, and being installed individually (not floating), the boundary treatment proposed would be acceptable in design terms and enhance the character and appearance of the wider conservation area.(Condition 19)
- 11.39 A letter of representation raised concerns regarding changes to the boundary treatment to the rear garden, however, no changes are proposed. It should be noted that alterations to the boundaries of the rear garden are likely to be permitted development, if they are less than 2 metres in height above natural ground level, subject to compliance with Class A of Schedule 2, Part 2 (minor operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and would therefore not require planning permission.

11.40 The proposal also includes alterations to the front garden, including paving to the front of the entrance doors and the cycle and refuse storage areas, and access to the rear garden, as well as landscaping. There is no specific design guidance in relation to this matter in the UDG or the Conservation Area Design Guidelines. However, given the importance of the type of materials used, particularly in relation to the front garden which is visible from the public realm, a condition has been recommended for details of the proposed paving and landscaping (conditions 24 and 25). Given its location with the Hillmarton Conservation Area, as with the other materials it is recommended that natural materials are used.

Fenestration details including entrance doors and porch to front elevation

11.41 Paragraphs 5.91 to 5.98 provide advice in relation to window arrangement and style. It notes that *windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other. Key to this is identifying the appropriate shape, position and size of the windows.* Paragraph 32.9 of the Conservation Area Design Guidelines notes that new development should conform to the patterns of fenestration, and should blend in with and reinforce the visual appearance and character of the surrounding area.

11.42 The general arrangement of the fenestration details of both the front and rear elevations of the main part of the building, would have traditional sliding sash bay windows to ground floor (only to front elevation), with the upper floors having sliding sash windows. This general arrangement is considered to generally replicate those found on the pre-existing building which has been demolished, and those found on properties within the surrounding area. The design of the upper floor windows on the side elevations would replicate those proposed on the front and rear elevations. The proposal would also reinstate the set of double doors at ground floor level to each of the side additions

11.43 The main difference in terms of the arrangement of the windows relate to the dormer windows, which have been reduced in number and repositioned, with those to the front elevation have been centralised. Concerns have been made in the representations received in regard to the front doors and porches. However, the Design and Conservation Officer considers that this was likely to be an original which was removed and was satisfied with the traditional design of the doors and porch. It would be similar in design to the neighbouring porch at no. 5 Hungerford Road. Conditions has been recommended for the proposed entrance porches to accurately replicate in design, proportion and materials, the existing 1860s front porch and the proposed front doors shall accurately replicate in design and materials, the existing c.1910 front door, to no. 5 Hungerford Road (conditions 9 and 10).

11.44 The proposed fenestration details are considered to be similar in design to those found on the pre-existing host building, which was demolished, and would largely replicate the arrangement and design. Therefore, subject to the use of appropriate materials, the proposed fenestration details are acceptable.

Materials

- 11.45 Paragraphs 5.111 to 5.130 of the UDG provides advice in relation to the design considerations of materials. On a general basis it notes that ‘the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular. Any new building should have a harmonious visual relationship with its neighbours; consistency and continuity are important. The proposed palette of materials should not jar, inappropriately draw the eye, or otherwise undermine the local character or distinctiveness of the area’.
- 11.46 The Conservation Area Design Guidelines paragraph 32.9 advises that the Council will generally require the use vernacular materials, such as brick, render, timber windows and slate roofs, and that blend in with and reinforce the existing character of the area.
- 11.47 The main part of the proposal would be constructed in brickwork with timber framed windows and doors, and slate roofs, which are considered to generally accord with the above advice. In relation to the proposed brickwork, paragraphs 5.124 and 5.125 of the UDG notes that the choice of colour, texture, bond and pointing is crucial to achieving good quality brickwork. In conservation areas in particular, it is important that any new brickwork respects the special architectural and historic interest of its surroundings. The use of appropriate bond, mortar and pointing is critical in achieving high quality brickwork. Also that the use of appropriate bond, mortar and pointing is critical in achieving high quality brickwork.
- 11.48 As noted above, the pre-existing building at the application site has been demolished. However, some of the original brickwork is retained on site either within the existing partially retained walls or loose within the site. Given the site is within the Hillmarton Conservation Area, in order to retain the historical character of the area, it is preferable that the existing brickwork be used where possible. As such, in the event that the application is approved, a number of conditions have been recommended to ensure the finish is of a consistent quality and would preserve the character of the Hillmarton Conservation Area. This includes ensuring that part of the original buildings that remain standing on the site are dismantled by hand, and the remaining loose external bricks from the demolished pre-existing buildings shall be stacked and stored on site.
- 11.49 In addition, a condition has been recommended so that details are submitted to confirm the extent of the new buildings that can be constructed from these reclaimed bricks, starting with the front elevation of the new build. Another condition has been recommended that for all remaining parts of the elevations that cannot be constructed using reclaimed bricks, a sample panel showing the proposed new bricks, pointing and mortar to be used would be required to be submitted and approved.
- 11.50 In terms of the other parts of the proposed building, whilst the Conservation Area Design Guidelines seeks to ensure that vernacular materials, including timber windows and slate roofs, would be used which is largely followed, it is recommended that condition relating to the submission of material samples is

attached to any permission to ensure they are appropriate and in keeping with the host building and wider conservation area.

- 11.51 The other element of the proposal relates to the proposed front boundary, this would form a low-level wall and metal railings and gates. It is recommended that either the reclaimed bricks or those approved within the recommended condition above are used for the boundary wall. It is considered that subject to these recommended conditions, the proposed materials are acceptable, given that they would help the proposal blend in with and reinforce the visual appearance and character of the surrounding area, preserving the character and appearance of the conservation area.

Blue plaque

- 11.52 During the demolition of the pre-existing host buildings, a blue plaque was removed from no.3 Hungerford Road. This was originally erected as part of London's blue plaque scheme, which is run by English Heritage which celebrates the links between notable figures of the past and the buildings in which they lived and worked. The blue plaque was associated with Lillian Lindsay, Britain's first female dentist. Given its historical importance to the host building a condition has been recommended to reinstate the blue plaque to no. 3 Hungerford Road before the occupation of any flat within the development at the direction of Historic England.

Setting of the Grade II Listed Building

- 11.53 As noted above, positioned along Hungerford Road, to the west, and to the north side of Hillmarton Road, there is a Grade II Listed Building of St Luke's Church. Therefore, the site is considered to be within the setting of this listed building. However, given the separation distance of 60m between the application site and this listed building, with the public highway of Hillmarton Road and the adjacent two storey building of no. 1A Hungerford Road, as well the four storey end of terrace building of no. 10 Hillmarton Road, being positioned between. As such it is considered that the proposal would preserve the visual appearance and historic character of this heritage asset.

Conclusion (Design)

- 11.54 In conclusion, the proposal is considered to preserve the visual appearance and historic character of the host building and the associated heritage assets, including the wider Hillmarton Conservation Area and the setting of the Grade II Listed Building, complying with the design advice within the Urban Design Guide (2017) and Hillmarton Conservation Area Design Guidelines, subject to the detailed conditions outlined in Appendix 1. It is therefore considered acceptable in design terms, and compliant with the design policies within the Development Plan.

QUALITY OF RESIDENTIAL ACCOMMODATION

- 11.55 Policy DM3.4 seeks to ensure all new housing developments (including conversions, Changes of Use, Houses in Multiple Occupation, and sheltered housing) are required to provide accommodation that is of adequate size, with acceptable shape and layout of rooms (with due consideration to aspect, outlook from habitable rooms, noise, ventilation, privacy, light).
- 11.56 The proposal is for 9 no. self-contained flats all of which have dual aspect, and are considered to be an acceptable shape and layout, having adequate daylight/sunlight, dual aspect and acceptable levels aspect and outlook from habitable rooms. The proposed units are considered to be of adequate size, which is shown in Table 1 below, including the size of bedrooms and living areas:

Unit no.	No. of bedrooms/ person bedspaces	Required Size (GIA sqm)	Proposed Size (GIA sqm)
1	2b/3p	61	72.5
2	2b/4p	70	71.5
3	1b/2p	50	54.6
4	4b/8p	117	121.1
5	3b/6p	95	105.2
6	2b/3p	61	62.8
7	1b/2p	50	58.1
8	1b/2p	50	53
9	1b/2p	50	53

Table 1: Size of proposed residential units.

- 11.57 Policy DM3.1 seeks to ensure all sites provide a good mix of housing sizes. The purpose of the housing size mix policy is to ensure that new housing meets the housing needs of the population, both for market, social and intermediate housing, in order to create mixed and inclusive communities. The evidence shows that the delivery of different unit sizes has not, overall, responded to housing need. Paragraph 3.14 of the Development Management Policies (2013) confirms *development proposals should provide for a mix of unit sizes in accordance with Table 3.1. The mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area. Developers should demonstrate how the*

mix of dwelling sizes meets the housing size mix requirements and is appropriate to the site's location.

11.58 The table below (Table 2) assesses the proposed housing mix against Table 3.1 of Development Management Policies (2013):

	1-bed	2-bed	3 bed	4 bed or more	Total
Required mix	10%	75%	15%	0%	100%
Provided mix	45%	33%	11%	11%	100%

Table 2: table showing required and provided housing mix.

11.59 As noted in Table 1, the 9 no. units would be a mix of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. three bedroom units and 1 no. four bedroom units. It is acknowledged that the proposal would not strictly accord with Table 3.1 of Development Management Policies 2013 in relation to the proposed housing mix, with a particular emphasis in terms of the number of 1 no. bed units.

11.60 The proposed 4 no. 1 bedroom units would all benefit from dual aspect and an acceptable standard of accommodation, with good levels of daylight/sunlight to all habitable rooms, and are considered acceptable in this instance. Also, it is acknowledged that the larger family sized units are located at first floor, rather than at ground floor, and the scheme includes a 4 no. bedroom unit. However, given the position of the proposed refuse and storage areas and main entrance core, at ground floor the internal configuration of larger family sized units at this level would be difficult, and there would only be one 4 no. bedroom unit proposed, out of a total of 9 no. units.



Image 12: Drawings showing proposed layouts of residential units at ground floor (top left), first floor (top front), second floor (bottom left) and third floor (bottom right)

- 11.61 It also should be noted that the proposal would improve the general standard of accommodation in comparison to the 10 no. units in the original pre-existing building. Out of these 10 no. units this included 2 no. studios which were undersized as did not meet the minimum internal space standards. These units were poorly laid out, with some single aspect units providing poor living environments.
- 11.62 The new residential units (whilst less than previously existed) would all meet the minimum floorspace standards. The bedrooms, living space provided are appropriate in size and layout. Each of the units would now be dual aspect thereby improving ventilation /light to future occupiers.
- 11.63 Policy DM3.5 seeks to ensure all new residential development and conversions have good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. 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).

- 11.64 The proposal includes private outdoor space to Units 1 and 3, in the form of ground floor patio (10.5 sqm). Whilst it is acknowledged that the upper floor units would have no private outdoor space, the future occupiers of the units would benefit from the large communal garden to the rear. In addition, the site is located within walking distance of Caledonian Park. This situation is considered acceptable in relation to private outdoor space. A further condition is recommended to ensure the bedroom serving the ground floor unit 2 facing onto the rear garden would have an area of defensible space in front of the opening. The inclusion of a door in place of the proposed window may also provide an opportunity to secure private outdoor space for this ground floor unit.
- 11.65 Overall, the proposal is considered to provide satisfactory living conditions and adequate outdoor amenity space for future occupiers, and is acceptable in this regard and compliant with the Council's policies.

AMENITY

- 11.66 Policy DM2.1(x) seeks 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.
- 11.67 In terms of the potential loss of daylight/sunlight or outlook to neighbouring properties, it is important to consider the scale of the original pre-existing building at the application site. In this regard it is considered that the proposal would largely replicate the pre-existing building, in terms of its footprint and scale.
- 11.68 As noted in the design section above, whilst the proposal would largely replicate the pre-existing building there are a number of design changes within the proposed building. This includes the increase in maximum height of the main part the building by 0.2m. However, this increase in height is not considered to result in any significant issues to the adjoining occupiers in terms of loss of daylight/sunlight or outlook to neighbouring properties over and above the existing situation, given the separation distances and orientation of the site.
- 11.69 In terms of the side extensions, as noted above in the design section, the pre-existing building benefitted from a single storey addition to no. 1 and a two storey addition to no. 3. In this instance, the proposal would result in no. 3 retaining a two storey addition, albeit it would be 0.3m wider than the pre-existing element, which would infill the gap between the shared boundary. However, given the setback of this adjacent property from the shared boundary and the restricted depth of this addition it is not considered to result in any significant loss of daylight/sunlight issues over and above the existing situation. It is noted that that there are side elevation windows to the single storey side

extension at no. 5. However, this element is set away from both the front elevation and the shared boundary.

- 11.70 In terms of the side addition at no. 1 Hungerford Road, it is acknowledged that the pre-existing building had a single storey addition and this proposal would replace it with a two storey addition. However, as noted above the host property was granted planning permission (ref. P2014/5093) for a two storey addition, which would adjoin no. 1A Hungerford Road, the existing two storey dwelling. As this adjacent property is located to north of the application site, there is potential for a loss of daylight/sunlight to this property. However, the orientation of the rear elevations both this adjacent property, no. 1A, and the proposed building including the rear outrigger would face towards the south east. This means that any loss of daylight/sunlight to this adjacent property would be restricted to the afternoon. However, it should be noted that the nearest opening serving No.1A Hungerford Road is set away from the shared boundary, being the rear door and the nearest windows on this property, are located towards the centre of this elevation and away from the shared boundary. There would therefore ensure that there would be no additional loss of daylight over and above than what was previously existing on the site taken into consideration previous planning permissions granted.
- 11.71 In addition, whilst this side addition would extend beyond the rear elevation of this adjacent property, given this situation in terms of the location which would replicate the relationship with the approved first floor addition at the host building and the adjacent property, which was considered acceptable, and there has been no change in circumstances, it is considered acceptable in terms of impact on neighbouring properties daylight/sunlight and outlook.
- 11.72 In terms of the two storey rear additions, it is acknowledged that they would be larger than the pre-existing situation, in terms of height, albeit they were both two storeys. However, it is considered that given these additions are set away from the shared boundaries they are not considered to result in any significant or unacceptable loss of daylight/sunlight or outlook over and above the pre-existing situation.
- 11.73 The proposed porches, due to their restricted depth and height are considered not to have any significant loss of daylight/sunlight or outlook to neighbouring properties, as with the alterations to the front boundary which would allow light to pass.

Overlooking and privacy

- 11.74 Paragraph 2.14 of the Development Management Policies 2013 seeks to ensure a minimum distance of 18 metres between windows of habitable rooms, to protect privacy for proposed residential developments and existing residential properties. However, it notes that this does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 11.75 Therefore, the windows to the front elevation facing towards the public highway of Hungerford Road are not considered to constitute any loss of privacy. The

main elevations with the potential for overlooking to neighbouring properties, and between the proposed units, are found on the side and rear elevations, including within the rear courtyard.

- 11.76 In terms of the rear elevation, the nearest properties with habitable windows are directly to the south east of the site, nos. 21 and 23 Freegrove Road, which exceed the required distance, being over 45 metres away. In terms of the side elevations there are two adjacent properties located either side, along Hungerford Road. In terms of no. 5, facing west, the side elevation benefits from a window at first floor of the main part of the building, and at ground floor of the single storey side extension. It is not clear whether these windows serve habitable rooms, it is considered that the existing boundary treatment would largely obscure views at ground floor. However, a condition has been recommended that the first floor side elevation window facing no. 5 Hungerford would be obscurely glazed given that face towards this adjacent properties window. It should be noted that the window conditioned to be obscurely glazed would be a secondary window associated with the open plan living/kitchen/dining areas of Unit 3.
- 11.77 In terms of the east side elevation, whilst the proposal would adjoin the adjacent property no. 1A this property is restricted to two storeys in height and sits below any windows on this elevation of the proposal. Therefore, the separation distance between the windows of the habitable windows of no. 8 Hillmarton Road (the property that lies further east of No.1A) would be 26 metres, it is not considered to result in any material or unacceptable privacy issues.
- 11.78 In terms of the proposed units, it is noted that the positioning of the windows facing towards the internal area between the two storey outriggers, whilst below the 18 metre threshold, have been designed so that there would be no direct overlooking, meaning any views between windows would be at acute angles. However, given these relate to secondary windows, apart from Unit 1 which relates to a corridor, a condition has been recommended to ensure these are obscurely glazed. It should also be noted that the ground floor window relating to unit 1 is positioned adjacent to the access door to the communal rear garden entrance
- 11.79 Concerns have raised in relation to the use of the flat roofs of the proposed rear outriggers as a roof terrace. Whilst no roof terraces are proposed, and no access is provided, a condition has been recommended preventing any use of these flat roofs as an area of amenity space.

Construction

- 11.80 A number of concerns have been raised in relation to noise and disturbance, including dust, during the construction period. As such a condition has been recommended, following the advice from the Council's Pollution and Highways Officers, requiring the submission of a Construction Management Plan prior to the commencement of the development, assessing the environmental impacts (including (but not limited to) noise & vibration and air quality including dust, smoke and odour) of the development. The report would assess impacts during

the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.

- 11.81 The proposal is therefore considered to have an acceptable impact on regard to the amenity of the occupiers of neighbouring properties and those within the proposed development. It would therefore comply with policy DM2.1 of the Development Management Policies 2013, subject to conditions.

TREES

- 11.82 Policy DM6.5 seeks to ensure developments protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Part B of this policy seeks to ensure developments within proximity of existing trees are required to provide protection from any damage during development. Also the council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees.
- 11.83 In this instance, trees within the site are protected by virtue of being within a conservation area and positioned to the front garden of no. 1 Hungerford Road which is subject to a Tree Preservation Order (LBI TPO (no. 272) 2006). As such a Arboricultural Impact Assessment Report was submitted to support the application in order to assess the potential impact on the existing trees within the site including the one subject to a TPO.
- 11.84 The Council's Tree Officer has assessed the submitted report has recommended conditions in the event the application is approved, requiring a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) to be submitted to and approved in writing by the Local Planning Authority, as well as a pre-commencement meeting on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss a number of issues.
- 11.85 The Tree Officer has confirmed that he would have no objections to the proposal subject to the imposition of these conditions. It is therefore considered that the proposal would be acceptable in this regard and compliant with the objectives of Policy DM6.1.

SUSTAINABLE DESIGN

- 11.86 Policy DM7.1 seeks to ensure development proposals integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development. Also that minor developments creating new residential units shall be accompanied by a Sustainable Design and Construction Statement (SDCS), including where relevant an Energy Statement. The SDCS shall clearly set out how the application complies with relevant sustainable design and construction policies and guidance.

- 11.87 A Sustainable Design and Construction Statement was submitted to support the application and details how the design team has considered the site's potential environmental impacts and how those impacts can be managed and mitigated in line with the Council's policies. The Statement outlines energy efficiency measures and renewable energy technologies are integral to the building's design and specification. Passive design measures will also be included to prevent overheating and subsequently reduce carbon emissions. Other features such as sustainable material selection, low water consumption and internal and external recycling provision will also contribute to enabling future occupants to live more sustainably.
- 11.88 Notwithstanding the above, Part C of Policy DM7.2 seeks to ensure developments pay the full cost of carbon offsetting, which would be secured through a Section 106 legal agreement. The Environmental Design SPD confirms that a payment of £1,000 is required per residential unit if it is a flat and £1,500 if it is a house. Therefore, given that the proposal is for 9 no. self-contained residential units, being flats, a financial contribution of £9,000 would be required.
- 11.89 Therefore, subject to a condition ensuring the measures identified in the submitted Sustainable Design and Construction Statement are adhered to in full, and the full contribution of £9,000 is secured by way of a legal agreement, the proposal is considered to be compliant with the Council's policies in regard to Sustainable Design.

ACCESSIBILITY

- 11.90 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 addition, in terms of Inclusive Design objectives 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.
- 11.91 The Inclusive Design Officer raised issues in terms of the proposed accommodation meeting the Council's Inclusive Design SPD. The main concerns related to the gradient of the ramp to the front entrance, the width of doors, the circulation within the units, including the bathrooms to meet Category 2 compliance and the lack of a lift.
- 11.92 However, following the submission of amended drawings, the Inclusive Design Officer considers that the internal configuration of the proposed flats would be generally acceptable, but raised concerns in relation to the narrowness of the bathroom in Unit 1, the lack of a lift and the gradient and use of handrails for the access ramps. Conditions have been recommended in relation to the gradient (1:12 to 1:20) of the access ramps and use of handrails. In terms of the bathroom of Unit 1 it is acknowledged that it is narrow and would not fully comply with the Council's policies in regard to accessibility. However, this is

constrained by the position of the cycle storage area. Also given that all of the other units are in general compliance it is considered to be acceptable.

- 11.93 A lift would be required in order for the proposed accommodation to meet Category 2 of the National Standard for Housing Design as set out in the Approved Document M 'Accessible and adaptable dwellings' M4(2), and with Islington Flexible Homes and the Islington Inclusive Design SPD.
- 11.94 The applicant has indicated that the lack of the inclusion of a lift is due to viability concerns. However, no details have been provided to demonstrate this. It is also noted that there is sufficient space in the internal core which could accommodate a lift with slight alterations to the layout of the residential units. As such, and given that it is a new build development rather than a conversion of an existing building, a condition has been recommended to secure details of this prior to the commencement of development.

HIGHWAYS AND TRANSPORTATION

- 11.95 The application site is located within an area of very good (PTAL – 5) public transport provision. Using Transport for London's Public Transport Accessibility Levels (PTAL) which calculates public transport provision, on a scale of 0 to 6, where 0 is the worst and 6 is the best.
- 11.96 In accordance, with Part C of Policy DM8.4 cycle parking is required for new residential development as set out within Appendix 6 of Development Management Policies 2013. This requires 1 no. cycle parking space for each bedroom proposed, which in this instance would be 17 no. spaces. An area for cycle storage has been shown at ground floor. As such a condition has been recommended for storage of 17 no. cycles.
- 11.97 In accordance with Policy DM8.5, which confirms that there is no provision for vehicle parking or waiting for new homes, except for essential drop-off and wheelchair-accessible parking, the proposed development would be car free. As such it is recommended that future occupiers would be prevented from obtaining car-parking permits, which would be secured by way of a legal agreement.
- 11.98 There are no existing crossovers (drop-kerbs) associated with the host properties along Hungerford Road. In the event that any crossovers (drop-kerbs) are sought planning permission would be required. Therefore, a formal planning application would be required to be submitted, and their acceptability would be assessed against the policies found within the Development Plan and any other relevant material considerations.
- 11.99 In terms of refuse and recycling provision, paragraph 5.2 of the Council's Street Environmental Services guidance document outlines the recycling and refuse storage requirements for residential developments and shown in the Table 2 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: Showing recommended refuse and recycling storage for residential units

- 11.100 The proposal includes an area at ground floor for dedicated refuse/recycling storage. However, a condition has been recommended for adequate refuse/recycling storage to be provided prior to the occupation of the development if the application is approved.

AFFORDABLE HOUSING

- 11.101 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 11.102 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough where this site is located.
- 11.103 Whilst it is acknowledged ordinarily the proposed development would be liable for the payment of £450,000 (9 x £50,000) affordable housing contribution. However, given the specific circumstances in relation to this case, including that the pre-existing buildings included 10 no. residential units meaning that the proposal would result in the reduction of the number of residential units no contribution is payable.

OTHER MATTERS

Swifts and Bats

- 11.104 Concerns have been raised in relation to the lack of nesting locations for swifts and bats. Whilst it is acknowledged that no nesting locations have been identified, this matter can be controlled by way of condition. As such a condition has been recommended for at least 3 no nesting location to be provided.

Party Wall Issues

- 11.105 Concerns have been raised in relation to Party Wall concerns and in relation to the submission of a Structural Method Statement for the proposal. In relation to Party Wall concerns, this is not considered to be a material planning consideration and falls outside the remit of this application, being a civil matter between the applicant and any affected party. The submission of a Structural Method Statement is also outside the remit of this planning application, given

that there is no basement component. However, the proposal would be subject to Building Regulations which would likely assess the structural impact of the development.

Monitoring/Conditions timeframe for implementation

- 11.106 In addition, concerns have been raised in relation to the monitoring of the site, to ensure the development is constructed in accordance with the approved drawings. Whilst a number of conditions have been attached, the site would be monitored by the Council via the Council's Enforcement to ensure the development has been built in accordance with the approved drawings and the aforementioned conditions. It should also be noted that it has been recommended that the period for the commencement of development is restricted to two years, rather than the standard three years, to ensure that the development is progressed at the earliest opportunity and completed in a timely manner, in the event the application is approved. In addition, there are time limited conditions to the dismantling of the existing brickwork on site, and stacking and storing on site, and then identifying what materials can be used in the proposed development. Together with detailed conditions, requiring further information or compliance, relating to the design, trees and landscaping, sustainable design, accessibility, cycle storage and refuse provision.

Community Infrastructure Levy (CIL)

- 11.107 It should also be noted that the proposal would be liable for CIL (Community Infrastructure Levy) payments.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 The proposed scheme seeks planning permission for the erection of a four storey building (appearing as a pair of semi-detached properties) containing 9 no. self-contained residential units (C3 use) along the south side of Hungerford Road. This building would appear as a pair of semi-detached properties. The 9 no. self-contained residential units would consist of 4 no. 1 bedroom units, 3 no. 2 bedroom units, 1 no. 3 bedroom units and 1 no. 4 bedroom units. The proposal would also include private patios to rear elevation and communal rear garden, and would include external alterations including the installation of a front boundary wall and railings.
- 12.2 The proposal is submitted as a result of the demolition of the existing four storey building, which was split into 10 no. residential flats. The demolition of the original building has been subject to an enforcement investigation and subsequent successful prosecution.

- 12.3 The development proposed is considered to be acceptable in land use terms given that it would replace a previously demolished residential building, no net loss of residential floorspace. Whilst the proposal would be similar in grandeur design to the demolished building, there are a number of alterations proposed. These include changes at roof level (the design of the roof and reduction of front dormer windows), ground floor (new timber porches), the addition of a first floor side extension, as well as alterations to the windows and doors, and new front boundary wall and railings. Subject to the use of appropriate conditions, ensuring the finer details, in relation to the materials, the design of the proposal is considered to preserve the visual appearance and historic character of the surrounding heritage assets, including the wider Hillmarton Conservation Area.
- 12.4 The development proposed will not cause an unsatisfactory material change to the daylight/sunlight currently enjoyed by nearby properties. Furthermore, there will not be an adverse level of overshadowing or a sense of enclosure caused to nearby properties, particularly in comparison to the pre-existing building.
- 12.5 The proposal would deliver one less unit than the pre-existing building but to an improved standard of accommodation.
- 12.6 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 a legal agreement and appropriate conditions.

