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## **AGENDA FOR THE PLANNING SUB COMMITTEE A**

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 1, Town Hall, Upper Street, N1 2UD on **18 June 2019 at 7.30 pm.**

Enquiries to : Ola Adeoye  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 10 June 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](mailto:enquiriesplanning@islington.gov.uk).**

### Committee Membership

Councillor Picknell (Chair)  
Councillor Convery  
Councillor Clarke  
Councillor Graham  
Councillor Mackmurdie

### Wards

- St Mary's;  
- Caledonian;  
- St George's;  
- Bunhill;  
- Clerkenwell;

### Substitute Members

All other members and substitute members of the Planning Committee

Quorum: 3 councillors



**A. Formal Matters**

**Page**

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business
6. Minutes of Previous Meeting

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	1 Berry Place, EC1V 0JD	5 - 32
2.	10 Kiver Road, N19 4PD	33 - 50
3.	42 Gloucester Way, EC1R 0BR	51 - 76
4.	73 Fairbridge Road, N19 3EP	77 - 96

**C. Consideration of other planning matters**

**D. Urgent non-exempt items (if any)**

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

**E. Exclusion of press and public**

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

**F. Confidential/exempt items**

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

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

**Date of Next Meeting:** Planning Sub Committee A, 3 September 2019

**Please note all committee agendas, reports and minutes are available on the council's website: [www.democracy.islington.gov.uk](http://www.democracy.islington.gov.uk)**

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

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

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

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

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

**For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Ola Adeoye/Zoe Lewis on 020 7527 3044/3486. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk).**



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London Borough of Islington

## **Planning Sub Committee A - 9 April 2019**

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 9 April 2019 at 7.30 pm.

**Present:**      **Councillors:**      Picknell (Chair), Graham (Vice-Chair), Convery, Nathan and Spall

### **Councillor Angela Picknell in the Chair**

**55**      **INTRODUCTIONS (Item A1)**

Councillor Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be B2 and B1.

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

**RESOLVED:**

That the minutes of the meeting held on 11 February 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**61**      **180 TUFNELL PARK ROAD, N7 0EE (Item B1)**

Retention of a timber clad outbuilding located to the end of the rear garden and associated alterations.

(Planning application number: P2018/3523/FUL)

In the discussion the following points were made:

- Planning Officer informed the meeting that no additional updates had been received since the publication of agenda.
- Planning Officer advised that the scheme relates to the retention and amendments of an outbuilding which is located to the rear garden and would be for ancillary residential use as a garden room.

## Planning Sub Committee A - 9 April 2019

- The Planning Officer highlighted the objections to the scheme as there were concerns about its design, size and scale of the scheme as disproportionate to the garden; the use of the outdoor building and that granting permission would setting a precedent for similar schemes in the area.
- In response to concerns with the use of the outdoor building and to protect it from being converted and used as a habitable dwelling, a suggestion that condition 4 in the report be reworded. Members agreed that the exact wording of condition be delegated to the planning officer and the Chair.
- Members also agreed an additional condition to prevent the flat roof area of the outbuilding being used as a roof terrace should also be secured through the permission.

Councillor Graham proposed a motion to amend condition 4 in the report. This was seconded by Councillor Spall and carried.

**Agreed Revised CONDITION 4: Notwithstanding the hereby approved plans, the hereby approved outbuilding can only be used ancillary/ incidental to the enjoyment of the dwelling house and cannot be used as a self-contained unit. In addition, the building shall not be used for any form of overnight sleeping/accommodation into perpetuity.**

**REASON: For avoidance of doubt and to protect neighbouring amenity.**

**No flat roof roof terrace restriction**

**CONDITION 05 : Notwithstanding the hereby approved plans including drawing numbers 497.50. GR.01 Rev D & 497.200. GR.02 Rev C, no permission is granted for any use of the hereby approved outbuildings flat roof area for any form of sitting out or amenity space into perpetuity.**

**REASON: In order to safeguard the visual amenity of the area and safeguard adjoining resident's amenity levels in terms of any material loss of privacy and increase overlooking incidences.**

### **RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations, planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended above, the wording of which was delegated to officers.

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### **25 LOWMAN ROAD, N7 6DD (Item B2)**

Demolition of existing garage and construction of two storey 1-bedroom dwelling house with associated landscaping, boundary treatment and associated alterations.

(Planning application number: P2018/4038/FUL)

In the discussion the following points were made:

- The Planning Officer advised members that references in the report stating that pre-applications Q2015/3697 and Q2016/2046/MN are material planning considerations

## Planning Sub Committee A - 9 April 2019

should be disregarded. The planning officer confirmed that the previous pre- app responses were officer advice and non-binding on the council's final determination of the application before members.

- Planning Officer advised that following amendments, the design, layout and massing of the proposed development is considered acceptable and the dwelling would comprise matching scheme brickwork to the host property.
- Objectors were concerned that the scheme would be setting a precedent for similar schemes in the future; its impact on the distinct historical character of the street, overdevelopment of the site, loss of privacy and the sizes of the room is contrary to council guidelines.
- In response to objectors concerns, the agent informed members that the scheme is as a result of working in conjunction with planning officers and considering the amendments especially with the design, the proposed development would be a high quality dwelling on a site which is presently disused and occupied by dilapidated buildings.
- With regard to the loss of amenity by the present residents, Members were informed that as the dwelling is to be sited on a hardstanding area, there will be no loss and importantly accessing the neighbouring property will not be affected as a result of the new dwelling.
- In response the agent indicated that this scheme would result in a high quality single dwelling which is highly sought in the borough and that in terms of design concerns both the internal and external provision is policy compliant. The agent acknowledged that the proposed dwelling from street level would be a continuation of the terrace although differing slightly in design and appearance. With regards to loss of amenity space, the agent reminded members that each flat has its individual balcony and a roof garden.
- In response to concerns that the scheme marginally falls short of the total floor space and bedroom width requirements, members were reminded of the constraints of the site and that the proposed dwelling will be a 1 bedroom, 1 person dwelling that is part spilt over ground and first floor with the majority at ground floor level.
- Members sought clarification on the dimensions as stated in the report, the ceiling heights of 2.5sqm and the floor area of 35.4sqm.
- Members raised concerns about the impact of the proposal on both present and future occupiers, especially as the proposed scheme would affect the private outdoor space of the existing homes as it will be reduced significantly. In addition there was concern that the new occupiers will lack good quality and functional outdoor space which is against policy DM3.5.
- Members were concerned that the proposed dwelling would fall short of the minimum requirement that is expected in planning guidelines and policy in terms of room sizes and internal heights, poor outlook to the main ground floor living space, and lack of adequate private outdoor space..
- Councillor Convery proposed a motion to refuse planning permission based on these failings and the wording of the reasons be delegated to officers and agreed by the Chair. This was seconded by Councillor Graham and carried.

**RESOLVED:**

That following consideration of the case officers report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be refused for the reasons set out below, the wording of which was delegated to officers in conjunction with the chair.

**REASON 01: The proposed 1-bedroom residential unit is considered to provide sub-standard and cramped living accommodation representing an overdevelopment of the site due to its inadequate internal floorspace, compromised ground floor outlook to main habitable/living space and inadequate floor to ceiling heights. The proposal is therefore considered to be contrary to policy CS12 (meeting the housing challenge) of Islington Council's Core Strategy 2011, Islington's Development Management Policy 3.4 (Housing Standards) Policy 3.5 (Quality and design of housing developments) of the London Plan 2016, Technical Housing Standards-Nationally Described Space Standards (March 2015) and the NPPF 2019.**

**REASON 02: The proposed development fails to provide adequate and functional private amenity space for the proposed residential unit thereby creating poor living environments for this unit. The proposal is therefore considered to be contrary to CS policy 12 (meeting the housing challenge) and DM policy 3.5 (Private outdoor space), London Plan Policy 3.5 and the NPPF 2018.**

The meeting ended at 8.30 pm

**CHAIR**

## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB-COMMITTEE A</b>		
Date:	18 <sup>th</sup> June 2019	NON-EXEMPT

Application number	P2018/4155/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	No
Conservation Area	Northampton Square Conservation Area
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Northampton Square Conservation Area Central Activities Zone Finsbury Local Plan Employment Priority Area (General) Bunhill & Clerkenwell Finsbury Local Plan Area Within 50m of Hat and Feathers Conservation Area Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral Article 4 Direction A1-A2 (Rest of Borough) Article 4 Direction B1(c) to C3
Licensing Implications	No
Site Address	1 Berry Place, Islington, London EC1V 0JD
Proposal	Installation of plant equipment (9 no. units) above existing flat roof at second floor level (first floor roof) including associated screening enclosures and other works.

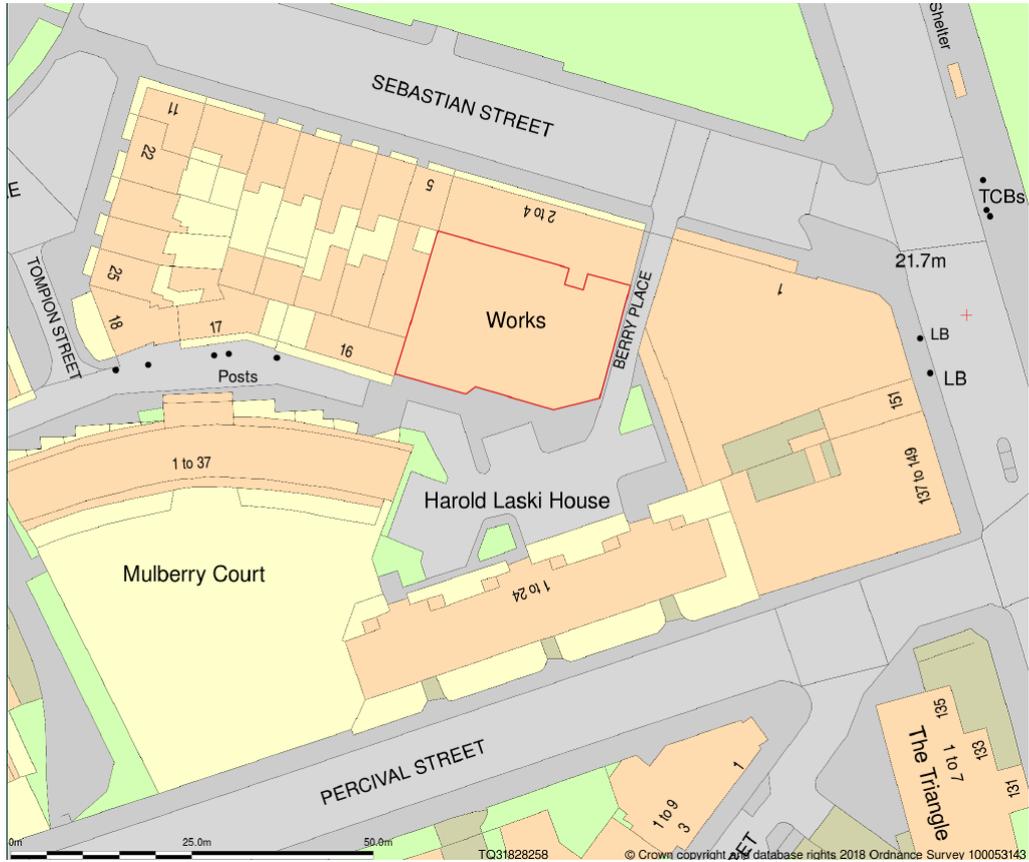
Case Officer	Daniel Jeffries
Applicant	Kandor Holdings Ltd, Mr Chapman
Agent	Studio RHE Ltd Mr R. Hywel Evans

### 1. RECOMMENDATION

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

- 1.1 The conditions set out in Appendix 1;
- 1.2 The prior withdrawal of enforcement appeal reference: APP/V5570/C/19/3220487

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

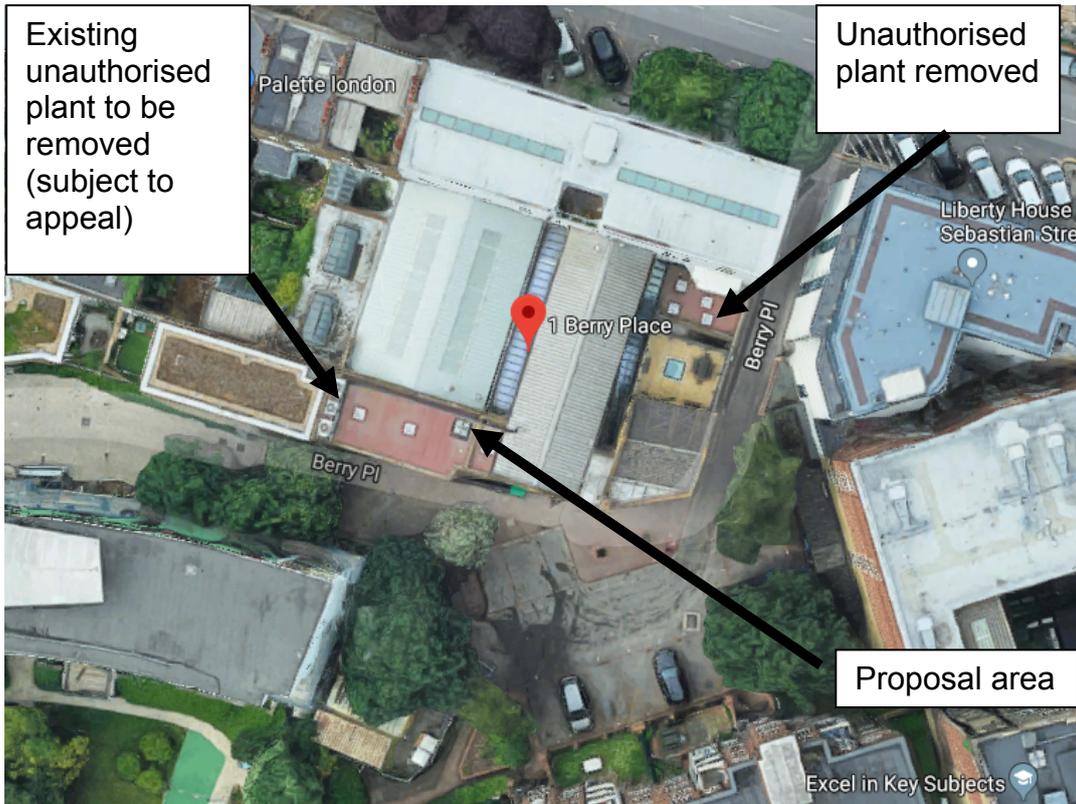


Image 1: Aerial view of the application site

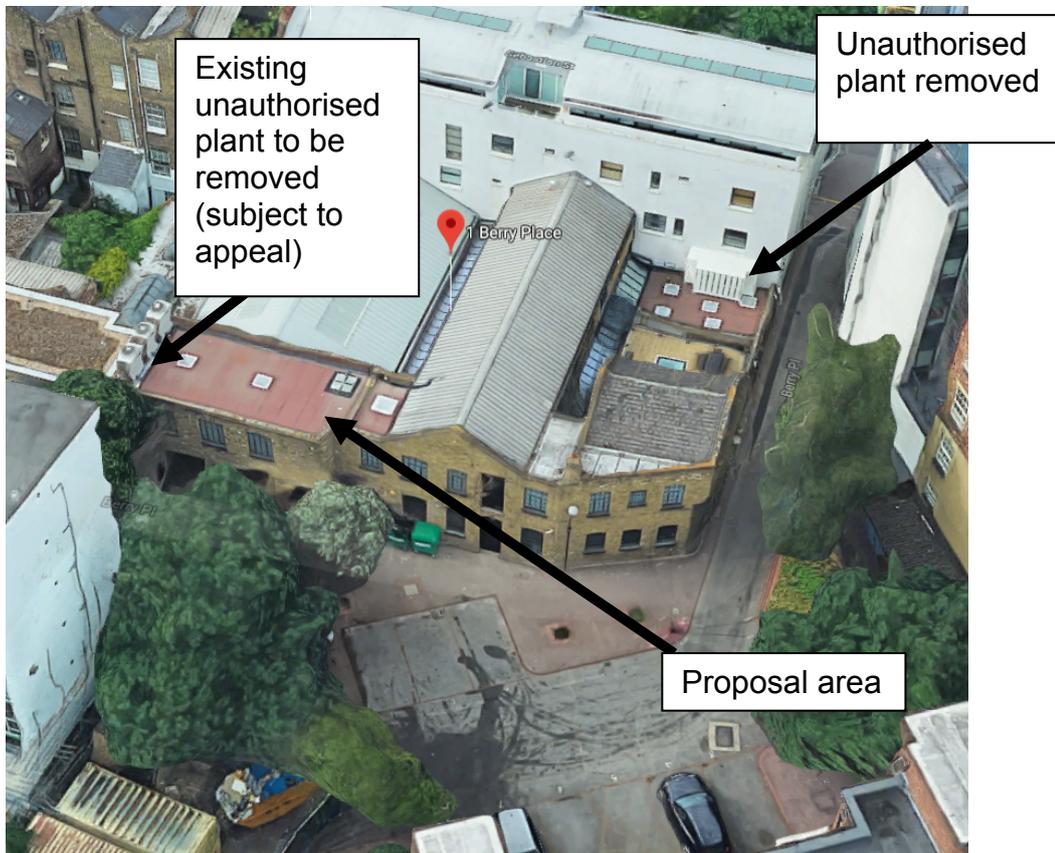


Image 2: Aerial view in southerly direction

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the installation of 9 no. air conditioning units to the roof of the existing two storey commercial building, with associated screening and access barriers. This is following the withdrawal of the previous applications (refs. P2018/1525/FUL and P2018/1799/FUL) for the installation of proposed plant equipment above the existing flat roof at both first and second floor level including associated screening and other works. The application has been submitted as a result of an enforcement investigation as a result of unauthorised plant equipment to the roof of the application building.
- 4.2 The application is brought to committee due to the number of objections received (10 no).
- 4.3 The issues arising from the application are the design of the proposal, including its impact on the visual appearance and historic character of the host buildings and surrounding heritage assets and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The position of the proposed air conditioning units above the flat roof of the two storey building is considered acceptable. The units would be set in from the south and east elevations which would ensure that any views from the public realm would largely be obscured, with views only possible from the public realm, to the west. The proposed equipment would also be enclosed with an acoustic screening which mitigates the noise and reduces visual impact. It is therefore considered that design of the proposal is acceptable and would preserve the visual appearance of the surrounding heritage assets. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1, DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Northampton Square Conservation Area Design Guidelines.
- 4.5 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook or increased sense of enclosure is concerned.
- 4.6 Following the submission of a Noise Impact Assessment, in support of the application, the Council's Acoustic Officer has been consulted and subject to conditions is of the opinion the proposal would not result in any significant noise to neighbouring properties over and above the existing situation. Conditions have also been recommended to ensure that the noise levels comply with Islington acoustic controls. It is therefore considered to be compliant with policy DM2.1 of Islington's Development Management Policies (2013).
- 4.7 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

#### **5. SITE AND SURROUNDINGS**

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

Paul's Cathedral, and subject to Article 4 Directions A1-A2 (Rest of Borough) and B1(c) to C3 restricting permitted development.