Conclusion

- 12.7 It is recommended that planning permission be granted subject to conditions and section 106 legal agreement head of terms as set out in Appendix 1.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

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

The Heads of Terms are:

- £9,000 contribution towards the provision of Carbon Offsetting within the Borough
- Car Free – No parking permits are to be secured for the new residential units

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

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of two 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>

<p>2</p>	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Accommodation & areas schedule November 2018, Design and Access Statement Rev.A, Planning Statement ref. 848 dated November 2018, 33-000/Rev.C, 33-001/Rev.D, 33-002/Rev.D, 33-300/Rev.B, 33-301/Rev.C, 33-302/Rev.C, 33-303/Rev.C, 33-304/Rev.B, 103-001, 33-400, 33-401, 33-402, Sustainable Design and Construction Statement dated August 2018, Arboricultural Impact Assessment ref: ADD/1-3HNG/AIA/01 dated 2nd 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 and also for the avoidance of doubt and in the interest of proper planning.</p>
<p>3</p>	<p>Storage and stacking of existing bricks (Compliance)</p> <p>CONDITION: Notwithstanding condition 1, no stacking or dismantling of the pre-existing building shall take place until the conditions relating to tree protection measures (condition 12) and for the Construction and Environmental Management Plan (condition 15) have been submitted and approved by the Local Planning Authority, and measures installed in full.</p> <p>Following this approval and implementation the part of the original buildings that remain standing on the site shall be dismantled by hand, and (together with the remaining loose external bricks currently on site from the demolished pre-existing buildings) shall be stacked and stored on site within 12 weeks of the date of the approval of the Construction and Environmental Management Plan and tree protection measures.</p> <p>REASON: To safeguard the ability to reuse pre-existing bricks on site, which would secure contextual materials that would preserve the historic character and visual appearance of the host</p>
<p>4</p>	<p>Reclaimed bricks suitable for rebuilding</p> <p>CONDITION: Notwithstanding condition 1, for the hereby approved development all bricks stored on site in accordance with condition 3 suitable for rebuilding works shall be identified and starting with the front elevation of the hereby approved development, an area calculated and then indicated on elevational plans as scale 1:100 to confirm the extent of the new buildings that can be constructed from these reclaimed bricks.</p> <p>The details shall be submitted for approval to the Local Planning Authority within 14 weeks of the tree protection measures (condition 12) and Construction and Environment Management Plan (condition 15). The approved development shall be constructed in accordance with the plans subsequently hereby approved and thereafter shall be so maintained.</p>

	<p>REASON: To ensure that the approved development is built in accordance with reclaimed materials where possible.</p>
5	<p>Remaining brickwork</p> <p>CONDITION: Notwithstanding the details submitted for condition 4, details and samples of all facing materials for the remaining facing brickwork, including the front boundary wall, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site.</p> <p>For the submitted details all new facing brickwork, including the front boundary wall, shall match the original brickwork in respect of colour, texture, face bond and pointing. All new bricks shall match the surviving historic bricks in tone and material. The brickwork shall be laid in Flemish bond. The pointing shall be carried out using a lime mortar with a ratio of 1:3 (lime:sand) and shall be flush/slightly recessed and not weatherstruck. The brickwork shall be soot washed to match the tone of the reclaimed brickwork. The brick arches to the new windows shall be gauged brick arches which exactly replicate the brick arches to Number 5 Hungerford Road and shall be finely pointed. No soldier courses are permitted.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
6	<p>Sample Panels</p> <p>CONDITION: Prior to any superstructure work commencing on site, sample panels showing a section of facing brickwork including a gauged arch, and a sample showing a section of decorative eaves cornice, submitted for condition 5 shall be constructed on site.</p> <p>The sample panel shall be approved in writing by the Local Planning Authority prior to works commencing. The hereby approved development shall be constructed in accordance with the approved details and retained thereafter.</p> <p>REASON: To safeguard the character and appearance of the Hillmarton Conservation Area</p>
7	<p>Materials (details) windows</p> <p>CONDITION: Prior to any superstructure work commencing on site, details of all new windows and doors shall be submitted and approved in writing by the Local Planning Authority.</p> <p>All new sash windows shall accurately replicate, in terms of material, profile and horn detailing, the windows at Number 5 Hungerford Road. They shall</p>

	<p>be painted timber, double-hung sash windows with a slim profile and narrow integral (not applied) glazing bars with a true putty finish (not timber 'putty style' bead). No trickle vents or metallic/perforated spacer bars are permitted.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To enhance the appearance of the Hillmarton Conservation Area</p>
8	Roof slates
	<p>CONDITION: Prior to any superstructure work commencing on site, details of all roof materials shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The roof slates shall be natural Welsh or Canadian slate in heather grey. No permission will be granted for artificial or Spanish slate.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To enhance the character and appearance of the Hillmarton Conservation Area.</p>
9	Entrance porches
	<p>CONDITION: Prior to this part of the development commencing details of the entrance porches shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The entrance porches shall accurately replicate in design, proportion and materials, the existing 1860s front porch to Number 5 Hungerford Road.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
10	Front doors (compliance)
	<p>CONDITION: Prior to this part of the development commencing details of the front doors shall be submitted and approved in writing by the Local Planning Authority.</p> <p>The proposed front doors shall accurately replicate in design and materials, the existing c.1910 front door to Number 5 Hungerford Road.</p> <p>The approved details shall be implemented in full and retained thereafter into perpetuity.</p>

	REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area
11	Blue Plaque (Compliance)
	<p>CONDITION: The blue plaque removed from no.3 Hungerford Road attributed to Lillian Lindsay, Britain's first woman dentist, shall be reinstated to 3 Hungerford Road before the occupation of any flat within the development at the direction of Historic England.</p> <p>REASON: In the interests of the historical importance of the host buildings.</p>
12	Tree Protection measures (details)
	<p>CONDITION: Notwithstanding condition 1, within 1 month of the approval of the hereby approved development a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:</p> <p style="padding-left: 40px;">Location and installation of services/ utilities/ drainage.</p> <ol style="list-style-type: none"> a. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. b. Details of construction within the RPA or that may impact on the retained trees. c. A full specification for the installation of boundary treatment works. d. A full specification for the construction of any footpaths and driveways, including details of the no-dig specification and extent of the areas of the footpaths, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. e. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. f. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. g. A specification for scaffolding and ground protection within tree protection zones. h. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. i. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires j. Methodology and detailed assessment of root pruning

	<ul style="list-style-type: none"> k. Arboricultural supervision and inspection by a suitably qualified tree specialist l. Reporting of inspection and supervision m. Methods to improve the rooting environment for retained and proposed trees and landscaping <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction or landscaping and to protect and enhance the appearance and character of the site and locality.</p>
13	Pre-commencement meeting (Trees)
	<p>CONDITION: Before any development, construction or clearance work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss:</p> <ul style="list-style-type: none"> a. details of the working procedures and b. agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan and c. agree the schedule for site supervision visits and reports as outlined within the AMS <p>The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.</p> <p>REASON: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works.</p>
14	Cycle Parking Provision (Compliance)
	<p>CONDITION: The bicycle storage area hereby approved, shown on drawing no. 33-001/Rev.D for 17 no. cycles and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>

15	CEMP (DETAILS)
	<p>CONDITION: Notwithstanding any details submitted with the application and condition 1, within 1 month of the date of this permission a revised Construction and Environmental Management Plan (CEMP) shall be submitted in writing the Local Planning Authority.</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 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 Hungerford 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

	<p>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.</p> <p>o) Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration.</p> <p>The report shall assess the impacts during the construction phase 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.</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>
16	Refuse/Recycling
	<p>CONDITION: Prior to the occupation of the residential units within the hereby approved development details of the refuse/recycling shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be stored within the dedicated refuse / recycling enclosure(s) shown on drawing no. 33-001/Rev.D shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
17	Sustainable Design & Construction Statement
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the approved Sustainable Design and Construction Statement (addconcepts) dated August 2018.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
18	Bird/Bat boxes (compliance)
	<p>CONDITION: For the hereby approved, a minimum of 3 no. nesting boxes / bricks shall be installed prior to the first occupation of the building to which they form, and shall be retained into perpetuity.</p>

	<p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and bio diversity enhancements.</p>
19	Railings
	<p>CONDITION: The proposed railings to the front boundary shall be constructed in accordance with the drawing no.33-304/Rev.B. Each bar shall be individually set into the coping/upstand. The approved railing and gates shall be painted black in colour.</p> <p>REASON: To safeguard the visual appearance and historic character of the host building and wider conservation area.</p>
20	Obscure glazed
	<p>CONDITION: The window on the side (west) elevation at first floor level, facing no. 5 Hungerford Road, on the plans hereby approved shall be obscurely glazed up to a height of 1.7m and fixed shut prior to the first occupation of the development and retained thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
21	Obscure glazed
	<p>CONDITION: The windows on side elevations facing towards the rear garden (being associated with Units 1 and 4 on the west elevation and Units 3 and 5 on the east elevation), on the plans hereby approved shall be obscurely glazed up to a height of 1.7m and fixed shut prior to the first occupation of the development and retained thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
22	Ramps
	<p>CONDITION: For the hereby approved development the access ramps located to the front garden and shown on drawing no. 33-000/Rev.C shall have a gradient between 1:12 and 1:20. These ramps shall be installed prior to the occupation of the approved residential units and retained thereafter.</p> <p>REASON: To ensure the safe egress of those with mobility difficulties and in the interest of providing accessible accommodation.</p>
23	Rear balustrades
	<p>CONDITION: Prior to the relevant part of the development commencing, details of the proposed balustrades (at scale 1:5) (associated with the rear ground floor patios of Unit's 1 and 3, and to the windows to the rear elevation to Unit 2), shall be submitted and approved in writing.</p>

	<p>The balustrades shall consist of metal railings which shall be 1.1m in height above ground level and painted black in colour. The approved details shall be implemented prior to the occupation of the hereby approved residential units.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
24	Landscaping and paving to front garden
	<p>CONDITION: Prior to the relevant part of the development commencing details of the proposed paving and landscaping to the front garden shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented in full and retained thereafter.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
25	Landscaping and paving to rear garden
	<p>CONDITION: Prior to the occupation of the hereby approved development details of the proposed paving and landscaping to the rear garden shall be submitted and approved in writing. The approved scheme shall be implemented in full and retained thereafter.</p> <p>REASON: To preserve and enhance the appearance of the Hillmarton Conservation Area</p>
26	Lift
	<p>CONDITION: Prior to any superstructure work commencing on site for the hereby approved development, full details of a lift as a means of access to the upper floors shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development.</p> <p>Reason: To ensure the safe egress of those with mobility difficulties and in the interest of providing accessible accommodation.</p>
27	Flat Roof Not Used As Amenity Space (Compliance)
	<p>CONDITION: The second floor flat roof area shown on plan no. 33-002RevD hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>
	Defensible Space (Residential Unit 2)
28	Notwithstanding the hereby approved plans and prior to the occupation of the residential units, further details which provide an area of defensible space for

	<p>bedroom 1 serving the ground floor residential unit 2 as identified on drawing 33-001 Rev D Unit 2 shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To provide an area of defensible space in front of this bedroom window and to ensure a suitable standard of accommodation for future occupants of the residential unit.</p>
1	INFORMATIVES
	<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. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p>
2	S106 agreement
	<p>SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

APPENDIX 2: RELEVANT POLICIES

RELEVANT POLICIES

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.

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.

A) The London Plan 2016

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.15 Coordination of housing development and investment

5 London's response to climate change

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

6 London's transport

Policy 6.9 Cycling

Policy 6.13 Parking

7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

8 Implementation, monitoring and review

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Policy CS10 (Sustainable Design)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (employment space)

Strategic Policies

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

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.2 Energy efficiency and carbon reduction in minor schemes

DM7.4 Sustainable design standards

Transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

Designations

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

- Hillmarton Conservation Area
- Site within 100m of a SRN (Strategic Road Network)
- Tree Preservation Order (LBI TPO (no. 272) 2006)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

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

London Plan

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

- Inclusive Design

Islington SE GIS Print Template



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P2018/2649/FUL

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ADDENDUM TO PLANNING COMMITTEE REPORT



PLANNING SUB-COMMITTEE B		
Date:	12 th March 2019	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

RECOMMENDATION

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

- i) Updated and additional conditions set out within this addendum report and Recommendations contained within Appendix 1 of the original Committee Report (Attached as Appendix A);

2. REASONS FOR DEFERRAL

- 2.1 This application was previously discussed at the Planning Sub-Committee B meeting on 2nd October 2018 where objectors were given the opportunity to speak.
- 2.2 In the discussion the following points were made:
- A member asked the planning officer whether policy resisted the splitting up of family homes. The planning officer stated that Policy DM3.3 protected homes of less than 125sqm but this home was larger than 125sqm. The member raised concern that the original home was less than 125sqm but had been extended to over 125sqm through permitted development.
 - The planning officer stated that a flooding and groundwater investigation report had been completed and it would be appropriate to defer the application to update the structural method statement accordingly. Changes to the basement design could be required.
- 2.3 The Chair proposed a motion to defer the application to enable to structural method statement to be updated. This was seconded by Councillor Klute and carried. (Attached Committee minutes 2nd October as Appendix B)

3. UPDATES FOLLOWING COMMITTEE (2nd October 2018)

- 3.1 Following the conclusion of the Planning Sub-Committee the following amendments have been made to the proposal:
- Revised Structural Method Statement for the Basement Extension works which include reference to the recommendation within the flooding and groundwater investigation report, prepared by PGCS Partnerships
 - Revised Design and Access Statement which include reference to a precedent for a similar basement extension at 19 Ambler Road granted in June 2007.
 - Construction Method Statement (including structural plans, groundwater investigation report) prepared by Structural Engineering Ltd
- 3.2 Officers would point out to Members that the follow-up Construction Method Statement produced by STS Structural Engineering Ltd is read in conjunction with the initial Structural Method Statement that was submitted by PGCS Partnerships. This latter report provides a more comprehensive method as to how the basement would be completed.

4. Consultation

- 4.1 A further round of reconsultation of adjoining neighbours took place on the 16th January 2019 and ended on the 30th January 2019. A further 7 objections were received restating concerns previously identified within the attached committee report while raising further concerns to the amended plans regarding:
- Object to replace family unit with multiple rental units (**see within attached original committee report para 10.5**)
 - No precedent for basements on Romilly Road (**see within attached original committee report para 10.7-10.9**)

- Concerns that the basement will have an impact on the groundwater and the adjoining properties were not reviewed as part of the report (**see evaluation below paras. 5.7-5.11 and within attached original committee report para 10.8.**)
- Concerns regarding the structural integrity of the building and adjoining buildings due to the basement and the potential for subsistence (**see evaluation below 5.13-5.17 and within attached original committee report.**)
- Disruption from the construction of the basement (**see within attached original committee report para. 10.19**)
- Poor daylight/sunlight to the basement rooms (**see within attached original committee report para 10.16**)
- Development would impact on the overall character of the area (**see within attached original committee report para 10.10-10.12**)

ASSESSMENT OF UPDATED INFORMATION, REASON FOR DEFERRAL: FURTHER CONSIDERATION OF STRUCTURAL METHOD STATEMENTS FROM THE APPLICANT AND FROM THE OBJECTORS

Basement Development – Construction (Structural) Method Statement

- 5.1 The application was deferred at Sub-Committee on the 2nd October 2018 as the Structural Method Statement had not been updated to include the additional investigations that were carried out. A ground water investigation was carried out on the 6th August 2018 which produced a preliminary Ground Investigation Report (Report reference GWPR2735).
- 5.2 As part of this investigation, site works were undertaken by an engineer which involved sample Boreholes to the front and rear of the property (BH1 & BH2). The findings of this investigation have now been incorporated into the Construction Method Statement (CMS) prepared by STS Structural Engineering Ltd (please see Appendix 3 of the report Ref 1810-1155-CMS). The accompanying details includes structural plans, sectional drawings, underpinning drawings as well as details of the proposed construction sequence.
- 5.3 Officers would note that STS Structural Engineering Ltd who produced the follow-up Construction Method Statement state in paragraph 1.3 of the report that the statement follows on from the initial Basement Statement prepared by PGCS Partnership building up on the outline proposals set therein and takes into account the recommendations of the Soil Investigation report prepared by Ground & Water Limited in August 2018. The Construction Method Statement presents the outcome of their investigations and a proposed methodology for forming the basement space. It combines both the structural method and sequence of construction into one document taking account the findings from site investigations to date.
- 5.4 Appendix B of the Islington Basement Development SPD (2016) states that for a planning application submission the engineering design should be advanced to Developed Design Stage (RIBA Stage 3). The SMS should convey a clear design process that demonstrates how the proposed design responds to findings of the site-specific survey and investigations undertaken and specifically how designers have addressed:
- ground conditions and ground water
 - existing trees and infrastructure

- drainage
- flooding
- vertical and lateral loads
- movements
- integrity of existing structures (including adjoining buildings and wider where relevant)

- 5.5 Also the Appendix B states that a SMS should include an outline of the proposed structural engineering general arrangement and details such as drawings of underpinning, piled wall etc. The statement should include an assessment of both short and long term effects of movement expected to the property, the adjoining properties and adjacent properties. Damage should be limited to a maximum of Category 2 as set out in the Construction Industry Research and Information Association (CIRIA) Report 580 'Embedded Retaining Walls' (or as updated).
- 5.6 The revised information submitted provides a comprehensive method/construction statement of how the proposed basement would be implemented The statement has been prepared and signed by a suitably qualified Structural Engineer as per Appendix B of the Basement SPD and the findings are summarised below.

Construction (Structural) Method Statement (findings)

- 5.7 The statement includes a desk study which examines the site history and survey of the health of the existing building.

Ground conditions and Groundwater

- 5.8 The Engineer's external survey found no notable cracking to the external walls indicating that the walls of the property are structurally sound and well constructed. The internal survey of the existing layout confirmed that the property was in good state of repair and is well maintained. The engineer also examined public drains records and a search of these records suggests that no public drains run underneath the property.
- 5.9 It also noted that the site lies within a flood risk Zone 1 by the Enviromental Agency which is recognised as an area where there is a Low Probability of flooding. Appendix 3 of the Statement also shows that the site is situated away from major rivers, watercourses and given that Romilly Road is elevated, it further minimises potential flooding risks. The CMS also includes a desktop study on potential risks of flooding from rivers and other surface water courses including a selection of maps from the Strategic Flood Risk Assessment (SFRA) taken in May 2010. From this information gathered, the author of the report states no surface flooding incidents have been noted in the vicinity of Romilly Road.
- 5.10 A full ground investigation report on the basis of site works undertaken by an engineer which involved sample Boreholes to the front and rear of the property (BH1 & BH2) which was based on the Ground Investigation Report carried out by Ground and Water Limited in August 2018. The boreholes were taken to a depth of 5.1m and 4.4m and confirmed that the site is characterised by London Clay overlaid by up to 0.9m of topsoil. The CMS indicates that the ground water level was monitored during the drilling operation and within deep clay deposits no ground water table was surveyed. It does however highlight that some perched groundwater is likely to be encountered during the construction. The author indicates that extensive dewatering measures is unlikely during the construction of the new basement. Submersible pumps can deal with small quantities of perched groundwater if necessary during the construction phase.

- 5.11 The author of the CMS report concludes that due to the modest size of the basement and the well-drained granular soil deposits, the proposal is unlikely to affect the ground water flow patterns and hydrogeological conditions of the area. Concerns have been raised by the objections received that adjoining properties were not reviewed as part of the investigation report undertaken. It is noted that the desktop research had taken consideration of local circumstances and past surveys of flooding incidents in the area as well as data from Thames Water and the Environment Agency. The trial hole data taken onsite found no ground water within deep clay deposits.
- 5.12 Officers have also reviewed the Environmental Agency website and can confirm that currently the site lies in an area that has a very low risk of flooding from rivers/sea and low risk of flooding from surface water. Based on the Environmental Agency zoning of the site and the accompanying SFRA data and the Ground Investigation Report, Officers do not consider that the basement and lightwells would lead to any additional surface water concerns. This is also based on the fact the basement will largely sit below the footprint of the existing dwelling house, thereby reducing any effects on drainage and surface water flooding. The lightwells to the front and rear are already paved with gullies in place to collect rainwater. The basement would therefore not lead to any additional hardstanding that could increase surface flood water over that what already exists. As such, Officers are satisfied that the statement adequately addresses anticipated ground conditions given the scale and nature of the development. Notwithstanding the above, condition 7 as recommended in the original report shall be revised to ensure that a Chartered Civil Engineer who signed off the additional Construction Method Statement 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.

Construction Method/Underpinning Works

- 5.13 Appendix B of the SPD states that the SMS should include an outline of the proposed structural engineering general arrangement and details such as drawings of underpinning and piled walls. The revised information submitted by STS Structural Engineering has appendix drawings that includes both a Proposed Structural General Arrangement Plan and cross-sectional drawings and typical underpinning arrangements including along the party wall. These details are supported by the supporting text within the statement.
- 5.14 Underpinning will be required to lower floor - these will need to support party walls and the loads they support. Party Wall approval would be required with both adjoining neighbouring properties. The statement states that new pins/retaining walls will be constructed to accommodate the existing party wall(s) and the loads they support. All construction would also require to be carried out inside the land of 23 Romilly Road and subject to party wall approval with adjoining properties. The statement also confirms that underpinning will be carried out in a way that may enable adjoining owners to construct a similar basement in the future. The Construction Method Statement indicates that traditional underpinning methods will be adopted in completing the basement. The pins (1m in length) will be constructed in a "hit & miss" technique which preserves the stability of the building above and adjoining properties. Structural plans have been included within the Construction Method Statement appendix. The statement states that the new sections of basement wall will be designed to carry the horizontal retaining pressure from the retained soil, as well as vertical loading of the basement and walls/floors above. In dealing with variations in ground water level the basement slab will be designed to resist hydrostatic uplift pressures as well as heave from excavation.
- 5.15 Further investigations are required to determine the formation of the footings and the extent of the underpinning particularly the party wall. Typical underpinning details have been included in the structural drawings and the adequacy of these has been justified by structural

calculations. The Structural Engineer report has however indicated that the provision of transition underpinning to the front and rear walls of the adjoining properties would expect negligible or no movement or settlements to the adjoining and adjacent properties. Appendix 7 and appendix 8 of the Construction Method Statement also provides sketches, party wall calculations and preliminary structural drawings. The calculations include earth and water pressures on the basement wall which takes account of the findings from the Geohydrology report (water table below the level of the proposed basement). Vertical and lateral loads data have also been addressed in both temporary and permanent conditions. Party wall underpinning stability calculations have been provided from construction and permanent case (Appendix 7 of CMS).

- 5.16 The structural sketches/plans are indicative at this stage and the proposals will need to be finalised during design stage however for the purposes of the SMS they appear sufficient. The author of the Method Statement concludes that the formation of the basement can be best achieved using traditional underpinning methods; careful planning is required to ensure all temporary props are in place. Permanent and temporary props must provide both adequate lateral restraint to the pins during underpinning works and also provide temporary support to the existing above-ground structure. It concludes that if the proposed construction methodology and sequencing of works are carried out adequately, there is minimal risk to the stability of the adjacent properties and party wall. The author of the Method Statement concludes that the proposed works are not likely to generate any notable movement in the structure of 21 and 25 Romilly Road if the works are done by a competent groundworks contractor and taking into account the constraints listed in the Method Statement.
- 5.17 Officers would point out that any damage should be limited to maximum of Category 2 as set out in the Construction Industry Research and Association (CIRIA) Report C580 "Embedded Retaining Walls and as set out in Appendix B. In order to ensure that this is achieved, above, condition 7 as recommended in the original report shall be revised to ensure that a Chartered Civil Engineer who signed off the additional Construction Method Statement 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.

Conclusion (Basement)

- 5.18 The Method Statement confirms that there are no records available of any significant flooding in the area, and based upon the desk study research and physical investigations carried out by Ground and Water Limited the risk of significant groundwater is low. Appropriate waterproofing measures have been incorporated in the design. The information concludes that the requested plans/sections/construction sequence drawings have been included and are satisfactory. On the basis of the information provided, Officers are satisfied that the revised information complies with the requirements of Appendix B of the Basement Development SPD. Conditions have been recommended to ensure the basement works shall be monitored by the Chartered Civil Engineer who completed the Construction/Structural Method Statement or a replacement person holding equivalent qualifications shall be appointed and retained during the duration of the development.

6. CONCLUSION

- 6.1 The proposed development is considered to be acceptable in land use, design and visual terms, would offer good quality living accommodation for prospective occupiers without adversely affecting the amenity levels of adjoining occupiers. It is therefore recommended that planning permission be granted subject to conditions contained within the original committee report (see Appendix A) and the following updated and additional conditions

Updated CONDITION 02: The development hereby approved shall be carried out in accordance with the following approved plans:

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)

Design and Access Statement Rev B prepared by AA Studio Architecture Limited

Ground Investigation Report prepared by Ground and Water Limited (August 2018)

Method Statement prepared by PGCS Partnership Job No 17069 (Oct 2018)

Construction Method Statement prepared by STS Structural Engineering Ltd
Ref:1810-1155-CMS (Oct 2018)

Construction Method Statement Appendix (Structural Drawings (preliminary)by STS
Structural Engineering Ltd Drawing Nos. 1810-1155-S01 Rev P1, 1810-1155-S02
Rev P1, 1810-1155-S03 Rev P1

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.

New SMS COMPLIANCE CONDITION 07: The Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) certifying the Construction Method Statement Ref:1810-1155-CMS (Oct 2018) including structural drawings (1810-1155-S01 Rev P1, 1810-1155-S02 Rev P1, 1810-1155-S03 Rev P1) 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 Method Statement.

At no time shall any construction work take place unless a qualified engineer is appointed and retained in accordance with this condition.

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

**Appendix A –
Original Committee Report**

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	P2017/1670/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).

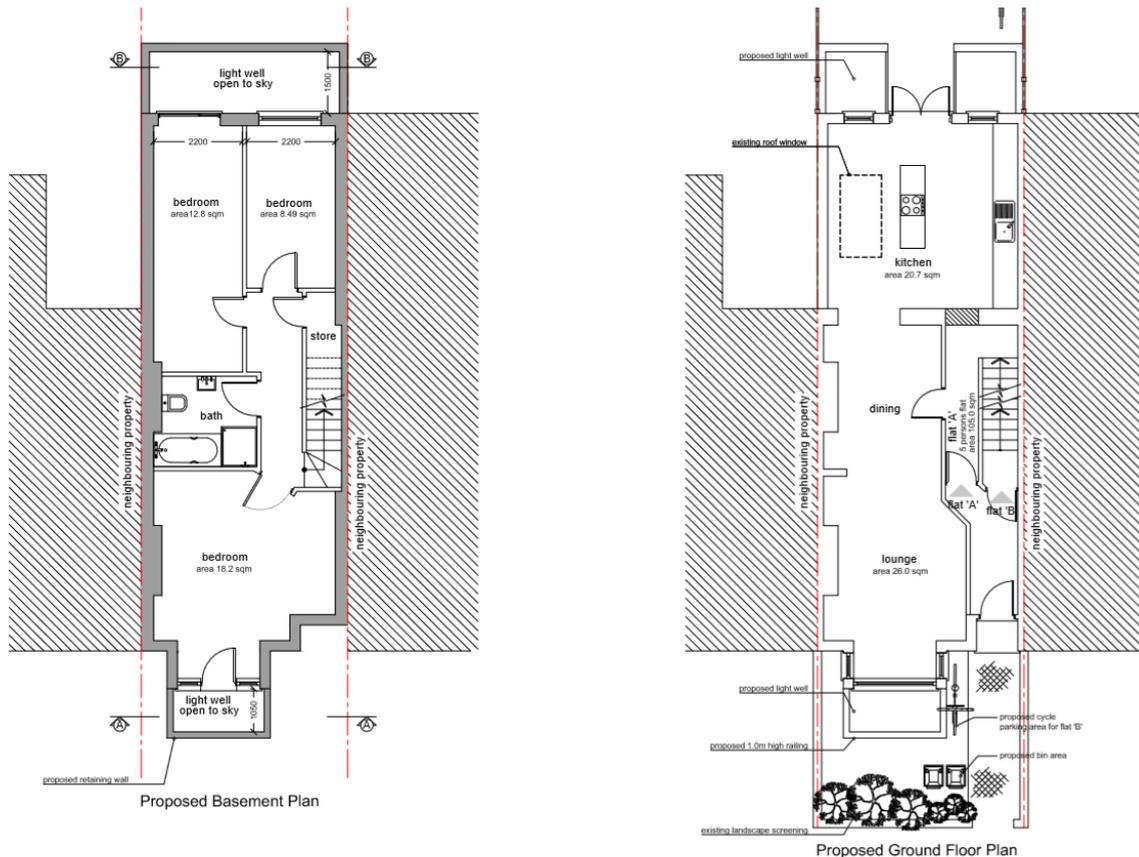


Fig. 5 Proposed basement and ground floor plans

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:

1. 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.

2.

3. 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)

4. 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.

5. 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 'visitable 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

6. 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.

7. 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 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> <p>(a) proposed programme of works (b) site manager/liaison officer details (c) proposed programme of works</p>

	<p>(d) hours of work (e) access arrangements for vehicles and material storage (f) noise, air quality and vibration control</p> <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> <p>(1) In the case of disabled persons; (2) In the case of units designated in this planning permission as "non car free"; or (3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability 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 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>

APPENDIX 2: RELEVANT POLICIES

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

8. 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.

9. 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

10. 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)

Appendix B: Minutes from previous Sub-Committee B 2nd October 2018

London Borough of Islington

Planning Sub Committee B - 2 October 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 2 October 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

- 11 **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.
- 12 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillor Woolf.
- 13 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Convery substituted for Councillor Woolf.
- 14 **DECLARATIONS OF INTEREST (Item A4)**
Councillor Klute declared that in relation to Item B5, the applicant was a constituent he had done casework for regarding noise from the nearby pub.
- 15 **ORDER OF BUSINESS (Item A5)**
The order of business would be B7, B1 and B2, B8, B5, B6, B3, B9 and B4.
- 16 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 17 July 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 17 **1 BERRY PLACE, ISLINGTON, LONDON EC1V 0JD (Item B1)**
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.

(Planning application number: P2018/1799/FUL)

In the discussion the following points were made:
- Concern was raised about the air conditioning units being turned on at 6.30am. The noise officer stated that mitigation measures would be put in place. An enclosure would be placed around the units and they would only be permitted to operate at 85% capacity which would limit noise.

Planning Sub Committee B - 2 October 2018

- Concern was raised that details of the screening had not been provided. The planning officer advised that there was a condition relating to materials, the air conditioning units were set back by 1.7m and would be partially visible but obscured.
- The applicant stated that the units were turned on at 6.30am as workers were in the building at that time due to it being an international advertising agency.
- Concern was raised about this being a retrospective planning application and about the lack of communication with residents. The applicant stated that the units had been installed and had been in operation for several months but there was currently no screening.
- In response to a question as to why air conditioning units were required, the applicant stated that they were heat pumps that provided hot water and heating but they could cool too.

Councillor Klute proposed a motion to defer the consideration of this item to enable a site visit and the applicants to provide more details on the screening. This was seconded by Councillor Convery and carried.

RESOLVED:

That consideration of this item be deferred for the reasons outlined above.

18 1 BERRY PLACE, ISLINGTON, LONDON EC1V 0JD (Item B2)

Installation of two air conditioning units within an enclosure, located on the first floor flat roof on the eastern side of the property.

(Planning application number: P2016/4705/FUL)

In the discussion the following points were made:

- Concern was raised about the air conditioning units operating 24 hours a day, 7 days a week. The noise officer stated that an enclosure would be placed around the units.
- Concern was raised that details of the screening had not been provided. The planning officer advised that there was a condition relating to materials, the air conditioning units were set back by 1.7m, would be partially visible but obscured.
- Concern was raised about this being a retrospective planning application and about the lack of communication with residents. The applicant stated that the units had been installed and had been in operation for several months but there was currently no screening.
- In response to a question as to why air conditioning units were required, the applicant stated that they were heat pumps that provided hot water and heating but they could cool too. There was a server room which had to be kept cool. A member suggested that server rooms were no longer required with modern technology.

Councillor Klute proposed a motion to defer the consideration of this item to enable a site visit and the applicants to provide more details on the screening. This was seconded by Councillor Convery and carried.

RESOLVED:

That consideration of this item be deferred for the reasons outlined above.

19 1-42 SALTDENE, 2 REGINA ROAD, LONDON, N4 3PR (Item B3)

Replacement of existing single glazed timber windows with UPVC double glazing.

(Planning application number: P2016/4705/FUL)

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In the discussion the following points were made:

- Concern was raised that the sizes of the new window frames had not been included in the application. The applicant stated this would be done for future applications.
- The application was policy compliant.

RESOLVED:

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

20 147 GROSVENOR AVENUE, LONDON N5 2NH (Item B4)

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 (1x2 bed unit, 3x2 bed units and 2x3 bed units).

(Planning application number: P2015/3543/FUL)

In the discussion the following points were made:

- In response to a member's concern that the viability report was completed a number of years ago and following a review in 2017 and 2018 had remained the same, the planning officer advised that the internal viability officer was satisfied with the independent viability report.
- The approved plans list referred to some drawings which were no longer relevant so these would be removed.

RESOLVED:

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

21 186A NEW NORTH ROAD, LONDON, N1 7BJ (Item B5)

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 façade.

(Planning application number: P2018/0246/FUL)

In the discussion the following points were made:

- The planning officer stated that an additional objection had been received. The only new point raised in this was that granting permission would affect the nearby pub but this was not a planning consideration.
- In response to a member's question about why the prohibition order had been included with the papers, the planning officer advised this was for background information.
- In response to a member's question about implications if, after granting permission, the building was demolished and rebuilt, the planning officer advised that the land use had been established and related to the volume of the building rather than the building. The quality of the accommodation had never been assessed and the application was seeking to improve the living conditions.

RESOLVED:

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

22 **23 ROMILLY ROAD, LONDON, N4 2QY (Item B6)**

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 two self-contained flats (1 x 3 bedroom unit and 1 x 2 bedroom unit).

(Planning application number: P2017/1670/FUL)

In the discussion the following points were made:

- A member asked the planning officer whether policy resisted the splitting up of family homes. The planning officer stated that Policy DM3.3 protected homes of less than 125sqm but this home was larger than 125sqm. The member raised concern that the original home was less than 125sqm but had been extended to over 125sqm through permitted development.
- The planning officer stated that a flooding and groundwater investigation report had been completed and it would be appropriate to defer the application to update the structural method statement accordingly. Changes to the basement design could be required.

Councillor Kay proposed a motion to defer the application to enable to structural method statement to be updated. This was seconded by Councillor Klute and carried.