## 6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the installation of 9 no. air conditioning units to the roof of the existing two storey commercial building, with associated screening. The application is made following the withdrawal of 2 no. previous applications (ref. P2018/1799/FUL and P2018/1525/FUL), the removal of the plant equipment at first floor level in compliance with an enforcement notice, and to replace the existing unauthorised plant equipment above existing flat roof at second floor level, to be removed.
- 6.2 The application has been submitted as a result of an enforcement investigation following the unauthorised installation of air conditioning equipment to the main roof (second floor) of the host building. Since the commencement of this enforcement investigation historical plant equipment has been removed (Image 3 prior to removal). The remaining existing plant equipment at second and first floor, which were not removed, were subject to enforcement notices, which were served following the withdrawal of the two previous planning applications (refs. P2018/1525/FUL and P2018/1799/FUL) to retain and replace the equipment. As noted above, the plant equipment at first floor has now been removed in compliance with the enforcement notice. However, the plant equipment at second floor remains in situ, with the applicant having submitted an enforcement appeal. The outcome of the appeal has yet to be concluded. This application would replace and consolidate the existing equipment at second floor level, and the plant equipment which was removed at first floor.



**Image 3:** Photograph from west of the site, taken in 2014. showing historical plant equipment at second floor which has now been removed following enforcement investigation

- 6.3 The proposed air conditioning units would be located to the flat roof of the existing two storey building, towards the west of the site, and adjacent to the central pitched area of the roof. The proposal would include 7 no. air source heat pumps, which would provide air conditioning for the host building, being Mitsubishi Y Series (PUMY-SP112 – 12.5-15.5KW) units, and 2 no. outdoor units, which service the server room, being Daikin Split Sky Air (RZQSG1009V1) units. To reduce the noise emissions from the heat pump units they would be enclosed by acoustic louvres, being model AL3015, which would be constructed using folded sheet metal and have a series of horizontal blades. The louvres would be constructed using polyester powder coated aluminium or steel, and be goosewing grey (RAL 7038) in colour.
- 6.4 The enclosure and equipment would be positioned immediately adjacent to the pitched roof element of the building, setback 3m from the south elevation. The enclosure and equipment would have a maximum height of 1.35m above the flat roof, and 1.17m above the parapet, covering an area of 1.75m (width) x 6m (length).

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS**

#### 1 Berry Place

- 7.1 P2019/0269/FUL - Retrospective application for the retention of existing wooden framed and steel wired balustrades to first floor roof terrace to south east corner. Removal of existing roof light and anti-climb railing. Application as yet undetermined.
- 7.2 P2018/1525/FUL - Installation of two air conditioning units within an enclosure, located on the first floor flat roof on the eastern side of the property. Presented at the Planning Sub-Committee B on 2 October 2018 (the agreed Minutes are shown below):

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.

WITHDRAWN by the applicant following Committee's decision to defer.

- 7.3 P2018/1799/FUL – Installation of proposed plant equipment (2 no. air conditioning units) above existing flat roof at second floor level (first floor roof) including associated screening and other works (resubmission of withdrawn application ref. P2018/0591/FUL). Presented at the Planning Sub-Committee B on 2 October 2018 (the agreed Minutes are shown below):

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.
- 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.

WITHDRAWN by applicant following Committee's decision to defer.

- 7.4 P2018/2160/ADV - Advertisement Consent in connection with the display of 1 no. non-illuminated corten steel fascia sign attached to eastern elevation; and 1 no. non-illuminated hanging steel sign from southern elevation at first floor level. Withdrawn by the applicant.
- 7.5 P2018/0591/FUL - Installation of proposed plant equipment above existing flat roof at second floor level including associated screening and other works (following removal of existing plant equipment) Withdrawn by the applicant.

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

- 7.6 941194 – Removal of condition 03 of consent ref. 87/0035 dated 20th July 1987. Approved on 3<sup>rd</sup> January 1995.

- 7.7 870035 – (Rear building Sebastian House 2-4 Sebastian Street, (rear building now known as 1 Berry Place) Alterations and construction of a two storey extension (960 sq.m.) in place of a single storey section (48sq.m) at the rear and change of use from general industrial to light industrial (total floorspace resulting approx 750 sq.m. Approved on 20<sup>th</sup> July 1987.

City University Health Centre 20 & 17-19 Sebastian Street & 167-173 Goswell Road,

- 7.8 P2013/2733/FUL Redevelopment of the site involving the demolition of the Parkes Building and Health Centre, the partial demolition of the Goswell Place building, the erection of a single storey roof extension to the Myddleton building and a part 7 storey, part 4 storey, part 2 storey building [above ground] with a 2 storey basement, comprising 7,296 sq m of D1 educational use, cycle parking, ancillary works and associated landscaping and public realm improvements. Approved with conditions and legal agreement on 14<sup>th</sup> February 2014.

### **ENFORCEMENT**

- 7.9 E/2018/0044 – Enforcement investigation into the unauthorised installation of plant machinery. Following the withdrawal of the two planning applications (refs. P2018/1799/FUL and P2018/1525/FUL) the following enforcement notices were served on the host building:

ENF/2018/0044 – re: plant to south western corner at second floor flat roof

Enforcement Notice 05/2018 *“Cease the use of, and remove from the land, the plant machinery located at the south western corner of the site on the two storey flat roof of the property, making good any damage to the fabric of the original building, including all waste materials therefrom.”* The Notice was Appealed (APP/V5570/C/19/3220487), however, the Council is awaiting a start date from the Planning Inspectorate.

ENF/2018/0410 – re: Installation of plant machinery to the flat roof of 1 Berry Place adjacent to Sebastian House

Enforcement Notice 06/2019 *“Cease the use of, and remove from the land, the plant machinery located at the north eastern corner of the site on the flat roof of the property, making good any damage to the fabric of the original building, including all waste materials therefrom.”* The Notice was not appealed, and the plant equipment was due to be removed by 5<sup>th</sup> April 2019. Following a site visit on the 8<sup>th</sup> April 2019, the Enforcement Officer has confirmed that it has been removed.

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

- 7.10 None

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to 377 no. occupants of adjoining and nearby properties Berry Place, Tompion Street, Sebastian Street on 31<sup>st</sup> January 2019, and site and press adverts were displayed. Following the submission of an addendum to the original acoustic report, additional consultation letters were sent on 17<sup>th</sup> April 2019. The public consultation of the application expired on 11<sup>th</sup> May 2019.
- 8.2 It is the Council’s practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 10 no. objections in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

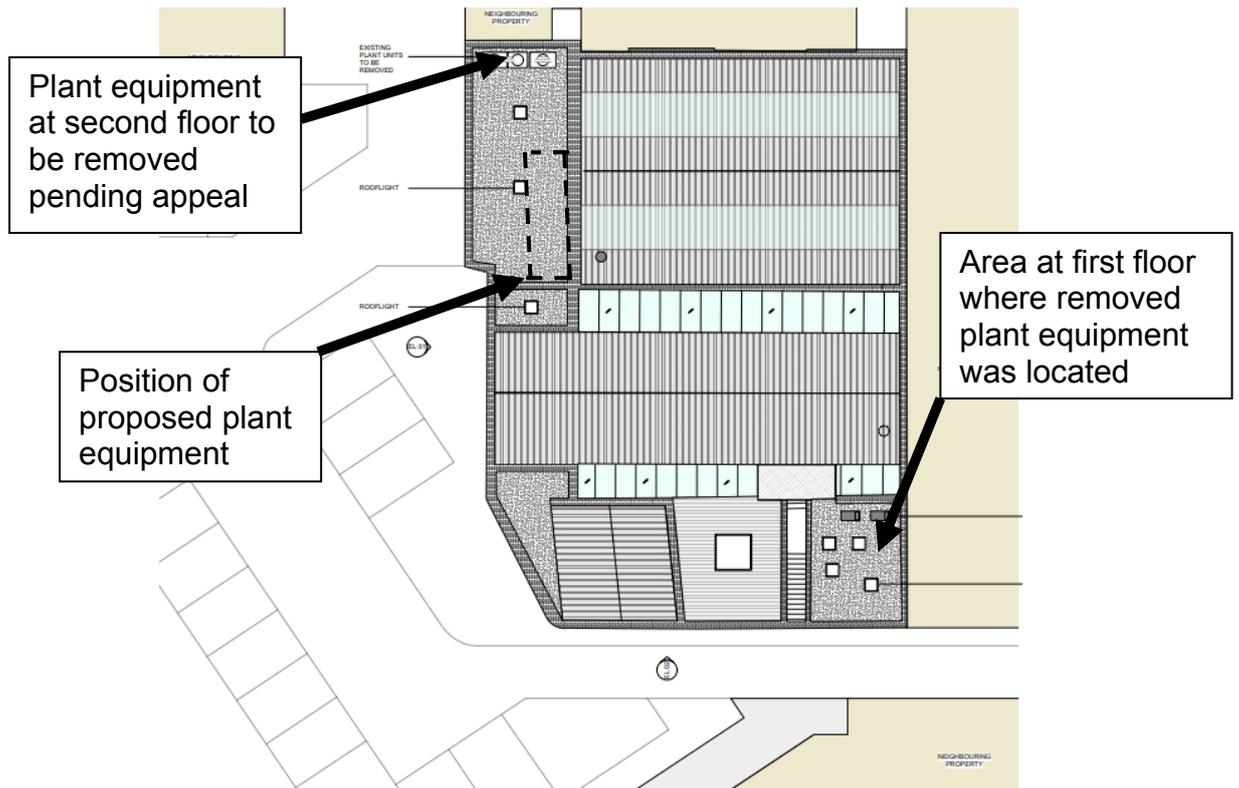
- Loss of amenity to occupiers of neighbouring properties in terms of noise, disturbance, privacy (Tompion Street, Sebastian Street, Northampton Square) (paragraphs 10.21 to 10.24)
- Inaccuracies of the submitted noise report and measurement of background sound level not a fair reflection of the current situation and the construction work in the surrounding area (paragraph 10.25 to 10.27)
- Concerns with the hours of operation of the units and requests that operates only between 0800 to 18:00 hours (paragraphs 10.24 to 10.27)
- Visual impact on the host building and surrounding area including the Conservation Area (paragraph 10.10 to 10.14)
- Requests that the unauthorised plant equipment is removed (paragraph 10.27)
- Concerns that the plant equipment has been delivered to the site and that the applicant has been carrying out preparation works for the proposed development (paragraph 10.29)

### **Internal Consultees**

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

The applicant subsequently submitted applications for plant equipment at second floor (refs. P2018/0591/FUL and P2018/1799/FUL), albeit in an alternative location to the unauthorised equipment. These applications were withdrawn by the applicant, and an enforcement notice was served to require the removal of the existing unauthorised equipment. The Enforcement Notice (ref. ENF/2018/44) on May 2018 required the applicant to *"Cease the use of, and remove from the land, the plant machinery located at the south western corner of the site on the two storey flat roof of the property, making good any damage to the fabric of the original building, including all waste materials therefrom."* The Notice has been subsequently Appealed (APP/V5570/C/19/3220487); and the Council is awaiting start date from the Planning Inspectorate.

Alongside the application for the equipment at second floor level (ref. P2018/1799/FUL) a separate application was submitted to retain existing plant equipment at first floor to the south of the building (ref. P2018/1525/FUL). Following the withdrawal of this application a separate enforcement notice was served. The Enforcement Notice (ref. E2018/410) on June 2019 required the applicant to *"Cease the use of, and remove from the land, the plant machinery located at the north eastern corner of the site on the flat roof of the property, making good any damage to the fabric of the original building, including all waste materials therefrom."* The enforcement notice was not appealed, with the plant equipment due to be removed by 5<sup>th</sup> April 2019. Following a site visit on the 8<sup>th</sup> April 2019, the Council's Enforcement Officer has confirmed that the equipment at first floor level has been removed.



**Image 4:** Existing Roof Plan showing position of existing plant at second floor to be removed and the area of the removed plant equipment at first floor

**External Consultees**

8.7 None

**9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & 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.) and;
- As the development is within a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

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

### **Development Plan**

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

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

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

## **10. ASSESSMENT**

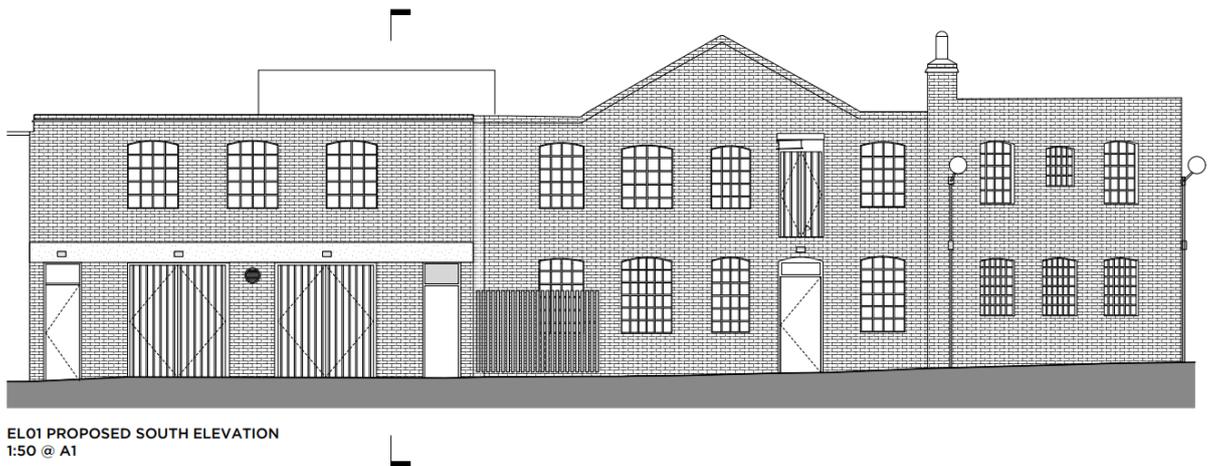
- 10.1 The main issues arising from this proposal relate to:

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

### **Design and Conservation**

- 1.1 The site is within the Northampton Square Conservation Area. Therefore, the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.
- 1.2 Core Strategy Policy CS9 states that ‘high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive’.
- 1.3 Policy DM2.1 states ‘All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics’.

- 1.4 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.

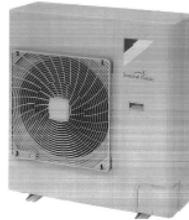


**Image 5:** Proposed South Elevation

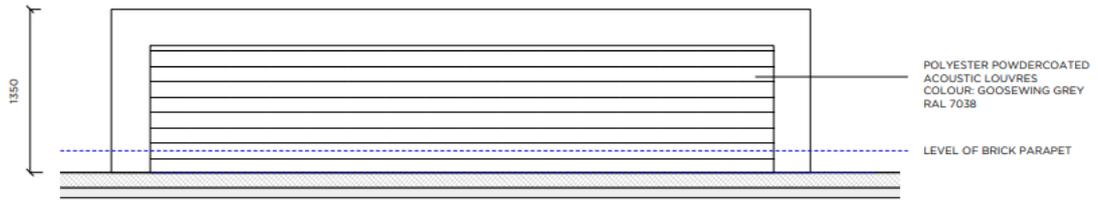
- 1.5 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 1.6 The advice found within paragraphs 5.182 to 5.185 of the UDG provides specific advice in relation to building services and equipment. It states that if it is necessary to install plant on the outside of the building, it should be located at a low level (preferably within a courtyard or rear garden area) and either obscured from view by existing structures such as parapet walls or housed within a suitably designed enclosure.
- 1.7 The Northampton Square Conservation Area Design Guidelines are also of relevance. And paragraph 29.10 provides advice in relation to air conditioning units state that the Council is opposed to their installation at roof level where they can be seen from street level or public space, including long views from side streets.
- 1.8 The proposed 9 no. air conditioning units would be located above the existing flat roof of the host building at second floor level towards the south west of the host building, adjacent to the central pitched roof of the building. The proposal includes screening around each of the air conditioning units which would be polyester powdercoated louvres. The proposal would have a maximum height of 1.35m above the flat roof, covering an area of 1.75m (width) x 6m (length).



NEW PLANT:  
7 no MITSUBISHI Y SERIES  
(12.5-15.5KW)  
OUTDOOR UNIT  
PUMY-SP112

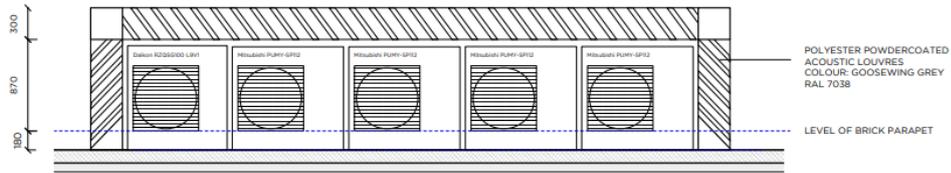


NEW PLANT:  
2no DAIKIN SPLIT - SKY  
AIR OUTDOOR UNIT  
RZQSG1009V1

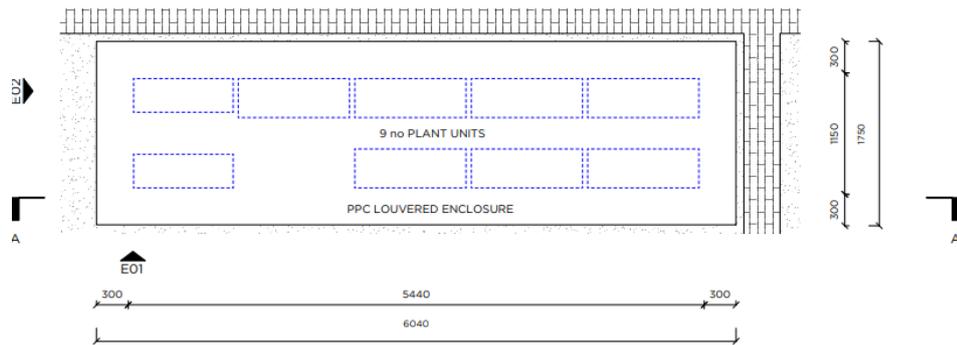


**ELEVATION E01**  
1:25

**Image 6:** Photographs showing the proposed equipment and an example of the proposal including louvres (top) and proposed elevation (bottom)



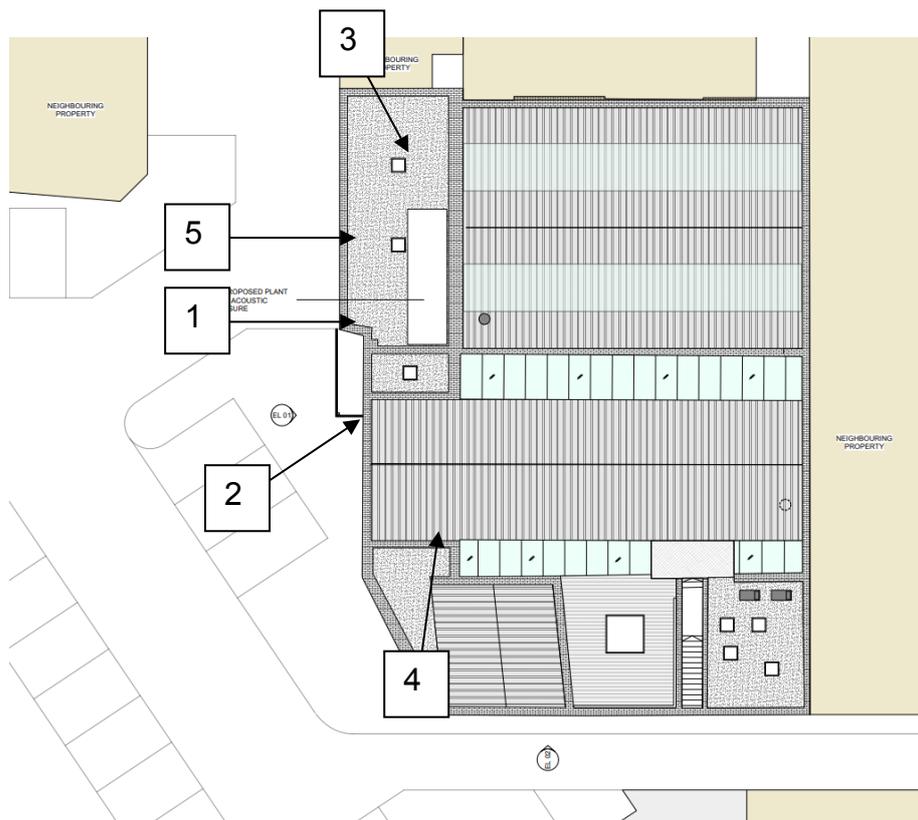
**SECTION AA**  
1:25



**PLAN - PLANT ENCLOSURE**  
1:25

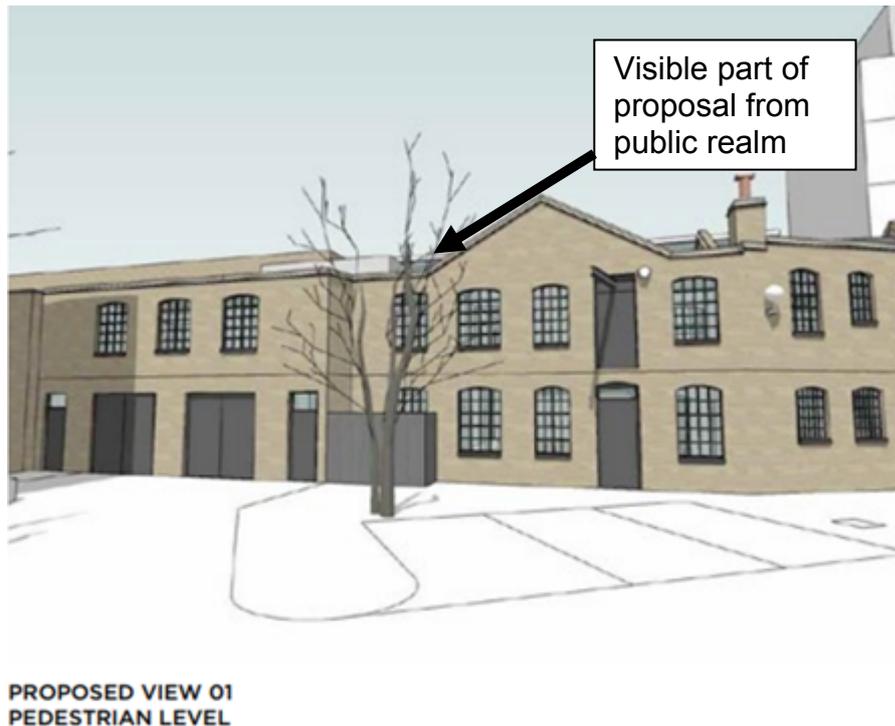
**Image 7:** Proposed sections of the proposed equipment (top) and a plan of plant enclosures (bottom)

10.10 It is acknowledged that the proposal would result in additional bulk to the host building. However, it would be setback from the south elevation of the building by 3m, and due to the existing parapet wall would only project beyond this elevation by 1.17m. In terms of assessing the visual prominence of the proposal, it is important to consider the visual appearance from both public and private views. Whilst the visual prominence from private views should be considered in the assessment of the application, the most important views are from street level and from the public realm, and its impact on the wider Northampton Square Conservation Area. The applicant has submitted proposed visual drawings, showing how visible the equipment and associated enclosures would be from street level, identifying 5 no. viewpoints from the south, east and west of the site, within the winter and summer months which are identified in the image below (Image 8).



**Image 8:** Proposed roof plan with arrows showing the approximate position of the different views (nos. 1 to 5) that were provided for the visuals

1.9 Out of the five viewpoints taken from the public realm, the proposal would only be visible from one (View 01) due its position and scale, and the orientation of the host building, which is shown in Image 9 below:

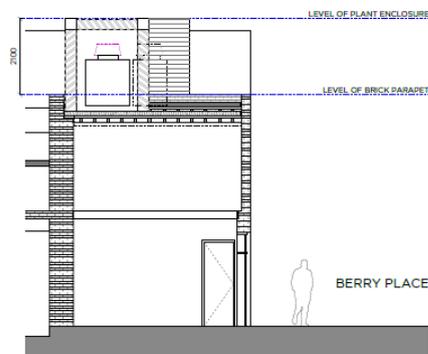


**Image 9:** Proposed visual from View 01 showing visibility of proposal and photograph of existing situation from car park between no. 1 Berry Place and Harold Laksi House to the south

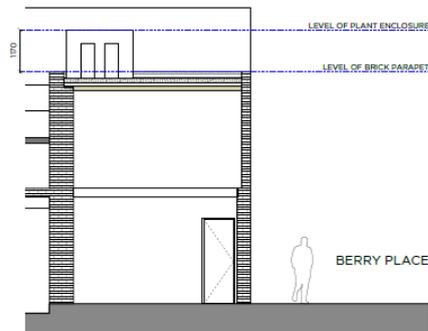
- 1.10 As shown in Image 9 above, it is acknowledged that part of the proposal would be visible from public views, when viewed from the south of the host building (from the existing car park), which would not strictly accord with the design advice found within Northampton Square Conservation Area Design Guidelines. However, as shown in Image 9, only a small portion of the proposal would be visible, due to the positioning of the existing building together with its limited projection from the flat roof (1.17m above the parapet wall), the orientation of the building, and position within the roof (adjacent to the pitched roofs) and set away from the south (by 3m) and east (over 14m) elevations. In addition, in order to reduce the visual prominence of the proposal, a condition has been recommended to ensure that the proposed enclosures are Anthracite Grey (RAL 7016) in colour, which is darker than the colour proposed, reducing its visual prominence.
- 1.11 Notwithstanding this assessment, the application has been submitted to consolidate all of the plant equipment at second floor, following the withdrawal of the previous applications (refs. P2018/1525/FUL and P2018/1799/FUL) at the host building, and subsequent enforcement notices for the unauthorised plant equipment at first and second floors (refs. ENF/2018/0044 and ENF/2018/0410). In terms of the withdrawn planning application at second floor (ref. P2018/1799/FUL) the proposal subject to this application is significant smaller in height than those proposed in the previous scheme, being reduced in height by 0.75m (from 2.1m to 1.35m). Whilst it is acknowledged that the proposal would cover a larger footprint than the previous scheme at second floor, this would only be by an increase of 0.81 sqm, being consolidated in one enclosure. However, given that the proposed enclosure would replace the plant equipment at both first floor (which has been removed) and the equipment proposed at second floor, it would be an overall reduction in terms of the footprint. The image below (Image 10) shows the design of the plant equipment proposed at second floor within the previously withdrawn application (ref. P2018/1799/FUL), and Image 11 provides section drawings showing a comparison of this withdrawn application and the proposal within this application.



**Image 10:** Proposed south elevation showing plant equipment at second floor within the previously withdrawn application (ref. P2018/1799/FUL)



PREVIOUS PROPOSED  
SECTION AA  
1:50 @ A1



CURRENT PROPOSED  
SECTION AA  
1:50 @ A1

**Image 11:** Comparative section drawings showing the proposed equipment for the previously withdrawn application (ref. P2018/1799/FUL) (top) and with this application (ref. P2018/4155/FUL) (bottom) at second floor level

- 1.12 Overall, given the above assessment it is considered that the proposal would result in no visual harm and would preserve the visual appearance and historic character of the host building and the Northampton Square Conservation Area, and is considered acceptable in design terms.

### **Neighbouring Amenity including Noise**

- 10.14 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.15 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.
- 10.16 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.17 In this instance, the proposal would be located above the flat roof of the existing two storey building. The nearest residential property is located at no. 16 Tompion Street, 6m away from the proposed equipment, with other properties at Mulberry Court 12m away to the south and the rear of the properties at 4 Sebastian Street are 16m away. The latter of these two properties overlook the proposal.

### **Daylight/Sunlight**

- 10.18 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).
- 10.19 In this instance, given its location which would be at least 6m away from the nearest residential property it is considered that this addition would result in no significant loss of daylight/sunlight or outlook or enclosure to neighbouring properties.

### **Privacy**

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

## Noise

- 10.21 The application was accompanied by the submission of a Noise Impact Assessment Report (Rev.04) produced by Scotch Partners and dated 18<sup>th</sup> May 2018. This report presents an assessment of the noise impact of the new plant based on the findings of an environmental noise survey that has been undertaken at the site. The noise assessment has assumed all of the existing and proposed plant to be operating simultaneously and has considered noise emission to the nearest noise sensitive receptors. These have been taken to be no. 16 Tompion Street; the upper floors of Mulberry Court which overlook the plant; and the rear of the properties at no. 4 Sebastian Street.
- 10.22 The assessment has concluded that the predicted rating levels of the noise from the plant will exceed the background sound level at the residential neighbours in Mulberry Court and Tompion Street by about 7dB, and the Local Authority's requirement by about 12dB and that without attenuation measures, the level of noise generated by the new plant would be above the lowest measured background noise level recorded during their period of operation. The conclusions of the report identified that mitigation measures, would include an enclosure formed from acoustic louvres to house the plant equipment. The report identifies that the proposed mitigation measures reduce the rating level at the nearest potentially affected neighbour to at least 5dB below the background sound level. The predictions are based on all of the heat pumps operating at 100% of their capacity. The report confirms, that in practice the equipment will seldom all run at or near to its maximum operating duty as this is likely to only occur on the very hottest or coldest days.
- 10.23 The review of the submitted report by the Council's Pollution (Acoustic) Officer concluded that there are no objections to the proposal, subject to conditions in the event that the application was approved. These conditions relate to the operating hours between 0630 and 2000 hours only, sound levels and for a post mitigation installation report to be submitted to demonstrate compliance.
- 10.24 Following the originally submitted noise report, a further addendum report was submitted, titled Noise Impact Assessment Addendum 1 Revision 01 dated 18<sup>th</sup> March 2019. This addendum report provided further information to assess the use of the proposed equipment during the night time, as the proposal seeks to operate 1 no. of the 2 no. (Daikan outdoor) units continuously, including overnight, as the 2 no. (Daikan outdoor) units would service the existing server room. The Pollution Officer has reviewed the addendum report and confirmed that the report has been carried out satisfactorily and concludes that he has no objections to the proposal subject to the previously recommended conditions, apart the condition relating to hours of operation, which would be amended. This condition has been recommended to be altered for the installation of a timer, prior to their operation, for the 7 no. air source pumps (Mitsubishi Y Series (PUMY-SP112 – 12.5-15.5KW) units) and 1 no. outdoor air conditioning unit (Daikin Split Sky Air (RZQSG1009V1) to only operate only between the hours of 06:30 to 20:00 each day. The Pollution Officer has confirmed would have no objections to the above, including having 1 no. unit running all night.
- 10.25 It is acknowledged that a number of objections raised by local residents have noted that the report did not take into account the currently elevated noise levels in the surrounding area, due to the approved major development under construction to the north side of Sebastian Street (ref. P2013/2733/FUL).

- 10.26 However, the submitted noise report which demonstrates that noise rating level at the nearest potentially affected neighbour to be at least 5dB below the background sound level, providing the noise mitigation measures are installed prior to their installation. The Council's Pollution Officer has recommended a condition to ensure that when the equipment is in operation, these noise levels would be adhered. It is acknowledged that when the construction works for the development to the north side of Sebastian Street (ref. P2013/2733/FUL) have been completed the background noise levels may decrease. However, the recommended condition would ensure that the equipment would need to be at least 5dB below the background noise levels. In the event that a complaint was received that the operation of the equipment to exceed these noise level requirements, and it was proven following investigations, the Council have powers through the Council's Planning Enforcement and Environmental Health Teams, to prevent their use.
- 10.27 It is therefore considered that given the comments received by the Council's Pollution Officer, and recommended conditions relating to the restriction of noise levels, post installation mitigation report, the requirement of the installation of the acoustic louvres prior to their operation, the restriction of the proposed hours of operation for 8 no. of the units are considered acceptable. In addition, the applicant has agreed to the Enforcement Officers request for the imposition of a recommended condition to remove the unauthorised plant equipment at second floor level within 1 no. month of any approval.
- 10.28 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Other Matters**

- 10.29 Concerns have been raised that the proposed plant equipment has been delivered to the site, and that the applicant has been carrying out preparation works for the proposed development. However, following clarification from the applicant they have confirmed that the equipment has not been ordered and that the works to the roof related to maintenance work.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Planning permission is sought for the installation of 9 no. air conditioning units and associated screening to the flat roof of the existing two storey building. The application has been submitted following an enforcement investigation to replace the existing unauthorised installation of plant equipment at second floor level, and the removed plant equipment at first floor level.
- 11.2 The application is brought to committee because of 10 no. objections received, raising valid planning matters.
- 11.3 The issues arising from the consultation carried out on the application are the impact of the air conditioning units on the amenity of the occupiers of neighbouring properties in terms of noise, disturbance, privacy, the claimed inaccuracies of the submitted noise report, the hours of operation of the units, the visual impact on the host building and surrounding area including on the Conservation Area.

- 11.4 It is acknowledged the proposal would not strictly accord with the Council's design guidance, as views would be possible from the public realm. However, any views would be largely obscured due to the position within roof at second floor level, the setbacks from south and east elevations and the narrow surrounding streets and position of the existing tree immediately adjacent, and the use of screening which would be anthracite grey in colour to reduce its visual prominence. The proposal is therefore considered to preserve the visual appearance and historic character of the host building and wider Northampton Square Conservation Area and would be acceptable in design terms.
- 11.5 The proposal is not considered to result in any significant amenity issues, in terms of daylight/sunlight, outlook or privacy, to neighbouring properties given its position within the roof away from residential properties, and the scale and the nature of the proposed development.
- 11.6 The Council's Acoustic Officer has confirmed that the proposal would not result in any significant noise issues to neighbouring properties, following a review of the submitted noise impact assessment, subject to a number of conditions including the installation of the enclosures prior to the first operation of the equipment, operating hours, noise levels and the submission of a post mitigation installation report to demonstrate compliance with the noise levels.
- 11.7 Overall, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be complete in full not later than 3 months from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(c) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Removal of unauthorised plant</b>
	<p>CONDITION: Within 1 month of the date of this permission the existing unauthorised plant equipment (3 no. air source heat pumps along the western boundary shared with no. 16 Tompion Street) shown on drawing nos. 004Rev.P2 and 005/Rev.P2 at second floor shall be removed.</p> <p>REASON: To remove the existing unauthorised plant equipment</p>
<b>3</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Location Plan, 004/Rev.P2, 005/Rev.P2, 006/Rev.P2.1, 007/Rev.P2.1, PE D01/Rev.P2, PE D02/Rev.P2.1, PE D03/Rev.P2, PE D03.1/Rev.P2, PE D04.1/Rev.P2, PE D04/Rev.P2, PE D05/Rev.P2, Design and Access Statement, Noise Impact Assessment by Scotch Partners Revision 04 dated 18/05/2018, Noise Impact Assessment Addendum 1 by Scotch Partners Revision 01 dated 18/03/2019</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>
<b>4</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>5</b>	<b>Enclosures</b>
	<p>CONDITION: Notwithstanding the details hereby approved, the acoustic enclosures, shown in drawing no. PE D02/Rev.P2.1 shall be anthracite grey in colour and shall be installed prior to the first operation of the hereby approved plant equipment and retained thereafter.</p>

	REASON: In order to protect the amenity of neighbouring properties in terms of noise and ensuring adequate mitigation is provided
<b>6</b>	<b>Noise Levels</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq Tr}</math> arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90 Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
<b>7</b>	<b>Post Installation Noise Report</b>
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 6. The report shall include site measurements of the plant insitu. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>
<b>8</b>	<b>Installation of timer</b>
	<p>Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the 7 no. air source pumps (Mitsubishi Y Series (PUMY-SP112 – 12.5-15.5KW) units) and 1 no. outdoor air conditioning unit (Daikin Split Sky Air (RZQSG1009V1) between the hours of 06:30 to 20:00 each day only. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

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

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

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

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

##### Strategic Policies

Policy CS7 – Bunhill and Clerkenwell  
Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

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

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage

#### **D) Finsbury Local Plan 2013**

- Policy BC4 Northampton Square, Goswell Road and Spencer Street

### **3. Designations**

Bunhill & Clerkenwell Core Strategy Key Area  
Northampton Square Conservation Area  
Central Activities Zone  
Finsbury Local Plan Employment Priority Area (General)  
Bunhill & Clerkenwell Finsbury Local Plan Area  
Within 50m of Hat and Feathers Conservation Area

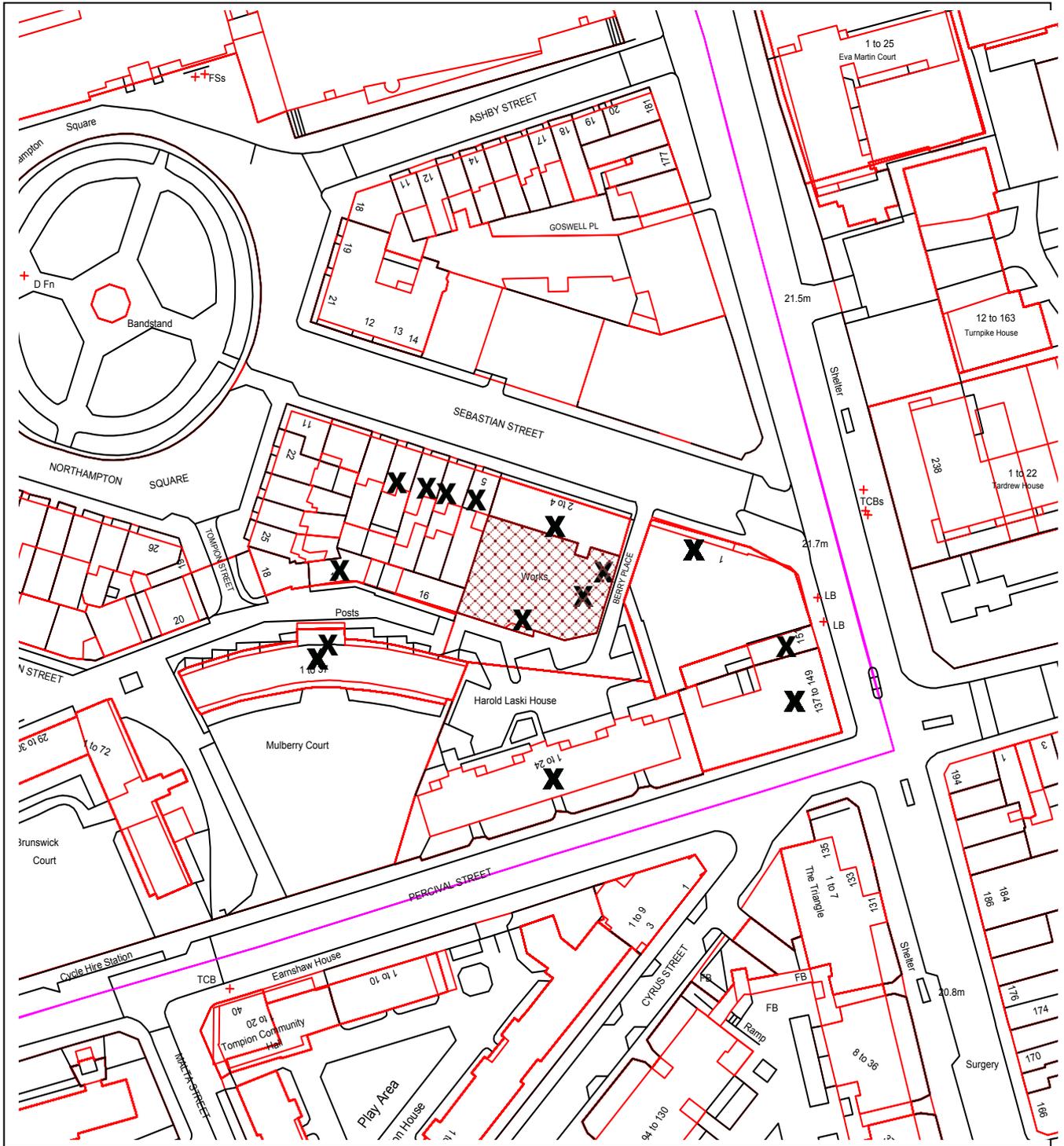
Mayors Protected Vistas – Alexandra Palace viewing terrace to St Paul’s Cathedral  
Article 4 Direction A1-A2 (Rest of Borough)  
Article 4 Direction B1(c) to C3

**4. SPD/SPGS**

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

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# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration



<b>PLANNING SUB-COMMITTEE A</b>		
Date:	18 <sup>th</sup> June 2019	NON-EXEMPT

Application numbers	P2019/1016/FUL
Application types	Full Planning Application
Ward	Tollington
Listed building	N/A
Conservation area	N/A
Development Plan Context	Major Cycle Route Local Cycle Route Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	10 Kiver Road, N19 4PD
Proposal	Erection of mansard roof extension with 2no. dormers to the front and rear elevations. Erection of a single storey rear ground floor extension with a glazed roof and associated alterations.