RESOLVED:

That consideration of this item be deferred for the reason outlined above.

23 **440 A HORNSEY ROAD, LONDON, N19 4EB (Item B7)**

Demolition of existing warehouse buildings and erection of a mixed use development comprising 490m² 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.

(Planning application number: P2017/5001/FUL)

In the discussion the following points were made:

- The planning officer stated that Paragraph 4.6 of the officer report should state that Unit 1 would be 44sqm, Unit 2 would be 30sqm and Unit 3 would be 30sqm.
- A member raised concern that the eastern wall that would be lowered was a party wall and the adjoining owners might not agree. The planning officer confirmed that if the wall was not lowered, there would be a greater sense of enclosure.
- The daylight and sunlight implications were discussed and the planning officer stated that the neighbours' windows comfortably passed the daylight and sunlight tests.
- In response to a member's question, the planning officer advised that the refuse collectors were satisfied with the refuse storage and collection arrangements.
- A construction management plan and an environmental plan were required.
- The appeal decision had focussed on poor quality residential accommodation. This had now been improved.

RESOLVED:

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

the contributions for affordable housing, carbon offsetting contributions and securing a car free development as set out in Appendix 1 of the officer report.

24 **18 ½ SEKFORDE STREET, LONDON, EC1R 0HL (Item B8)**

Partial demolition of the rear courtyard wall and the insertion of a new gate to access the communal garden space and associated landscaping.

(Planning application number: P2017/4174/FUL and P2017/4227/LBC)

In the discussion the following points were made:

- In response to a member's question as to why the application was recommended for approval when a similar application had been refused in 2003 and confirmed by the inspector in 2005, the planning officer advised that local and national policy had been changed and removing the 1970s part of the wall would have a heritage benefit.
- The building which had been a previous bank, was now a family home and had C3 residential use.
- The legal advisor stated that if granted permission, there was a condition that a relevant agreement about the access rights would be agreed between the landowner, who happened to be the Council and the residents of 18½ Sekforde Street. If no agreement was reached, the planning permission could not be implemented.
- In response to a question from a member, the legal advisor stated that if the planning permission was restricted to individuals, there would have to be a reason.
- The planning officer considered that the heritage benefits outweighed the creation of a door in the wall.
- A member stated that if every residential property backing on to the garden had access to it, it would be unfair not to grant access to one more residential property.

RESOLVED:

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

25 **EASYHOTEL HOUSE, 80 OLD STREET, LONDON, EC1V 9AZ (Item B9)**

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 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)).

(Planning application number: P2018/1744/FUL)

In the discussion the following points were made:

- The applicant requested that the 4 months referred to in Condition 2 be extended to 7 months to enable all the works to be completed at the same time. He stated that use of the unauthorised hotel rooms had stopped.
- The planning officer stated that work should start sooner on the unauthorised rooms to ensure that they would not be used.
- The planning officer suggested that the wording of Condition 2 could be amended regarding the decommissioning of rooms and this could be delegated to officers.
- The application sought to improve the building by separating the office and hotel.

RESOLVED:

5

Planning Sub Committee B - 2 October 2018

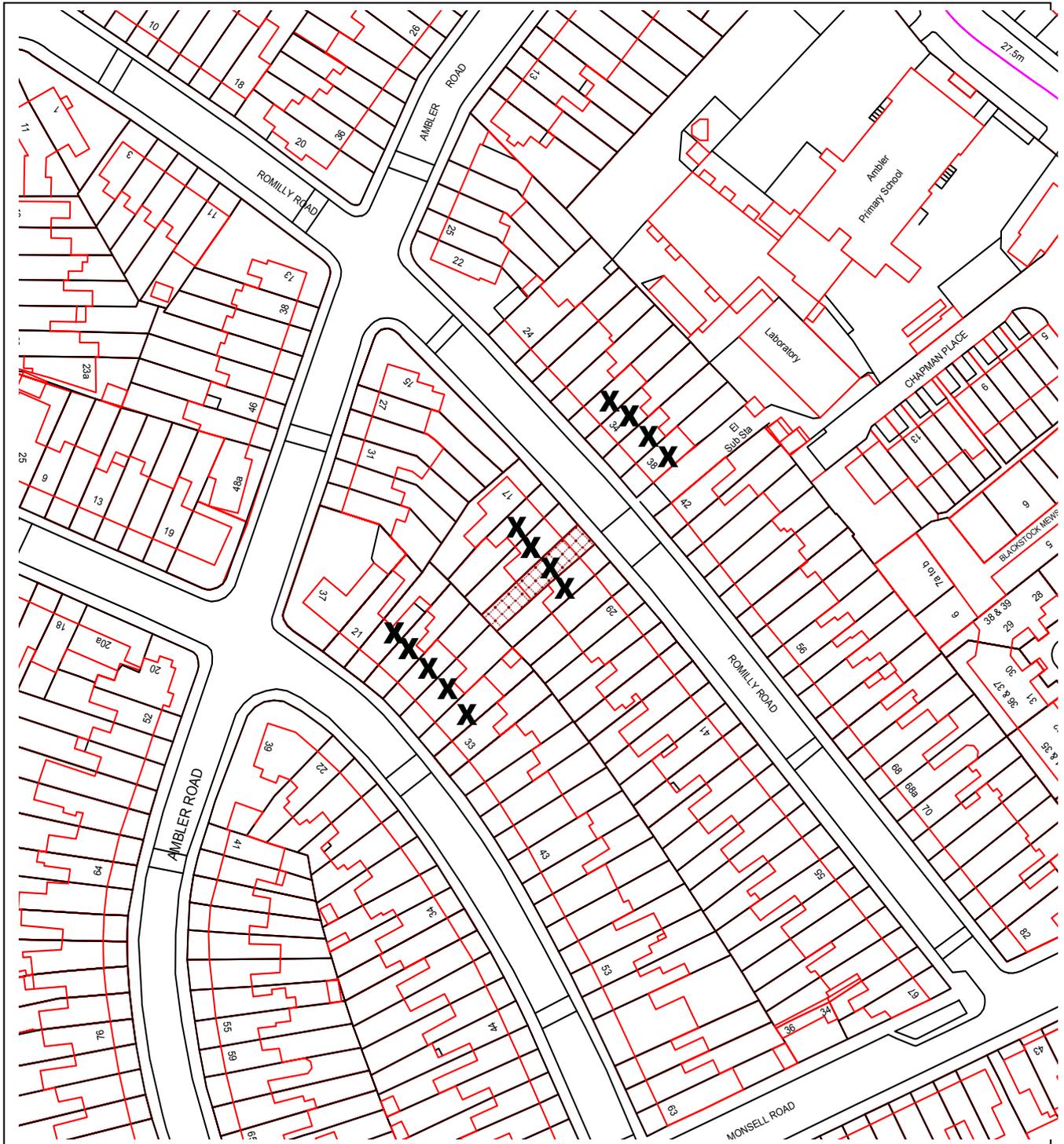
That planning permission be granted subject to the conditions set out in Appendix 1 of the officer report with the wording of Condition 2 being amended regarding the decommissioning of rooms and the wording of this to be delegated to officers.

The meeting ended at 10.35 pm

CHAIR

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Islington SE GIS Print Template



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P2017/1670/FUL

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE B		
Date:	12 March 2019	NON-EXEMPT

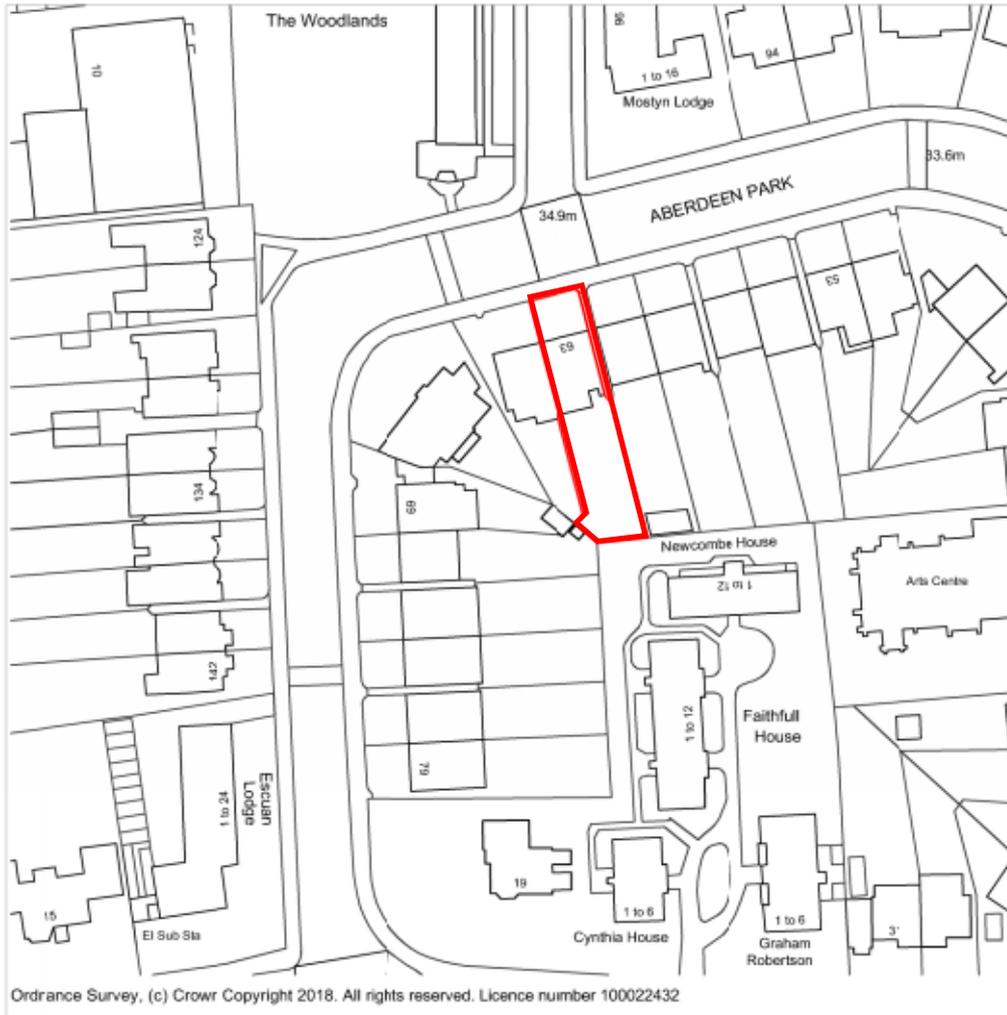
Application number	P2018/2871/FUL
Application type	Full Planning (Householder) Application
Ward	Highbury East
Listed building	Not Listed
Conservation area	Aberdeen Park Conservation Area
Development Plan Context	None
Licensing Implications	None
Site Address	63 Aberdeen Park, London, N5 2AZ.
Proposal	Erection of a timber clad outbuilding located to the end of the rear garden.

Case Officer	Sandra Chivero
Applicant	Ms Maria Loukanova
Agent	Miss Zainab Khan - Ecospace Studios

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 black)



3. PHOTOS OF SITE

Application Site



Image 1: Aerial view of the application site



Image 2: Photo of previous shed

4. SUMMARY

- 4.1 This application follows the planning application (Ref.P2018/0723/FUL) that was withdrawn in April 2018 and related to the removal of a summerhouse and erection of a single storey timber clad outbuilding in the rear garden. It was considered that the footprint and overall size (3936mm deep, 5936mm in length x 8536mm wide x 2800mm high) of the previously proposed outbuilding was too large and would harm the spacious character of the Aberdeen Park Conservation Area.
- 4.2 The current scheme proposes a timber clad outbuilding 4.6m deep x 7.3m long x 2.8m high positioned to end of the rear garden. The outbuilding incorporates a green roof and would be clad in western red cedar which would naturally weather to a silvery colour. Due to its size and scale, the proposed outbuilding would appear as a subordinate addition in the context of the adjoining rear gardens. In addition, due to design, materials and appearance the outbuilding would not adversely affect the character and appearance of the host building and the wider Aberdeen Park Conservation Area.
- 4.3 The existing garden is approximately 225sqm and the proposed outbuilding would be 33.6sqm. The outbuilding would therefore take up only of 14.9% of the rear garden. Overall, it is considered that sufficient garden space would be retained and the proposal would not have a significant impact on the open nature of the rear gardens of this section of the terrace nor biodiversity and natural drainage such as to warrant a refusal of the application. The Tree Officer does not object to the removal of 2 no. trees, categorised as being low quality and very limited wider amenity within the submitted Arboricultural Report. The Council also considers that the direct tree impacts from the installation of the outbuilding (based on the site investigation) is now acceptable and subject to arboricultural supervision and a robust arboricultural method statement, retained trees can be adequately protected.
- 4.4 Additionally, due to its size, scale and position the proposed outbuilding is considered not to be overbearing when viewed from the neighbouring properties and would not result in material loss of light nor result in harmful overlooking to neighbouring properties. Moreover, the outbuilding is for ancillary residential use and is therefore not considered to result in harmful noise disturbance to warrant a refusal of the application.
- 4.5 Overall, the proposal would be in line with relevant policies contained within the NPPF, London Plan, Core Strategy, Development Management Policies and the guidance contained within Islington Urban Design Guide.

5. Site and Surrounding

- 5.1 The site comprises of a two-storey semi-detached dwelling located on the northern side of Aberdeen Park. Aberdeen Park is a private road and is relatively quiet. The building is not listed but it is located within the Aberdeen Park Conservation Area. The surrounding area is pre-dominantly residential in character. The site backs on to three-storey modern residential blocks. The Florence Trust lies to the south-east of the property and does not directly adjoin the application site.

6. PROPOSAL (IN DETAIL)

- 6.1 The current application follows the planning application (Ref.P2018/0723/FUL) withdrawn in April 2018 for the removal of a summerhouse and erection of a single storey timber clad outbuilding in the rear garden. The previous outbuilding design was a larger outbuilding with a dogleg to the front elevation. The structure was 3936mm deep, 5936mm in length x 8536mm wide x 2800mm high.
- 6.2 Amended drawings were received during the course of the application. The current scheme now proposes a timber clad outbuilding 4.6m deep x 7.3m length x 2.8m high. The outbuilding incorporates a green roof and would be clad in western red cedar which would naturally weather to

a silvery colour. The structure would incorporate large full height glazed sliding doors and a narrow full height window to the front (north) elevation, seamless timber door to the side (west) elevation, horizontal narrow window to the east side elevation and a narrow full height window to the rear (south) elevation. The outbuilding would be for ancillary residential use.

Revisions

6.3 Revised drawings were received during the course of the application as follows:

- Amended drawing nos. 1803.PL.01 Rev. B, 1803.PL.02 Rev. B, 1803.PL.03 Rev. B, 1803.PL.04 Rev.B; Design and Access Statement – 1803.DAS.A received on 19 February 2019 showing reduction in depth and width of outbuilding.
- Amended drawing nos. 1803.PL.01 Rev. C, 1803.PL.02 Rev. C, 1803.PL.03 Rev. C, 1803.PL.04 Rev.4; 1803.PL.05 Rev.B, 1803.PL.05 Rev. A Design and Access Statement – 1803.DAS.B received on 26 February 2019 showing incorporation of a green roof to the proposed outbuilding.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

7.1 February 2019: Non-Material Amendment (Ref. P2018/4167/NMA of P2016/4325/FUL) Not Agreed for

- a) Addition of metal railing balustrades to rear first floor windows
- b) Change of rear elevation windows from timber to aluminium
- c) Change of front windows from timber to crittall
- d) Bricking up of side ground floor window

7.2 April 2018: Planning Application (Ref. P2018/0723/FUL) for Removal of existing summerhouse and erection of a single storey timber outbuilding in the rear garden of the property for ancillary residential purposes. Two generally protected trees to be removed to facilitate the proposal WITHDRAWN.

7.3 January 2017: Planning Application (Ref. P2016/4325/FUL) Granted for Erection of a single storey extension at rear ground floor level; installation of 3 no. rooflights to the rear roof slope; replacement of upvc windows with timber frame windows to the front and rear elevations including installation of metal framed French windows, single leaf door and full height glazed panel, at rear first floor level and associated metal safety balustrade with installation of replacement solar/pv panels.

ENFORCEMENT:

7.4 November 2018; Enforcement Case (Ref. E/2018/0270) relating to new walls to driveway at front not as per approved plans for P2016/4325/FUL, the applicant was advised to submit a retrospective application to regularise the works which were considered acceptable in principle and the enforcement case was Closed.

PRE-APPLICATION ADVICE:

7.5 None.

8. CONSULTATION

Public Consultation

8.1 Letters of consultation were sent to occupants of 59 adjoining and nearby properties on Aberdeen Park, Mostyn Lodge, Newcome House and The Woodlands, on 20 September 2018. A site notice and a press advert were also displayed. The public consultation period expired on 21 October 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 writing this report a total of 13 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):

Design and Trees

- Contravention of applicable policies and guidelines (Paragraph 10.13)
- Excessive size, scale and unsympathetic design (Paragraph 10.10, 10.11)
- Inappropriate modern design (Paragraph 10.11)
- Only minor alteration on resubmission (Paragraph 10.8 – 10.10, 10.20)
- Impact on surrounding Conservation Area (Paragraph 10.11 – 10.13)
- Unwelcome precedent (Paragraph 10.25)
- Impact on trees and loss of existing trees (Paragraph 10.14-10.19)
- Undesirable infilling of back garden and lessening of the spacious nature of the area (Paragraph 10.10, 10.11)

Use

- Ancillary to residential use (Paragraph 10.26)
- Unwelcome precedent for independent residential uses (Paragraph 10.25, 10.26)
- Security in the alleyway (Paragraph 10.26)
- Increased occupants (Paragraph 10.26)

Amenity

- Impact on neighbouring amenity (Paragraph 10.22-10.24)
- Loss of privacy and overlooking to neighbouring properties (Paragraph 10.22)
- Noise and disturbance (Paragraph 10.23)
- Light pollution (Paragraph 10.23)

Non material

- Wear and tear on the property due to increase of footfall (Paragraph 10.27)
- Strain on drainage, sewage, parking, roads, refuse collection and other services (Paragraph 10.27)
- On-going building works causing disturbance (Paragraph 10.27)

External Consultees

8.3 None

Internal Consultees

8.4 **Design and Conservation Officer** stated that the erection of an outbuilding is acceptable in principle at this location. It was stated that the height and design should be same as neighbouring and the structure should be set in by at least 1m from all boundaries.

8.5 **Tree Officer** Noted the reduction of the footprint compared to the original scheme and the retention of tree T2. They also highlighted that although no trees on site are protected by Tree Preservation Order (TPO) they are protected by virtue of being within the Aberdeen Park Conservation Area.

- 8.6 The Tree Officer advised that the architect Eco-Space Studios confirmed in an email that they “*will propose to move these pads to a new location marked in red. If roots are found in the new locations, we would then propose to span across these with steels under the building. This is a system we have successfully installed a number of times on other projects*”. It is noted that the arboricultural report from TAMAR trees does not appear to have reflected the recent site investigations mentioned above.
- 8.7 The footprint for the proposed outbuilding occupies a considerable proportion of the root protection area of 3x nearby Lombardy poplar trees however the report only refers to the relative incursion of the 21 pads as a percentage of the root protection area rather than the whole footprint which provides a much lower figure which is unrealistic. Whilst the Tree Officer disagrees with this approach of RPA impingement calculation he broadly agrees that the direct impact for the installation of the outbuilding (based on the site investigation) is now acceptable and subject to arboricultural supervision and a robust arboricultural method statement retained trees can be adequately protected.
- 8.8 It is stated that good design will avoid conflict, not invite it. The juxtaposition between the proposed building and nearby trees (T3-T5) is considered to be inappropriate which would in turn lead to post development pressure to significantly prune (or remove the trees). However, the issue of juxtaposition can be reduced by undertaking more significant tree pruning prior to the installation of the outbuilding and consideration then given to maintaining tree crowns (removing re-growth every three years) at a smaller and reduced size thereafter. Tree works are considered appropriate in this instance due to species type as well as previous tree management. Further information will also need to be provided on service routes and installation methods however if done with arboricultural input, then detrimental tree impacts can be minimised.
- 8.9 Based on the above the Tree Officer does not have any further objections in respect of this application subject to tree protection conditions attached a) requiring a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) and b) details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) submitted to and approved in writing by the Local Planning Authority.

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 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)).

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...”

- 9.2 At paragraph 7 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 9.3 Since March 2014 Planning Practice Guidance for England has been published online. 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.
- 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 that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.8 Some weight is attributable to the Draft London Plan.

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:
- Impact on the character and appearance of the Conservation Area
 - Tree Impact
 - Impact on the amenity of neighbouring properties

Design and Conservation

- 10.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area.
- 10.3 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.4 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. In addition, policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.5 The Urban Design Guide states that garden rooms and outbuildings should retain a sufficiently large proportion of the original garden. It is further stated that the proposals should respect and respond positively to existing buildings and the wider context including landscape.
- 10.6 Paragraph 27.2 of the Conservation Area Design Guide stipulates that:

Aberdeen Park is an area of special architectural and historic interest. It was laid out as an exclusive residential estate in the 1850's with large detached and grouped villas set in large gardens, though some 1920's houses and modern blocks of flats have since been added. Despite the architectural mix, a significantly large number of the Victorian villas survive, several with a strong Italianate style, to give the area its character. In the middle of the estate, St Saviour's Church is one of the finest Victorian Churches in London still retaining its quiet suburban setting. The area's seclusion, partly stemming from the fact that Aberdeen Park is a private road, together with its spacious layout, large gardens and mature trees, gives the whole estate a special character and appearance which is desirable to preserve and enhance.

- 10.7 Paragraph 27.7 of the Conservation Area Design Guide stipulates that:

Any new development should be in keeping with the character of the area and respect the massing and design of the buildings and use vernacular materials.

Previous Application

- 10.8 The current application follows planning application (Ref.P2018/0723/FUL) withdrawn in April 2018. The previous outbuilding design was a larger outbuilding with a dogleg to the front elevation. (The structure was 3936mm deep to 5936mm length x 8536mm wide x 2800mm high (please see image 4 below)). It was considered that the footprint and overall size of the outbuilding was too large and would harm the spacious character of the Aberdeen Park Conservation Area. Paragraph 5.170 of the Islington Urban Design Guide states *that garden buildings should be designed to be subservient to the main building on the site... with a modest footprint and should be set away from boundaries to prevent cumulative impact or a terracing effect (please see image 3 below)*. The previous scheme did not accord with this aspect of the

Urban Design Guide. It was therefore recommended that the footprint of the building be reduced and that it be set back further from the boundaries.



Image 3: Example from the Urban Design Guide.

Current Proposal

10.9 The current scheme proposes construction of a timber clad outbuilding measuring 4.6m deep x 7.3m long x 2.8m high (please see image 5 below). The outbuilding would be clad in western red cedar timber which would naturally weather to a silvery colour. The structure would incorporate a large full height glazed sliding doors and a narrow full height window to the front (north) elevation, seamless timber door to the side (west) elevation, horizontal narrow window to the side (east) elevation and a narrow full height window to the rear (south) elevation.

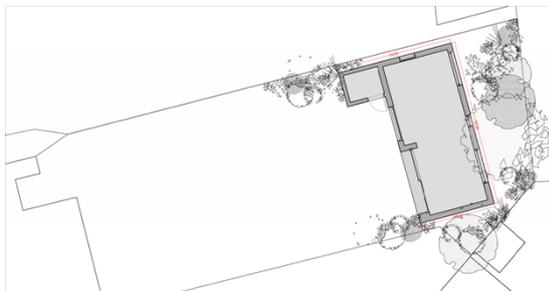


Image 4: Proposed floor plan withdrawn
Application Ref. P2018/0723/FUL

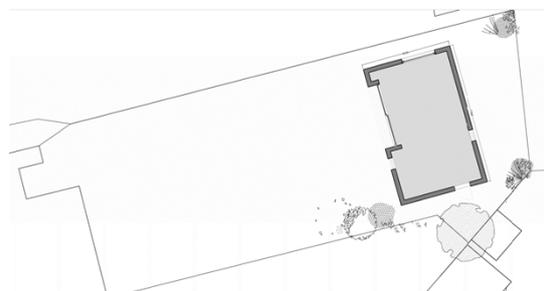


Image 5: Proposed floor plan under
current amended proposal

10.10 The existing rear garden is approximately 225sqm and the proposed outbuilding would be 34sqm. The outbuilding would therefore take up only of 15.1% of the rear garden. There are examples of outbuildings within this section of Aberdeen Park including the adjoining property at no. 61 with an outbuilding of similar height and foot print (please see image 6). The principle of an outbuilding is therefore considered acceptable at this location. Although the proposed outbuilding would not be permitted development, under the provisions of the GDPO, a larger footprint albeit with a lower height could be built to the single family dwelling house.



Image 6: Outline of proposed building in context outbuilding to no. 61

- 10.11 Due to its size and scale, the proposed outbuilding would appear as a subordinate addition in the context of the adjoining rear gardens. The outbuilding is sufficiently set back from the boundaries by 1m which complies with Design and Conservation Officer's comments on the set back distance. In addition, the use of the timber and roof felt would be acceptable materials for a garden structure, nestled beneath tree canopies. In particular, the western red cedar which would naturally weather to silvery shade would blend to its garden surrounding. It is also considered that adequate garden space would remain. Overall, the modest scale and finish of the development is considered not to form an overly dominant or visually harmful feature when viewed from the rear gardens of neighbouring properties.
- 10.12 The character and significance of the Aberdeen Park Conservation Area is described at paragraph 10.6. The proposed outbuilding is not considered to detract from the significance of the Conservation Area and is concluded not to harm its character or its appearance.
- 10.13 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the Aberdeen Park Conservation Area. In light of the above, the proposal is not considered to detract from the character of the existing host building and the setting of the adjoining properties and gardens. The proposal would therefore not harm the character or appearance of the surrounding Aberdeen Park Conservation Area. As such, the proposed development would accord with the NPPF, policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, including the guidance contained within the Urban Design Guide (2017) and the Aberdeen Road Conservation Area Design Guidelines.

Trees and Green Roof

- 10.14 Part B of policy DM6.5 of the Development Management Policies stipulates *that developments are required to minimise any impacts on trees, shrubs and significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development.*
- 10.15 Part C of policy DM6.5 of the Development Management Policies stipulates *that developments should maximise the provision of green roofs and the greening of vertical surfaces as far as reasonably possible, and where this can be achieved in a sustainable manner, without excessive water demand. New-build developments... should use all available roof space for green roofs, subject to other planning considerations*

- 10.16 To facilitate the development proposals two trees (T1 and T6) are proposed for removal, these have been categorised as being low quality and very limited wider amenity within the submitted Arboricultural Report. The largest of these two trees was estimated as 6m high. The most significant trees at this site are two Lombardy poplar trees (shown as T3 and T4) on the plan which are estimated as being 19-20m high. These trees are located at the rear garden boundary with Newcombe House (to the South) and are categorised as moderate quality trees. These have both been “topped” (significantly pruned) in the past but have since regrown. Other important trees include a mature silver birch tree located within the front garden and categorised as a moderate quality tree.
- 10.17 The footprint for the proposed outbuilding occupies a considerable proportion of the root protection area of 3x nearby Lombardy poplar trees, however the report only refers to the relative incursion of the 21 pads as a percentage of the root protection area rather than the whole footprint which would provide a much lower figure. The Tree Officer disagrees with this approach of RPA impingement calculation, however, he broadly agrees that the direct impact for the installation of the outbuilding (based on the site investigation) is now acceptable and subject to arboricultural supervision and a robust arboricultural method statement retained trees can be adequately protected.
- 10.18 The juxtaposition between the proposed residential building nearby trees (T3-T5) is considered to be inappropriate which would in turn lead to post development pressure to significantly prune (or remove the trees). However, the issue of juxtaposition can be reduced by undertaking more significant tree pruning prior to the installation of the outbuilding and consideration then given to maintaining tree crowns (removing re-growth every three years) at a smaller and reduced size thereafter. Tree works are considered appropriate in this instance due to species type as well as previous tree management. Further information will require to be provided on service routes and installation methods, however if done with arboriculture input, then detrimental tree impacts can be minimised.
- 10.19 In light of the above, the Tree Officer does not object subject to conditions a) requiring a scheme for the protection of the retained trees, including a tree protection plan and an arboricultural method statement and b) details of all tree protection monitoring and site supervision by a suitably qualified tree specialist to be submitted to the Council. (Please see Appendix 1 Conditions 4 and 5).
- 10.20 The amended drawings received during the course of the application also show a green roof added to the roof of the outbuilding. The provision of a green roof is welcome as it would maximise the benefits for biodiversity, sustainable drainage, cooling and would add a more naturalistic appearance to the outbuilding. The provision of a green roof would also be in line with policy DM6.5 which requires developments to maximise the provisions of green roofs as far as reasonably possible.

Neighbouring Amenity

- 10.21 Policies seek to appropriately safeguard the amenities of residential occupiers when considering new development. Development Management Policy DM2.1 identifies amongst other matters that development should safeguard the daylight and sunlight to nearby property and minimise disturbance to the occupants of adjoining buildings, as well as protect their privacy.
- 10.22 The outbuilding would be located to the end of the rear garden away from windows to neighbouring properties along Aberdeen Park. The separation distance between the outbuilding and the closest neighbouring property along Aberdeen Park is located approximately 16m away. While the Newcombe House residential block is only located 5m away this is separated by large trees from the outbuilding and only a small high level window is proposed to the rear (south) elevation. The proposal is therefore not considered to result in harmful loss of privacy and

overlooking to neighbouring properties. There is already a degree of overlooking to adjoining gardens. Due to its size, scale and position the outbuilding is not considered to exacerbate the degree of overlooking to neighbouring properties.

- 10.23 Further concerns were raised in relation to noise, disturbance and light pollution. The proposal relates to a low level structure ancillary to the existing residential use and is therefore not considered to result in harmful noise, disturbance and light pollution. However, should the neighbouring properties experience domestic disturbance this can be reported to the Council's Public Protection Team.
- 10.24 In light of the above the proposal would not contravene policy DM2.1 of the Development Management Policies which seeks to safeguard residential amenity to neighbouring properties.

Other Matters

- 10.25 Objections have been raised stating that the outbuilding would set an unwelcome precedent. As noted above there are examples of outbuildings within the vicinity of the application site. It is the case that each application is assessed on its own merits as in this instance. Future applications would therefore be assessed on the basis of compliance with adopted policies and guidance.
- 10.26 As noted above the proposed outbuilding is for ancillary residential use. It is therefore not considered that the proposal would result in an increased occupancy to the host property. The application site has historic access from the rear via the alleyway. The proposed outbuilding would be ancillary to the existing residential use and is not considered to raise security issues via the alley way.
- 10.27 The concerns raised regarding wear and tear and strain on services are not a material consideration. The application therefore cannot be refused for these reasons. Further concerns raised regarding on going works causing disturbance are also not a material consideration and this can be reported to the Council's Public Protection Team and dealt. An informative has been attached advising that Nuisance from demolition and construction works is subject to control under the Control of Pollution Act and that normal approved noisy working hours should be adhered to (please see Appendix 1).

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary is provided in paragraph 4.1 – 4-5 of this report.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1803.PL.01 Rev. B, 1803.PL.02 Rev. C, 1803.PL.03 Rev. B, 1803.PL.04 Rev. B; 1803.PL.05, 1803.PL.06; Design and Access Statement – 1803.DAS.A; BS5837 Arboricultural Impact Assessment – 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 and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials
	<p>MATERIALS (DETAILS): Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Red cedar (western) cladding and b) Windows (Scandinavian laminated pine) <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	Tree Protection
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Tree work schedule b) Location and installation of services/ utilities/ drainage. c) Arboricultural supervision and inspection by a suitably qualified tree specialist

	<p>d) Reporting of inspection and supervision</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London Plan and pursuant to section 197 of the Town and Country Planning Act 1990.</p>
5	Arboricultural Site Supervision
	<p>CONDITION: Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM 6.5, policies 7.19 and 7.21 of the London.</p>
6	Green Roof (Compliance)
	<p>CONDITIONS: The green roof shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan [1803.PL.02.Rev. C] hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
7	Outbuilding use as ancillary/ incidental to the enjoyment of the dwellinghouse only
	<p>CONDITION: The outbuilding can only be used ancillary/ incidental to the enjoyment of the dwellinghouse and cannot be used as a self-contained unit.</p> <p>REASON: For avoidance of doubt and to protect neighbouring amenity.</p>

Informatives:

1	Nuisance from Construction Work
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	<p>Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:</p> <ul style="list-style-type: none"> - 08:00 to 18:00 Monday to Friday - 08:00 to 13:00 Saturday - No work on Sundays and Public Holidays <p>If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.</p> <p>T: 020 7527 7272 E: pollution@islington.gov.uk</p>
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APPENDIX 3: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 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.

- **National Planning Policy Framework (2018)** - Policy 16 Conserving and Enhancing the Historic Environment
- **The Planning Practice Guidance (2014)**
Conserving and enhancing the historic environment
- **Conservation Principles (English Heritage, 2008)**

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) **The London Plan 2016 -**

7 London's living places and spaces

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

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 CS15 (Open space and green infrastructure)

C) Development Management Policies June 2013**Design and Heritage**

DM2.1 Design

DM2.3 Heritage

Health and open space

DM6.5 Landscaping, trees and biodiversity

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

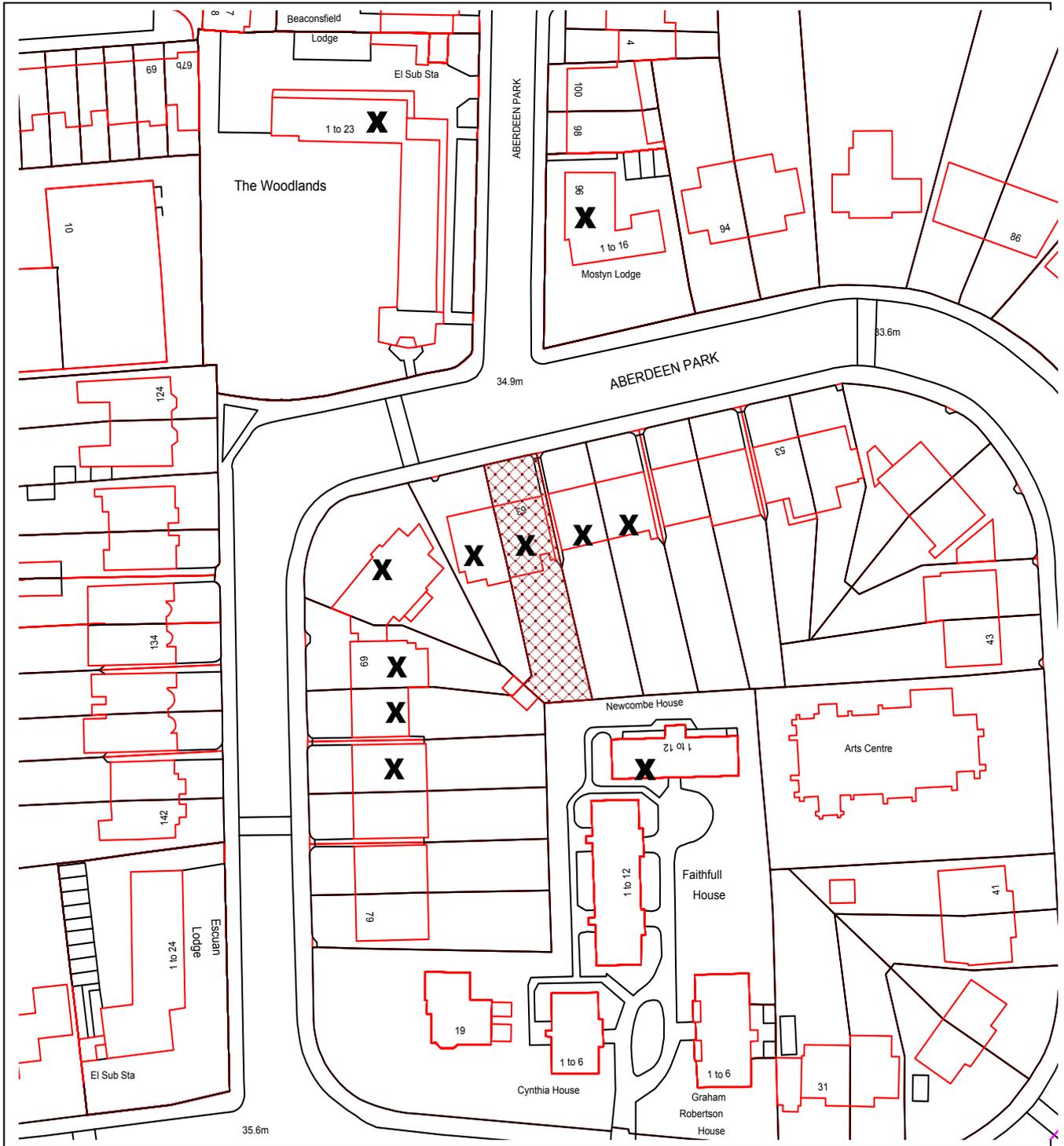
The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Conservation Area Design Guidelines (Aberdeen Park)
- Urban Design Guide
- Trees Policy

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Islington SE GIS Print Template



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P2018/2871/FUL

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ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



Date:	12 March 2019	NON-EXEMPT
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Application number	P2017/1262/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Rosebery Avenue Conservation Area (and Article 4 Direction Within 50m of New River Conservation Area)
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Major Cycle Route Employment Priority Area (General) Finbury Local Plan Area – Bunhill & Clerkenwell Exmouth Market Local Shopping Area Within 100m of SRN Road Local view from Archway Road Local view from Archway Bridge Local view from Dartmouth Park Hill
Licensing Implications	Clerkenwell Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	Basement and Ground, 37-39 Exmouth Market, Islington, London, EC1R 4QL
Proposal	Change of use from Sui Generis (Betting Office) at ground and basement levels, to A3 (Restaurants and Cafes) at Ground Floor Level and A4 (Drinking Establishments) at basement level.

Case Officer	Nathan Stringer
Applicant	Debenham Property Trust
Agent	Indigo Planning – Mr Paul Reeves

1. RECOMMENDATION

- The Committee is asked to resolve to **GRANT** planning permission subject to:
- 1.1 the conditions set out in Appendix 2 and as amended in Sections 7 and 8;

2. REASONS FOR DEFERRAL

2.1 This application was previously discussed at Planning Sub-Committee B meeting on 17 July 2018 where objectors were given an opportunity to speak. Members raised a number of concerns with the information provided.

2.2 In the discussion the following points were made:

- Planning officers advised that the drawings and details for extractor systems showed a generic extract that did not satisfy planning officers, and therefore a condition was required to ensure that this information was provided and approved prior to the commencement of operations. As part of this, consultation with neighbours and relevant officers is necessary.
- Concern was raised by a Member that the drawings submitted in relation to the 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 sensitive roof.
- In response to a Member's question about the land use types within the vicinity, 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.

2.3 Minutes of that meeting are attached at Appendix 1.

2.4 Members decided to defer the application in order to enable officers to clarify whether a change of use was required (noting existing Sui Generis use class, rather than A2), 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 re-consultation with neighbours.

3. UPDATES FOLLOWING PLANNING SUB-COMMITTEE B 17TH JULY 2018

3.1 The applicant has provided a new application form to correctly state that the existing lawful use of the site is as a betting office (Sui Generis use class).

3.2 The scheme has been revised to provide details of the proposed extraction system to be installed in order to serve the two units. Drawings have been provided to demonstrate where the extractors would be located, and a Plant Noise Assessment has been provided in order to demonstrate the impact of the proposal upon neighbouring amenity.

3.3 Condition 13 has been added to ensure compliance with the details submitted with regard to extractor flues and mechanical ventilation, should they be approved.

4. CONSULTATION

4.1 The application has been subject to one round of re-consultation following the provision of the additional information and the subsequent revisions to the scheme. Letters were sent to occupants of 41 adjoining and nearby properties on 29 October 2018. A site notice and press advert were also displayed. The public re-consultation period therefore expired on 25 November 2018, however it is the Council's practice to consider representations made up until the date of a decision.

4.2 Three further objections were received during the re-consultation period, including 2no. from previous objectors which raised no further issues beyond their previous representations, and 1no. new objection from a neighbouring resident. The new objector raised concerns regarding the potential impacts of the proposal upon amenity, including noise disturbance, air pollution and odour, and safety. The impacts of the proposed

extractor and plant equipment upon neighbouring amenity are addressed in paragraphs 5.11-5.21.

5. ASSESSMENT OF ADDITIONAL INFORMATION

Land Use

- 5.1 Concerns were raised by Members with regard to the lawful existing use of the site, noting that it was most recently used as a betting shop. Betting shops sit within the Sui Generis use class, rather than the A2 use class as previously identified.
- 5.2 The premises consists of ground and basement level units, both within the Sui Generis use class. The site is located within the Exmouth Market Local Shopping Area, as designated in figure 3.1 and table 3.1 of the Development Management Policies 2013, but it is not located within a Town Centre. Unlike retail A1 uses, there is no policy protection for Sui Generis uses within Local Shopping Areas. Therefore, the loss of the Sui Generis units is acceptable in principle.
- 5.3 As the ground floor unit is not classified as a retail use class, marketing evidence is not required to be submitted to demonstrate that there is no realistic prospect of the unit being used in its current use in the foreseeable future.
- 5.4 The acceptability of the proposed A3/A4 uses is discussed in greater detail within the previous Committee Report (attached at Appendix 2).

Proposed Extraction System

- 5.5 The information provided includes details of a kitchen extract system, and details of mechanical ventilation for ground and basement level air conditioning. The proposal includes 2no. kitchen extract flues that would rise at the rear of the building to above the mansard roof addition. The mechanical ventilation would include equipment at the rear ground floor roof level, including 4no. condenser units set behind an acoustic enclosure, 2no. extract air outlets, and 2no. fresh air inlets.

Design and Conservation

- 5.6 The proposed acoustic screening at the rear first floor flat roof area would have a height of 2.1m, and would be located in front of the staircase enclosure at the rear of the site. The 2no. extract air outlets would have a height of 1.25m, and the 2no. fresh air inlets a height of 0.5m. The two (2) proposed extractor flues would extend up the rear elevation of the building, adjacent to the boundaries with nos. 33 and 41 Exmouth Market. The extracts would continue along the flat mansard roofs of the site, before turning skyward and extending to a height of 1.55m above the flat roof slope. The proposed rear elevation is shown in **Figure 1**.



Figure 1: Proposed rear elevation with 2no. extractor flues

- 5.7 No public views would be afforded towards the mechanical ventilation equipment at the rear of the site, and in this regard is considered to cause no harm to the character or appearance of the host building or the wider conservation area. However, some concern is raised with regard to the proposed kitchen extractor flues, noting that the proposed drawings do not sufficiently demonstrate that they would not be visible on the roofslope from public sightlines along Exmouth Market.
- 5.8 Both the proposed rear elevation drawing, and the proposed side section A-A, demonstrate that the flues would terminate 1.55m above the flat mansard roof level. However, whilst the section drawing indicates that the flue would sit lower than the existing chimney pots at the boundaries with nos. 33 and 41, the rear elevation drawings indicate that the chimneys would extend beyond these by approximately 0.6m. Officers note that the existing chimney pots are visible in some glimpses in long-views from Exmouth Market. However, due to the narrowness of the street and the height of the buildings, views are not afforded towards the pots in short public views.
- 5.9 The Design and Conservation officer has reviewed the information submitted and, whilst noting that the proposed extractor flues are not desirable, they could likely be accommodated without causing undue harm to the character or appearance of the conservation area. Given that the submitted drawings are not consistent in demonstrating the height of the chimney pots, in order to ensure that the extracts would not be visible from Exmouth Market a condition (Condition 11) has been included requiring that revised plans demonstrating that the extractors would not extend forward of the rear chimney line are submitted to, and approved in writing by the Local Planning Authority, prior to the

installation of the equipment. Subject to this condition, it is considered that the proposal would not cause undue harm to the character or appearance of the host building or the wider conservation area.

- 5.10 In accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Rosebery Avenue Conservation Area.

Neighbouring Amenity

- 5.11 The applicant has provided a Plant Noise Assessment to assess the impact of the plant and equipment on the level of amenity experienced by neighbouring occupiers. In preparing the report, prevailing background noise measurements were undertaken between the hours of 11:00 on Wednesday 12 September and 11:00 on Thursday 13 September 2018, in accordance with Local Authority Environmental Health requirements. Measurements were undertaken at the rear of the site, approximately 1.5m above the first floor flat roof area, adjacent to the proposed plant area and the closest noise-sensitive receiver. Condition 6 seeks to ensure that the design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating of at least 5dB(A) below the background noise level LAF90 Tbg. Therefore, as a result, the Noise Assessment submitted seeks to demonstrate that the noise emissions from the plant do not exceed the following levels when assessed at the nearest noise sensitive residential location (at no. 37-39 Exmouth Market):

- Operating hours Monday-Thursday (07:00-23:00): 38 dB
- Operation hours Friday-Saturday (07:00-00:00): 36 dB
- Operating hours Sunday (08:00-22:00): 41 dB

- 5.12 With regard to noise disturbance to commercial office buildings, the Local Planning Authority considers that the guidance provided within BS 8233:2014 with regards to offices would be appropriate, along with the assumption that a partially open window will achieve an overall sound reduction of 10-15 dB. In line with the above, the Noise Assessment submitted seeks to demonstrate that the plant would not exceed 55dBA when measured at 1m from the nearest noise sensitive commercial office window (at no. 70 Rosebery Avenue).

- 5.13 In order to mitigate any potential adverse impacts of the proposed equipment, the Noise Assessment recommended that the 4no. condensers are fully enclosed with acoustic louvres, which should be capable of achieving the performance levels detailed. The report also recommended that in-duct attenuation in the general ventilation inlets and outlets, as close to the fan as possible. The report concludes that, with the above mitigation measures adopted, the noise levels at the nearest sensitive receivers would be met. The applicant has adopted each of the mitigation measures recommended.

- 5.14 The results of the Noise Assessment for the proposed plant and equipment, including the adopted mitigation measures, is demonstrated in **Table 1** below. The location of the three receptors assessed is demonstrated in **Figure 2**.

Operating Period	Receptor 1 (First Floor Level Flat, nos. 37-39 Exmouth Market)		Receptor 2 (windows of no. 35 Exmouth Market)		Receptor 3 (windows of offices at Rosebery House, no. 70 Rosebery Avenue)	
	Prediction	Criterion	Prediction	Criterion	Prediction	Criterion
Monday-Thursday 07:00-23:00	35	38	36	38	31	55
Friday-Saturday 07:00-00:00	35	36	36	36	31	55
Sunday 08:00- 22:00	35	41	36	41	31	55

Table 1: results of noise assessment, including mitigation measures.

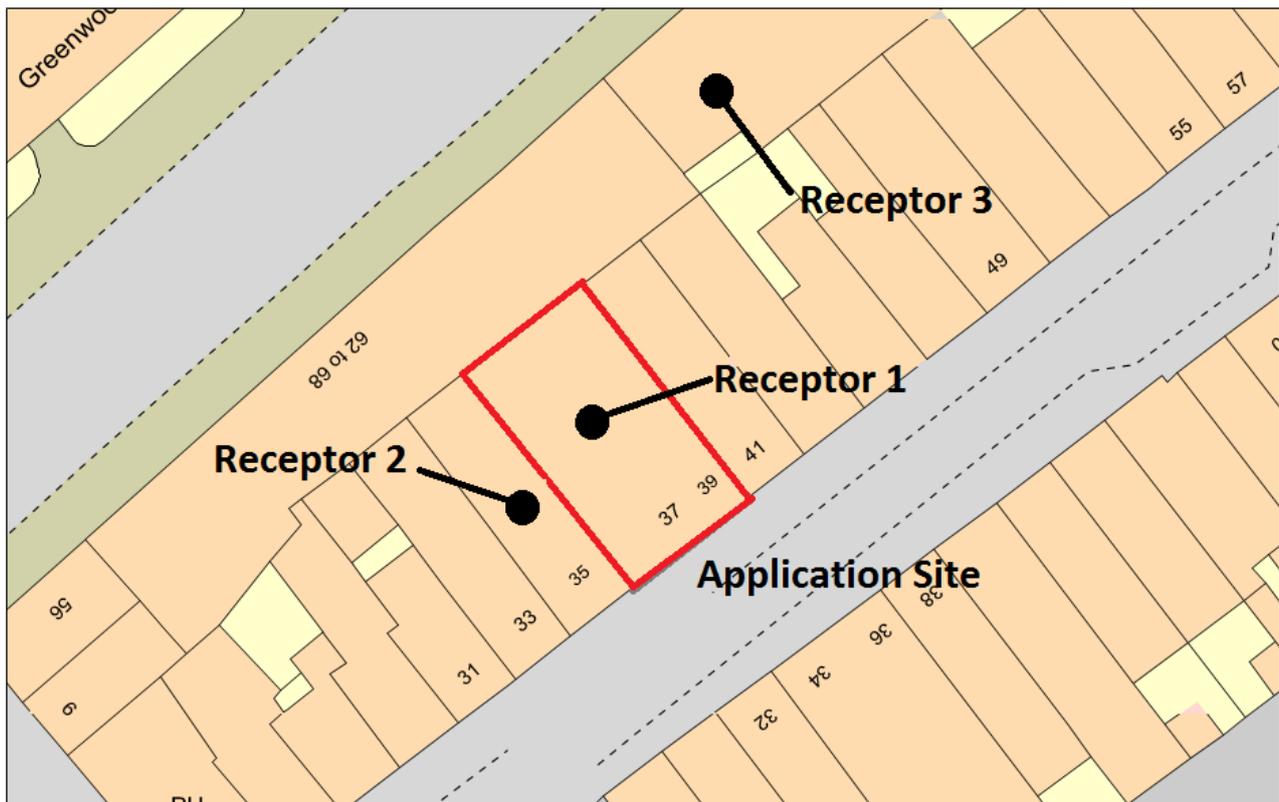


Figure 2: Location of receptors as detailed within the Noise Assessment.

- 5.15 The Noise Assessment therefore demonstrates that the noise impact of the proposed plant and equipment would be within the relevant criteria for atmospheric noise emissions, providing suitable mitigation measures are employed.
- 5.16 Following the submission of the additional details, the applicant has confirmed that the proposed enclosure would meet the criteria within Table 6 of the Noise Assessment, and that the vibration controls recommended in Section 6 of the report would be implemented. They have also confirmed that the condenser units proposed could be locked onto night mode (i.e. on reduced capacity) and still perform adequately.
- 5.17 Council's Public Protection (Noise) Officer has reviewed the information provided. Officers consider that it has been adequately demonstrated that the proposed equipment would, in principle, ensure that the proposed uses can be implemented without causing undue harm to the level of amenity experienced by neighbouring occupiers.

- 5.18 However, the Public Protection Officer has queried whether all of the necessary equipment as proposed could be accommodated at the site, and has requested that an additional drawing be provided by the applicant to demonstrate that the duct layout as proposed is feasible within the run for the general ventilation outlet and intake (which terminate at low level) and the kitchen extract (along with the fan, filtration, bands etc). Officers have requested that the applicant supply this drawing on numerous occasions, as early as 28 October 2018, and as recently as 19 February 2019. The drawing has not been provided to officers for review.
- 5.19 Given that the above requested drawings have not been provided by the applicant for officer consideration, there is still some concern that it may not be feasible to fit all of the required equipment into the space. The drawings provided thus far do not sufficiently, nor clearly, demonstrate that this is the case. However, given that the principle of the proposed equipment is acceptable, it is not considered that this lack of clarity would warrant a reason for refusal of the application in this instance.
- 5.20 Should permission be granted in absence of the above requested drawing, it must be noted that the details approved would include the plant and extract equipment as noted on the documents submitted by the applicant. The details of this equipment would form part of the documents hereby approved, and the proposal is therefore required to be undertaken in accordance with the approved plans. Should it become apparent that the required extract and plant equipment cannot be accommodated at the site, a further planning application would need to be lodged.
- 5.21 In order to ensure that the operation of the A3 and A4 units does not commence prior to the installation of the plant and extract equipment (as per the approved plans and documents), a condition (condition 13) has been included to ensure that the plant and extractor equipment is installed and operational prior to the first occupation of the A3 and A4 units.

Other matters

- 5.22 Following the re-consultation of the application, concern was raised by a neighbouring occupant that the proposed uses would result in an increase in locally available alcohol and drinkers within the area, compromising the safety of residents. Officers note that the site is located within an area which includes a high concentration of alcohol licensed premises, and which are therefore particularly prone to adverse impacts from night-time uses. The impact of this has previously been assessed within paragraphs 10.15-10.24 of the Committee Report (at Appendix 2), and it is noted that the additional information hereby under consideration would not alter the impact as previously assessed.

6. CONCLUSION

- 6.1 The application was initially deferred due to the site being subject to an existing Sui Generis use (rather than an A2 use), and a lack of sufficient information with regard to the required extract and plant equipment and its impact upon neighbouring amenity. The applicant has provided additional information to address concerns raised at the Planning Sub-Committee on 17th July 2018. The loss of the Sui Generis units would be acceptable, and the proposed extractor and plant equipment would not cause unacceptable harm to the host building or the Rosebery Avenue Conservation Area subject to details (Condition 11). The proposal is not considered to cause undue harm to the amenity of neighbouring occupants. Overall, the additional information and amendments are considered to be acceptable and necessary to address member's concerns. The application is therefore recommended for approval, subject to conditions.

7. UPDATED CONDITIONS

Condition 2 Approved Plans

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:

Covering letter from Indigo Planning dated 29 October 2018, Design and Access Statement, Location Plan, Site Plan, 3739EM/4001 Jan 2018, 3739EM/4002 Jan 2018, 3739EM/4003 Jan 2018, 3739EM/4004 Jan 2018, 3739EM/4005 Jan 2018, P-N001 October 2018, P-N002 October 2018, P-N003 October 2018, P-N004 August 2018, P-N005 October 2018, Operational Management Plan dated 22 January 2018, Plant Noise Assessment Rev 2 prepared by RBA Acoustics dated 5 October 2018, Heat Load Calculation Report prepared by CoolServ dated 22 August 2018, and Proposed Equipment prepared by CoolServ dated 12 September 2018 Rev A.

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.

Condition 11

CONDITION: Notwithstanding the hereby approved plans, revised drawings and details shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the A3 and A4 units, demonstrating that the extractor flues upon the flat mansard roof would not extend forward of the rear chimney line.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

REASON: To ensure that the proposal does not cause harm to the character or appearance of the host building or the wider Rosebery Avenue Conservation Area.

8.0 NEW CONDITIONS

Condition 13

CONDITION: The hereby approved extractor flues and mechanical ventilation equipment shall be installed and operational prior to the first occupation of the A3 and A4 units, and shall be retained thereafter into perpetuity.

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

APPENDIX 1 – PREVIOUS COMMITTEE MINUTES

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.

APPENDIX 2 – PLANNING COMMITTEE REPORT

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE B		
Date:	17 July 2018	NON-EXEMPT

Application number	P2017/1262/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Rosebery Avenue Conservation Area (and Article 4 Direction Within 50m of New River Conservation Area)
Development Plan Context	Core Strategy Key Area – Bunhill & Clerkenwell Central Activities Zone Major Cycle Route Employment Priority Area (General) Finbury Local Plan Area – Bunhill & Clerkenwell Exmouth Market Local Shopping Area Within 100m of SRN Road Local view from Archway Road Local view from Archway Bridge Local view from Dartmouth Park Hill
Licensing Implications	Clerkenwell Cumulative Impact Policy Area A4 Drinking Establishment A3 Restaurant and Café No licensing application details have been provided by the Applicant.
Site Address	Basement and Ground, 37-39 Exmouth Market, Islington, London, EC1R 4QL
Proposal	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.

Case Officer	Nathan Stringer
Applicant	Debenham Property Trust
Agent	Indigo Planning – Mr Paul Reeves

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 RED)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: The front elevation of the site as viewed from Exmouth Market



Image 3: Exmouth Market, looking west. Site is shown on the right.



Image 4: View of the rear of the site, looking east. Staircase enclosure is shown on the left.



Image 5: Ground floor interior view, facing towards Exmouth Market

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of the ground and basement floor levels of the property at no. 37-39 Exmouth Market from A2 (financial and professional services) to 2no. independent self-contained units - A3 (restaurants and cafes) at Ground Floor Level and A4 (Drinking Establishments) at Basement Level. The proposal also includes the installation of associated extractor and plant equipment, as well as proposed acoustic screening. The key considerations in determining the application relate to the land use, including the loss of the A2 unit and the acceptability of the introduction of A3/A4 uses at this location, the associated impact on neighbouring amenity, and the impact of the external alterations on the appearance of the existing building and on the character and appearance of the surrounding conservation area.
- 4.2 The proposal is brought to committee because the proposal has received six objections from neighbouring residents, generating a lot of interest in the development. The main concerns from objectors include the impact of the proposed use on neighbouring amenity with regard to noise, odour, waste and safety impacts.
- 4.3 The application site comprises a four storey (over-basement) mid-terrace building located on the northern side of Exmouth Market. The property consists of commercial (A2) use at ground floor and basement, and residential on the upper floors. The site is largely excavated to basement level across the full extent of the site. This application relates to the ground and basement levels. The building is not listed, however it is located within the Rosebery Avenue Conservation Area. The site is designated within the Central Activities Zone, the Exmouth Market Local Shopping Area, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, and an Employment Priority Area (General).
- 4.4 The proposal is considered to be acceptable in land use terms, given that the A2 use class within the Local Shopping Area is not protected in policy terms, and given the existing mix of properties within the Local Shopping Area, the proposal is not considered to result in an over-concentration of A3 or A4 uses within the vicinity. The proposed use of the site is considered to be acceptable, given the location of the property.
- 4.5 The proposed use, together with the proposed external alterations, including the installation of extractor and plant equipment, as well as proposed acoustic screening, are not considered to harm the character nor visual appearance of the host building or the surrounding conservation area. The proposal is considered not to have a significant impact upon the local highway network or the amenity of neighbouring properties, subject to conditions.
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application is approved subject to conditions.

5. SITE AND SURROUNDING

The Site Context

- 5.1 The application site is located on the northern side of Exmouth Market, within a street block bounded by Exmouth Market, Spafield Street, Tysoe Street and Rosebery Avenue. Exmouth Market is largely mixed use in character, many buildings contain commercial uses at ground floor with residential above.
- 5.2 The site is a four storey (over-basement) mid-terrace building. The property consists of commercial (A2) use at ground floor and basement, and residential on the upper floors. The site is largely excavated to basement level across the full extent of the site. This application relates to the ground and basement levels.
- 5.3 The property is not listed, however it is located within the Rosebery Avenue Conservation Area. The site is located within the Central Activities Zone, the Exmouth Market Local Shopping Area, the Bunhill & Clerkenwell Finsbury Local Plan Area, the Bunhill & Clerkenwell Core Strategy Key Area, and an Employment Priority Area (General).

Amendments during the course of the application

- 5.4 Objections were received from the Public Protection officer regarding the lack of information provided with respect of required extract and plant equipment in order to successfully operate A3/A4 uses at the site. The application has since provided details of proposed plant and extract equipment.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for a 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. The proposal also incorporates the installation of extractor ducts, plant equipment and acoustic screening at rear first floor level.
- 6.2 Planning permission was granted with conditions under delegation on 11 February 2017 (planning ref: P2015/3377/FUL). The proposal was for alterations to the building including demolition of existing rear elevation at ground and basement level, and existing rear shed, the erection of a two storey rear extension to basement and ground floor levels and the installation of a new shopfront. Therefore, the majority of physical works to the building have already been completed, and this application relates solely to the change of use and associated extract and plant equipment.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 **P2015/3377/FUL:** Demolition of existing rear elevation of ground and basement level, and existing rear shed. Erection of a two storey rear extension to basement and ground floor level and the installation of new shopfront to front elevation. Approved with conditions 11/12/2016.
- 7.2 **P071430:** Demolition of rear extensions to 33 and 35 Exmouth Market. Alterations and extensions associated with extension of ground floor retail unit in 33-35 to rear; conversion of existing residential accommodation to form 2 flats. Erection of a mansard roof extension to 33-39 Exmouth Market to provide 2 new flats at third floor level.

Installation of new shop front to 33-35 Exmouth Market. 33-35 and 37-39, Exmouth Market, Islington, London, EC1R 4QL Approved with conditions 01/08/2007.

- 7.3 **P2017/4397/FUL:** External alterations to first floor rear elevation comprising reduction in width of existing rear bathroom window to accommodate relocation of internal wall and installation of rear door in place of existing kitchen window. Approved with conditions 15/12/2017.

Enforcement:

- 7.4 None.