Case Officer	Nathan Stringer
Applicant	Mr & Mrs Watts
Agent	JAA – Ms Jennifer Fleming

### 1 RECOMMENDATION

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

2. SITE PLAN (site outlined in black)



### 3. PHOTOS OF SITE/STREET



**Figure 1:** Aerial view of the site and surroundings



**Figure 2:** View of rear elevation



**Figure 3:** Kiver Road looking north-west (application site is on the right)



**Figure 4:** Kiver Road looking south-east (application site is on the left)



**Figure 5:** View of front elevation of No. 10 Kiver Road



**Figure 6:** View of rear elevation of No. 10 Kiver Road

#### **4. SUMMARY**

- 4.1 The application site is a two storey, mid terrace Victorian dwelling located on the north-eastern side of Kiver Road. The property includes a single storey bay window to the front elevation, a two storey outrigger to the rear, and the main roofslope is formed by a valley 'butterfly' roof set behind a parapet to the front. The building is not locally nor statutorily listed, and is not located within a conservation area.
- 4.2 Kiver Road is located a block back, and parallel to, Holloway Road and the vicinity of the site is primarily residential, characterised by largely uniform Victorian terraced buildings defined by original features including projecting bay windows at ground floor with valley roofs set behind a parapet to the front.
- 4.3 Under the terms of reference for the Council's constitution, the application is referred to committee as the applicant is a ward councillor.
- 4.4 The proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, overlooking, outlook or increased sense of enclosure and would not be contrary to policy DM2.1 of the Islington Development Management Policies June, 2013. The proposal is considered to be acceptable and in accordance with the Development Plan policies and planning permission is recommended for approval subject to conditions.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The application site is a two storey, mid terrace Victorian dwelling located on the north-eastern side of Kiver Road. The property includes a single storey bay window to the front elevation, a two storey outrigger to the rear, and the main roofslope is formed by a valley 'butterfly' roof set behind a parapet to the front. The building is not locally nor statutorily listed, and is not located within a conservation area.
- 5.2 The site is located within close proximity to the Archway Town Centre, which is a busy and vibrant town centre offering a variety of shops and services. Archway Town Centre is centred around the junction of Holloway Road and Junction Road. Kiver Road is located a block back, and parallel to, Holloway Road and the vicinity of the site is primarily residential, characterised by largely uniform Victorian terraced buildings defined by original features including projecting bay windows at ground floor with valley roofs set behind a parapet to the front.

#### **6. PROPOSAL (in Detail)**

- 6.1 Planning permission is sought for the erection of a mansard roof extension above the existing valley roof. The mansard would be set behind the existing parapet to the front, and would retain the 'valley' roof parapet profile to the rear. It would have a height of 3m, however from the front it would only project beyond the parapet by 1.7m. The mansard extension would also include 2no. dormers to both the front and rear elevations – those to the front would have a width of 1.2m, and those to the rear a width of 1m. Party walls to both sides of the site would be extended, as would the existing chimney stack on the party wall with no. 8 Kiver Road. The extension would be clad in slate, with leaded chequered dormers and timber framed sash windows. The extended party walls would be flashed over with lead.
- 6.2 The proposal also includes the erection of a rear ground floor infill extension. The extension would project beyond the main rear elevation of the host building by 6.2m, and would infill the space between the existing two storey rear outrigger and the boundary with the adjoining property at no. 8 Kiver Road. The existing two storey contains a single storey extension to the rear, and the proposed infill addition would extend 0.7m beyond

the rear line of the two storey element, but would be set back 3.2m from the rear of the single storey element. The extension would incorporate a glazed lean-to roof, which would have a height of 2.1m at the boundary when measured from the rear garden of no. 8, and 2.5m at the apex where it adjoins the rear outrigger. The addition would be constructed of London stock brickwork to match existing, with a rear double PPC aluminium framed door opening into the garden. The existing window at the rear main elevation would be bricked up, however the fanlight above the window would be retained above the lean-to roof of the extension.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

#### Application Site

- 7.1 P2019/1220/COLU: Certificate of Lawfulness in connection with the construction of a dormer roof extension above an existing rear projection. **Approved with no conditions on the 30/05/2019.**

#### Neighbouring Sites

- 7.2 P2018/4061/FUL (No. 36 Kiver Road): Proposed mansard roof extension with associated dormer windows to front and rear roofslope. Alterations to bay window at ground floor level. Approved with conditions 28/01/2019.
- 7.3 P2015/3900/COLP (No. 8 Kiver Road): The erection of a rear roof extension over the back addition. Approved with no conditions 17/12/2015.
- 7.4 P2015/2781/FUL (No. 8 Kiver Road): Single storey ground floor rear infill extension. Approved with conditions 15/09/2015.

### PRE-APPLICATION ADVICE:

- 7.5 **Q2018/1493/MIN:** (Advice provided with relation to the Application Site and 3no. other sites on Kiver Road, and 4no. sites on Fortnam Road): Officer advice included design principle and expected mansard design for several groups of properties along Kiver and Fortnam Road including the application site at 10 Kiver Road. The response raised no objections to proposed roof extensions once the appropriate design advice is followed within any future submissions.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 60 adjoining and nearby properties at Kiver Road, Cornwallis Square, Pamoja Lane, Davenant Road, and Marlborough Road on 15 April 2019. Consultation expired on the 9 May 2019, 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 one comment has been received from the public with regard to the application, raising no objection to the proposal but noting that the boundary wall between Nos. 8 and 10 Kiver Road is subject to subsidence issues, which the applicant should consider prior to construction.
- 8.3 Officers note the subsidence issues raised by the neighbour, however party wall issues are a civil matter and are not a material planning consideration, and therefore this has not been considered in the assessment of the proposal.

## **Internal Consultees**

8.4 None.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

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

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

9.2 The Planning Policy Framework (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development."

9.3 At paragraph 8 the NPPF states that the planning system has three overarching objectives in achieving sustainable development, being an economic objective, a social objective and an environmental objective.

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

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

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

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

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground

such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Quality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **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:
- Major Cycle Route
  - Local Cycle Route
  - Article 4 Direction (A1-A2)

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

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

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and Appearance
- Impact on the amenity of neighbouring residents.

### **Design and Appearance**

10.6 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.

10.7 Policy CS9 of Islington's Core Strategy sets out the general principles to be followed by new development in the Borough. Policy CS9 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.

10.8 The application site comprises of no. 10 Kiver Road, which is a two storey, mid terrace Victorian dwelling located on the north-eastern side of Kiver Road. The property includes a single storey bay window to the front elevation, a two storey outrigger to the rear, and the main roof slope is formed by a valley 'butterfly' roof set behind a parapet to the front. The building is not locally nor statutorily listed, and is not located within a conservation area.

10.9 The application proposes the erection of a mansard roof extension above the existing valley roof with 2no. dormers to both the front and rear elevations, and a ground floor rear infill extension with a lean-to glazed roof.

### Mansard Roof Extension

10.10 With regard to rooflines outside of conservation areas (such as the application site), paragraph 5.153 of the Islington Urban Design Guide 2017 states that there is more scope to introduce roof extensions where these are of a high quality design. Where a street frontage benefits from a consistent and unbroken roofline, alterations which would disrupt this consistent roofline and be visible from the public realm need to be designed in a style appropriate to the host building. Where the extension is not visible from the public realm, for example if it is generously setback from the front parapet, there may be more scope for flexibility in design.

10.11 The property forms part of a consistent terrace group on the north-eastern side of Kiver Road (nos. 2-68), with hidden valley roofs set behind front parapets. The construction of roof extensions which are not in keeping with the terrace can be damaging to its architectural unit, and have a deleterious effect upon the character and appearance of the area.

10.12 Whilst the existing roofline of the terrace group is unbroken, it is important to note that planning permission has been granted for a mansard roof extension at no. 36 Kiver Road under reference P2018/4061/FUL. This therefore is considered to set a precedent for sensitively designed roof extensions on this side of Kiver Road. In this context, the extension at no 36 was considered to have a neutral impact on the character and appearance of the street-scene and wider area. Therefore, in principle, a well-designed roof extension at the host site is considered to not detract from the street-scene along Kiver Road.

- 10.13 Paragraphs 5.154-5.158 of the Urban Design Guide 2017 discuss the most appropriate types of roof extensions for different types of roof forms, as well as the design principles that should be employed for each type. It is noted that mansard roof extensions are best suited for valley roofs on traditional properties. The guidance states that roof extensions to historic terraces should retain the historic parapet form and be set behind it. Particularly to Victorian/Edwardian terraces, the raising of the brickwork should be avoided, with clear distinction between the host building and the roof extension above being maintained. Valley 'butterfly' parapet profiles are a strong characteristic of rooflines in Islington and where these survive they should be retained. Party walls should follow the form of the roof and should not include a 90 degree up stand projecting beyond the form of the roof extension, and chimney stacks should be retained and only raised where they will not disrupt the rhythm of the terrace.
- 10.14 The roof extension would be designed to largely match that previously approved at no. 36 when viewed in public sightlines from the front. It would be set behind the existing parapet to the front, and would retain the 'valley' roof parapet profile to the rear. It would have a height of 3m, however from the front it would only project beyond the parapet by 1.7m. The roofline/eaves of the extension would be setback from the front parapet by 0.6m. The mansard extension would also include 2no. dormers to both the front and rear elevations – those to the front would have a width of 1.2m, and those to the rear a width of 1m. Party walls to both sides of the site would be extended, as would the existing chimney stack on the party wall with no. 8 Kiver Road. The extension would be clad in slate, with leaded chequered dormers and timber framed sash windows. The extended party walls would be flashed over with lead.
- 10.15 From street level on Kiver Road, the mansard roof extension would not be significantly prominent given both the minimal height of the extension above the parapet, and the setback proposed. Whilst the application site is visible in views along Davenant Road to the south-west, any views would be of the extension's traditional mansard design and it would not appear prominent or overbearing within the immediate streetscene context given its height.
- 10.16 The proposal would result in the extension being higher than the existing roof and would result in the chimney being extended in height. However, it is not considered that the chimney extension would be prominent in public views from the street level as the parapet height would be retained. In addition to the above, officers acknowledge that the proposed extension is largely identical to that previously approved at no. 36.
- 10.17 The design of the mansard extension would match the principles set out within the Urban Design Guide. It would retain and be set behind the parapet to the front of the dwelling, and would also retain the valley 'butterfly' profile to the rear elevation, which is considered to be a strong characteristic of the terrace group. Further, the raising of the party walls would match the profile/slopes of the mansard addition and would not include any 90 degree projecting upstands. Whilst the chimney stack at the party wall between the host property and no. 8 would be raised, as noted above it would not disrupt the rhythm of the terrace.
- 10.18 With regard to dormers, paragraph 5.161 of the Urban Design Guide states that the 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 the best solution in this instance. 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.

- 10.19 To proposed dormers would align with the windows of the original house on the floors below. They would be slender, with simple lead cheeks and would not include significant expanses of solid face. They would be positioned a clear distance (approximately 0.5m) below the ridge of the mansard roof, and above the eaves where viewed from the rear. The dormers would be significantly clear of the boundary parapets, and would include double hung traditional timber sash windows.
- 10.20 Overall, the proposal mansard extension and associated dormer windows are considered to be acceptable and would not cause harm to the character or appearance of the host building, streetscene, or wider area. They therefore accord with policies 7.4 and 7.6 of the London Plan 2016, policy CS9 of the Core Strategy 2011, policy DM2.1 of the Development Management Policies 2013, and the guidance contained within the Islington Urban Design Guide 2017.

#### Rear Ground Floor Extension

- 10.21 The Islington Urban Design Guide 2017 advises that where they can be neatly accommodated, there will normally be scope for lower ground and ground floor extensions within a lightwell or beyond the line of the existing back addition providing sufficient garden space is retained to provide high quality and useable amenity space for day to day uses.
- 10.22 The rear ground floor extension would project beyond the main rear elevation of the host building by 6.2m, and would infill the space between the existing two storey rear outrigger and the boundary with the adjoining property at no. 8 Kiver Road. The existing two storey contains a single storey extension to the rear, and the proposed infill addition would extend 0.7m beyond the rear line of the two storey element, but would be set back 3.2m from the rear of the single storey element. The extension would incorporate a glazed lean-to roof, which would have a height of 2.1m at the boundary when measured from the rear garden of no. 8, and 2.5m at the apex where it adjoins the rear outrigger. The addition would be constructed of London stock brickwork to match existing, with a rear double PPC aluminium framed door opening into the garden. The existing window at the rear main elevation would be bricked up, however the fanlight above the window would be retained above the lean-to roof of the extension.
- 10.23 The proposed extension is considered to be acceptable in terms of mass, height, scale, depth and proportion. It would remain subordinate to, and preserve the scale and integrity of the original building. Consideration has been given to the extent of the proposed increase to the footprint of the dwelling and the impact on the character of the rear garden, and officers note that the rear garden is large enough to accommodate an extension of this size whilst retaining high quality and useable amenity space for day to day uses.
- 10.24 Overall, the extension would be of an acceptable scale and appearance, would remain subservient to the host building with sufficient garden space retained, and would not be visible from the public realm. The proposal therefore accords with policies 7.4 and 7.6 of the London Plan 2016, policy CS9 of the Core Strategy 2011, policy DM2.1 of the Development Management Policies 2013, and guidance contained within the Urban Design Guide 2017.



**Figure 7:** Existing and proposed front and rear elevations (left and right, respectively).

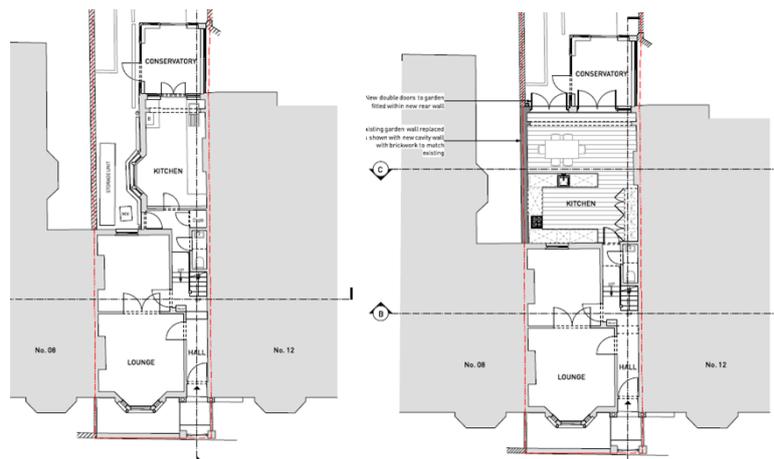
### **Neighbouring Amenity**

10.25 London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. Policy DM2.1 of the Development Management Policies 2013 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In this instance, no neighbour concerns have been raised with regard to amenity impacts of the proposal.

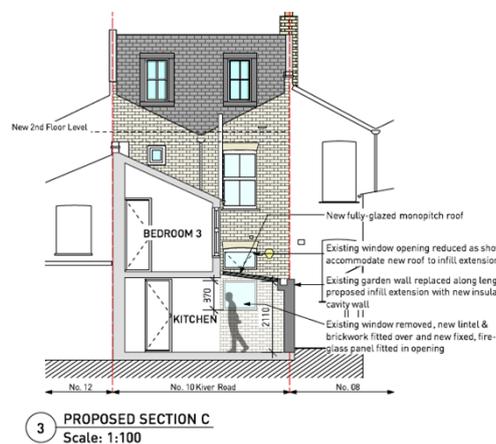


**Image 8:** View of rear elevation of No. 10 Kiver Road

- 10.26 The proposed mansard addition would be located at roof level, and would be set in from the front and rear of the property. It would therefore not cause harm to neighbouring amenity with regard to overshadowing, access to daylight and sunlight, over-dominance, sense of enclosure or outlook. The windows to the front of the extension would be setback from the property opposite and across the highway by at least 16m and would have an undue overlooking impact on privacy, which is further reduced by the limited number of windows on the flank elevation of the building in question at no. 52 Davenant Road. The windows to the rear would be set back from any neighbouring habitable room windows by at least 30m. The impact of these windows would be further reduced when taking into consideration the existing overlooking created by the windows on the elevation below.
- 10.27 The proposed rear ground floor infill extension would have a relatively low height of 2.1m at the boundary when measured from the rear garden of no. 8 Kiver Road. Given its minimal height, the extension would not be overbearing. In accordance with the 45-degree rule of thumb test under the BRE Guidelines the proposal would not trigger the requirement for additional technical assessments for sunlight/daylight impacts. Whilst the roof of the extension would be glazed, officers note that the light spill generated by a typical domestic use would not be harmful to warrant a reason for the refusal of the application. The proposal would also not increase noise or vibration emissions. The rear double glazed doors would open into the garden of the host property, and therefore would not increase overlooking impacts upon neighbouring residents. Given the relatively low height of the infill extension, the proposal would not unacceptably reduce the level of outlook afforded to residents at no. 8, nor would it result in a material increase sense of enclosure.



**Figure 9:** Existing and proposed ground floor plans (left and right, respectively).



**Figure 10:** Proposed rear elevation

10.28 For these reasons, it is considered that the proposed development would not unacceptably harm the living conditions of the occupiers of the adjoining properties. Accordingly, the proposal does not conflict with policy DM2.1 of the Development Management Policies 2013 or policy 7.6 of the London Plan 2016 insofar as they aim to safeguard residential amenity.