Pre Application Advice:

- 7.5 No pre-application advice was requested.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 41 adjoining and nearby properties on 12 May 2017. A site notice and press advert were also displayed. The application was re-consulted due to the submission of revised plans to include the addition of extractor ducts, plant equipment and acoustic screening at the rear. The public consultation of the application therefore expired on 23 March 2018, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, six objections had been received from the public with regard to the application. The issues can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Impact of the change of use on neighbouring amenity, including noise, odour, waste (see paragraphs 10.30-10.44)
 - Further noise impacts from the proposal should customers be permitted to drink or dine on the street (see paragraphs 10.41-10.44)
 - Loss of the A2 use class and the impact on the balanced mix of uses along Exmouth Market (see paragraphs 10.2-10.24)
 - Over-concentration of A3/A4 uses on Exmouth Market as a result of the proposal (see paragraphs 10.06-10.14)
 - Request that hours of operation be limited to 10PM on weeknights (see paragraph 10.43)

Internal Consultees

- 8.3 **Public Protection Officer:** the officer initially objected to the proposal as no details were provided on how the higher sound levels generated within a typical restaurant and bar would be mitigated for residents, nor were any details provided on the extract system or how it would be accommodated. Following the submission of additional information with tentative details of plant equipment, the officer advised they no longer object to the proposal, subject to conditions regarding mechanical plant noise compliance, hours of operation, and noise insulation measures.
- 8.4 **Environmental Health:** does not object to the proposal, however notes that the proposed flue does not run up the building to vent above the roof, and therefore the officer advised that conditions be included requiring further details of the proposed flues / extractor systems be submitted and approved in writing by the Local Planning Authority,

and requiring that the flue be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration.

- 8.5 **Policy Officer:** advises that there is no policy protection of A2 (professional and financial services) uses within Local Shopping Areas, and therefore the loss of the A2 unit is supported in principle.
- 8.6 **Refuse and recycling:** No comment.
- 8.7 **Licensing Officer:** requested further information on hours of operation, style of operation and whether outdoor spaces would be used and managed. Detailed conditions have been recommended in order to secure these details and restrict hours of operation.

External Consultees

- 8.8 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

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

- 9.5 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.

Development Plan

- 9.10 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 that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 Some weight is attributable to the Draft London Plan.
- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013:
- Rosebery Avenue Conservation Area (and Article 4 Direction)
 - Within 50m of New River Conservation Area
 - Core Strategy Key Area – Bunhill & Clerkenwell
 - Central Activities Zone

- Major Cycle Route
- Employment Priority Area (General)
- Finbury Local Plan Area – Bunhill & Clerkenwell
- Exmouth Market Local Shopping Area
- Within 100m of SRN Road
- Local view from Archway Road
- Local view from Archway Bridge
- Local view from Dartmouth Park Hill

Supplementary Planning Guidance (SPG) / Document (SPD)

9.13 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
- Neighbouring Amenity
 - Noise pollution
 - Odour and fumes
 - Night time disturbance and late night economy
- Delivery and Servicing
- Accessibility

Land Use

Loss of A2 floorspace

- 10.2 The application site is a four storey plus basement building located on the northern side of Exmouth Market. The application pertains to the basement and ground floor levels of the building. Following the completion of works as approved under P2015/3377/FUL, the existing combined GIA of ground and basement floor levels is approximately 360 sqm (180 sqm at both ground and basement levels, respectively). The proposal would therefore result in the loss of approximately 360 sqm of A2 (financial and professional services) commercial floorspace.
- 10.3 Policy DM4.6, Part A of the Development Management Policies 2013 states that *'proposals will only be permitted where an appropriate mix and balance of uses within the Local Shopping Area, which maintains and enhances the retail and service function of the Local Shopping Area, is retained.'*
- 10.4 The premises consists of ground and basement level units, both with A2 use class. The site is located within the Exmouth Market Local Shopping Area, as designated in figure 3.1 and table 3.1 of the Development Management Policies 2013, but is not located within a Town Centre. Unlike retail A1 uses, there is no policy protection for A2 uses within Local Shopping Areas. Therefore, the loss of the A2 use class is acceptable in principle.
- 10.5 As the ground floor unit is not classified as a retail use class, marketing evidence is not required to be submitted to demonstrate that there is no realistic prospect of the unit being used in its current use in the foreseeable future.

Proposed A3/A4 Use

- 10.6 Policy DM4.2 states that *'entertainment and night-time activities are generally inappropriate outside Town Centres.'* However, the policy notes that an exception applies to the area covered by the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). Part G of policy BC8 of the Finsbury Local Plan, which applies to the site, stipulates that *'new entertainment uses will only be allowed within the designate Employment Priority Areas.'* Therefore, the principle of the A3/A4 use may be acceptable, subject to details.
- 10.7 Paragraph 12.1.8 of the Finsbury Local Plan 2013 advises that within the Exmouth Market Local Shopping Area, *'in addition to the requirements of Development Management Policy on Local Shopping Areas, Policy BC8 specifies a need for at least 35% of individual units to be in retail (A1) use [...] this will support the provision of a diverse range of shopping and recreation facilities that meets the needs of both residents and visitors. The creation of sustainable, mixed local economies is also a guiding objective for public realm investment in these areas.'*
- 10.8 DM4.6 deals with Local Shopping Areas and advises that only proposals where an appropriate mix and balance of uses, which maintains and enhances the retail and service function of the Local Shopping Area are to be approved. This policy considers that smaller scale Local Shopping Areas complement Islington's Town Centres and play an important role in serving the needs of residents across the borough by providing essential services and also play an important social role for the surrounding community, and contribute to the character and identity of an area.
- 10.9 DM4.6 seeks to retain retailing within Local Shopping Areas and the provision of community and/or non-retail commercial uses may be appropriate to support the viability and vitality of the Local Shopping Area (in preference to a change of use to Class C3 residential).
- 10.10 The Exmouth Market Local Shopping Area is primarily focused on Exmouth Market itself, although there are a limited number of shops and restaurants on side streets. The shops and services are a strong draw for visitors to Islington, as well as providing important services for the surrounding residential communities and nearby office workers. A street food market operates between 12pm to 3pm, Monday to Friday.
- 10.11 Paragraph 4.37 of Development Management Policies notes that, in securing a mix and balance of uses within each Local Shopping Area, policy DM4.3 will be taken into account, to ensure that an over-concentration of uses of a single type of use does not occur which may harm the vitality or viability of the area. Where an application for Change of Use/redevelopment is received, potential cumulative impacts affecting existing uses within Local Shopping Area boundaries will be assessed on a case-by-case basis.
- 10.12 The application proposes the change of use of the ground and basement levels from A2 (financial and professional services) to A3 (restaurants and cafes) at ground floor level and A4 (drinking establishments) at basement level. Exmouth Market currently consists of a large number of A3 and A4 units at street level, interspersed between A1 retail units. Officers conducted a use survey of the Exmouth Market Local Shopping Area on Friday 22nd June. The survey encompassed the entirety of the Local Shopping Area, including frontages on Exmouth Market, Farringdon Road, Rosoman Street and Tysoe Street.
- 10.13 The use class survey identified that out of approximately 63 (77 if counting amalgamated units individually) ground and basement level units within the designated area, approximately 21 (31) are within the A1 use class (approximately 39.7% (36.4%) of units).

As the existing units are not within the A1 retail use class, the change of use would not affect the overall composition of the centre (the centre would retain a minimum of 35% A1 units), and therefore would not have a detrimental impact upon the retail and service function of the Local Shopping Area.

- 10.14 When taking into consideration only the units fronting Exmouth Market, approximately 24 (26 if counting amalgamated units individually) of the ground and basement level units are within the A1 use class (approximately 42% (40.5%) of all units). Overall, the proposal accords with policy DM4.6 and paragraph 12.1.8 of the Finsbury Local Plan.

Late Night Economy

- 10.15 The proposed uses would constitute 'entertainment uses' under the Finsbury Local Plan (Glossary). Whilst the site is not within a designated Town Centre, it is located within an Employment Priority Area (Finsbury Local Plan) and therefore the restrictions on entertainment and night-time activities noted within policy DM4.2 do not apply. Policy BC8, Part G of the plan notes that Employment Priority Areas may be suitable for new entertainment uses. Development Management Policies will be used to assess applications for new entertainment uses, in order to avoid an unacceptable concentration of such uses.
- 10.16 Paragraph 12.1.7 of the Finsbury Local Plan advises that, within the Central Activities Zone, in order to support and retain the area's nighttime economy whilst safeguarding residential amenity, policy BC8 restricts entertainment uses (i.e. A3, A4 and A5 uses, as well as nightclubs) to Employment Priority Areas. However, as a significant number of people live in these areas, applications for entertainment uses must meet the criteria set out in the relevant Development Management Policies. In its Licensing Policy (2011 to 2014), the council has identified an area around Farringdon that is subject to significant concentration of late-licensed premises. Figure 16 of the DMP identifies this area and other locations which have a high concentration of alcohol licensed premises, and which are therefore particularly prone to adverse impacts from night-time uses (e.g. pubs, bars, clubs and off-licenses). The application site at 37-39 Exmouth Market is identified within Figure 16 as forming part of this area.
- 10.17 Policy DM 4.3 assesses the location and concentration of uses in the borough and considers whether they would result in an unacceptable concentration of such uses in one area or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. This policy considers types of use, size of premises, hours of opening, operation and servicing and odour and noise issues and cumulative impacts within 500m radius of the site
- 10.18 The use survey undertaken by officers in June 2018 indicates that across the Local Shopping Area, only 1no. ground floor/basement level unit operates exclusively within the A4 use class (approximately 1.6% (1.3%) of units). For units fronting Exmouth Market, this figure is approximately 2% (1.5%). In accordance with policies DM4.3 of the Development Management Policies and paragraph 12.1.7 of the Finsbury Local Plan, it is therefore not considered that there is an over-concentration of A4 drinking establishments within the Local Shopping Area or fronting onto Exmouth Market.
- 10.19 Across the Local Shopping Area, approximately 21 (31 if counting amalgamated units individually) of the ground and basement level units are within the A3 use class (approximately 33.3% (40.3%) of units). When taking into consideration only the units fronting Exmouth Market, approximately 19 (27 if counting amalgamated units individually) of the ground and basement level units are within the A3 use class (approximately 38% (41.5%). Overall, it is noted that approximately 42% of all ground and basement level

units fronting Exmouth Market are within the A3 use class. When taking into consideration mixed-use (Sui Generis) units incorporating an A3 element, the total amount of units with some level of A3 use fronting Exmouth Market is approximately 50% (47.7%).

- 10.20 Each unit would measure approximately 180 sqm. Whilst it is noted that there are a significant number of units incorporating an A3 element fronting Exmouth Market, it is considered that the proposed use would complement the existing mix of uses within the vicinity. Therefore, the proposal would not materially harm the existing mix of uses within the Local Shopping Area. Further, the proposed use would not result in the loss of any A1 units fronting the street.
- 10.21 The applicant has submitted a Scheme of Management to secure the details of operation at the site. As the final end-users of the units is yet to be determined, the plan is designed to act as a framework for future operators and provides details of noise and crowd management, delivery and servicing, staff transport, waste and customer management. Whilst it is considered that the plan does not provide a great level of detail, it is considered that the proposed use is acceptable subject to the provision and approval of a more detailed management plan prior to the first occupation of the site. Therefore, a condition has been recommend requiring that a detailed Scheme of Management be submitted to and approved by the Local Planning Authority prior to the first use of the units. Two separate plans, one for each unit/use.
- 10.22 Whilst the proposed use would not constitute a retail function, it is acknowledged that the ground floor A3 unit would provide an active ground floor frontage which would bring other benefits to the site, and to the Exmouth Market Local Shopping Area in which the building is located. No training or development initiatives are to be agreed as part of the application, however the proposal would provide the equivalent of 15 full time jobs (5 full time jobs were provided under the A2 use class).
- 10.23 The application proposes the subdivision of the basement and ground floor unit, which would result in the self-containment of the A3 and A4 uses. Plans indicate that direct access would be provided to each unit, and no internal access between the two units would be created. Each unit is to be fitted with separate gas, electricity and water supplies. Therefore, the units would be considered as two separate planning units.
- 10.24 Upon a site inspection undertaken on 25 May 2018, officers noted that the vacant units do not appear to be self-contained. Internal partition walls were not yet installed, and the ground floor internal balustrade around the staircase to enter the basement level contains materials and a level of detailing that indicates that it is a permanent fitting. Further, a representative of the applicant verbally advised that the final makeup of the units is not yet known, and therefore no final decision on the sub-division of the units had been made. To clarify, further information was sought from the applicant, who advised that the proposed change of use is yet to be undertaken and that relevant partition walls and access alterations would be implemented prior to the first occupation of the site, should permission be granted.

Design and Conservation

- 10.25 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

- 10.26 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.
- 10.27 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Rosebery Avenue Conservation Area.
- 10.28 Planning permission was granted with conditions under delegation to officers on 11 February 2017 (planning ref: P2015/3377/FUL). The proposal was for alterations to the building including demolition of the existing rear elevation at ground and basement level, and existing rear shed, and the erection of a two storey rear extension to basement and ground floor levels and the installation of a new shopfront. Therefore, the majority of physical works to the building have already been completed.
- 10.29 Physical external alterations proposed as part of this application include the extract and plant equipment and acoustic screening which relate to the change of use. The extract and plant equipment would be located to the front and rear of the approved staircase enclosure at the rear of the site, with acoustic screening either side of this. No public views would be afforded toward the equipment, and it is not considered that the proposed works would materially harm the character or appearance of the host building or the wider conservation area. The proposal therefore accords with policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Islington Urban Design Guide 2017 and the Conservation Area Design Guideline.

Neighbouring Amenity

- 10.30 Policy DM2.1 of the Development Management Policies 2013 states that development should not have an adverse impact on neighbouring amenity in terms of noise, overshadowing, overlooking, privacy, sunlight and day light receipt, over-dominance, sense of enclosure and outlook.
- 10.31 Policy DM6.1G of the Development Management Policies 2013 states that noise generating uses should, where possible, be sited away from noise sensitive uses.
- 10.32 Paragraph 6.19 of the Development Management Policies advises that the Council will expect noise generating uses and sources to be adequately separated from established residential areas and other noise sensitive uses (such as care homes, schools and hospitals). However, given the borough's density and character it is acknowledged that noise generating uses cannot always be sited away from residential areas. Where potentially noisy developments (such as entertainment venues) are proposed within residential areas, the council will expect the use not to give rise to noise nuisance.
- 10.33 The proposed plant and extract equipment and acoustic screening at the rear of the site would not harm neighbouring amenity with regard to overshadowing, privacy, access to direct sunlight and daylight, over-dominance, sense of enclosure or outlook. The plant and acoustic screening would be placed on the rear first floor roof level adjacent to the previously approved escape staircase overhang. The acoustic screening would measure approximately 3.5m in height, and would be located approximately 5.4m to the rear of the first floor residential units at the opposite side of the rear deck. Overall, when taking into consideration the previously approved staircase enclosure which has a height of 3.9m, it is not considered that the structure would materially harm amenity at the adjoining residential properties.

Noise pollution

- 10.34 The amenity impacts relating to the proposed A3 and A4 uses primarily relate to noise and potential anti-social behaviour late at night.
- 10.35 The Council previously raised concerns that the proposal did not provide any details on how the higher sound levels generated within a typical restaurant and bar with longer operating hours would be mitigated for neighbouring residents, along with the noise of patrons coming and going and deliveries. No details had been provided regarding the extract system and how it would be accommodated or whether mitigation is feasible within the existing building layout.
- 10.36 The applicant subsequently provided details of indicative equipment to be installed, as well as a mechanical plant design and impact assessment and Scheme of Management. The applicant has advised that the provision of details for specific extract and plant systems is difficult, as the final make-up of tenants at the site is yet to be determined. Officers note that the information provided as part of the application is limited, and must be expanded upon prior to the commencement of operations at the site. However, it is considered that the information provided is sufficient to demonstrate that the proposed A3/A4 use of the site would be acceptable in principle, subject to detailed conditions.
- 10.37 The Council's Public Protection officer noted that no acoustic report had been provided on the extract system, sound insulation between the A3 unit and the residential on the upper floors, delivery/servicing noise, hours of operation or use of outside areas. The officer does not object to the proposal, and considers that any impacts of the proposal on neighbouring amenity could be successfully mitigated. To ensure that this is the case, the officer recommended that a number of conditions be included in order to protect residential amenity.
- 10.38 To ensure that the use and associated plant equipment do not adversely impact upon neighbouring amenity, a number of conditions have been recommended including:
- limiting and assessing the cumulative noise levels of fixed plant;
 - requiring further information to be provided regarding sound insulation and noise controls; and
 - limiting hours of delivery and servicing to between 08:00 and 20:00 Monday to Saturday, and not at all on Sundays and Bank Holidays.

Odour and fumes

- 10.39 Concern has also been raised by the Council's Environmental Health officer with regard to the proposal, noting that the cooking smells and flue venting at low level would affect amenity at the residential units above. Officers believe that the detailed design of the extractor flues submitted as part of this application is inappropriate and would likely have an adverse impact on neighbouring residential amenity if implemented. However, officers do not object to the principle of the application and advise that the impacts of the proposal on amenity could be successfully mitigated, subject to the detailed design of the flues / extraction units.
- 10.40 Therefore a condition has been recommended requiring that separate planning permission be obtained for the detailed design of the kitchen and bathroom flues / extractor systems prior to the first occupation of the A3 and A4 units hereby approved. The flues shall be designed to minimise harm to neighbouring residential amenity. Officers believe that, due to the nature of the development, neighbouring residents and relevant leaseholders must have the opportunity to review and comment on the detailed design of

the extractor flues, and therefore separate planning permission is required. It is considered that a condition requiring the submission and approval of details as part of an Approval of Details application following the granting of this Full Planning Application would not allow for sufficient neighbour consultation.

Night time disturbance and late night economy

- 10.41 Appendix 10, table 10.2 of the Development Management Policies 2013 provides guidance and standards for reducing impacts of noise generating entertainment uses, including façade treatments and the location of likely noise sources.
- 10.42 In order to ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a high concentration of night-time uses, a condition requiring the submission and approval of a Scheme of Management prior to the first occupation of the A3/A4 units has also been recommended. This plan would include details of mitigation measures in order to protect residential amenity with regard to noise, waste and anti-social behaviour, notably:
- A full dispersal policy and procedure;
 - A door policy;
 - Signs to request patrons to leave in a quiet manner;
 - Bottling out and waste management noise and times;
 - Control and levels of noise from amplified music;
 - Control of any noise from any designated smoking area;
 - Close down policy;
 - Security;
 - Any additional external or security lighting;
 - Capacity (of each use); and
 - Private hire facilities/functions.
- 10.43 Further, a condition has been recommended limiting the hours of operation of the A3 and A4 units to between 07:00 and 23:00 Monday to Thursday, 07:00 and Midnight Friday to Saturday, and 8:00 and 22:00 on Sundays and Bank Holidays.
- 10.44 Overall, subject to conditions, the change of use of the ground and basement units to A3 and A4 use class (respectively) is not considered to likely result in unacceptable material amenity impacts to neighbouring occupiers. The proposal therefore complies with policies DM2.1, DM4.3 and DM6.1G of the Development Management Policies 2013.

Servicing and Delivery

- 10.45 Policy DM8.6 of the Development Management Policies states that delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, that details of the delivery and servicing needs for new developments should be submitted, and that delivery and servicing bays should be strictly controlled. Owing to the constraints of the site on Exmouth Market, an appropriate off street location for deliveries is not available. However, a loading bay exists outside nos. 33-35 Exmouth Market, and it is considered that this would be an appropriate location to accommodate delivery and servicing to the site, subject to condition.
- 10.46 The application site, on Exmouth Market, is an Islington controlled road and is part of a Major Cycle Route within Clerkenwell. A street food market operates on the street between 12pm to 3pm, Monday to Friday.

- 10.47 Due to the indicative nature of the needs associated with the end-users of the site, limited information has been provided with regard to delivery and servicing at the site. The information suggests that vehicles would use the loading bay outside nos. 33-35 Exmouth Market, deliveries must not conflict with servicing arrangements of neighbouring users, and it must be demonstrated that there would be minimal disruption to the local highway network, and ensure that the process is effectively managed to ensure safe manoeuvres.
- 10.48 Therefore, a condition has been recommended requiring that details of delivery and servicing to be approved by the Local Planning Authority prior to the first occupation of the A3 and A4 units at the site. A condition limiting deliveries, collections unloading and loading between the hours of 08:00-20:00 Monday to Saturday, and not at all on Sundays, is also recommended.

Refuse

- 10.49 The proposal includes a dedicated refuse and recycling store within the units. Waste would be taken out and brought back by staff to coincide with collection time, to avoid extending periods of time where bins are left outside of the units. No further details have been provided regarding refuse store and collection activities, and no comments have been received from the Council's waste and recycling team. Therefore, a condition has been recommended requiring details of proposed refuse and recycling to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the A3 and A4 units.

Cycle Parking

- 10.50 In accordance with policy DM8.4 and Appendix 6 of the Development Management Policies 2013, the proposed development should provide 1 cycle parking space for each 60 sqm of A3 and A4 floorspace. In this instance, six cycle parking spaces should be provided. Although no cycle parking is proposed, the properties are significant in size and therefore it is considered that there is sufficient space to securely store that number of cycles. Therefore, a condition has been included requiring details of cycle storage for 6no. bicycles to be submitted and approved in writing by the LPA prior to the first occupation of the A3 and A4 units.

Accessibility

- 10.51 Policy DM2.2 DM2.2 seeks to ensure all developments demonstrate that they provide ease of and versatility in use, and deliver safe, legible and logical environments. In this instance, it is acknowledged that the proposal would be positioned over two floors, with the A4 unit at basement floor level. It is acknowledged that the only access to this level would be made via the existing staircase, and therefore would not comply with the Council's Inclusive Design requirements. However, the lack of compliance is not considered to warrant refusal given the application relates to an existing building and its restricted size and layout.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use of the basement and ground floor from an existing A2 (financial and professional services) use to self-contained units containing A3 (restaurants and cafes) at ground floor and A4 (drinking establishments) at basement floor is considered acceptable, on balance, in land use terms given the supporting documentation provided, and the inclusion of conditions for the management of operations, servicing and delivery, and neighbouring amenity impacts (such as noise). The proposed loss of the A2

use and the mix of uses proposed is considered to be acceptable and not to result in an overconcentration of drinking establishments/licensed premises. The external alterations are not considered to materially harm the character or appearance of the host building or the wider conservation area. Subject to conditions, the proposed use is not considered to result unacceptable significant harm to the amenity of occupiers of neighbouring properties.

- 11.2 As such, the proposed development is considered to accord with the policies of the National Planning Policy Framework 2012, the London Plan 2016, the Islington Core Strategy 2011, the Development Management Policies 2013, the Finsbury Local Plan 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 – RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Covering letter dated from Indigo Planning dated 24 April 2018, Design and Access Statement, Location Plan, Site Plan, 3739EM/4001 Jan 2018, 3739EM/4002 Jan 2018, 3739EM/4003 Jan 2018, 3739EM/4004 Jan 2018, 3739EM/4005 Jan 2018, 3739EXM/0615/1 Nov 2017, 3739EXM/0615/2 Nov 2017, 3739EXM/0615/3 Nov 2017, 3739EXM/0615/4 Nov 2017, 3739EXM/0615/5 Nov 2017, Operational Management Plan dated 22 January 2018, Mechanical Plant Design and Impact Assessment prepared by John Foreman & Partners Ltd, Caice acoustic screening technical information, Vent-Axia ATQ10012D Product Specification booklet, Vent-Axia Fan Selector technical information, and Ventilation – Effective heat exchange and simultaneous fresh air ventilation brochure.</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	Hours of Operation
	<p>CONDITION: The A3 unit and A4 unit shall not operate outside the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm</p> <p>REASON: To ensure that the proposed development does not have an unacceptable adverse impact on neighbouring residential amenity</p>
4	Delivery and Servicing
	<p>CONDITION: Details of delivery and servicing of the hereby approved units for A3 and A4 use shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the units.</p> <p>The servicing arrangements shall be operated strictly in accordance with the details hereby approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p>

	<p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
5	<p>Hours of delivery and servicing</p>
	<p>HOURS OF DELIVERY AND SERVICING: Deliveries, collections, unloading, loading for the hereby consented A3 and A4 units shall only be carried out between the following hours:</p> <ul style="list-style-type: none"> - Monday to Saturday - (08:00 - 20:00) - Sundays/Bank Holidays - not at all. <p>REASON: To minimise the impact of deliveries and servicing on neighbour amenity.</p>
6	<p>Noise</p>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: To control plant noise from kitchen extract, toilet extract and air conditioning units.</p>
7	<p>Mechanical Plant Compliance Report</p>
	<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 full compliance with condition 6. 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 10 weeks of the use hereby permitted, and maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
8	<p>Hours of Operation (Plant and Extract)</p>
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the/any mechanical plant to between the hours of:</p> <p>Monday to Thursday - 07.00am to 11.00pm. Friday to Saturday - 07.00am to Midnight Sunday and Bank Holidays – 08.00am to 10.00pm.</p> <p>The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
9	<p>Noise Insulation Measures</p>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed ground floor and basement A3/A4 use and the upper floors residential use of the building shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To address potential sound transmission from the basement and ground floor operation to residential uses above given the juxtaposition of noise generating uses and noise sensitive residential properties.</p>
10	Scheme of Management
	<p>CONDITION: A scheme for the management of the A3 and A4 uses hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The Scheme of Management shall include:</p> <ul style="list-style-type: none"> a) a full dispersal policy and procedure; b) a door policy; c) signs to request patrons to leave in a quiet manner and not to loiter in the surrounding streets; d) bottling out and waste management noise and times; e) control and levels of noise from any amplified music within the unit f) control of any noise from any designated smoking areas or external areas; g) close down policy with amplified music shut-off and increased lighting; h) security, including any additional proposed CCTV; i) any additional external or security lighting; j) capacity (of each use); k) private hire facilities/functions <p>The operation of the units shall at all times be carried out in accordance with the approved Scheme of Management.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity, including cumulative impacts given the location of the site within a 'high concentration of alcohol licensed premises (2010)'.</p>
11	Flues/Extraction Systems (Details)
	<p>CONDITION: Notwithstanding the hereby approved plans, prior to the first occupation of the A3 and A4 units hereby approved, permission must be obtained for the detailed design of the kitchen and bathroom flues / extraction systems. The flues shall be fitted with fine filtration or Electrostatic Precipitation followed by carbon filtration (carbon filters rated with 0.4-0.8 second resistance time) or alternatively fine filtration followed by carbon filtration and by counteractant/neutralising system to achieve the same level as above.</p> <p>REASON: Officers consider that suitable flues / extraction systems could be accommodated at the site, however the design of those submitted as part of this application is inappropriate and would likely have an adverse impact on neighbouring residential amenity. Due to the nature of development, neighbouring residents and relevant leaseholders must have the opportunity to review and comment on the detailed design of the extractor flues, and therefore a separate planning permission must be sought for these matters.</p>

12	Details of cycle storage
	<p>CONDITION: Prior to the first occupation of the hereby approved A3 and A4 units details of the cycle storage for 6no. bicycles shall be submitted and approved in writing to the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To provide adequate cycle storage.</p>
13	Details of refuse and recycling
	<p>CONDITION: Prior to the first use of the hereby approved A3 and A4 units, details of the refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure the proposal benefits from adequate refuse and recycling facilities.</p>

List of Informatives:

1	Community infrastructure Levy (CIL)
	<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. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</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	Installation of flues / extraction systems
	<p>You are advised that the proposed installation of any flues / extraction systems in association with the A3 and A4 units will require a separate application for planning permission.</p>
3	Other Legislation
	<p>You are advised that the planning permission hereby approved would be subject to fully complying with other legislation outside the realms of the planning regulations including licensing, environmental acts, building control and fire safety regulations.</p>

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

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

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

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

Chapter 4: London's Economy

Policy 4.1 Developing London's economy

Policy 4.4 Promoting Town Centres

Policy 4.3 Mixed use development and offices

Policy 4.6 Local Shopping Areas

b. Islington Core Strategy 2011

Policy CS 7 – Bunhill and Clerkenwell

Policy CS 13 – Employment Spaces

Policy CS 14 – Retail and services

c. Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and the night-time economy
- Policy DM4.3 - Location and concentration of uses
- Policy DM4.6 - Local Shopping Areas
- Policy DM4.9 – Markets and specialist shopping areas
- Policy DM6.1 – Healthy development
- Policy DM8.2 - Managing transport impacts
- Policy DM8.4 – Walking and cycling
- Policy DM8.6 - Delivery and servicing for new developments

d. Finsbury Local Plan 2013

- Policy BC8 – Achieving a balanced mix of uses

3. Designations

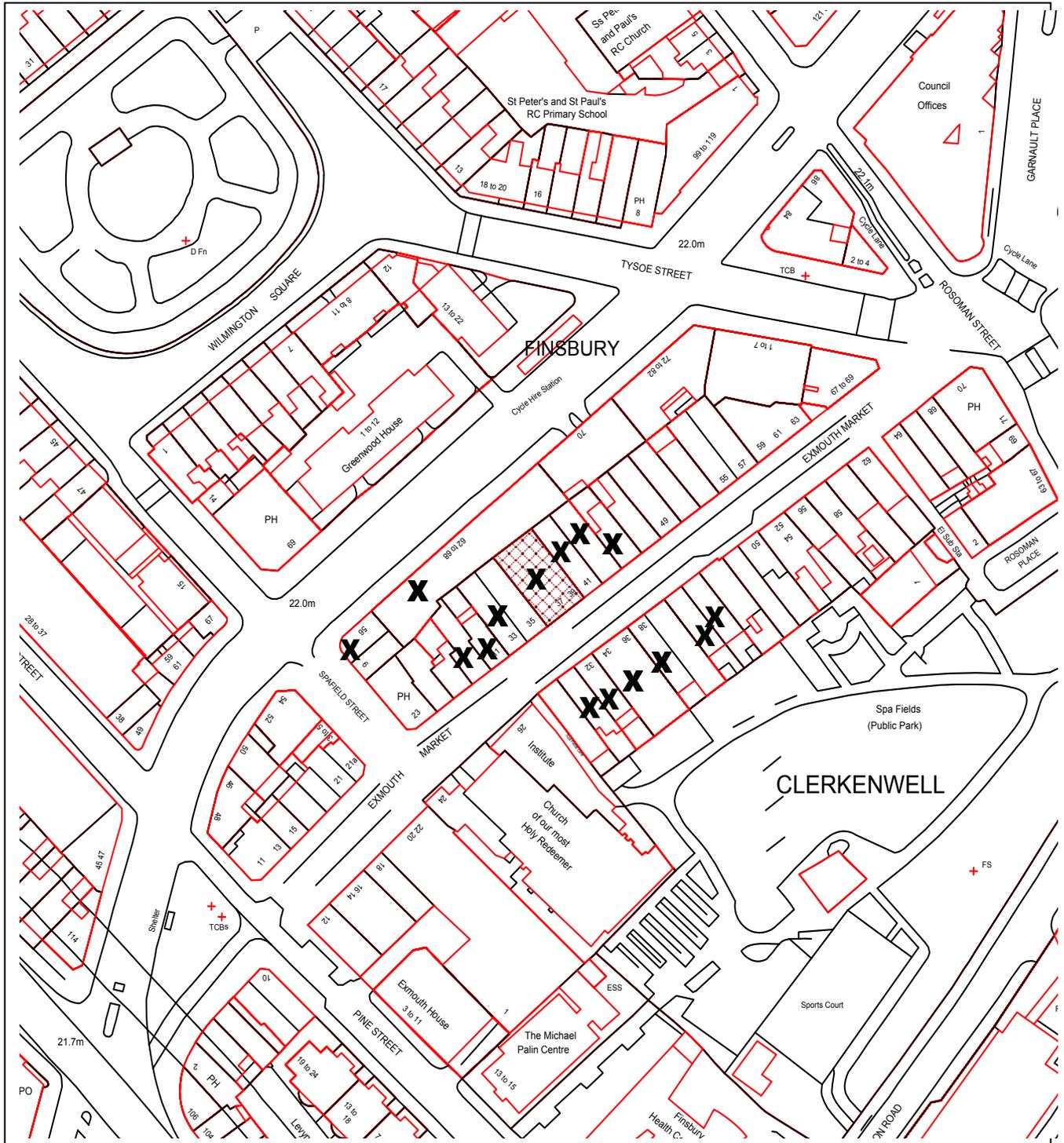
- Core Strategy Key Area – Bunhill & Clerkenwell
- Rosebery Avenue Conservation Area (and Article 4 Direction)
- Central Activities Zone
- Major Cycle Route
- Employment Priority Area (General)
- Finsbury Local Plan Area – Bunhill & Clerkenwell
- Exmouth Market Local Shopping Area
- Within 100m of SRN Road
- Within 50m of New River Conservation Area
- Local view from Archway Road
- Local view from Archway Bridge

- Local view from Dartmouth Park Hill

4. SPD/SPGS

N/A

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department



PLANNING SUB COMMITTEE B		ITEM NO: B5
Date:	12 th March 2019	NON-EXEMPT

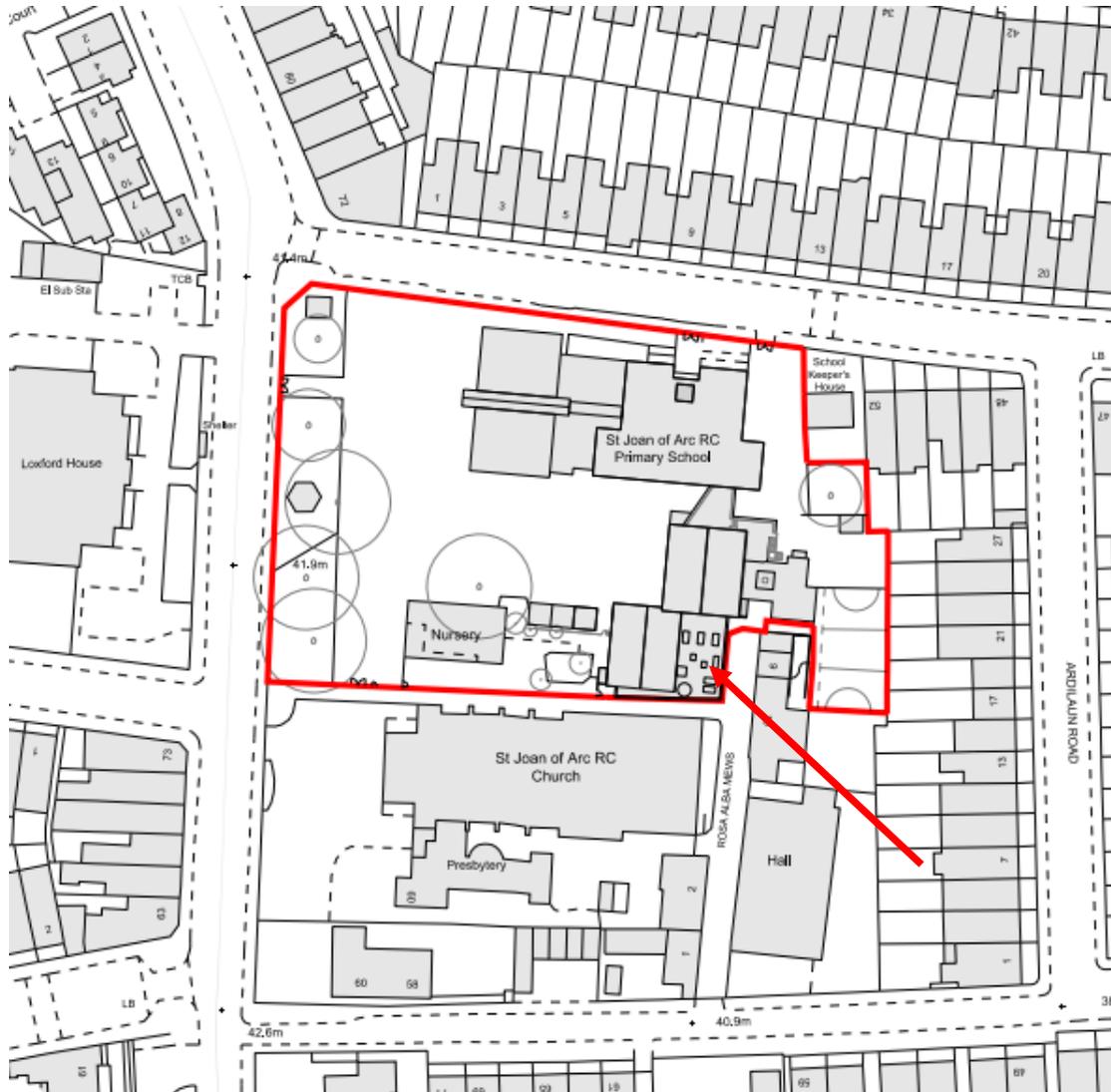
Application number	P2018/1231/FUL
Application type	Full Planning Permission
Ward	Highbury East
Listed building	No
Conservation area	Adjacent to Sotheby Road Conservation Area Adjacent to Highbury Fields Conservation Area
Development Plan Context	Adjacent to Sotheby Road Conservation Area Adjacent to Highbury Fields Conservation Area Article 4 Direction A1-A2 (Rest of Borough) Tree Preservation Order
Licensing Implications	None
Site Address	St Joan Of Arc Primary School, 54 Northolme Road, London N5 2UX
Proposal	Proposed single storey extension to the south east corner of the existing school building as an expansion of the existing after school facilities including a Reception Office, Library, Meeting Rooms, Teaching Kitchen and WCs and store rooms including new separate accessible entrance (following demolition of existing single storey building)

Case Officer	Daniel Jeffries
Applicant	St Joan Of Arc Primary School
Agent	Mr Matthew Swinhoe - ZRP 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 black and arrow pointing at location of built extension)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the site arrow pointing at location of built extension



Image 2: View of existing pedestrian access from the public highway Highbury Park



Image 3: View from playground of existing school hall of St Joan of Arc Primary School which would be internally refurbished



Image 4: View facing east towards residential properties along Rosa Alba Mews



Image 5: View facing north east showing tree to be removed and position of extension



Image 6: View from Kelross Road facing north showing access to Rosa Alba Mews

4. SUMMARY

- 4.1 The application relates to improved and enlarged facilities for St Joan of Arc Primary School for the existing before and after school club. The existing before and after school club office is located towards the south east corner of the site, and forms a single storey office building.
- 4.2 This application seeks planning permission for a single storey extension to replace the existing single storey office building and storage container.
- 4.3 The single storey extension would be a flat roofed building, with 10 no. rooflights above of various shapes and sizes. It would measure a maximum of 15m in depth (along the east boundary) and 18.8m in length (along the southern boundary) around the existing single storey hall. Due to the change in land levels the height of the proposal varies, with the height along the southern boundary measuring 3.2m along the west elevation, to 3.9m along the east elevation. The extension would be an 'L-shaped' building around the south and east elevations of the existing single storey pitched roof building, used as a hall. It would be located towards the southeast corner and along the southern boundary, and would extend within an area currently used for storage.
- 4.4 The application is presented to committee because objections have been received raising material planning issues.
- 4.5 In land use terms, the National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The Council Development Management Policies (2013) policy DM4.12 encourages the expansion of social infrastructure to support the needs of communities, such as schools. Its location is considered convenient for communities it serves and would complement the existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.
- 4.6 Whilst the proposal is not within a conservation area, the site is bounded by the Highbury Fields Conservation Area and Sotheby Road Conservation Area. It is therefore important that the proposal, which would be visible from both public and private views, preserves the visual appearance and historic character of these designated heritage assets. In this regard, the design of the proposal is considered to be of an acceptable scale and in keeping with the existing buildings within the application site and the residential properties along Rosa Alba Mews. The proposed fenestration pattern and materials are considered to be appropriate and in keeping with the visual appearance of style and detailing of the existing buildings. It would preserve the setting of the Conservations that it abuts.
- 4.7 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. The proposal is also not considered

to result in any significant access, parking, or anti-social behaviour issues over and above the existing situation, and is also considered acceptable in respect of inclusive design and the impact on trees.

4.8 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.

5. SITE AND SURROUNDING

5.1 The application site is located within a residential area, between the public highways of Northholme Road to the north, and Highbury Park, to the west, with the adjacent St Joan of Arc Parish Catholic Church to the south. The access road of Rosa Alba Mews connects the south east corner of the site with the public highway of Kelross Road.

5.2 The site itself consists of the St Joan of Arc Primary School being a mixture of both single and two storey flat and pitched roofed buildings. The main entrance to the site, used by visitors, is via Northholme Road with further pedestrian entrances along the south and west boundaries. The existing buildings are positioned predominately towards the east and south of the site, apart from a school car park to the north east, and playing pitch to the south east.

5.3 The site is surrounded by a number of residential properties, including along Northholme Road, Rosa Alba Mews, Ardilaun Road to the east. Whilst the host buildings are not listed and the site itself is not within a conservation area, the site is adjacent to a number of conservation areas. This includes the Highbury Fields Conservation Area which is to the west of the site, and Sotheby Road Conservation Area, which is to the north and east of the site. In addition, there are several trees (16 no.) which are subject to a Tree Preservation Order, 1 no. located centrally, 3 no. located to the north east, and the remaining located to the west of the site.



Image 7: site plan showing trees subject to a Tree Preservation Order

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission for a single storey extension to the south east corner of the site. The proposal location is immediately adjacent to the eastern boundary shared with Rosa Alba Mews, and the southern boundary with the pedestrian access route between the site and the adjacent church. The existing single storey buildings within this area include a flat roofed before and after school club office and a storage building (to be demolished), as well as two pitched roofed buildings, to the north and west used as the main school halls.
- 6.2 The single storey extension would be a flat roofed building, with rooflights above. It would measure a maximum of 15m in depth (along the east boundary) and 18.8m in length (along the southern boundary) around the existing single storey hall. Due to the change in land levels the height of the proposal along the southern boundary would vary from 3.2m from the west elevation, to 3.9m along the east elevation.
- 6.3 The application seeks to expand the existing “before and after” school club facilities. This will include a new entrance from the southern boundary, off the existing pedestrian access between Highbury Park and Rosa Alba Mews. a library/education suite, office and meeting rooms, a kitchen, and additional WCs. The entrance and reception areas would be used independently from the main school by users of the “before and after” school club. The inclusion of the kitchen would be as a teaching space and would be used by the pupils at the school, and by the after school club and community groups. The applicant has confirmed that the kitchen will principally be used during the school day for curriculum use and for small-scale catering needs of Breakfast and Afterschool Clubs.
- 6.4 The submitted Design and Access Statement confirms that on a ‘normal school day’, the buildings operate between the hours of 6:30am and 6:30pm during term times and are also open and used beyond this on evenings, at sporadically at weekends and during holidays, primarily by pupils attending the school, as is normal for a state school. There are currently no prescribed hours of use attached to the school and no changes are sought. However, they have confirmed that the proposed hours of use of the facilities to be accessed from the new building and its entrance to be as follows:
- Weekdays 06:30 to 18:30 hours
 - Saturdays 09:00 to 17:00 hours
 - No use on Sundays or Public Holidays
- 6.5 The proposal seeks to increase the community outreach by providing multipurpose space that could be used by the wider community.
- 6.6 The original proposal was amended to alter the design and position of the entrance, away from Rosa Alba Mews, 6m away, including alterations

associated with accessibility. This was following a consultation period by the school with local residents. The submitted Design and Access Statement includes the findings of this consultation, and a draft Management Plan.

Other alterations

- 6.7 In addition to the above there would be a number of associated alterations, including the provision of cycle storage and the proposal would result in the loss of 1 no. tree within the footprint of the extension.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

St Joan of Arc Primary School

Application Number	Development Description	Decision	Decision Date
820467	Retention for a further limited period of a single storey classroom building	Approve conditions with	7/07/1982
970118	Erection of 2.4m high heras type fencing to existing wall on Northolme Road and Highbury Park.	Refused on 16/05/1997 (Appeal Allowed with Conditions)	09/09/1997
981410	First floor extension to school.	Approve conditions with	09/12/1998
P090820	Alterations to form new classroom	Approve conditions with	28/08/2009
P092510	Formation of new pedestrian access onto Highbury Park	Approve conditions with	04/02/2010
P110753	Erection of a single storey infill extension to the front elevation along Northolme Road.	Approve conditions with	26/07/2011

St Joan of Arc Church

Application Number	Development Description	Decision	Decision Date
P100065	Formation of new pedestrian entrance on Highbury Park	Approve conditions with	5/03/2010
P2013/0871	To Erect new signage and install 3 no Cyprus conifers trees	Withdrawn	01/07/2013

ENFORCEMENT:

- 7.1 None

PRE-APPLICATION ADVICE

7.2 No pre-application request.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 101 no. adjoining and nearby properties at Ardilaun Road, Highbury New Park, Northolme Road, Rosa Alba Mews, and Kelross Road on 30th April 2018. Further consultation letters were sent on 1st November 2018. The public consultation of the application therefore expired on the 15th November 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 writing this report 108 responses (in total), 5 no. objecting, as well as the Rosa Alba Mews Residents Association and 1 no. request/comments had been received from the public with regard to the application, with the remaining representations supporting the proposal. The responses received raised the following summarised concerns (with the paragraph that provides responses to each issue indicated in brackets):

Objection responses

- Position of new entrance (paragraph 11.37)
- Proposed hours of use resulting in noise and disruption of before and after school facilities (paragraphs 11.35 to 11.36)
- The potential for a change of use of the school (paragraph 11.12)
- Additional traffic and parking on Kelross Road (paragraph 11.51)
- Use of Rosa Alba Mews to access the site from cars and pedestrians and lack of a gate (paragraph 11.48)
- Loss of privacy to residential properties along Rosa Alba Mews (paragraph 11.31 to 11.32)
- Increase of anti-social behaviour (prostitution, smoking, drug taking, and rough sleeping, loitering) (paragraphs 11.55 to 11.58)
- Lack of disabled access (paragraphs 11.40 and 11.43)
- Noise and disruption during construction period (paragraph 11.38)
- Lack of swift/bat nesting boxes (paragraph 11.58)

Support responses

- Proposal would improve school facilities (paragraphs 10.2 to 10.15)
- Consider that the extension has been designed to be in keeping with the main school (paragraphs 10.16 to 10.34)

External Consultees

- 8.3 **Secured by Design Officer** raised no objections to the proposal, following amendments in relation to the change in design to the entrance. The recessed design to the entrance initially proposed has now been altered with the entrance door now flush with the main wall. This improves overall security.

Internal Consultees

- 8.4 **Design and Conservation Officer** commented that there are no objections to the proposal, and considers that the general design approach is acceptable. The recessed design to the entrance has been altered with the entrance now flush with the new wall.
- 8.5 **Tree Preservation Officer** commented that subject to the use of conditions relating to the construction access, tree planting, there are no objections.
- 8.6 **Accessibility Officer** raised concerns initially in relation to the proposal, in relation to the stepped entrance. However, following the submission of amended drawings for the proposed entrance, which includes an accessible ramp, they have confirmed that the proposal is acceptable.
- 8.7 **Pollution (Acoustic) Officer** raised no objections.
- 8.8 **Highways Officer** confirmed he has no comments.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

- 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 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 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.

Development Plan

- 9.8 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 that are considered relevant to this application are listed at Appendix 2 to this report.

9.9 Policies in the Draft London Plan are attributed some weight.

Designations

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:

- Adjacent to Highbury Fields Conservation Area
- Adjacent to Southeby Road Conservation Area
- 16 no. Tree Preservation Orders (TPO 167/1997)

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:

- Land Use
- Design (including impact on adjacent Conservation Areas)
- Inclusive Design
- Highways and Transportation
- Trees and Landscaping
- Anti-social behaviour
- Other matters

Land-use

10.2 The proposed single storey extension, which would involve alterations to the existing single storey building, would provide additional facilities to St Joan of Arc Primary School to enable the enlargement of the existing before and after school facilities, and would expand and enhance teaching facilities available to the wider primary school.

10.3 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools and should take a positive approach to development that will widen the choice of education. The DCLG Policy Statement (2012)- Planning for schools - mirrors this aim, stating that local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools, including free schools.

10.4 Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional school facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the

Development Management Policies 2013. Development Management Policy DM4.12 is very supportive of new social and community infrastructure provision, which the proposed expanded school would represent. The school provides a valuable service in this locality, which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:

- i. be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
- ii. provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
- iii. be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
- iv. complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses. As such, the proposal would result in improved facilities for the school.*

10.5 Paragraph 4.69 associated with policy DM4.12 states '*development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*'

10.6 Meeting the needs of current and future pupils within the school grounds is evidently a key benefit of this proposal. This would be in accordance with the National Planning Policy Framework which states that the Government, "*attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...*" The framework also states that Council's should give "great weight to the need to create, expand or alter schools". The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities.

10.7 The need for facilities is also highlighted in section 4 of the Islington Core Strategy which highlights the current accessibility to a range of additional services by Islington's schools including school's before and after hours services.

10.8 Therefore, in land use terms, it is considered that the expansion of the school at this location would offer a number of policy benefits specific to this proposal.

10.9 Notwithstanding the acceptability of the principle of providing improved facilities for the school, paragraph 97 of the National Planning Policy Framework states that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

10.10 London Plan 2016 Policy 3.19 in relation to Sports facilities states 'Development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted'. The London Play and Informal Recreation SPG also states that 'Development proposals involving loss of play spaces without adequate justification or provision for replacement should be resisted' which is stated within Policy 3.16 of the London Plan.

10.11 Whilst it is acknowledged that there is no definition of playing fields in the London Plan 2016 or the National Planning Policy Framework, further clarification is provided by the Department for Education, who state school playing fields include:

- grass pitches and artificial surface pitches set out for the playing of sports
- hard surface games courts including multi-games courts, tennis courts, netball courts and hard paving marked out for games;
- **informal and social areas, including grassed areas, paved areas (including playgrounds) [emphasis added]** outdoor seating and teaching areas including rest and quiet areas;
- marginal areas, around the edges of playing fields for run-off and to allow for the cyclical realignment of pitches;
- habitat areas, set aside for the formal teaching of nature or informal curriculum purposes, including meadowland, wildlife habitats (including ponds), gardens, nature trails and outdoor science areas.
- local authority parkland or other open space that is used, or has been used in the last ten years, for the purposes of a maintained school.

10.12 In reference to the definition by the Department of Education, which includes playgrounds, paragraph 97 of the NPPF should be considered in the assessment of the proposal. However, the area to which the proposal would be located, based on a site visit, is not considered to fall within the above definition as an informal or social area such as a playground, and is currently used as an area for storage equipment.

10.13 “Before and After” school facilities are regarded as integral to the school operations and not ancillary use in addition to “school operations”. As noted above policy DM4.12C(iii) seeks to maximise shared use of school facilities, particularly for recreational and community uses. It is noted that the submitted Design and Access Statement that both parents and community groups would be able to benefit from the facilities, which would be compliant with this aspect of the policy.

10.14 It would only constitute a small section of the school building, including its function and operation and are associated with and would be used the school, they are considered to be ancillary functions. Therefore, no change of use would be required for this application.

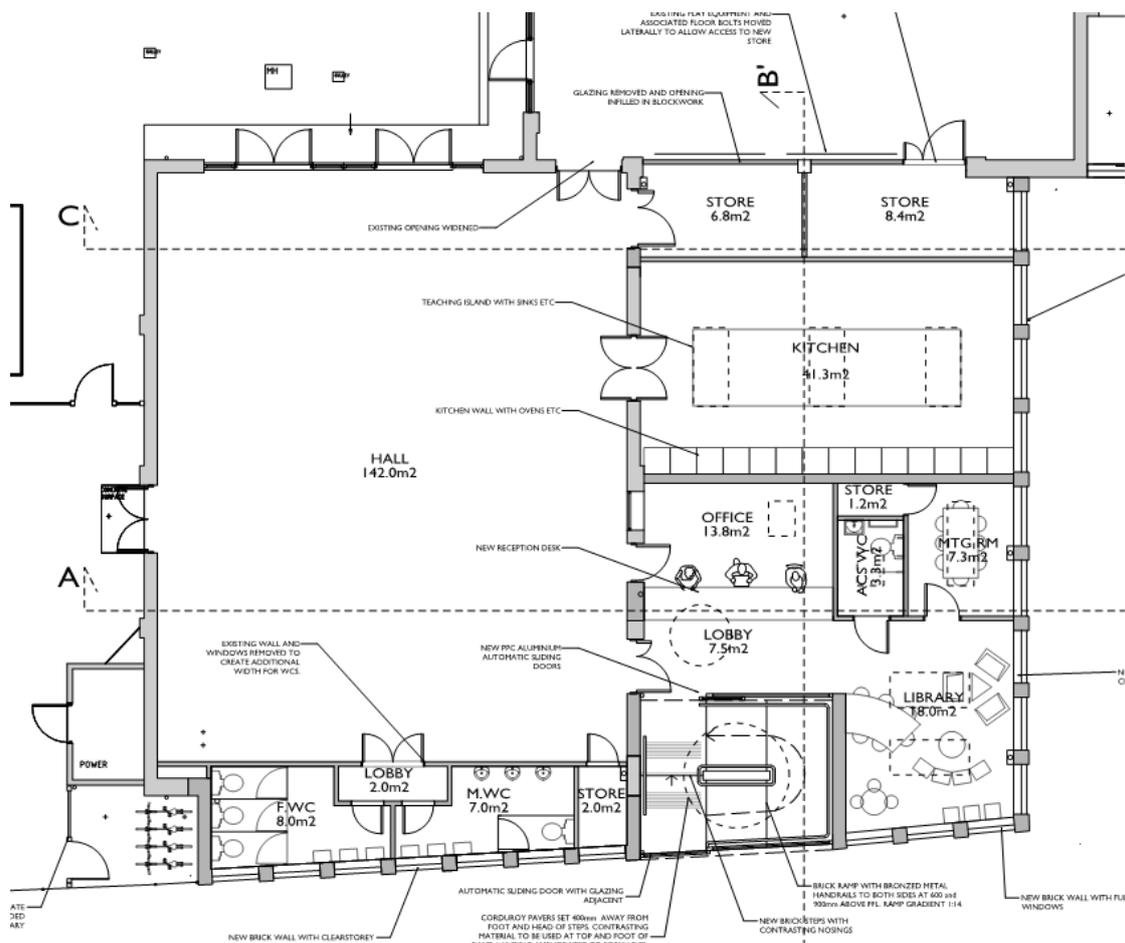


Image 8: Proposed layout of extension

10.15 Overall, given the policy objectives of providing expanded and improved facilities for educational purposes, the proposal is considered to be acceptable in land use terms and would enhance the teaching facilities at the school, as well as secure optimum use of the facilities via shared use of the facilities. It would comply with the strategic National Policies (NPPF) as well as those found within the Development Plan (London Plan, Islington Core Strategy, Development Management Policies).

Design and Conservation

- 10.16 The site is within close proximity of both the Highbury Fields and Sotheby Road Conservation Areas (see image 9), and as such 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 (2011) policy CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Area Design Guidelines.
- 10.17 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’.
- 10.18 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’.
- 10.19 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’.
- 10.20 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.
- 10.21 Whilst it is acknowledged that within UDG paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and consistent with the above policy objectives. The guidance states that extensions ‘should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement’ and ‘the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building’.
- 10.22 In terms of the visual appearance the guidance advises that ‘there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate’.

10.23 Whilst the site is not within a designated Conservation Area, the Highbury Fields Conservation Area and Sotheby Road Conservation Design Guidelines state 'in considering applications for extensions, alterations and refurbishment, the Council will normally require the use of traditional materials'. The image below shows the site in relation to the conservation area boundaries.

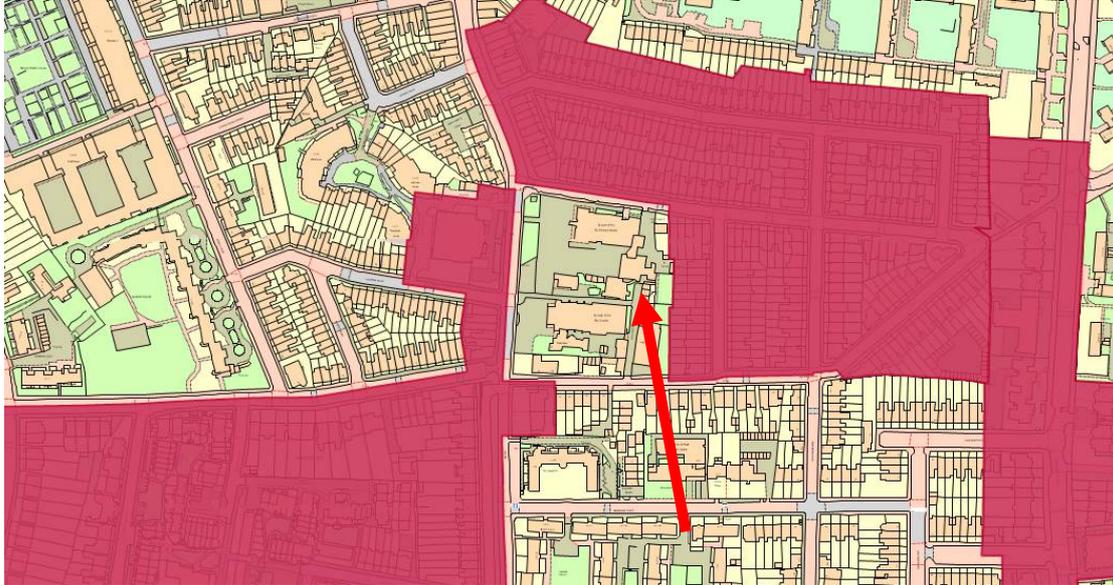
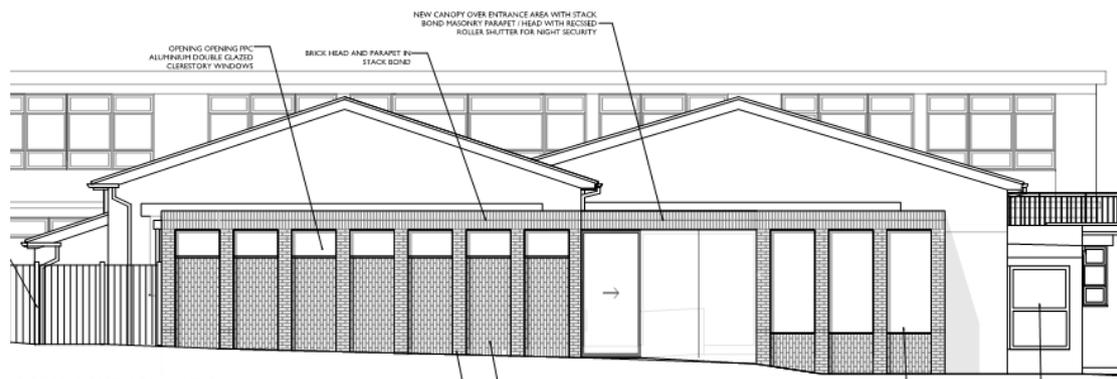


Image 9: Map showing relationship of application site (arrow) and the Highbury Fields Conservation Area (left) and Sotheby Road Conservation Area (right)

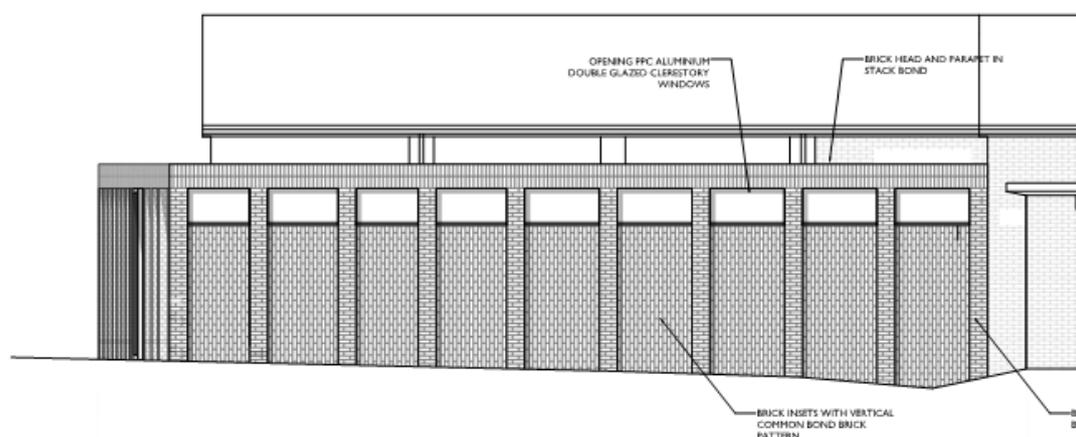
Height and massing

10.24 The main school building is a mixture of buildings of both single and two storeys in height. The proposal at a single storey is considered to be of a scale which would be subordinate and in keeping with the visual appearance of the host building and surrounding area, including the residential properties on Rosa Alba Mews. In terms of reaching this conclusion consideration has been given to the position of the proposed extension, which would be 'L-shaped' infilling an area between the side and rear elevations of the existing single storey buildings to the south east corner of the site, and between the side elevation and the fence along the southern boundary. The extension would have a flat roof, with the maximum height set down from the eaves of the retained buildings. As shown in images 10 and 11 below, the proposal would sit comfortably below the eaves of the pitched roof elements that form part of the existing school. Visually this would be absorbed or integrated into the main school building when viewed from surrounding streets.

10.25 It is therefore acceptable in scale, bulk and mass, appearing subordinate in context of the overall school height and scale.



Proposed South Elevation



Proposed East Elevation

Image 10 and 11: Proposed South and East Elevations

10.26 The extension would be set back 6m from the nearest residential properties being along Rosa Alba Mews. Whilst due to the gradient change the extension would measure 3.9m in height, it is considered given the restricted height of the proposal and relative position to the existing buildings on site, the distances are acceptable such that the scale proposed would remain subservient and would not appear at odds with the scale of buildings within the site or the surrounding area.