## **11. SUMMARY AND CONCLUSION**

11.1 The principle of the development is considered acceptable and would not cause harm to the character or appearance of the host building, streetscene or wider area. The proposal is considered to be conducive to the surrounding residential character and use.

11.2 The proposed works would not result in unacceptable harm to neighbouring amenity with regard to overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, any undue or material increase in sense of enclosure or loss of outlook to the rear elevations of both adjoining properties.

11.3 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013 and associated Supplementary Planning Documents and should be approved accordingly.

### **Conclusion**

11.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – Recommendations.

## APPENDIX 1 – RECOMMENDATION

### RECOMMENDATION

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, 010 Rev /, 012 Rev /, 011 Rev /, 013 Rev /, 014 Rev / &amp; 015 Rev / &amp; Design and Access Statement 141/DAS by JAA Architects dated April 2019.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the hereby approved plans and Design and Access Statement 141/DAS. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

#### List of Informatives:

<b>1</b>	<b>Construction Works</b>
	<p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</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 and Regional Guidance**

The National Planning Policy Framework 2019 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.

- Planning Practice Guide (2014)

### **2. Development Plan**

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

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

Policy 7.4 – Local character

Policy 7.6 – Architecture

#### **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

### **3. Designations**

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

#### **Islington Local Plan**

Major Cycle Route

Local Cycle Route

Article 4 Direction (A1-A2)

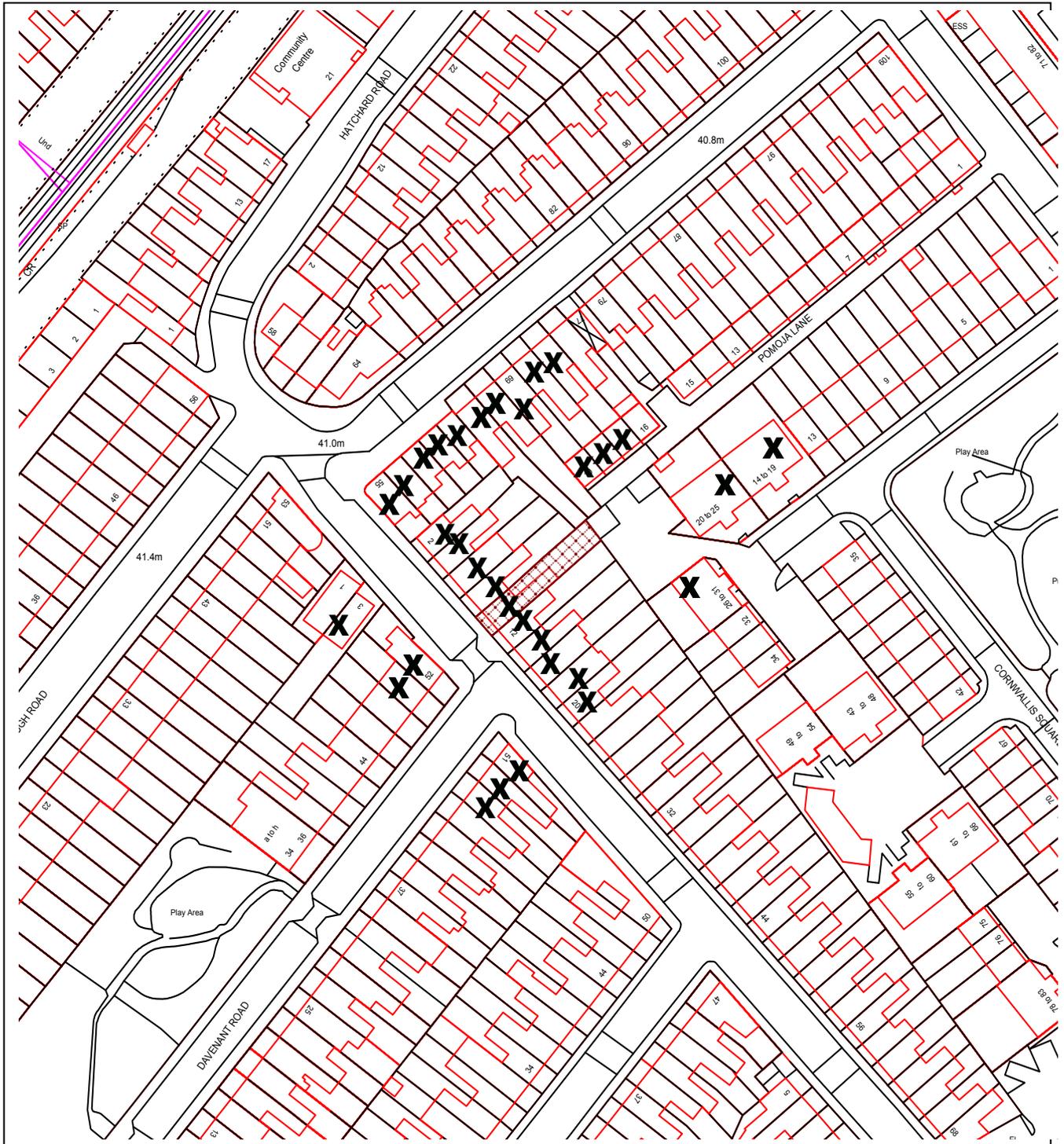
### **4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

#### **Islington Local Plan**

Urban Design Guide 2017

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## PLANNING COMMITTEE REPORT

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

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	Tuesday, 18 June 2019	NON-EXEMPT	

Application number	P2018/2849/FUL
Application type	Full Planning
Ward	Clerkenwell
Listed building	Not Listed
Conservation area	New River
Development Plan Context	Bunhill and Clerkenwell Core Strategy Key Area Central Activities Zone Finsbury Local Plan – Bunhill and Clerkenwell Conservation Area Article 4 (2) Direction – New River Local view from Archway Road Local view from Archway Bridge Article 4 Direction A1 to A2 Article 4 Direction B1(c) to C3 Heathrow Safeguarding Area
Licensing Implications	None
Site Address	42 Gloucester Way, London, EC1R 0BR
Proposal	Erection of an additional storey above the existing roof level to allow additional B1 office floorspace, and associated alterations.

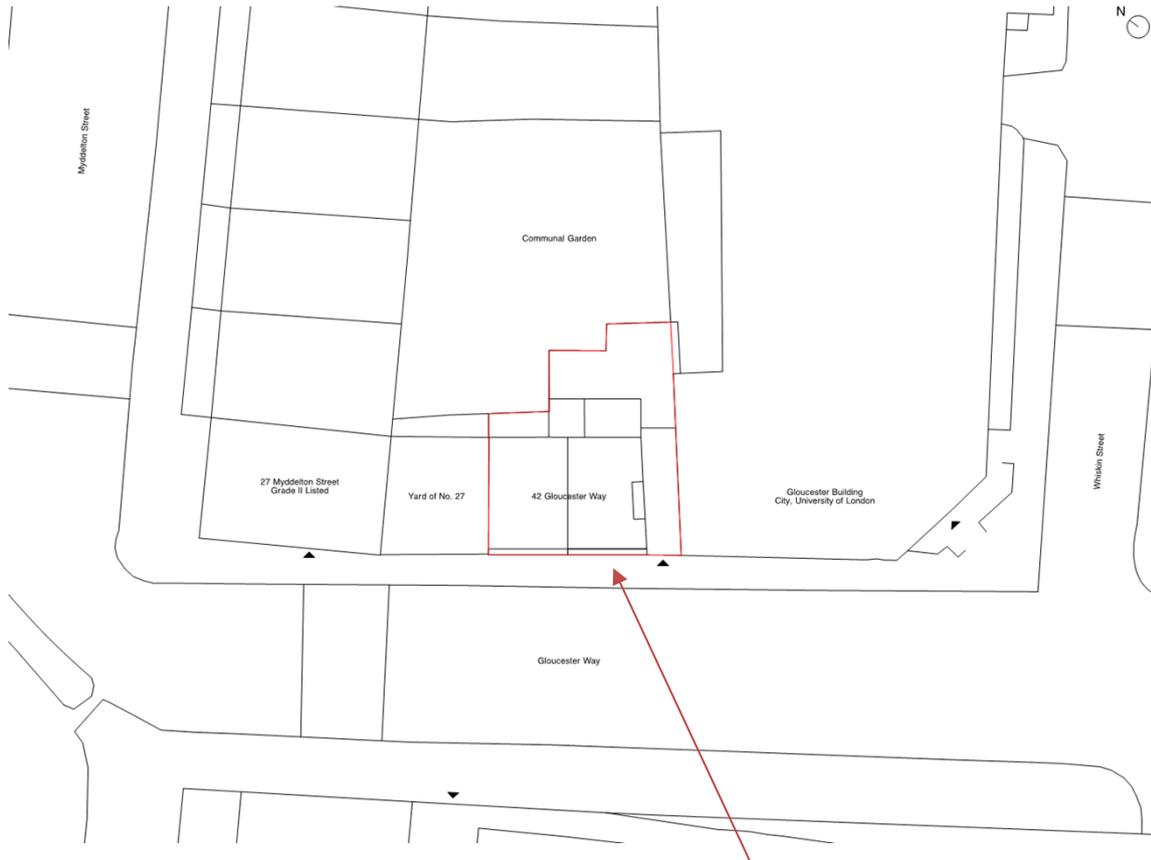
Case Officer	Ross Harvey
Applicant	Ms Catherine Ugwu
Agent	Mr James Engel – Spaced Out Limited

### 1. RECOMMENDATION

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

1. The conditions set out in Appendix 1;

## 2. SITE PLAN



**Image 1:** Site Location Plan (outlined in red)

## 3. PHOTOS OF SITE/STREET



**Image 2:** Aerial view in northerly direction  
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**Image 3:** Aerial view in southerly direction



**Image 4:** View to the front of the application site



**Image 5:** View to the rear of the application site



**Image 6:** View to rear of Myddelton Street Properties (taken from Daylight/Sunlight Study)

## **4. SUMMARY**

- 4.1 Planning permission is sought for the erection of an additional storey above the existing roof level to allow an additional 65sqm of B1 office floorspace, and associated alterations.
- 4.2 Planning permission was granted for similar, but larger extensions in July 2009 under P091469. It should be noted that the permission pre-dates the current development plan. Whilst the approved development was not implemented it remains a material consideration in assessing the current proposals.
- 4.3 The main considerations in this assessment include the impact of the proposals on the character and appearance of the host building and the New River Conservation Area as well as safeguarding the amenity levels of the adjacent and nearby residential properties.
- 4.4 The proposed extensions have been designed as a facsimile floor, with the gable and pitched roof rebuilt a storey higher. This enables a traditional roof form to remain, whilst having a minimal impact on the Conservation Area and setting of the listed building at No.27 Myddelton Street. Whilst the success of the proposals in design terms is heavily reliant on quality of details, the principle of the extensions is considered acceptable.
- 4.5 Whilst concerns have been raised regarding impact on neighbour's amenity, officers consider that the development would not appear unduly overbearing from surrounding properties, particularly given the context of the site immediately adjacent to the City Law School. There would also be little material loss of daylight, sunlight or sense of enclosure from the development as demonstrated within the submitted Daylight/Sunlight/Outlook Assessment with demonstrated compliance with BRE Guidelines. Whilst the proposed extension is within close proximity to rear facing windows at No's 27 and 28 Myddelton Street, it would not be considered likely that the proposals would result in substantial losses of outlook to those properties. This is noting the type of rooms situated to the rear of these houses, generally comprising stair landings, kitchens and bathrooms.
- 4.6 Details of waste and cycle storage have not been provided. It is recommended that such details be secured by condition.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is a two storey detached office building. It is bounded by a five storey (incl. basement) Grade II listed end of terrace house to the northwest, private gardens to the northeast, and a substantial five storey (incl. a half basement) building to the southeast. On the opposite side of the street there is a four storey building comprising of residences.
- 5.2 The streetscene generally comprises Victorian era buildings with some mid to late 20<sup>th</sup> century buildings also present on the southern side of Gloucester Way. The buildings contain a range of uses, varying from residential, office and educational. It would therefore be considered that the streetscene character is relatively varied.
- 5.3 The site is located within the New River Conservation Area.

## **6. PROPOSAL (in detail)**

- 6.1 Planning permission is sought for the erection of an additional facsimile storey above the existing roof level; and erection of a part two part three storey extension at the rear to replace the existing two storey rear addition, and associated alterations.

- 6.2 The facsimile floor would be constructed using brickwork to match the existing building. The proposed windows at the new floor level will be double glazed metal framed powder coated windows in a crittal style to match existing first floor windows. The modern addition at the rear would be constructed from dark grey coated render.
- 6.3 The proposed extensions will facilitate the creation of an additional 65m<sup>2</sup> of B1 office floorspace with an associated outdoor terrace at the second floor rear.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS

- 6.4 42 Gloucester Way, planning application ref: P2018/0696/FUL for the 'Erection of a 2-storey roof extension to provide a two-bedroom maisonette unit (Use Class C3), with provision of outdoor space at roof level. Excavation of existing basement to extend its footprint and lowering the basement level by approximately 1.1m', WITHDRAWN.
- 6.5 42 Gloucester Way, planning application ref: P2018/0697/FUL for the 'Enlargement of existing basement for Office (B1(a) Use', was GRANTED 02/05/2018.
- 6.6 42 Gloucester Way, planning application ref: P2012/0132/NMA for the 'Non-material amendment to planning permission LBI ref: P091469 dated 21 October 2009. -The minor amendment seeks the addition of a planning condition to the approval granted which lists all the approved plans,' was REFUSED on the 13/08/2001.
- 6.7 42 Gloucester Way, planning application ref: P122020 for the 'application to change the window and cornice detail and internal reconfiguration of an existing maisonette and office space' was withdrawn.
- 6.8 42 Gloucester Way, planning application ref: P091469 for the 'Erection of a two storey extension to create a three-bedroom maisonette and retention of existing B1 office use on the ground and first floor and refurbishment of the basement' was GRANTED 21/10/2009. Permission not implemented.
- 6.9 42 Gloucester Way, planning application ref: P081651 for the 'Erection of an additional floor and two storey extension to the rear to create a maisonette, one x 1 bed self-contained flat, one x 3 bed self-contained flat' was GRANTED 07/10/2008.
- 6.10 42 Gloucester Way, planning application ref: 920025 for the 'The rebuilding of the front elevation and partial rebuilding of the rear extension in connection with the general rehabilitation of the building for B1 purposes (as amended by revised front elevational drawing received 2nd April 1992)' was GRANTED 22/04/1992.

### PRE-APPLICATIONS

- 7.4 Q2018/1551/MIN & Q2018/2315/MIN - Erection of a 2-storey roof extension to provide a two-bedroom maisonette unit (Use Class C3), with provision of outdoor space at roof level. Excavation of existing basement to extend its footprint and lowering the basement level by approximately 1.1m.
- 7.5 The current scheme has been amended to reduce the height by 1 floor and comprise only B1 floorspace.

## **ENFORCEMENT**

7.6 None.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to 98 occupants of adjoining and nearby properties at Myddelton Street, Whiskin Street, and Gloucester Way. The public consultation exercise expired on 21 October 2018.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing this report a total of 7 no. objections and 1 no. general comments had been received from the public. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Loss of amenity to neighbouring properties (Para 10.22 – 10.40)
- Overlooks communal gardens at 28-32 Myddleton Street resulting in loss of privacy (Para 10.36 – 10.40)
- Loss of daylight/outlook to 28-32 Myddleton Street and increased sense of enclosure (Para 10.22 – 10.40)
- Impact historic character of property and surrounds (Para 10.6 – 10.21)
- Loss of wildlife habitats (Para 10.46)

8.3 The general comment raised concerns in relation to the inclusion of nesting boxes/bricks for swifts. An informative is attached to encourage installation of bird boxes. (Para 10.46)

### **Internal Consultees**

8.4 **Design and Conservation Officer:** *No objections*

### **External Consultees**

8.5 None.

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

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

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
- As the development affects the setting of listed buildings, Islington Council (Planning Sub 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) (2019): Paragraph 11 states: “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...

9.3 The National Planning Policy Framework 2019 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.

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

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

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

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

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

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

## **Development Plan**

- 9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.10 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- New River Conservation Area
  - Local View from Archway Road
  - Local View from Archway Bridge
  - Article 4 (2) Direction New River
  - Article 4 Direction A1-A2 (Rest of Borough)
  - Article 4 Direction (B1c to C3)
  - Central Activities Zone
  - Finsbury Local Plan – Bunhill and Clerkenwell
  - Bunhill & Clerkenwell Core Strategy Key Area
  - Heathrow Safeguarding Area

## **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 and Conservation
- Neighbouring Amenity including sunlight/daylight and noise pollution
- Other issues

### **Land Use**

- 10.2 CS13B relates to existing employment space, development should safeguard existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ. Development which improves the quality and quantity of existing provision will be encouraged.
- 10.3 Policy DM5.1 of the Development Management Policies is supportive of increase in office provision. As well as encouraging new employment space the Council also seeks to safeguard existing business floorspace.
- 10.4 The provision of a new business floorspace (Class B1a) to the existing building is considered acceptable in pure land use terms. Whilst it is noted that Development Management Policy DM5.2 states that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, in this instance the proposals would facilitate only a minor increase in floorspace to an existing historic building.
- 10.5 The renewal and modernisation of existing office stock in viable locations is also supported. The supporting text of London Plan Policy 4.2 identifies a need for significant increase in office floorspace in the years to 2031. Part B of Core Strategy Policy CS13 states in relation to existing employment floorspace, development which improves the quality and quantity of existing business floorspace will be encouraged. The proposed uplift in floorspace is welcomed and considered policy compliant.

- 10.6 Subject to compliance with other policies, the introduction of B1a floorspace is supported in principle.

### **Design and Conservation**

#### *Site & Policy Context*

- 10.7 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.8 Islington's Planning Policies and Guidance encourage high quality design which complements the character of an area. In particular, policy DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.
- 10.9 The application site is located in the New River Conservation Area. Therefore, careful regard needs to be given to ensure the proposal contributes positively to, and continues to preserve and enhance the character and appearance of the Conservation Area in accordance with Development Management Policy DM2.3. In addition, an Article 4.2 Direction removing permitted development rights ensures that all works to the front of the building require planning permission.