Detail design/materials

10.27 In terms of the general arrangement and fenestration patterns, the design is characterised by brick piers with brick insets, on both the south east and west elevations. The east elevation, facing towards Rosa Alba Mews and the nearest residential properties, and those on the south elevation are predominately characterised by high level windows on each of these insets. This is in recognition of the close relationship to maintain a sense of rhythm to the elevations whilst safeguarding privacy.

10.28 The remaining part of the south elevation includes 3 no. panels which would be fully glazed, being the entrance, as well as 3 no. full height windows in the insets. This is considered to provide an appropriate degree of surveillance of the pedestrian route that would deter any anti-social behaviour, rather than encourage it, which is supported by the Metropolitan Police Secured by Design Officer.

10.29 Notwithstanding the above, the proposed single ply membrane flat roof of the extension includes several rooflights of different sizes, being both rectangular and circular in shape. These would not be visible from ground level views and would secure appropriate internal lighting to the buildings with no harm to the visual appearance of the buildings.

Inclusive Design and Accessibility

10.30 Policy DM2.2 and the Inclusive Design SPD, seeks to ensure developments provide for ease of and versatility in use and deliver safe, legible and logical environments. In this regard the Design and Planning Statement confirms that the proposal would conform to the requirements of Part M of the Building Regulations and to DDA (Disability Discrimination Act) requirements, and in terms of the refurbishment of the existing building as much as is practical.

10.31 The Council's Inclusive Design Officer raised a number of issues with the original proposal in respect of accessibility and providing an inclusive environment for future users of the building, particularly in relation to the entrance. As such, the applicant provided amended drawings to ensure that the entrance steps and ramps were compliant with the Council's Inclusive Design SPD.

10.32 The Inclusive Design has confirmed that the information has addressed the concerns and confirmed that proposal would provide the school with an inclusive environment for future users.

10.33 It is therefore considered that the proposal would be acceptable in regard to the Council's objectives in relation to Inclusive Design.

Conclusion

10.34 Overall, the proposal is considered to be in keeping with the visual appearance of the main school building and is of appropriate siting, massing and detailed design and are not considered to detract from the character and appearance of the abutting Sotheby Road Conservation Area, to the proposal area, and the nearby Highbury Fields Conservation Area. The proposal would therefore accord with policies DM2.1 and DM2.3 of the Development Management Policies (2013) and Islington Core Strategy Policies CS8 and CS9, and the guidance found within the Urban Design Guide 2017 and the Sotheby Road and Highbury Fields Conservation Area Design Guidelines.

Amenity

10.35 Policy DM2.1(x) seeks to ensure developments 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.

10.36 In this instance, the proposal would be located to the south east corner of the site. As a result, the nearest residential properties to the proposal are to the east side of Rosa Alba Mews, being nos. 8-10. The separation distance between the side elevation of the proposal and the closest boundaries of these two properties is 6m.

10.37 Whilst it is acknowledged that this proposal is in close proximity to these properties, the applicant has provided a diagram using The Building Research Establishment's (BRE) report Site Layout Planning for Daylight and Sunlight 1991 to show that the proposal has no adverse effects in respect to loss of daylight or sunlight. The report by the BRE recommends that suitable daylight to habitable rooms is maintained where a 25° vertical angle taken from a point 2 metres above the floor of the fenestrated elevation is kept unobstructed. As can be seen within the Daylight and Sunlight diagram, the required zone is kept unobstructed by the proposals and therefore, the properties to Rosa Alba Mews are shown not to suffer unacceptable loss of daylight or sunlight.

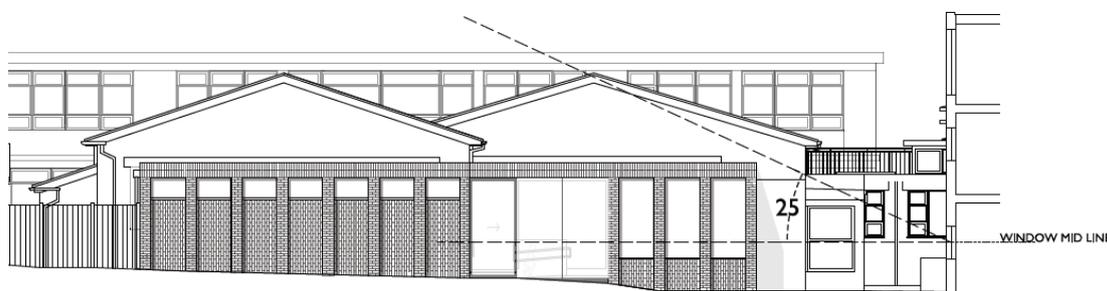


Image 12: Diagram showing the daylight angle between the proposed scheme and the nearest properties on Rosa Alba Mews.

10.38 In addition, a shading study has been provided showing the potential impact on daylight/sunlight on the nearest residential properties along Rosa Alba Mews at different times of the year (December, March, June and September). As shown in image 13 and 14, during June shows that there will be some overshadowing to the area of hardstanding to the east, along Rosa Alba Mews, and the nearest residential will be not be affected in terms of any significant loss of daylight/sunlight as a result of the development.

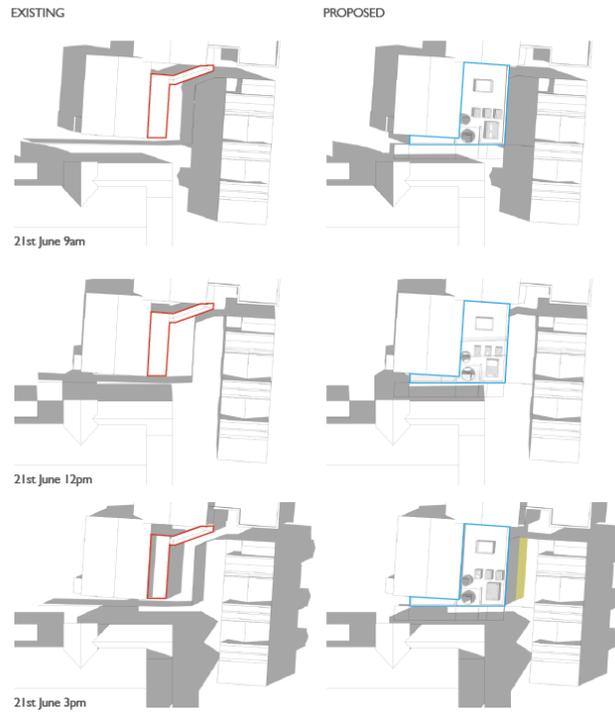


Image 13: Shading Study for June showing existing and proposed situation

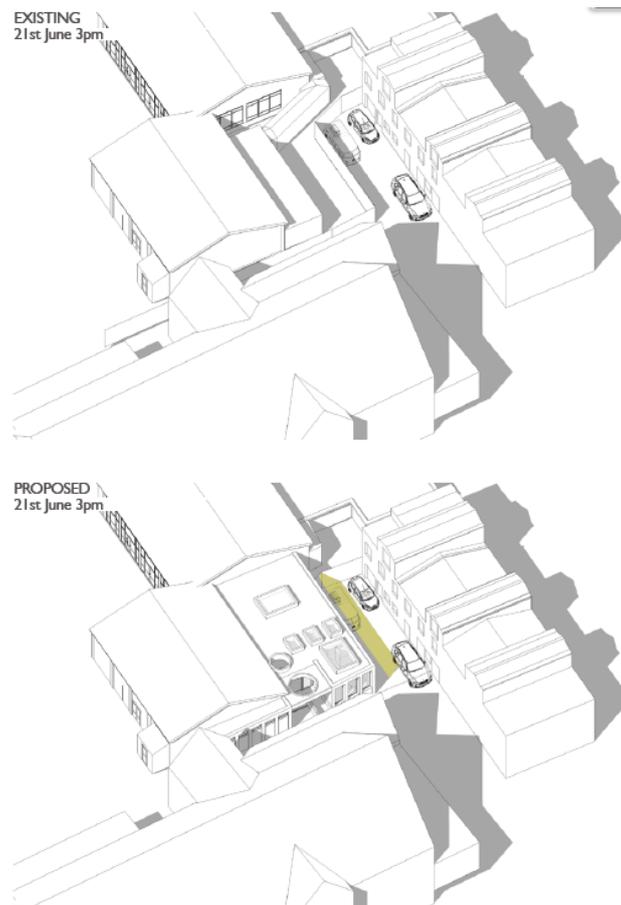


Image 14: 3D visuals showing existing and proposed situation in relation to potential loss of daylight/sunlight at 21st June at 3pm

10.39 The height, position and general scale of the proposal is not considered to result in any significant impact in terms of outlook, or sense of enclosure to these residential properties, given this separation distance.

10.40 In terms of the privacy impact to neighbouring properties, paragraph 2.14 of the Development Management Policies (2013) seeks to protect privacy for residential developments and existing residential properties, stating there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.

10.41 The only windows on the east elevation facing the nearest residential properties are located at high level. This is considered to result in restricted views and is shown in the diagram below (see image 15). There is also a fence along this boundary at 2.4m in height. It is acknowledged that views maybe possible from the glazed entrance and full height window panels. However, these face south towards the adjacent church and would not result in any direct views to habitable windows of neighbouring properties.

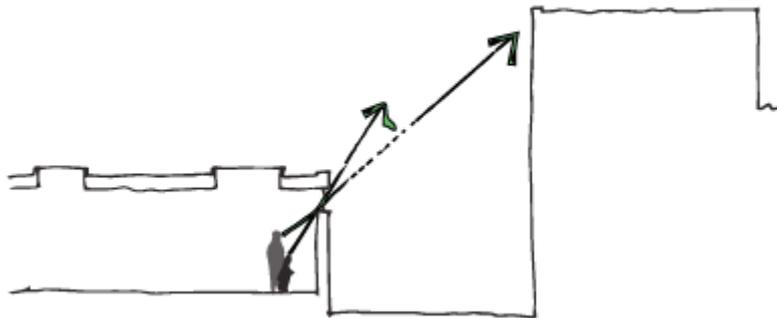


Image 15: Drawing showing relationship with proposed high level windows on the east elevation and properties along Rosa Alba Mews

10.42 In regards to noise, the Council's Pollution Officer has confirmed that he has no objections to the proposal. However, the Officer recommends the applicant follows the "Acoustics of Schools – a design guide" in addressing internal noise levels, which may well address noise transmission, which has been recommended as an informative.

10.43 However, given the proposal would result in improved and expanded facilities the proposal may result greater noise to the surrounding area, due to the potential increased comings and goings. As such and as part of the submitted Design and Access Statement, the application includes a Management Plan. It includes details of:

- matters including the management structure,
- the use and hours of operation,
- security at the site, and

- general deliveries.

10.44 The noise section of the management plan, confirms that to minimise any impact whilst on the school site, an internal waiting area is included within the proposals to ensure existing visitors no longer congregate externally to the building and site, and notices will be displayed on external doors asking customers to leave the premises in a quiet and orderly fashion to show respect to local neighbours, encouraging visitors to leave towards Highbury Park and not via Rosa Alba Mews. This would reduce any adverse impact on neighbours from comings and goings to the school by parents. A condition has been recommended to ensure that the use of the facilities is in accordance with the management plan.

10.45 The Management Plan outlines the hours of use of the before and after school club being:

- Weekdays (Monday to Friday) from 06:30 until 19:30 hours.
- Saturdays from 09:00 until 17:00 hours.

10.46 Also the applicant has confirmed that the proposed entrance would be used for a limited number of late events during a year, not exceeding 10 no. These will be existing school events such as PTA event nights, school plays, fetes etc. These hours are considered acceptable for a community use and ensures that the use is not operating late at night. A condition has been recommended for the hours of use to be restricted to those proposed, which are considered to be acceptable.

10.47 Concerns have been raised in relation to the position of the entrance door, in terms of noise and disruption. Whilst this was not amended to be located further away from Rosa Alba Mews, the removal of the recessed entrance as well as the details of the Management Plan should ensure that any noise would be largely contained within the building, and therefore wouldn't result in a significant disruption to neighbours over and above the existing situation. A balance must be struck between optimising community use and protecting amenity and that balance is considered to comfortably protect amenity in this recommendation.

10.48 Concerns have been raised in relation to noise and disruption during the construction period. Given that no details have been provided in relation to this matter, Officers have recommended a Construction and Environmental Management Plan to be submitted prior to commencement of the development. This condition would safeguard neighbours' amenity during construction.

10.49 Overall, the proposal would accord with policy DM2.1 and DM4.12 which requires development to safeguard the residential amenity to neighbouring properties.

Highways and Transportation

- 10.50 Whilst the main entrance to the site for visitors and the general public is from Northolme Road, the existing pedestrian access to the site for pupils is via the path which connects Highbury Park with Rosa Alba Mews. To enter the site at drop-off and pick-up times, pupils use an entrance gate along the southern boundary, positioned near to Highbury Park. The proposal would use this existing pedestrian access to the site from Highbury Park, albeit a new entrance to the site would be created along the southern boundary associated with the proposal positioned towards the south east corner.
- 10.51 Part B of Policy DM8.2 and associated Appendix 5 does state that all school developments should have a school travel plan. Whilst it is acknowledged that a School Travel Plan was not submitted to accompany the application, given the proposal would not result in the expansion of pupil numbers and would be a relatively small extension, it is not considered to be necessary in this instance.
- 10.52 Policy DM8.4 seeks to ensure minor developments creating new residential and/or commercial units, and extensions of 100sqm or greater, are required to provide cycle parking in accordance Appendix 6 of the Development Management Policies (2013). In this instance, whilst the proposed extension would be less than 100sqm the proposal has proposed storage 4 no. cycle spaces adjacent to the proposed extension, to the west. This provision is welcomed and a condition has been recommended to provide these spaces.
- 10.53 A number of concerns have been raised in relation to increased parking and traffic to the surrounding area, particularly to Kelross Road. However, it should be noted that the surrounding area, including Kelross Road, is already subject to a CPZ (Controlled Parking Zone) restricting parking between 0830 to 1830 hours on weekdays, 830 to 2030 hours on match days (Monday to Fridays) and 1200 to 1630 hours on Saturdays, Sundays and public holidays. Whilst it is acknowledged that the expansion of the before and after school facilities may result in increased activities (and trips to the school), on Saturdays, it should be noted that the school already runs this type of facility in this location, albeit from a different entrance, being located to the west of closer to Highbury Park.
- 10.54 However, it is considered that the likelihood is that this will only be as a result of drop-off and pick-up times for a small increase in users, with the vast majority using the existing pedestrian entrance along the southern boundary near to Highbury Park. As a result, the proposal should result in a more staggered set of trips in comparison to the existing situation, and these CPZ hours, whilst not identical, would correlate with the hours proposed for the before and after school facility which would reduce any potential significant impact on neighbours. It should also be noted that Policy DM8.5 seeks to promote car-free developments, particularly in highly accessible locations such as the school site.
- 10.55 Another issue raised by residents relates to the use and access from Rosa Alba Mews and the lack of any gates along the alleyway adjacent to the

southern boundary. Whilst it is acknowledged there are no gates proposed within this application, as the land adjacent to the school is not owned by the school itself, the applicant is not in control of the installation of a gate in this location or parking. In any event, the installation of a gate would not be supported as it would reduce permeability. It should be noted that the submitted Management Plan makes it clear that the school will discourage the use of Rosa Alba Mews.

10.56 Overall, the proposal is considered to have an acceptable impact on the local highway network and pedestrian safety and is compliant with the Council's transport policies.

Trees and Landscaping

10.57 Part B of Policy DM6.5 seeks to ensure developments minimise any impacts on trees, shrubs and other significant vegetation. Whilst it is acknowledged the site is not within a conservation area and that there are no protected trees (benefitting from Tree Protection Orders) affected by these proposals, the policy seeks to ensure that there would not be any loss of or damage to trees, or adverse effects on their growing conditions, and that their loss will only be permitted where there are over-riding planning benefits. This includes developments within proximity of existing trees which are required to provide protection from any damage during construction phases and from the development.

10.58 As a validation requirement, an Arboricultural Impact Assessment was submitted to assess the impact of the proposal on the existing trees. This included the impact as a result of the extension and the loss of 1 no. tree which would be within the footprint of the proposal.

10.59 This tree (T1) was assessed in accordance with Sections 4.4 and 4.5 of BS 5837:2012. Under this system trees are allocated a retention category based upon their quality and value in the existing context. These are:

- Category A – trees of high quality with long term future potential;
- Category B – trees of moderate quality with medium term future potential;
- Category C – trees of low quality with short term future potential;
- Category U – trees in such a condition that they cannot be realistically be retained as living trees for longer than 10 years.

10.60 The tree (T1) was classified as a Category C (low quality) tree, with the Tree Officer confirming the proposals would result in the removal of one low quality birch tree. He also notes that although there are several trees at this site protected by a Tree Preservation Order (TPO 167/1997) these are located at a significant distance from the development proposals and should not be impacted.

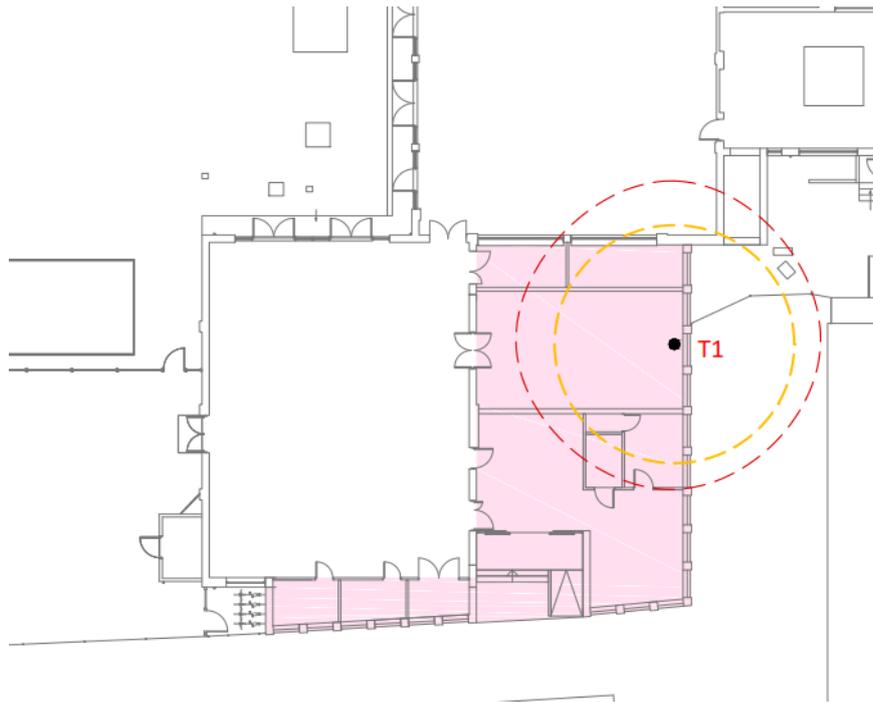


Image 11: Floor plan showing proposed extension and position of tree (T1) to be removed

10.61 Following the submission of original application additional information has been provided by the applicant which includes a proposed construction site access plan including the site compound area and tree replacement plan. Based on the submitted details which has considered the potential impacts to retained trees, the Tree Officer considers that the impacts should be minimal and therefore the requirement to produce a full Arboricultural Method Statement and Tree Protection Plan would be unnecessary. However, they have confirmed that they are also aware these plans can change once the site contractor has been appointed therefore would still recommend a tree protection condition requesting a confirmed site plan showing the construction access route, site compound area and the presence of nearby trees. Also the submitted Tree Replacement Plan which shows the planting methods and aftercare this is not sufficient to comply with the detail requested in the original recommended condition and therefore the tree replacement condition has been recommended with a number of amendments, which includes the tree species that may be suitable.

10.62 It is considered that subject to these recommended conditions, the proposal is considered that the loss of the existing tree as a result of the development would be adequately mitigated and the existing trees on site would be protected. It is therefore considered the proposal would have acceptable in regard to its impact on the trees and be compliant with policy DM6.5.

Anti-social behaviour

10.63 Concerns have been raised in neighbour consultation responses in relation to anti-social behaviour, in terms of the use of pedestrian access to the south and general area, including rough sleeping, prostitution, drug taking and

loitering. As a result of these concerns, the Secured by Design Officer was consulted on the proposal.

10.64 The Secured by Design Officer initially raised concerns in relation to the originally recessed entrance, but this was amended to be flush with the main (south) elevation (no recess proposed). He also confirmed that they have no objections to the proposal, and use of part of the school for extended hours, recommends a condition relating to the hours of use and suggests the use of sliding security rated doors (LPS1175 SR2) for the main reception.

10.65 Given these comments it is considered that the proposal would not give rise to any significant anti-social behaviour issues, over and above the existing situation, and is therefore considered acceptable in this regard.

Other matters

10.66 Concerns have been raised in relation to the lack of swift/bat nesting boxes. However, a condition has been recommended for their inclusion.

11. SUMMARY AND CONCLUSION

Summary

11.1 A summary of these proposals is set out within paragraphs 4.1 to 4.7 of this report.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	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
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>P_100/Rev.1.3, P_110/Rev.1.3, P_200/Rev.1.2, P_300/1.3, P_301/Rev.1.2, P_302/Rev.1.0, P_001/Rev.1.0, P_002/Rev.1.0, S_001/Rev.1.1, S_002/Rev.1.1, 1152-01, 1152-02, 1152-03, 1152-04, 1152-05, 1152-06, Design and Access Statement dated October 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 and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Materials (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 and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the appearance of the building is acceptable.</p>
4	Bird/bat boxes (Compliance)
	<p>CONDITION: Prior to the commencement of the hereby approved development 3 no. bat and bird boxes shall be installed and retained thereafter.</p> <p>REASON: To provide suitable nesting locations in accordance with the Council's biodiversity objectives.</p>
5	Tree Protection Plan
	<p>CONDITION: Prior to the development commencing, a Construction Site Plan is required showing the proposed vehicle access into site as well as the site compound. This should be similar to the detail shown on the intended vehicle access plan (ref. ZRP055 P_011) and will be submitted and agreed in writing with the Local Planning Authority. A mature Sycamore tree (ref: T15 of TPO 167/1997) is located at the rear of the premises officer property close to the area where the site compound is proposed. For the duration of the demolition and construction work no access to this fenced off area is to be permitted for construction activity without the express written authority of the local planning authority. No materials, chemicals or noxious substances are to be stored or used within this area. No plant, machinery or digging vehicles are to be allowed within the area or under the canopy spread of the tree.</p> <p>If the proposed Construction Site Plan changes significantly then a detailed Arboricultural Method Statement and Tree Protection will need to be produced by the project arboriculturist in accordance with BS 5837 2012 –</p>

	<p>Trees in Relation to Demolition, Design and Construction.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
6	<p>Tree Replacement</p> <p>CONDITION: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.</p> <p>Following recent communication with the project architect consideration should be given to the planting of a large canopied tree within existing soft surfaces at the site frontage of Highbury Park near the junction with Northolme Road, the following tree species may be suitable:</p> <p>Tulip tree (<i>Liriodendron tulipifera</i>)</p> <p>Sweet gum (<i>Liquidambar styraciflua</i>)</p> <p>False acacia Frisia (<i>Robinia pseudoacaccia Frisia</i>)</p> <p>Nettle tree (<i>Celtis australis</i>)</p> <p>Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p> <p>REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality</p>
7	<p>CEMP</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. The Method of Construction Statement 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;
- 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 units, including emergency service vehicles;
- m) Details as to how neighbour amenity impacts arising specifically from the proposed basement and foundations will be minimised;
- n) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure; and
- o) 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. 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.

The development shall thereafter be carried out in accordance with the

	<p>details and measures approved in the Method of Construction Statement. 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>
8	Bicycle Storage (Compliance)
	<p>CONDITION: For the hereby approved development secure cycle storage shall be provided prior to the first occupation of the development, in accordance with drawing no. P_100/Rev.1.2 for 4 no. cycles and shall be permanently maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking are available and easily accessible on site and to promote sustainable modes of transport.</p>
9	Hours of opening
	<p>CONDITION: The hereby approved extended facilities, including use of the entrance within the hereby approved extension shall only be occupied (with the exception of cleaners or for maintenance) between the following hours:</p> <ul style="list-style-type: none"> • 06:30 to 19:30 hours Monday to Friday, • 09:00 to 17:00 hours Saturdays, <p>There shall be no use on Sundays or Bank Holidays.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
10	Other events (Hours of operation)
	<p>CONDITION: Notwithstanding condition 9, there shall be no more than 10 no. associated events per calendar year running later than the approved hours (in condition 9). These events shall not operate beyond 21:00 hours.</p> <p>There shall be no use on Sundays or Bank Holidays.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
11	Management Plan
	<p>CONDITION: The hereby approved development shall be operated strictly in accordance with the Management Plan (Appendix D of Design and Access Statement dated October 2018) including that users should be encouraged not to use Rosa Alba Mews, as an entry and exit point.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
12	Community Use Agreement
	CONDITION: Notwithstanding the requirements of condition 11, prior to the

	<p>any use of the extended facilities on Saturdays (with the exception of cleaners or for maintenance), a Community Use Agreement shall be submitted and approved in writing to the Local Planning Authority.</p> <p>The approved scheme shall be implemented in full and retained thereafter.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
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List of Informatives:

1	<p>Construction Environmental Management Plan</p> <p>The CEMP should pay reference to BS5228:2009+2014, the GLA's SPG on control of dust and emissions from construction and demolition, the Non Road Mobile Machinery register, CLOCs status for contractors and any other relevant guidance.</p>
2	<p>Trees</p> <p>The following British Standards should be referred to:</p> <ul style="list-style-type: none"> a) BS: 3882:2015 Specification for topsoil b) BS: 3998:2010 Tree work - Recommendations c) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e) BS: 4043:1989 Recommendations for Transplanting root-balled trees f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf). h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations i) BS: 8601:2013 Specification for subsoil and requirements for use
3	<p>Noise</p> <p>It is recommended that the "Acoustics of Schools – a design guide" is followed in ensuring internal noise levels and noise transmission do not have detrimental impact on the wider area.</p>
4	<p>Extraction equipment</p> <p>Please ensure that a planning application submitted for any required extraction equipment for the kitchen forming part of the approved development.</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:

3 London's people

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs and large buildings

6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

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 7.7 Location and design of tall
Policy 7.8 Heritage assets and
archaeology

8 Implementation, monitoring and review

Policy 8.1 Implementation

B) Islington Core Strategy 2011

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

C) Development Management Policies June 2013

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM6.5 Landscaping, trees and biodiversity
DM7.1 Sustainable design and construction
DM7.4 Sustainable design standards
DM8.1 Movement hierarchy
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM4.12 Social and Strategic infrastructure and cultural facilities

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

The following SPGs and/or SPDs are relevant:

Islington Council Guidance

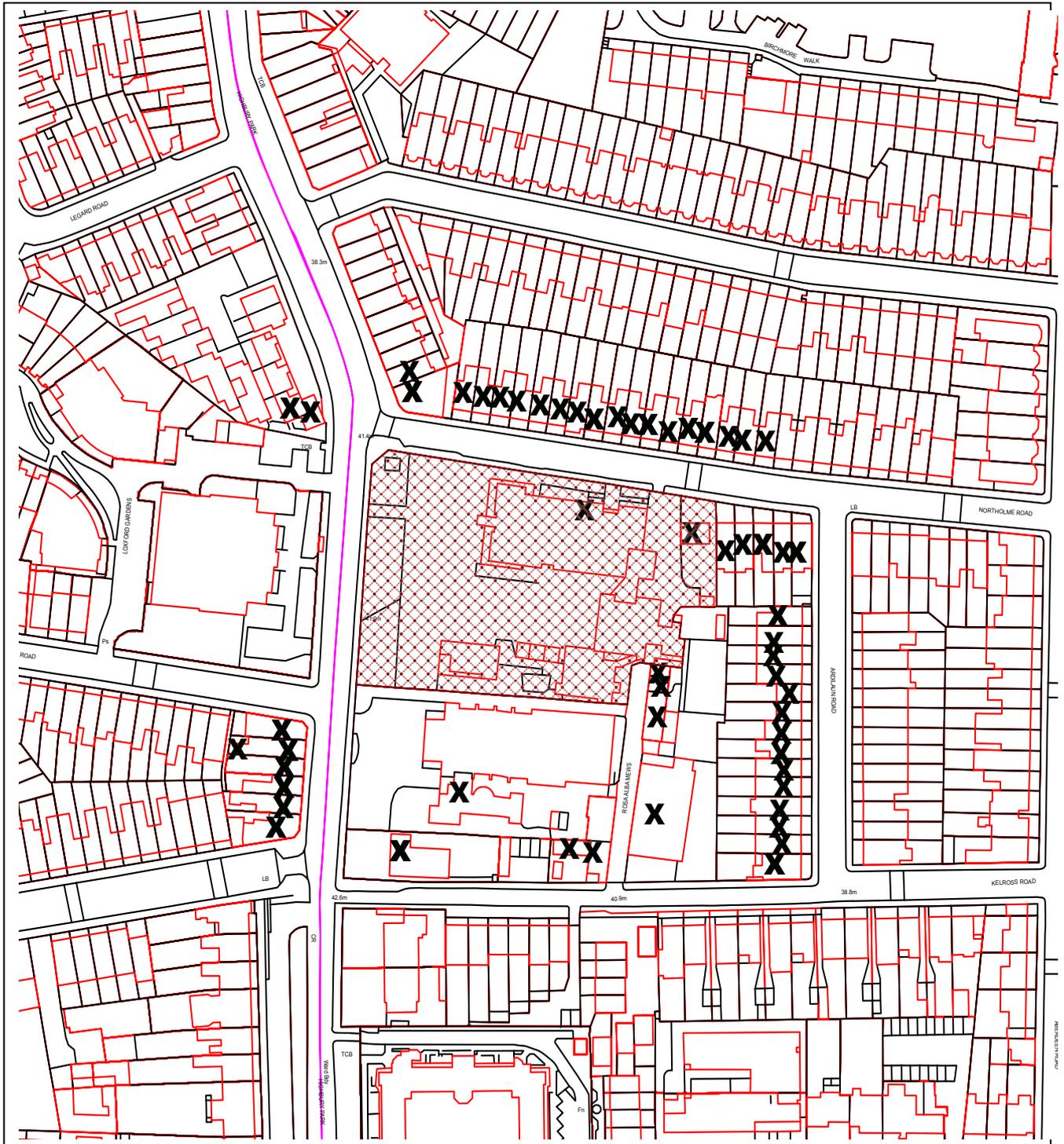
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Environmental Design SPD
- Streetbook SPD
- Urban Design Guide

London Plan

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

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Islington SE GIS Print Template



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P2018/1231/FUL

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PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE B		AGENDA ITEM NO:	
Date:	12th March 2019	NON-EXEMPT	

Application number	P2018/3090/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	No
Conservation area	No
Development Plan Context	Employment Growth Area, Rail Safeguarding Area.
Licensing Implications	Site has a License to Sell Alcohol
Site Address	Units 8, Roman Way Industrial Estate, 149 Roman Way, London, N7 8XH
Proposal	Change of use of the ancillary storage function to the brewery to a mixed B1(c) (Light Industrial) and A4 (Drinking Establishment) use, with limited hours of operation.

Case Officer	Owen Griffiths
Applicant	Hammerton Brewery Limited
Agent	Metropolis Planning and Design

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)

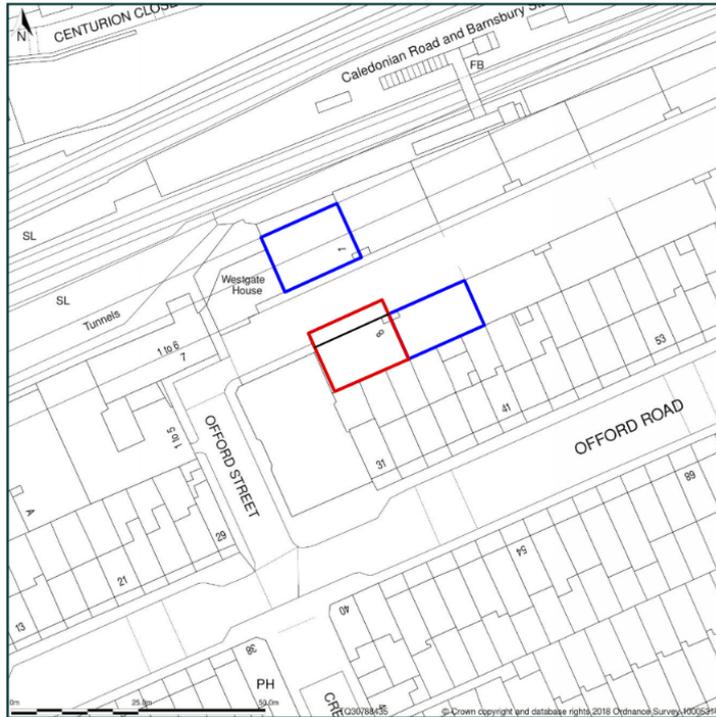


Image 1- Site Plan

3. PHOTOS OF SITE/STREET



Image 2 – Aerial View



Image 3 – View of unit 8 from west end of industrial estate (from Offord Street)



Image 4 – View of units 8 and 9 towards Offord Street

4. SUMMARY

- 4.1 It is proposed to introduce an ancillary A4 use (Drinking Establishment) to unit 8 of the Roman Way Industrial Estate. This will allow the microbrewery to sell and allow consumption of the alcohol that is produced on site. The proposed operational times of 12pm to 10pm on Fridays and Saturdays (totalling 20 hours per week) are considered to be ancillary to the lawful B1(c) (Light Industrial) use and does not constitute a loss of business floorspace that would be contrary to DM5.2 (Protection of Business Floorspace). The application has also been considered against policies DM4.2 and DM4.3 that address the suitability and concentration of night time uses in certain location as well as policies DM2.1 (Amenity).
- 4.2 The application has received 6 letters of objection and 26 letters of support.
- 4.3 Sufficient measures have been incorporated into the development to mitigate the effects on neighbouring amenity. The hours of operation have been reduced from those originally sought and the permission will be for a temporary period only so the effects on the surrounding area can be assessed. Furthermore, a recessed door has been included to insulate internal noise and a Noise and Operational Management Plan are to be secured by condition to mitigate any potential disturbances to adjoining occupiers.

5. SITE AND SURROUNDING

- 5.1 The site is within the Roman Way Industrial Estate which is adjacent to Offord Road to the south and Caledonian Road and Barnsbury Station to the north. The northern units within the industrial estate back onto network rail land and the southern units adjoin residential gardens to properties on Offord Road. The industrial estate is made up of 16 units for B1(c) uses – light industrial uses suitable in residential areas.
- 5.2 The surrounding area is characterised by 3-4 storey residential developments with some retail/office uses on ground floors. The site itself is not within a conservation area but the site adjoins properties on Offord Road that are within the Barnsbury Conservation Area. The Industrial Estate is also within an Employment Growth Area which is safeguarded from change of use to non-businesses uses.

6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to introduce an ancillary A4 (Drinking Establishment) use to the existing light industrial use (B1(c)) for unit 8 within the Roman Way Industrial Estate. The unit is currently occupied by the Hammerton Brewery for ancillary storage use in association with the microbrewery operations that occur in unit 9. The brewery currently open unit 8 as a drinking establishment one weekend every month (Fridays and Saturdays), selling alcohol that is produced by the brewery on site to the public. The current opening hours are 17:00 to 23:00 on Fridays and 14:00 to 23:00 on Saturdays. During this weekend the majority of the unit is converted to allow patrons to consume alcohol on site i.e. temporary benches and tables are installed. Some storage operations still occur in unit 8 during this time.
- 6.2 The application seeks planning permission to use the industrial unit on Fridays and Saturdays as an ancillary drinking establishment (A4 use class) for a temporary period of 12-months. The proposed opening hours are 12pm to 10pm (20 hours total per week) with the outside area closing at 9pm. Outside unit 8 is a 50sqm area of hardstanding that will provide outdoor seating during the summer months. The days of the week, operational hours and temporary period have been agreed after negotiations with the council.

Revision 1

6.3 It was initially proposed for the brewery to open as a drinking establishment for the following days/hours:

- Thursday/Friday 16:00 to 23:30 (7.5 hours x 2)
 - Saturday 12:00 - 23:30 (11.5 hours)
 - Sunday 12:00 23:00 (11 hours)
- 37.5 hours total

With an outdoor closing time of 22:30 every day.

6.4 It was felt that these hours would be too disruptive to surrounding occupiers and would not constitute an ancillary use to the main function of the unit and would amount to a loss of business floorspace. Therefore, it was agreed to limit the hours and days of the week to Friday and Saturday only, until 10pm with 9pm outside closing. It was also agreed for the application to be for a temporary period (12 months) to assess what implications the use may have on the surrounding area.

7. RELEVANT HISTORY:

7.1 P2013/2653/COL: Unit 9 - Certificate of Lawfulness (proposed) for use as a microbrewery as B1 (c). Approved 30th September 2013.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 111 adjoining and nearby properties at Offord Road, Roman Way, Offord Street and the units within the industrial estate on the 2nd November 2018. The public consultation of the application therefore expired on 26th November 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 32 responses had been received (6 objections and 26 letters of support) from the public with regard to the application. The issues raised can be summarised as follows:

8.3 Six objectors raised the following issues:

- Neighbouring properties are already negatively impacted by current A4 Use (one weekend a month) and this will only get worse with more frequent hours. *[Hours have been reduced para 10.10]*
- Due to the structure/walls behind the houses to Offord Road the noise will reverberates off the residencies and along the terrace row. *[Recessed door introduced para 10.12]*
- Bedrooms face the industrial units and residents have to sleep with earplugs. *[Noise Management Plan Conditioned para 10.12]*
- Patrons loiter on Offord Road waiting for cabs and are loud during late hours. *[Noise Management Plan Conditioned para 10.12]*

- Victorian sash windows to the buildings on Offord Road offer little noise mitigation. *[Recessed door introduced and Noise Management Plan Conditioned para 10.12]*
- Pub operation this close to residential premises is not appropriate and will effect land values/achievable rent. *[Sufficient Public Protection measures have been included para 10.16 – effect on land value not a planning matter]*
- Light industrial use should be protected and the A4 use will dilute the prevailing use. *[No loss of business floorspace para 10.7]*
- The proposed ‘entertainment use’ is outside a town centre and surrounded by residential premises. *[Acceptable where no impact on surrounding amenity para 10.3 and 10.16, the primary function is B1(c) – ancillary use temporary para and 10.7]*
- Noise pollution impacting residents. *[Noise Management Plan Conditioned para 10.12 and 10.16]*
- Outside area could cause further disruption to local residents. *[Outside area conditioned (condition 5) para 10.12 and 10.16]*
- Hours sought are incongruous with the operational hours of the Industrial Estate that closes at 6pm to 6:30pm. *[para 10.15]*
- There are outstanding noise issues associated with the laundrette and the Deliveroo operations. The proposed will only add to existing problems. *[Noise Management Plan Conditioned para 10.12]*

8.4 26 Letter of Support have been received that raised the following reasons for supporting the application:

- Extra amenity will be of benefit to the area.
- Current operation provides an excellent community event.
- In support of an expanding local business.
- Brewery is a major point of pride in the area.
- Family run business enhances the area and will be an asset to Caledonian Road providing further employment opportunities.
- Current operations have not effected local residents and no anti-social behaviour has been witnessed.

External Consultees

8.5 Thornhill Square Association: No Response Received

Internal Consultees

8.6 Planning Policy: The amended operational hours sought would be classed as ancillary to main function of the units as B1(c). Extended hours on more days may effect this but the application as proposed is acceptable and does not conflict with policy DM5.2.

8.7 Commercial Environmental Health:

- We have received a complaint here about music, noise from patrons and other ASB with public urination.
- Noise Management Plan should be conditioned so we can confirm information provided in the Operation Management Plan submitted with the application.
- If the doors, hours of use and outside space restrictions were in place then the EPPP team would have no objections to the approach.

The doors for noise mitigation are addressed in paragraph 10.12

8.8 Licensing: In light of the reduced hours, no adverse comments are raised.

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

Development Plan

9.3 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

- 9.4 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:
- Employment Growth Area
 - Rail Safeguarding Area

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land Use
 - Effect on Neighbouring Amenity
 - Design and Effect on Neighbouring Conservation Area
 - Other Issues

Land-use

- 10.2 The Roman Way Industrial Estate is within an Employment Growth Area which is protected by Policy CS13 of the Core Strategy. The policy safeguards existing business space throughout the borough by protecting against a change to non-business uses. This is backed up by Policy DM5.2 of Islington's Development Management Policies that states schemes incorporating a loss or reduction of business floorspace will be refused unless exceptional circumstances can be demonstrated.
- 10.3 Policy DM4.2 and DM4.3 outlines the appropriateness of late-night entertainment activities in the borough and states that generally such uses are only appropriate in Town Centre locations. Exceptions will only be allowed where such uses will not have adverse impacts such as unacceptable disturbance or detrimental effect on the amenity, character and function of an area. Negative cumulative impacts and unacceptable concentrations of uses will also be resisted.
- 10.4 The Hammerton Brewery currently occupies units 1, 8 and 9. Unit 1 (194sqm) and unit 8 (155sqm) are used for storage (beer kegs, hops, bottled/canned beer etc...) and the main microbrewery operations occur in unit 9 (160sqm). The existing use of unit 8 is B1(c) – Light industrial suitable in residential locations. The site history for adjoining unit (unit 9) indicates that in 2013 a Certificate of Lawfulness was approved that confirmed the microbrewery operations fall under use class B1(c) rather than B2 that applies to a conventional larger scale brewery. The storage functions are considered to be ancillary to the brewery however a change of use between B1 and B8 (Storage and Distribution) is possible under permitted development rights and therefore no land use concerns are raised in terms of the current operations at the site.
- 10.5 It is proposed to introduce an ancillary A4 use (Drinking Establishment) to units 8 whereby on Fridays and Saturdays, between 12pm and 10pm, the units will be open to the public for the sale and consumption of alcohol on site. The development will incorporate the introduction of a mezzanine level in unit 8 for both storage and drinking establishment use. Additional bathroom facilities will also be provided including an accessible bathroom for wheelchair users. A kitchen area is also being introduced for use by employees during primary use operations and for the sale of limited hot food to patrons during the A4 use currently sought. The kitchen area already has extraction equipment in place from the prevailing industrial use of the unit with a front facing louvered extraction point. The sale of hot food often accompanies the sale of alcohol at drinking establishments and this is

considered to be an ancillary function. Furthermore, the consumption of food on site is encouraged due to the associated behavioural tendencies of those who have consumed alcohol and the mitigation that is experiment when food is consumed at the same time.

10.6 During the times of the week when unit 8 is not used as a drinking establishment the unit will revert back to its main function, as storage for the adjacent microbrewery in Unit 9. It is also proposed for some microbrewery operations to occur in unit 8 as two fermentation vats will be installed. Overall, the proposals seek to introduce a drinking establishment use for a period of time per week that is considered to be ancillary to the main function of the unit. For the majority of the week the units will continue to operate as a microbrewery with associated storage. The current application relates to unit 8 but the overall operations of the brewery operates across three of the units in the industrial estate and the intention of the use sought is to support the main function of the brewery across all three units. As highlighted by the applicant at paragraph 3.8 of their supporting planning statement, the primary function of the unit remains consistent with supporting the wider established B1(c) microbrewery operations providing space for materials such as kegs, packaging, bottles and cans, amongst other items. The A4 (Drinking Establishment) use will be ancillary to this primary function.

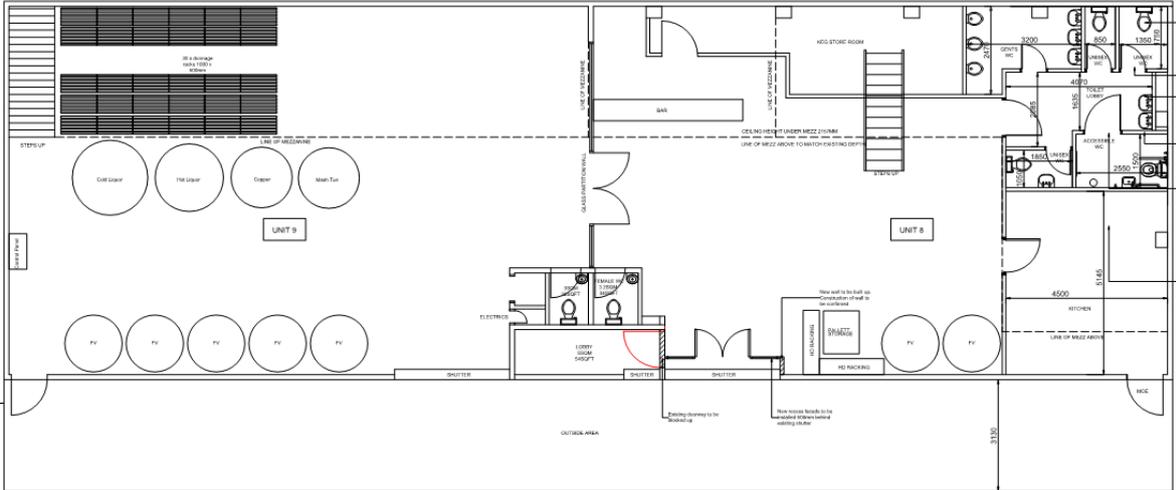


Image 5 – Proposed Ground Floor Plan

10.7 It is considered that the proposals do not conflict with the aspirations of Policies CS13 and DM5.2. Operating as a drinking establishment restricted to two days per week with limited hours which compliments the primary function of the unit for microbrewery operations. The proposed use is considered to be an ancillary function and therefore the primary function of the units as a B1(c) will be retained. The introduction of an ancillary function will not result in any business floorspace being lost and therefore the application does not conflict with Policy CS13 or DM5.2. Finally, the location of the ancillary A4 use in an out of Town Centre location is compliant with policies DM4.2 and DM4.3, in terms of land use, as the proposal does not constitute and over concentration of such uses and there will be no cumulative impacts as a result of the use proposed, subject to conditions that are addressed in the following sections of this report.

Neighbouring Amenity

10.8 Development Management Policy DM2.1 states that proposals must provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution and fumes between and within developments. This is reiterated in Policy DM4.3 that resists drinking establishments in areas that would cause an unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

- 10.9 The Roman Way Industrial estate is located in a primarily residential area with the rear gardens of residential properties on Offord Road (31-79 odd) adjoining the rear boundary of the industrial estate. The western entrance of the industrial estate, in close proximity to unit 8, is off Offord Street which incorporates a mixed use development with offices on the ground floor and residential units on the upper three floors. Between the industrial estate and the mixed use development is the entrance to Caledonian Road and Barnsbury Overground Station. Offord road and the surrounding area also forms part of the Barnsbury Conservation Area.
- 10.10 The introduction of the A4 use has the potential to effect the amenities of surrounding residents due to behaviours associated with drinking establishments. The initial hours sought for the A4 operation were Thursday/Friday 16:00 to 23:30, Saturday 12:00 - 23:30 and Sunday 12:00 23:00, with an outdoor closing time of 22:30. These hours (totalling 37.5 per week) were deemed to be too late and across too many days of the week to be considered acceptable and raised concerns over whether this would constitute an ancillary use. It was concluded that such hours had the potential to negatively affect surrounding residents and were therefore not deemed acceptable. Late night operations on Thursdays and Sundays in particular were considered to introduce potential for an unacceptable level of disturbance to surrounding occupiers.
- 10.11 The brewery currently opens over one weekend a month (Fridays 17:00 to 23:00 and Saturdays 14:00 to 23:00) offering the sale and consumption of alcohol on site. Unit 8 has a premises license to sell alcohol between the hours of 12:00-23:00 Monday to Sunday. Issues have been raised by objectors in relation to the disturbance this has caused due to the late hours of patrons leaving the area and other general noise issues when the unit is used for on-site alcohol consumption. Furthermore, a complaint has been received by Environmental Health in relation to music, noise from patrons and other anti-social behaviour. Due to these issues it was agreed with the applicant that the hours should be reduced and limited to Fridays and Saturday only to protect the amenities of surrounding residents. The Friday and Saturday operation as a drinking establishment would be limited to 12pm to 10pm for a temporary period of 12-months so the effects of the proposals can be assessed and so an informed decision can be made in relation to extending the temporary period, if an application is made to do so.
- 10.12 The application also includes an outdoor area in front of unit 8. The area is 3.1m wide with an area of 50sqm and will offer occasional seating during the summer months. The outdoor seating area will close at 9pm and all seating and tables will be removed by staff. A recessed door will be installed behind the main shutter to unit 8 to mitigate any internal noise that will be created. The details of recessed door were presented to Environmental Health and were considered to be acceptable in conjunction with the reduced hours that were agreed. A Noise Management Plan was requested to confirm the information provided in the Operational Management Plan.
- 10.13 The applicant has submitted an Operational Management Plan that outlines how the A4 use will be managed and how potential effects on local residents will be reduced. The Operational Management Plan states that a maximum of 200 customers will be onsite at any one time but the anticipated numbers will usually be significantly below this figure. Members of staff will supervise customers drinking in the outside area and will remove the temporary tables and chairs and tell customers they must move inside by 9pm.
- 10.14 The Operational Management Plan sets out how noise management will be conducted by staff and an internal communications procedure will be set up for dealing with noise issues and complaints. The managers contact information will be made available to local residents and regular monitoring checks at the nearest noise sensitive receptors will be conducted. Furthermore, notices shall be displayed to advise customers to leave quickly and quietly

and staff will be provided with general advice in relation to noise control. The full details of the noise mitigation measures will be secured by condition 6 and will need to be submitted and approved before the temporary consent commences.

- 10.15 The agreed 10pm closing time is considered to be appropriate and will ensure unacceptable disturbance to neighbouring amenity will be minimised. In terms of patrons leaving the area, the applicant has stated that the entrance to the Industrial Estate from Offord Street will be closed at 18:30 due to a new estate management arrangement and therefore anyone leaving the estate after this time will have to use the entrance to Roman Way. This will then take patrons leaving the unit away from the mixed use development on Offord Street, through the estate and towards the parade of shops on Roman Way.
- 10.16 On balance, it is considered that sufficient Public Protection measures have been incorporated into the proposals and secured by condition to ensure the amenity of neighbouring residents will be protected. External noise from the proposals will stop at 9pm, when the outdoor area closes and all customers move inside or leave. The new recessed door, behind the exiting roller shutter, will ensure that when closed the unit will be sufficiently insulated and will not disturb surrounding residents. A noise management plan has been conditioned to ensure that when the unit doors are open there will not be an unacceptable level of noise created by the A4 use. Finally, the opening hours have been reduced to 10pm on Fridays and Saturday only after consideration over the residential location of the site, the objections received and feedback from Environmental Health.
- 10.17 Overall, the development has been sufficiently amended to demonstrate compliance with Development Management Policies DM2.1 and DM4.3. However, due to the sensitive location of the application site, a temporary 12-month permission is recommended so the operations can be re-assessed should a longer period be sought. Noise and potential disturbance have been sufficiently mitigated and the hours of operation reduced to protect the amenity of surrounding residents.

Design and Effect on Neighbouring Conservation Area

- 10.18 The only external alterations are to the front façade of the unit where a new recessed door will be installed. No flues or items of plant are proposed as part of the application and therefore no visible changes to the unit will be apparent from the adjoining Barnsbury Conservation Area.
- 10.19 In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not considered to cause harm to the character nor the appearance of the conservation area as no external alterations are proposed that will be visible from within the neighbouring conservation area.

Other Issues

Licensing Implications

- 10.20 Unit 8 currently has a license to sell alcohol on all days between 12:00 and 23:00. The hours sought conform to the premises license already held by the unit and therefore there are no conflicting licensing implications as a result of the proposals.
- 10.21 A redacted copy of the premises license is included at Appendix 3.

Temporary Consent

- 10.22 It is recommended that any grant of permission for the ancillary use sought is for a temporary period to allow the Local Planning Authority a period to monitor the impact on the residents that adjoin the site. The results of the monitoring will then be used to inform any future application that seeks to extend the temporary period or the hours currently recommended for approval.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed use is considered to be ancillary to the main function of the unit and does not constitute a loss of business floorspace. The ancillary function is appropriate in this location and complements the main function of the unit allowing the beer that is produced on-site to be sold and consumed on-site also.
- 11.2 Sufficient amendments have been incorporated into the proposals for the application to be deemed acceptable in terms of effect on neighbouring amenity. A Noise and Operational Management Plan as well as details of extraction equipment will be required prior to the proposed use being implemented and therefore the effects on amenity have been appropriately mitigated.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

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

List of Conditions:

1	Three Year Consent Period
	<p>The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Temporary Time Period (Notification Required)
	<p>The hereby approved development is granted only for a temporary period, being 12 months from the date of the A4 Use Commencing on site.</p> <p>The applicant shall notify the Local Planning Authority in writing one month prior to the A4 use hereby approved commencing on site.</p> <p>Reason: The temporary consent is such that the Local Planning Authority has a period to monitor the impact on the residents that adjoin the site and to ensure that there are not any untoward effects from the development.</p>
3	Approved plans list
	<p>The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>3186-D1000 Rev 00, EX.01, FP.01, FP.02, Planning Statement Dated 20/02/2019 ref: 3186, Operational Management Plan Dated 19/10/18.</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>
4	Operational Hours
	<p>The permitted operational hours of the A4 ancillary use are:</p> <ul style="list-style-type: none"> • 12:00 to 22:00 on Fridays and Saturdays only. <p>Reason: To protect the amenities of surrounding residents.</p>
5	Outside Area
	<p>The outdoor area, as shown on the Location Plan (5000-D2800-rev00) shall not be used/occupied by patrons of the hereby approved drinking establishment before 12noon or after 9pm. There shall be no external bar serving alcohol, no cooking of food and no fixed seating installed in the outside area.</p>

	REASON: To mitigate against noisy activities that may lead to noise transfer and ensure that the proposed use does not have an adverse impact on neighbouring residential amenity
6	<p>Noise and Operational Management Plan</p> <p>A Noise and Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the hereby approved use commencing. The Noise and Operational Management Plan shall set out how noise impacts to surrounding residents will be mitigated and controlled including monitoring arrangements and internal communications procedures for dealing with noise issues and complaints. The Noise and Operational Management Plan shall also confirm that no amplified music will be played on site during the ancillary A4 use hereby approved and the access arrangements for the industrial estate confirming that the access point to Offord Street closes at 18:30 every day.</p> <p>Reason: To protect the amenities of surrounding residents.</p>
7	<p>Maximum Occupancy</p> <p>During the operation of the unit as an ancillary A4 Use, the maximum number of customers onsite at any time is 200. Monitoring measures shall be in place to ensure this maximum number is not exceeded.</p> <p>Reason: To ensure the safe operations of the use hereby approved and to protect the amenities of surrounding residents.</p>
8	<p>Extract Ventilation Equipment</p> <p>Prior to the commencement of use hereby approved, full details of proposed flues / extraction systems for the unit shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate. The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible. The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>The details shall include proposed odour control measures, fan location, duct discharge position, three-stage filtration (incorporating active carbon filters), internal fan location and anti-vibration mounts.</p> <p>Reason: In order to protect the amenities of surrounding occupiers.</p>

List of Informatives:

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

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.

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 4.1 Developing London's Economy
Policy 7.4 Local character

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's character
Policy CS13 – Employment Spaces

C) Development Management Policies June 2013

- Policy DM2.1 – Protection of Amenity
- Policy DM2.3 – Heritage
- Policy DM4.2 – Entertainment and Night Time Economy
- Policy DM4.3 – Location and Concentration of Uses
- Policy DM5.2 – Loss of Existing Business Floorspace

3. Designations

- Employment Growth Area

APPENDIX 3: PREMISES LICENSE

PREMISES LICENCE LICENSING ACT 2003

Premises licence number	[REDACTED]	Date of original grant*	22 October 2014
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
HAMMERTON BREWERY			
UNIT 8, ROMAN WAY INDUSTRIAL ESTATE			
148 ROMAN WAY			
Post town	London	Post code	N7 8XH
Telephone number	[REDACTED]		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none">The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none">The sale by retail of alcohol: <table><tr><td>Monday</td><td>12:00</td><td>to</td><td>23:00</td></tr><tr><td>Tuesday</td><td>12:00</td><td>to</td><td>23:00</td></tr><tr><td>Wednesday</td><td>12:00</td><td>to</td><td>23:00</td></tr><tr><td>Thursday</td><td>12:00</td><td>to</td><td>23:00</td></tr><tr><td>Friday</td><td>12:00</td><td>to</td><td>23:00</td></tr><tr><td>Saturday</td><td>12:00</td><td>to</td><td>23:00</td></tr><tr><td>Sunday</td><td>12:00</td><td>to</td><td>23:00</td></tr></table>	Monday	12:00	to	23:00	Tuesday	12:00	to	23:00	Wednesday	12:00	to	23:00	Thursday	12:00	to	23:00	Friday	12:00	to	23:00	Saturday	12:00	to	23:00	Sunday	12:00	to	23:00
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Friday	12:00	to	23:00																									
Saturday	12:00	to	23:00																									
Sunday	12:00	to	23:00																									

The opening hours of the premises:			
Monday	12:00	to	23:30
Tuesday	12:00	to	23:30
Wednesday	12:00	to	23:30
Thursday	12:00	to	23:30
Friday	12:00	to	23:30
Saturday	12:00	to	23:30
Sunday	12:00	to	23:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and Off Supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Hammerton Brewery Ltd
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)
[REDACTED]

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Karina Benavente
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol
[REDACTED]

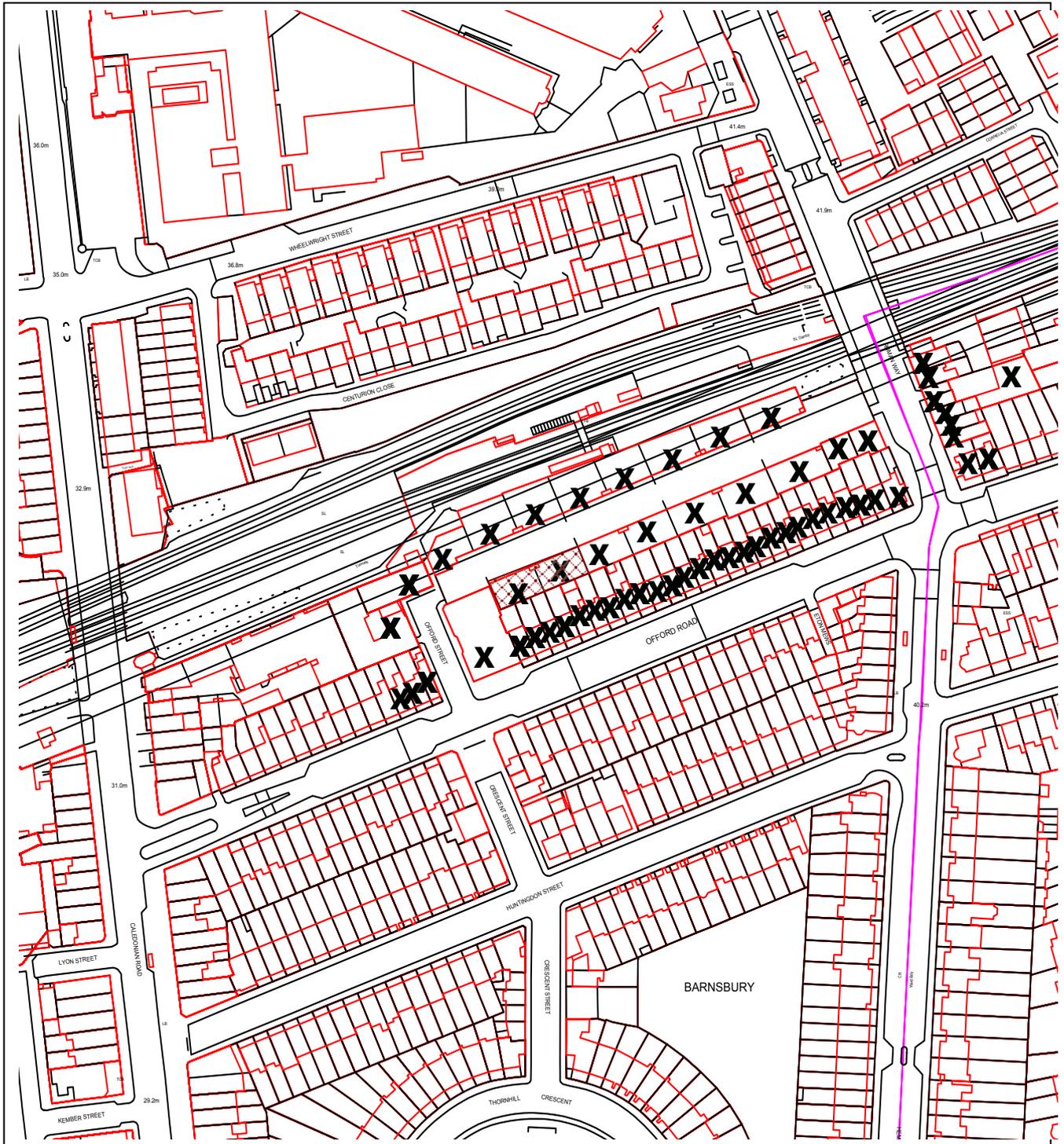
Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

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