#### *Character of Conservation Area and Setting of Grade II Listed Building*

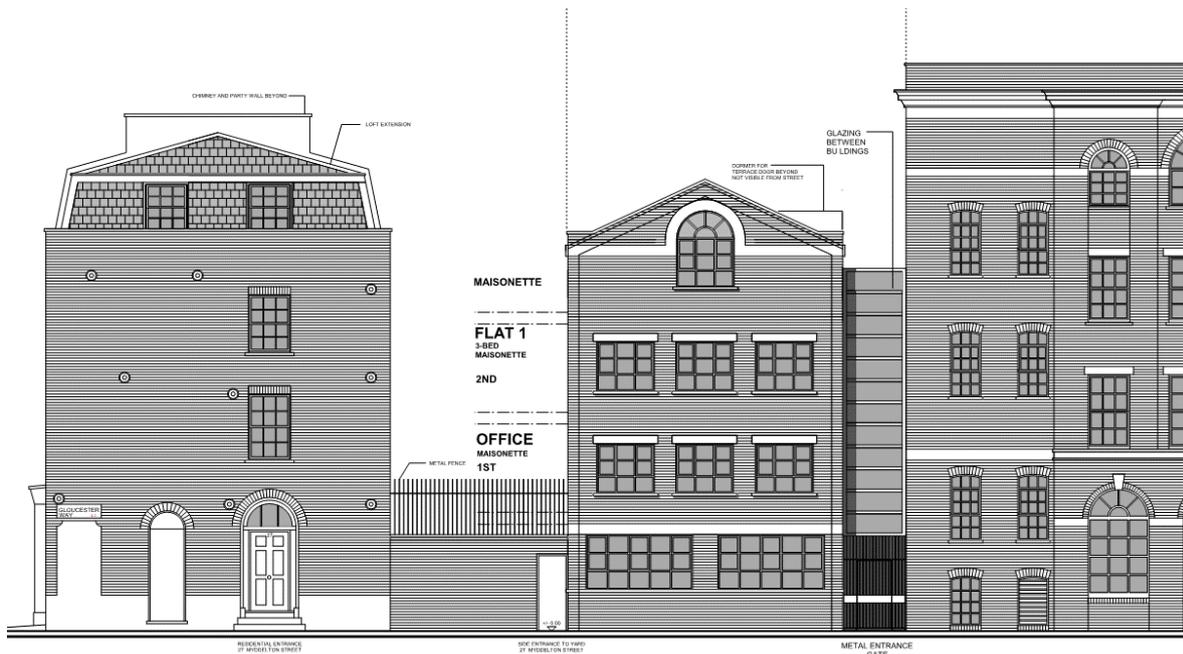
- 10.10 The majority of the site falls within the New River Conservation Area, in an island designation. The terrace on Myddleton Street (which was substantially rebuilt in 1978 and is therefore not listed) would have formed part of a wider network of similar streets that were developed by the New River Company, much like the rest of the main body of the Conservation Area. No.27 Myddleton Street, the end of terrace property which adjoins the site, is a Grade II listed as a c.1822-24 end of terrace property (it escaped rebuilding). A cottage was built at the rear of the property at the same time. This was a rebuilt as a workshop, possibly in connection with No.27 which became a small plating works at some point – probably the early-mid C20.
- 10.11 The southern part of the urban block, along Whiskin Street formed part of a separate estate, belonging to the Skinners Company, and was developed around the same time. The two estates were separated by a lane in the middle of the urban block, between Myddleton Street and Whiskin Street. The houses along Whiskin Street were redeveloped in the early C20, and the large corner block was constructed c.1913 for light industrial use. More drastic clearances took place in the post-war period, with the construction of the Spa Green and Finsbury Estates, the Hugh Myddleton Primary School and Rhind building to the east.
- 10.12 Although now completely detached from its historic setting, the application site and its surrounds represents a microcosm of the areas development from the early C19 to early C20, encompassing two significant estates, and is a significant survival in this respect. The small island is compromised almost entirely of traditional buildings and materials, and this consistency of this character should be maintained as per the objectives of the CADG (paras 2.2, 2.10, 2.11). The small scale and low height of the existing workshop contributes to the character and understanding of the historic development of the area. The legibility of the lane adjacent, which reflects historic land ownership, also makes a positive contribution. As per Historic England's Advice Note 1 '*pre-urban landscape features (such as the lines of former field boundaries) which survive in the current townscape*' are important in Conservation Area designations.

#### *Height and Massing*

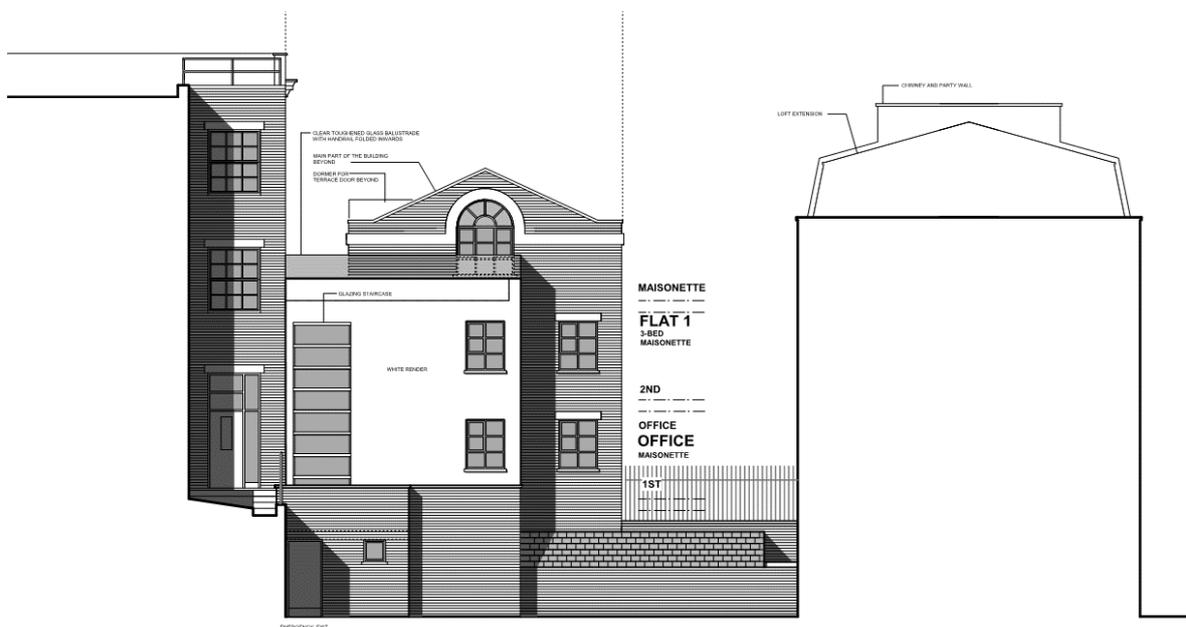
- 10.13 The scheme would add a single storey roof extension in addition to a three storey infill and rear extension to the existing building. It is considered that any increase in height and footprint has the potential to cause harm to the Conservation Area and setting of the Listed Building.

10.14 The proposals are in effect a façade retention scheme, with two walls of the existing building retained, with a contemporary addition behind. The height and massing on the plot between Myddleton Street and Whiskin Street would be modest and would therefore be considered to be consistent with the character and appearance of the area. An additional floor is considered achievable without causing harm to the setting of the listed building – as it would retain sufficient separation and remain subordinate to it, particularly noting the scale of surrounding development which generally ranges from 4-5 storeys.

10.15 The Conservation Officer advised during the previous pre-application submission (Q2018/2315/MIN), which was for a two storey extension, that a more successful approach to adding height to the existing building is considered to be the addition of a facsimile floor, with the gable and pitched roof rebuilt a storey higher. This would enable a traditional roof form to remain, whilst having a minimal impact on the Conservation Area and setting of the listed building. This would need to be appropriately detailed and in reclaimed stock brick to match.

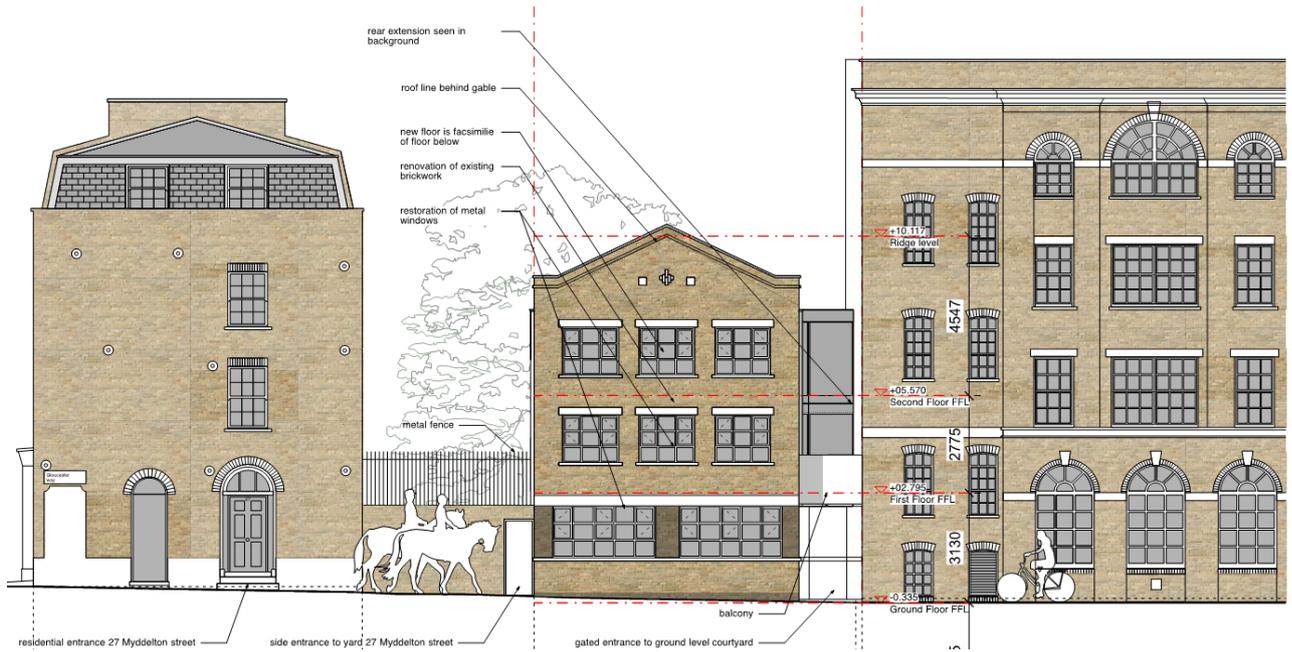


**Image 9:** Approved Front Elevation (P091469)



**Image 10:** Approved Rear Elevation (P091469)

- 10.16 In terms of its massing, the current submission has removed the second floor extension and instead seeks the erection of one additional storey only, in line with the above advice from the Conservation Officer.
- 10.17 Therefore, the proposed addition of a facsimile floor, infill and rear extensions is in line with this advice and is therefore supported in design and conservation terms.



**Image 11: Proposed Front Elevation**



**Image 12: Proposed Rear Elevation**

10.18 The applicant suggests that the two storey extension previously granted sets the premise for the latest proposals. This permission has lapsed and predates current policies and most guidance (such as the IUDG and Historic England's, Planning Note 3, The Setting of Heritage Assets, 2015). It is likely that the weight given to the impact on the setting of the listed building and conservation or enhancement of heritage assets was limited and perhaps not in line with current policies. Furthermore, the Survey of London was likely not accessible or consulted at the time. This provides an extensive understanding of the heritage assets, in describing the character and historic development of the area, which adds additional material consideration to the assessment of the scheme presently. Furthermore, a basement extension (as now approved) was not incorporated in the 2009 scheme. Therefore, a single storey extension with basement represents a similar amount of additional floor space as previous permission.

#### *Materials and Detailing*

10.19 In terms of proposed materials, the extensions would be constructed using brickwork to match the existing appearance of the building. Whilst this arrangement is considered acceptable in principle, any permission being granted will include a condition requiring the brickwork of the proposed facsimile floor to match exactly that of the existing building, with a sootwash if necessary. No permission will be granted for the use of any brick slips.

10.20 The proposed windows are considered acceptable in terms of their size and appearance, which would appear consistent with those on the existing building. To ensure this, any permission being granted will include a condition requiring details of the new metal windows to the proposed facsimile floor to be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.

10.21 In addition, a condition requiring that the new roof be natural slate will also be included.

10.22 The purpose of these conditions is to ensure the historic appearance of the application, character of the conservation area and setting of the Grade II Listed Building are not negatively impacted by the proposals.

10.23 During the assessment special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, as well as special regard to the desirability of preserving the surrounding Listed Building and its setting or any features of special architectural or historic interest which it possesses. Overall it is considered that the proposed development is acceptable in design terms as it would not cause harm to the character and appearance of the Conservation Area nor would it impact on the setting of the Grade II Listed Building or any special architectural features which it possesses.

#### **Neighbouring Amenity including Sunlight and Daylight**

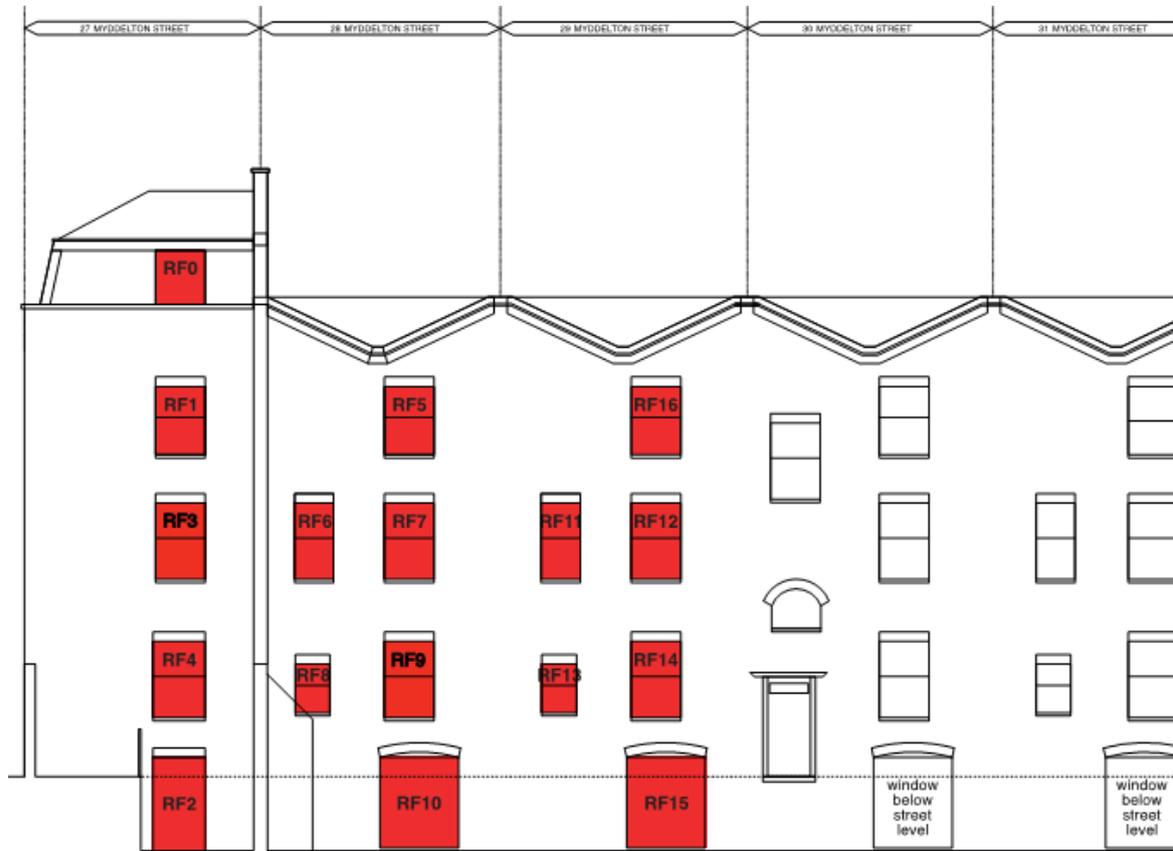
10.24 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

10.25 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.26 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).
- 10.27 The proposals would be situated to the rear of residential properties fronting Myddleton Street. As the proposal involves the erection of an additional storey within close proximity to the rear wall of these properties, the 25-degree angle is breached and daylight testing is therefore required. In particular, the rear upper floor windows of no.'s 27 – 29 are likely to be materially affected by the proposals in terms of potential loss of sunlight/daylight, outlook and increased enclosure levels. It is appreciated that these properties already lookout onto a flank wall of the existing building at upper ground floor and first floor level at relatively close distances. Therefore, it is the view of the council that the proposed additional bulk and height along this flank elevation including the rearward section for the staircase needs to be carefully assessed for its potential adverse impacts on these neighbours.

*Daylight / Sunlight*

- 10.28 The submitted plans show the proposed extension is also facing potentially affected lower ground, ground, first and second floor windows at no's.27-29 Myddelton Street. The 'first test' in such circumstances would be the '25 degree' test. In short, a 25-degree angle line is drawn out from the centre point of the window on the elevation or section. The BRE Guidelines state that if a proposed neighbouring extension obstructs the 25-degree line then the extension may cause noticeable loss of light and a more detailed BRE compliant daylight/sunlight assessment should be carried out.
- 10.29 The applicant has submitted a Daylight and Sunlight Assessment, prepared by Spaced Out Ltd, in support the application. It also includes appendices containing additional justification submitted to the Local Planning Authority in November and December 2018. The assessment includes results from tests relating to Vertical Sky Component (VSC), daylight distribution, average daylight factor and Annual Probable Sunlight Hours (APSH) on the rear facing windows of the adjacent terrace No's27-29 Myddelton Street, all of which are in residential use.
- 10.30 The specific windows subject to testing within the Daylight and Sunlight Assessment are shown in the image below.



**Image 13:** Myddelton Street windows tested against BRE Guidelines

### *Daylight*

- 10.31 The BRE Guidelines state that states “if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This is the case if either the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value”. Similarly, results indicate that all windows tested are within BRE recommendations for Average Daylight Factor (ADF).
- 10.32 The results from the submitted Daylight/Sunlight Assessment indicate that where losses occur, all windows are acceptable within the BRE Guidance specified for ADF. It is noted that a number of windows are located within proximity to the application site, particularly those at No.27 and No.28 Myddelton Street (RF1, RF2, RF3 and RF4). The submitted Daylight/Sunlight Assessment has demonstrated that these windows will not be unreasonably impacted beyond the existing situation. This is due to the existing two storey building at the application site, as well as the four storey nearby City Law School. Windows RF1, RF2, RF3 and RF4 would comply VSC guidance, whilst there will be a small reduction in the daylight serving these windows, the VSC calculations for each of these windows would remain more than 0.8 times its former value and thereby compliant with the BRE guidance.
- 10.33 In addition, windows RF6 and RF8 to the rear of no.28 are also within close proximity to the application site. Both these windows serve landings rather than habitable rooms but also meet the VSC guidance. The remaining windows serving no.28 Myddelton Street which are situated further away from the main bulk of the extension (RF5, RF7, RF9 and RF10) would also meet the VSC calculation with a minimum percentage loss but remaining 0.8 times above its former value. To the rear of No.28 Myddelton Street, the proposed extensions would utilise the floor area of the existing rear addition, which is set in further from the properties fronting Myddelton Street than the main part of the building fronting Gloucester Way. The existing on-site and surrounding conditions, as well as the proposed footprint which utilises contribute to the proposed schemes compliance with BRE Guidelines.

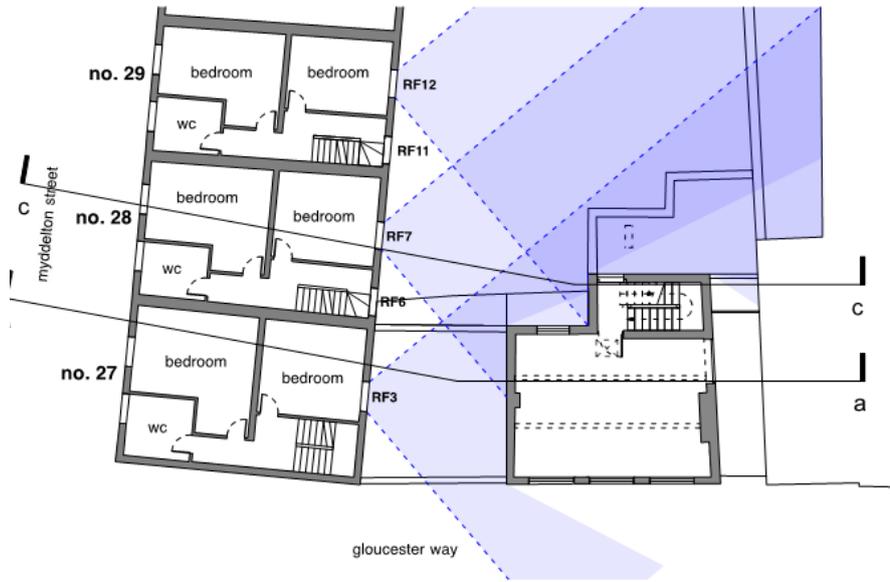
- 10.34 In terms of Daylight Distribution, the applicant has assessed the distribution of daylight within a room by plotting the 'no sky line', being the line which separates areas of the working plane that do and do not have a direct view of the sky. Similar to the VSC results, the Daylight/Sunlight Assessment concludes that the majority of windows at No's.27-29 Myddelton Street will not be unreasonably impacted in terms of daylight distribution. However, the submitted tests indicate that one room at the ground floor level of no.28 Myddelton Street will be subject to a ratio reduction of 0.76 where 0.8 is recommended. This has been assessed as a worst case scenario, assuming that the room is single aspect. This minor shortfall from BRE Guidance, whilst not ideal, would not be considered a sufficient enough reason to refuse the application on its own. This is particularly noting the assumptions made, and the possibility that the room impacted may in fact be dual aspect and the very minor nature of the inconsistency with BRE Guidance.
- 10.35 It is noted that the remainder of windows and rooms tested achieve the criteria set within the BRE Guidance in terms of Vertical Sky Component (VSC) and Average Daylight Factor (ADF).

#### *Sunlight*

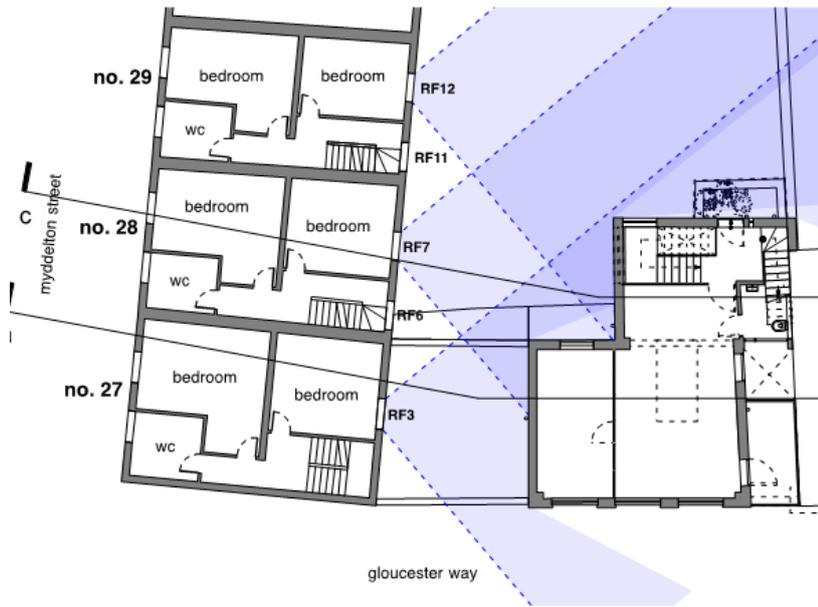
- 10.36 In terms of loss of sunlight, the applicant has undertaken Annual Probable Sunlight Hours (APSH) testing against BRE Guidance. It is recommended within BRE Guidance that windows should not receive less than 25% of annual probable sunlight hours, or less than 5% of annual probably sunlight hours between 21 September and 21 March. It also mentions that windows should not receive less than 0.8 times its former sunlight hours during either period or have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
- 10.37 The submitted daylight/sunlight assessment states that the proposed development would result in some impacts to windows serving no.'s 27-29 Myddelton Street. Notwithstanding this, only one window is shown as not being in accordance with BRE Guidance. Window RF8 at the ground floor rear of 28 Myddelton Street is shown as receiving an APSH ratio reduction of 0.79 where 0.8 is required. The applicant has stated that this window appears to serve a hallway landing and would therefore not normally be assessed as it does not serve a habitable room. It is understood that the layouts of the adjacent properties along Myddelton Street have been assumed. Whilst, given the layout of no.27 Myddelton Street and the smaller size of RF8, it is likely that this window does serve a hallway landing, this arrangement has not been confirmed. Notwithstanding this, it is considered that the shortfall from BRE Guidance is very minor and unlikely to result in significant adverse impacts in terms of loss of sunlight to the occupiers of no.28 Myddelton Street. This slight shortfall, taken together with the likelihood that the window serves a hallway landing, is not considered sufficient justification to warrant refusal of the proposed development.
- 10.38 It is considered that the daylight/sunlight testing undertaken by the applicant provide sufficient evidence to suggest that the proposed development at no.42 Gloucester Way will not cause unreasonable harm to the amenities of neighbouring occupiers in terms of loss of daylight and sunlight.

#### *Outlook/Sense of Enclosure*

- 10.39 As mentioned above, the proposals would result in increased bulk and mass to the rear of residential properties fronting Myddelton Street. The proposals would therefore have the potential to cause harm to the amenities of neighbouring properties in terms of loss of outlook and increased sense of enclosure. The flank wall of the application site is situated approximately 4.8m from the rear wall of no.27 Myddelton Street, whilst the extended rear would be sited approximately 7.7m from the rear wall of no.28 Myddelton Street. These are the closest properties to assess the impact in terms of outlook/sense of enclosure.
- 10.40 The supporting information submitted by the applicant regarding daylight, sunlight and outlook indicate that the ground floor rear windows of No's. 27-29 Myddelton Street serve kitchens and a stairwell and the first floor serve bedrooms and the stairwell. Diagrams have been provided by the applicant with the intention of illustrating the change in outlook as a result of the proposed extensions. These have been extracted below.



existing first floor plan



proposed first floor plan

**Images 14 & 15:** Existing and Proposed outlook from first floor bedrooms at No's.27-29 Myddelton Street

10.41 The above diagrams were submitted as part of the Daylight/Sunlight and Outlook Assessment. Similar diagrams were provided for ground level also, but not second floor level on the basis that the eave height of the proposed new storey would be a similar height to the centre of the second floor windows of No's.27-29 Myddelton Street and as such the outlook would largely be retained for these upper floor windows. The diagrams demonstrate that whilst the building results in an increased mass, the level of outlook from rear facing windows at the adjacent Myddelton Street terrace would not be substantially altered from the existing situation and therefore not unreasonably compromised.

- 10.42 With regards to the communal garden, whilst the proposal increases the height immediately adjacent to the garden, given its context adjacent to the City Law School which is significantly larger than the proposed extensions, it would be considered unreasonable to object to the scheme in this regard.
- 10.43 The applicant has provided evidence demonstrating that the proposals would not result in significant losses in terms of daylight/sunlight. The applicant has sought to demonstrate the proposals would not result in an unacceptable sense of enclosure to nearby residential properties, as well as the adjacent communal garden. In light of this, the additional evidence provided by the applicant, it is considered on-balance that the proposed extensions would not be likely to cause unreasonable harm in terms of loss of residential amenity to neighbouring properties.
- 10.44 A terrace is shown to the proposed first floor. this is setback from the rear and first floor boundaries by planting. In order to mitigate impact from loss of privacy for neighbouring occupiers, a condition is recommended for screening of this terrace, and its use limited to hours that do not create harm to residential amenity.

### **Waste Management**

- 10.45 Waste storage facilities are required to be provided in order to fit current and future collection practices and targets. Facilities must be accessible to all in accordance with Islington's Core Strategy policy CS11. Development Management Policy DM8.6 states that, where on-street servicing is proposed details must be submitted to demonstrate the need for on-street provision and that off-street provision is not practical, and to show that arrangements will be safe and will not cause a traffic obstruction or nuisance.
- 10.46 It is noted that the proposals do not facilitate a change of use and therefore waste storage and collection is likely to remain predominantly as existing. Notwithstanding this, and given the internal reconfiguration and uplift in office floorspace, details of waste storage and collection will be secured by condition.

### **Transportation**

- 10.47 Chapter 6 of the London Plan sets out transport policies. Locally, Core Strategy policy CS18 and chapter 8 of the Development Management Policies are relevant to transport.
- 10.48 Core Strategy Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. The proposed development does not include any vehicular parking and is within close proximity to regular bus services along Rosebery Avenue. It is therefore consistent with this strategy.
- 10.49 Given the office expansion, adequate amount of cycle parking will need to be provided on-site to encourage usage of alternative transport mode, in compliance with Development Management Policy DM8.4. Appendix 6 of the Development Management Policies document sets out cycle parking requirements for non-residential uses. B1(a) requires a minimum of 1 cycle parking space per 80m<sup>2</sup>. As the proposed extensions would result in a total of 190m<sup>2</sup> approx, three cycle parking bays should be provided on-site. No cycle storage details have been provided with the application. A condition will therefore be recommended requiring that details of storage for at least three cycle parking spaces be submitted to and approved by the LPA.

### **Other Issues**

- 10.50 Concerns were raised by local residents with regards to potential impacts on rare birds and wildlife residing within the communal garden. Given the proximity of the site to urban parklands, mature street trees and the adjoining community garden, a condition would be included on any permission granted requiring the installation of a minimum of 3no. bird boxes/bricks prior to occupation of the development being approved.

10.51 The development would also be situated largely on the existing footprint and would not lend to a significant loss of outdoor garden space and as such would not compromise the existing habitat.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

10.52 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.5 of this report.

10.53 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and material considerations being the National Planning Policy Framework and as such is recommended for approval subject to conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>001 Location Plan; 002 Site Plan; 100 Approved and Proposed Basement Plan; 101 Existing and proposed Ground Floor Plan; 102 Existing and Proposed 1<sup>st</sup> Floor Plan; 103 Existing and Proposed 2<sup>nd</sup> Floor Plan; 104 Existing and Proposed Roof Plan; 110 Existing Front Elevation; 111 Existing Rear Elevation; 112 Existing Side Elevation; 120 Existing Section AA; 121 Existing and Proposed Section EE; 130 Existing 3d Model; 131 Existing 3d Model; 132 Existing Model Context; 133 Existing Model Context; 210 Proposed Front Elevation; 211 Proposed Rear Elevation; 212 Proposed Side Elevation; 220 Proposed Section AA; 221 Proposed Section BB; 222 Proposed Section CC; 230 Proposed 3d Model; 231 Proposed 3d Model; 232 Proposed 3d Model; 233 Proposed 3d Model; 17.235.DAAS Design and Access Statement; Sun and Daylight Assessment 10/09/2018; 17.235.2019.01.10 Justification Doc – Analysis of Sunlight, Daylight and Outlook to Residents on Myddelton Street; Daylight and Sunlight Assessment Addendum 9 May 2019</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>
<b>3</b>	<b>Approved Brickwork</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of the new metal windows to the proposed facsimile floor shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing. The windows shall match the existing metal windows.</p> <p>REASON: To ensure the historic appearance of the application site and surrounding heritage assets are not negatively impacted by the proposals.</p>

<b>4</b>	<b>Details of Windows</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, for the avoidance of doubt, the brickwork of the proposed facsimile floor shall exactly match that of the existing building, with a sootwash if necessary to achieve this. Included are the two terracotta air bricks in the gable. No permission is granted for the use of brick slips.</p> <p>REASON: To ensure the historic appearance of the application site and surrounding heritage assets are not negatively impacted by the proposals.</p>
<b>5</b>	<b>Roof Materials</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, the proposed slate roof shall be a high quality, natural slate.</p> <p>REASON: To ensure the historic appearance of the application site and surrounding heritage assets are not negatively impacted by the proposals.</p>
<b>6</b>	<b>Refuse &amp; Recycling (Details)</b>
	<p>CONDITION: Details of refuse/recycling store(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The refuse/recycling store (s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter</p> <p>REASON: To ensure adequate refuse/recycling is provided and easily accessible</p>
<b>7</b>	<b>Cycle Parking Provision Details</b>
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development onsite. The storage shall be covered, secure and provide for no less than 3 cycle spaces.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected prior to the first occupation of the development, and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>8</b>	<b>(BIRD/BAT BOXES COMPLIANCE)</b>
	<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>

<b>9</b>	<b>Construction Management (Details)</b>
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, vibration, air quality including dust, smoke and odour) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. 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 safeguard the amenity levels of adjoining occupiers during the construction process.</p>
<b>10</b>	<b>Details of Screening</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, details of the visual privacy screening (minimum height 1.7m) serving the second floor roof terrace facing the properties on Myddelton Street shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The privacy screen shall be installed prior to the first use of the roof terrace hereby approved and 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 prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows and also to ensure that the resulting visual screen is acceptable in terms of its appearance.</p>
<b>11</b>	<b>HOURS OF OPERATION (Roof Terrace Compliance)</b>
	<p>CONDITION: The roof terrace hereby approved shall not operate outside the hours of:</p> <p>09:00am and 20:00pm Monday to Friday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>12</b>	<b>FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE)</b>
	<p>CONDITION: The first floor flat roof area to the rear shown on plan no. 17.235.102 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>

## **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 2019 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 4.2 Offices  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

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

##### Strategic Policies

Policy CS 7 – Bunhill and Clerkenwell  
Policy CS 8 – Enhancing Islington's character  
Policy CS 9 - Protecting and enhancing Islington's built and historic environment  
Policy CS 10 – Sustainable Design  
Policy CS 11 – Waste  
Policy CS 13 – Employment Spaces  
Policy CS 18 – Delivery and Infrastructure

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

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.1 – New Business Floorspace
- Policy DM8.5 – Vehicle Parking
- Policy DM8.6 – Delivery and Servicing for New Developments
- Policy DM9.2 – Planning Obligations
- 

#### **D) Finsbury Local Plan 2013**

- Policy BC7 Historic Clerkenwell
- Policy BC8 Achieving a Balanced Mix of Uses

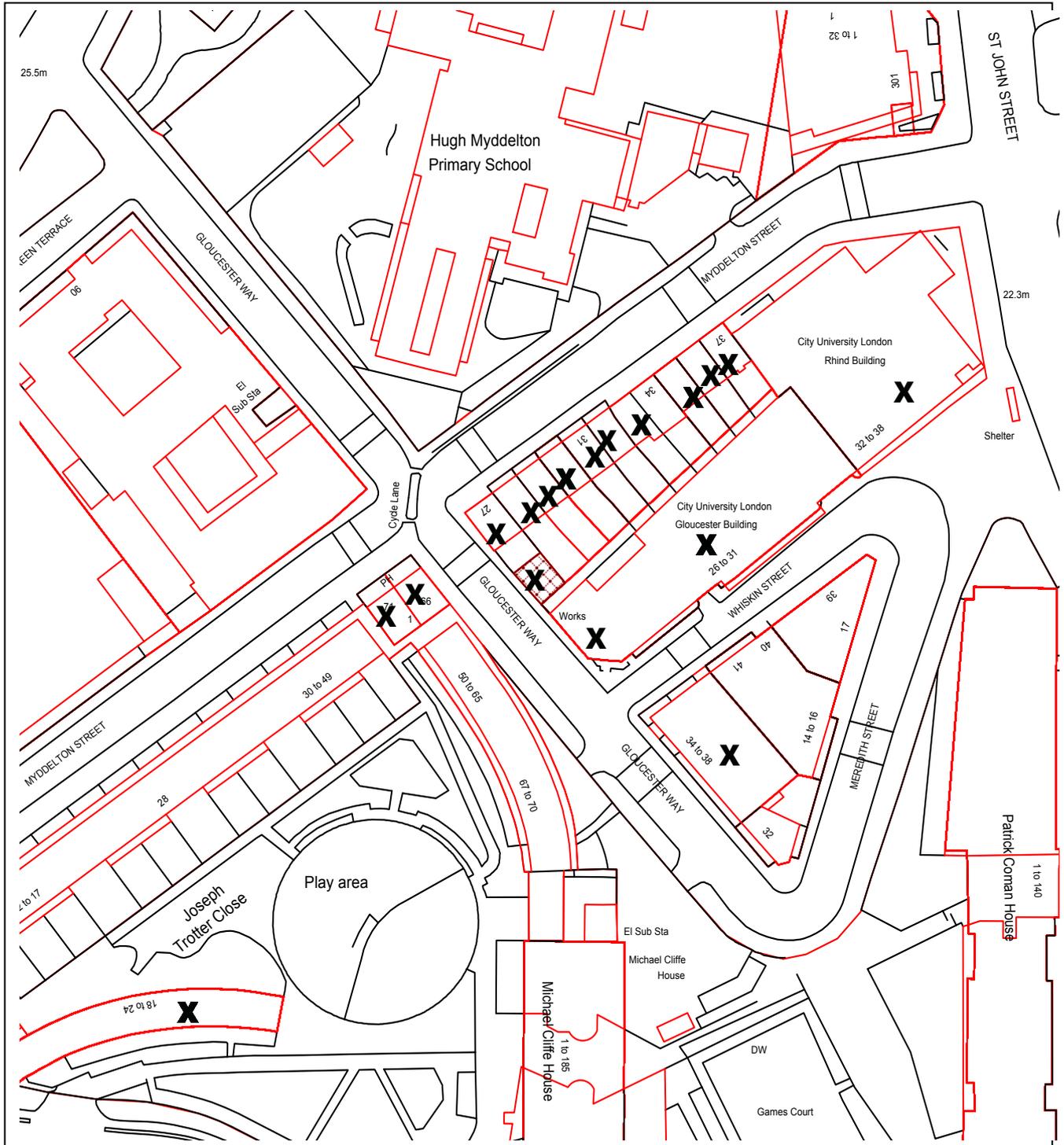
### **3. Designations**

- New River Conservation Area
- Local View from Archway Road
- Article 4 (2) Direction New River
- Article 4 Direction A1-A2 (Rest of Borough)
- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Bunhill & Clerkenwell Finsbury Local Plan Area
- Local View from Archway Road
- Local View from Archway Bridge
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

### **4. SPD/SPGS**

Urban Design Guidelines  
New River Conservation Area Design Guidelines

# Islington SE GIS Print Template



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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department



<b>PLANNING SUB-COMMITTEE A</b>		
Date:	18 <sup>th</sup> June 2019	NON-EXEMPT

Application number	P2019/0223/FUL
Application type	Full Planning Application
Ward	Hillrise
Listed building	No
Conservation Area	No
Development Plan Context	- Local cycle routes - Article 4 Direction A1-A2 (Rest of the Borough)
Licensing Implications	No
Site Address	73 Fairbridge Road, London N19 3EP
Proposal	Retrospective application to change the use of the property from a single dwelling house (C3 use) to be retained as a mixed use; comprising of residential (C3) & childcare(D1) uses for a temporary period of 2 years.

Case Officer	Daniel Jeffries
Applicant	Little Haven Childcare Ltd. - Mr Adewale Olujinmi
Agent	Little Haven Childcare Ltd. - Mr Adewale Olujinmi

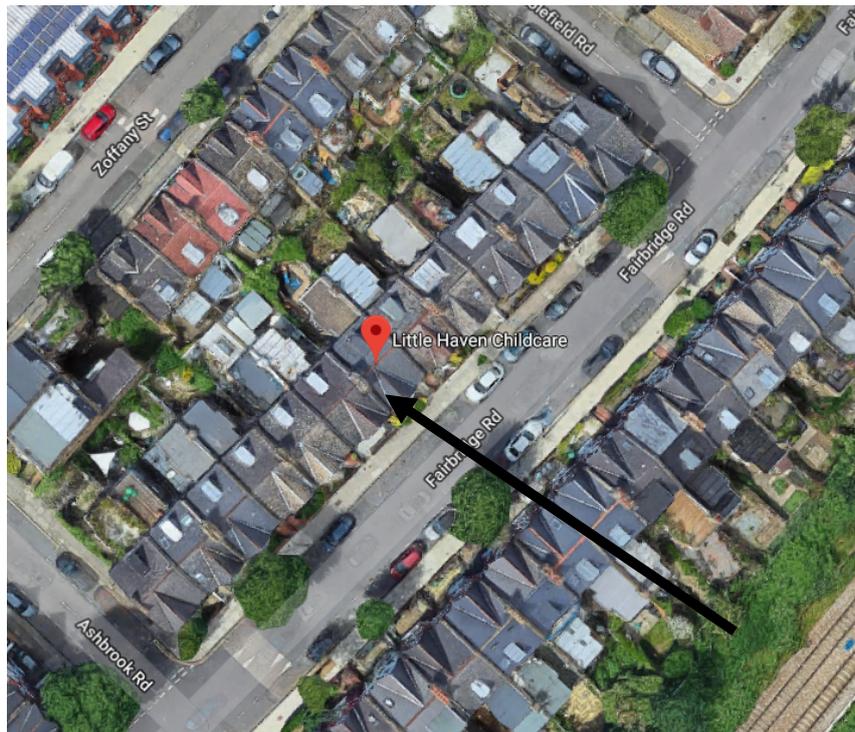
### 1. RECOMMENDATION

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

- 1.1 The conditions set out in Appendix 1;



**3. PHOTOS OF SITE/STREET**



**Image 1:** Aerial view of the application site



**Image 2:** Aerial view in southerly direction

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the retention of the existing use of the host building as a mixed use, part childcare facility (D1) and part residential (C3), on second floor, property. In land use terms, the loss of the residential floorspace within the host building is considered to be contrary to the Council's policies in this regard. Notwithstanding the above, the use childcare facility is considered to be broadly acceptable in land use terms, subject to compliance with the specific requirements of Policy DM4.12.
- 4.2 The application is brought to committee as the proposal would result in the loss of residential floorspace which is contrary to the Council's policies.
- 4.3 The issues arising from the application are the principle of the loss of the residential floorspace, the introduction of a childcare facility, and whether it meets the needs of its users, the impacts on the amenity of neighbouring properties, and the impact on the local highway network.
- 4.4 The loss of the existing residential floorspace, ordinarily would not be acceptable in land use terms. However, the introduction of a childcare facility and loss of the pre-existing residential use is considered on balance to be acceptable. This is on the basis that the use is on a temporary basis, for a maximum of 2 years (notwithstanding the applicant's 3-year proposal), after which time it would revert to a single dwellinghouse, to allow for the applicant to find alternative locations and subject to restrictive conditions to control the use of the facility including the hours of use and the number of children. It is therefore on balance compliant with the Council's policies and would preserve the amenity of neighbouring properties.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

#### **5. SITE AND SURROUNDINGS**

- 5.1 The application site consists of the two storey mid-terraced property, with roof level accommodation above to the north west of Fairbridge Road. The surrounding area is characterised as predominately residential in nature.
- 5.3 The application building is not listed nor is it within a Conservation Area. The only constraints associated with the application site are the local cycle routes and Article 4 Direction A1-A2 (Rest of the Borough).

#### **6. PROPOSAL (in Detail)**

- 6.1 Retrospective planning permission is sought for the retention of the use of the host building as a mixed use residential and childcare facility from the previous use of the building as a single dwellinghouse. Permission is sought on a temporary basis of 3 no. years to allow sufficient time to find an alternative location and premises for the childcare facility.
- 6.2 The application has been submitted as a result of an enforcement investigation following a complaint raised about the unauthorised use of the host property. The application seeks to retain the existing use as a mix of both residential and childcare facility, for a temporary period of 3 no. years. The enforcement investigation has identified that the host property has been in its current use since August 2009, incrementally expanding in terms of the number of employers and children. A Planning Contravention Notice was served by the Council's Enforcement Team on 15<sup>th</sup> August 2018 for the applicant to provide additional information to establish whether a breach of planning legislation had occurred.

- 6.3 The applicant has confirmed that childcare facility currently employs a total of 9 no. people. This total involves 5 no. people employed on a part time basis, and 4 no. people on a full time basis, which includes an apprentice and 2 no. people whose children use the facilities. The submitted Planning Statement notes that 27 no. families currently use the facilities on a part and full-time basis. The opening hours commence at 7.30am and close a 6.00pm Monday-Friday, noting that there a few children who are dropped off early, however, most children are dropped off at 8am and collected between 4.30pm and 6pm.



**Image 3:** Photograph showing the internal arrangement showing the front room at ground floor level

- 6.4 The host property is arranged so that the main living and sleeping areas for the residential use are located at the top (second) floor which is occupied by the applicant during the week, as well as his children at weekends. The main bathroom (first floor) and kitchen (ground floor) are shared by the staff and the applicant during the week, and the sole use by the applicant and his children at weekends. The ground and first floor are used for the childcare aspect of the development, forming 4 no. rooms, including the 2no. living rooms at ground floor and 2 no. bedrooms at first floor. The applicant has confirmed that the childcare facility is registered by Ofsted for 20 no. children with an age range from 3 no. months to 5 no. years, with 10 no. children per room.



**Image 4:** Photograph showing the internal arrangement to the rear room at ground floor level

**7. RELEVANT HISTORY:**

**PLANNING APPLICATIONS**

73 Fairbridge Road

7.1 None

**ENFORCEMENT**

7.6 E/2018/025- Unauthorised change of use from C3 residential to D1 pre-school nursery (case ongoing) – served a Planning Contravention Notice on 15<sup>th</sup> August 2018 for the applicant to provide additional information to establish whether a breach of planning legislation had occurred. Requested a planning application be submitted to seek to regularise the development.

**PRE-APPLICATION ADVICE:**

7.7 None

**8. CONSULTATION**

**Public Consultation**

8.1 Letters were sent to 21 no. occupants of adjoining and nearby properties on Fairbridge Road and Zoffany Street on 8<sup>th</sup> April 2019, and site and press adverts were displayed. The public consultation of the application expired on 5 May 2019.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 1 no. objection in total had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Retrospective nature of the application (paragraph 10.33)
- The inappropriate nature of a childcare facility in a residential area (paragraphs 10.3 to 10.15)

- Noise and disturbance to neighbouring properties along Zoffany Street, including use of rear garden (paragraphs 10.21 to 10.23)
- The time period requested for the retention of the existing use is too long (paragraph 10.24)
- Standard of the childcare facility, particularly the size of the rear garden (paragraphs 10.9, 10.10, 10.14 and 10.15).

#### **Internal Consultees**

- 8.4 **Inclusive Design:** raised objections to providing an accessible environment.
- 8.5 **Planning Policy Officer:** raised objections and considers the proposal to be contrary to the Council's policies given the loss of the single dwellinghouse and inclusion of a childcare facility in a residential area.
- 8.6 **Pollution Officer:** raised no objections to the proposal.
- 8.7 **Enforcement:** confirmed that following an enforcement investigation recommending to the applicant to regularise the use of the host property but only on a temporary basis.
- 8.8 **Childrens Services Officer:** has not commented on the application.

#### **External Consultees**

8.7 **None**

### **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & 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.) and;
- 9.2 National Planning Policy Framework (NPPF): Paragraph 11 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."
- 9.3 At paragraph 8 the NPPF states: "that sustainable development has an economic, social and environmental role".

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

### **Development Plan**

- 9.10 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 9.11 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Local cycle routes
  - Article 4 Direction A1-A2 (Rest of the Borough)

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

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

### 10. ASSESSMENT

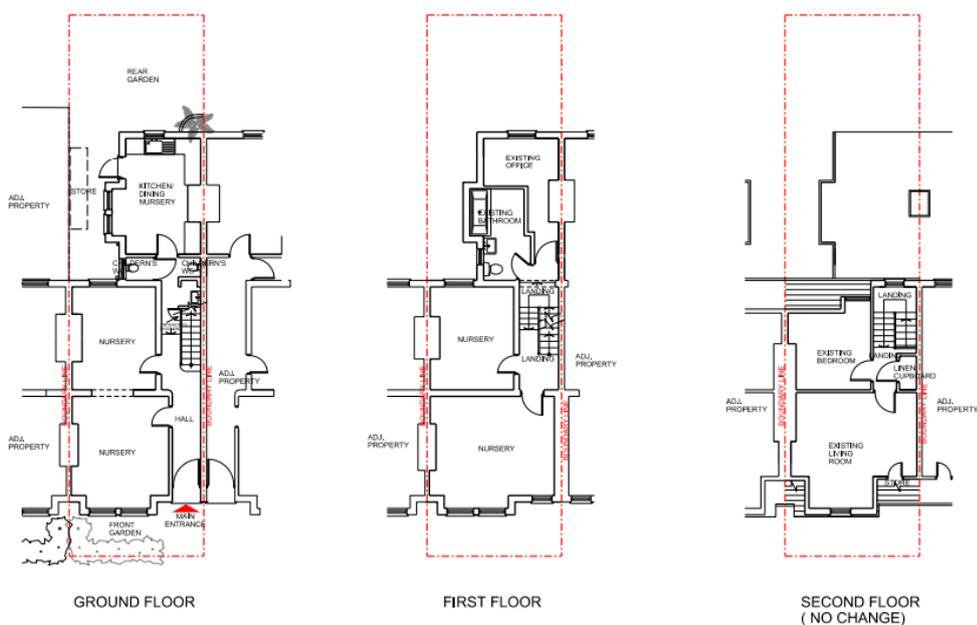
10.1 The main issues arising from this proposal relate to:

- Land use
- Design and Conservation
- Neighbouring Amenity
- Accessibility
- Highways

#### Land use

1.1 Policy DM3.2 seeks to ensure the loss of existing self-contained housing will be resisted unless the housing is replaced with at least equivalent floorspace. Paragraph 3.17 of the Development Management Policies (2013) confirms that to address Islington's housing needs, existing housing should be retained, except where housing will be re-provided on the site in accordance with the above policy.

1.2 The proposal consists of the top floor of the host property, forming 2 no. rooms, being used and occupied by the applicant as a residential unit. This is along with the shared use of the kitchen and bathroom facilities. The remaining part of the host property is currently being used by the childcare facility, including two rooms on both the ground and first floor (approx. 100 sqm), as well as the rear garden.



**Image 5:** Existing layout of the host building



**Image 6:** Photograph of one of the top floor rooms used as residential floorspace

- 1.3 Therefore, the proposal would result in the partial loss of the use of the host building as a 3 bedroom single family dwelling house, with only a small portion of the building being used for residential purposes. Given that no additional residential floorspace has been provided within this application to off-set this loss, the proposal is considered to be contrary to the Policy DM3.2.
- 1.4 The conversion of the property from a single dwelling to a mixed use which incorporates a smaller residential unit also fails to comply with Policy DM3.3 as the conversion does not allow for a brief number of self-contained units but only allows for a larger number off self-contained units but only allows for childcare facilities. In addressing both Policy DM3.2 and DM3.3 regard should therefore be had to the exceptional circumstances of the facility that is being provided and the benefits of that provision.
- 1.5 In terms of the retention of the use of the host building as a childcare facility, Part C of Policy 4.12 of the Development Management Policies is most relevant, relating to new social infrastructure. The policy advises that new social infrastructure must the following requirements:
- 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*

- 1.6 Whilst the assessment of the proposal in terms of impact on the local highway network is assessed later in the report, social infrastructure such as childcare facilities are required to *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*. Public Transport Accessibility Levels (PTALS) are a detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability. The method is essentially a way of measuring the density of the public transport network at any location within Greater London. using the Transport for London. The PTAL is categorized in 6 levels, 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility. Levels 1 and 6 have been further sub-divided into 2 sub-levels to provide greater clarity.
- 1.7 Using this methodology, the application site is located a highly accessible area with very good (PTAL – 5) public transport provision. Given that the site is also located within a residential area, the proposal is considered to comply with the first part (i) of Policy DM4.12C.
- 1.8 In relation to Part C(ii), the relevant section found later within this report has assessed whether the existing childcare facilities comply with the Council's Inclusive Design policies in relation to providing an *inclusive, accessible, flexible environment*. However, *in relation to providing design and space standards which meet the needs of intended occupants* it should be noted that the existing facility is registered by Ofsted. The Office for Standards in Education, Children's Services and Skills (Ofsted) is a non-ministerial department of the UK government, reporting to Parliament. Ofsted is responsible for inspecting a range of educational institutions, including state schools and some independent schools. It also inspects childcare, adoption and fostering agencies and initial teacher training, and regulates a range of early years and children's social care services.
- 1.9 The mostly recent inspection report (published on 30<sup>th</sup> December 2017, following inspection on 11<sup>th</sup> December 2017) confirmed that the quality and standards of the early years provision was considered to be outstanding. The Ofsted report does not identify any areas for improvement in relation to the use of the host property, and did not identify the size of the garden as being deficient for the needs of the organisation. It is considered that, subject to the assessment in terms of the compliance with Inclusive Design, the host building provides the design and space standards which meet the needs of the facility, and this part of the policy.
- 1.10 Part C(iii) of Policy DM4.12 seeks to ensure social infrastructure *be sited to maximise shared use of the facility, particularly for recreational and community uses*. In this instance, the proposed childcare facilities would only operate during weekdays and during daytime hours, and only for registered children. Whilst it acknowledged the Council would normally seek to maximise the shared use of the childcare facility, the host property is also part used as residential property, within a residential area. Therefore, it is considered that any shared use of the facilities would likely impact the amenity and residential use of the host property and other residential properties found in the local area.
- 1.11 The assessment of any potential adverse impacts on the amenity of surrounding uses, including whether this impact complements existing uses and the character of the area, is required by Part C(iv) of the above policy. It should be noted that the immediate surrounds of the site are entirely residential in character and function. As such a non-residential use in this area, as proposed in this application, is considered to have a potential significant impact on adjacent uses including increased noise from the use and transport impacts including traffic and parking. Whilst these matters are assessed later within this report, it is important that the amenity impact on neighbouring properties, as a result of the retention of the childcare facilities are not adversely affected.

- 1.12 The existing childcare facilities has been operating at the host building, (albeit expanding incrementally) since August 2009. It should be noted that the use of the premises as a mixed use childcare/residential use would be immune from enforcement action in the event it was to continue until August 2019, it would then be operating for a continuous period of 10 years. In addition, the application seeks to retain the use existing use for a temporary period of 3 no. years, to allow for the applicant to seek alternative locations for the childcare facilities. After this period the host property would be reinstated to a single dwellinghouse.
- 1.13 The applicant has confirmed that the process to find alternative locations for the existing childcare facility has commenced and they are in the process of downsizing the scale of the facility. To date they have been in talks with the local churches in the surrounding areas, and are hoping to be able to hire a hall and move the downsized nursery to a new premises. However, they have confirmed that once a location has been identified and an agreement is in place, the childcare facility will need to be registered with Ofsted. This registering process can take up to 25 weeks, would only commence once the facility has started operating. It is considered that a 2-year temporary permission is a sufficient time period to secure alternative premises.
- 1.14 It is considered that ordinarily the proposal would be unacceptable in terms of land use, given the loss of residential accommodation. However, consideration should be given to the length of period of the existing operation of the facilities (almost 10 years), the outstanding quality of the provision provided, as confirmed by Ofsted, and that the application seeks a temporary permission to allow for alternative locations to be sought to relocate the facilities, which has already commenced. Whilst the acceptable length of the temporary period is considered below, in relation to the impact on neighbouring properties and the surrounding area, on balance, the proposal is considered acceptable in land use terms.

#### **Design and Conservation**

- 1.15 The host building is not listed, nor is the application site within a conservation area. Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 1.16 Ordinarily the design advice found within the Urban Design Guide 2017 should be used in terms of any external alterations. However, in this instance given there are no external alterations proposed or forming part of this application, the proposal is considered to be acceptable in design terms.

#### **Neighbouring Amenity including Noise**

- 10.13 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 London Plan policy 7.6 (part Bd) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. Policy 7.15 (part B) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development; separating new noise sensitive development from major noise sources through the use of distance, screening or internal layout in preference to sole reliance on sound insulation; controlling and mitigating potential adverse effects through the application of good acoustic

design principles; and promoting new technologies and improved practices to reduce noise at source and on the transmission path from source to receiver.

- 10.15 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 In this instance, the application site is located within a residential area, the nearest residential properties are located immediately to the northeast and southwest, nos. 75 and 71 Fairbridge Road, and to the rear (north west) at nos. 7, 8 and 9 Zoffany Street.

#### Daylight/Sunlight

- 10.17 All new developments are subject to an assessment of their impact on neighbouring amenity; including in terms of daylight, sunlight, privacy, increased sense of enclosure, noise and disturbance as required by London Plan Policies 7.14 and 7.15 and Development Management Policy DM2.1A (X).
- 10.18 In this instance, given that there are no external alterations there are no significant losses of daylight/sunlight or outlook or enclosure to neighbouring properties.

#### Privacy

- 10.19 There are no external alterations proposed which would introduce new opportunities for overlooking or for additional loss of privacy over and above the pre-existing use of the host building as a residential property.
- 10.20 The rear garden would be used in a manner which is more intensive than a normal residential property and this level of activity and intensity would be viewed as a loss of privacy when controlled by limitation the hours of use and numbers. This is discussed further below in relation to noise.

#### Noise

- 10.21 In terms of assessing the noise impact of the proposal on neighbouring properties, it is important to consider the number of users, the hours of use and the operation of the childcare facility. As identified in the submitted supporting statement, the childcare facility commences at 7.30am and close a 6.00pm Monday to Friday. The applicant has noted that there a few children who are dropped off early, but most children are dropped off at 8am and collected between 4.30pm and 6pm.
- 10.22 The host property is arranged so that the top floor has the main living and sleeping areas for the residential use, occupied by the applicant during the week, as well as his children at weekends. The main bathroom (first floor) and kitchen (ground floor) are shared by the staff and the applicant during the week, and the sole use by the applicant and his children at weekends. The ground and first floor are used for the childcare aspect of the development, forming 4 no. rooms, including the 2no. living rooms at ground floor and 2 no. bedrooms at first floor, as well as the use of the rear garden. The applicant has confirmed that the childcare facility is registered by Ofsted for 20 no. children with an age range from 3 no. months to 5 no. years, with 10 no. children per room.

10.23 The Council's Pollution (Acoustic) Officer has concluded that there are no objections to the proposal. However, in order to control the operation of the childcare facility in the event that the application is approved, conditions have been recommended in relation to operating hours between 0730 and 1800 hours only, and in relation to the number of children that can attend the facility at any one time, restricted to 20 no. children. In terms of the rear garden, a condition has been recommended to restrict its use to between the hours of 930am and 4.30pm Monday to Friday, for a maximum of 7 no. children. It is considered that subject to these conditions, the proposal is not considered to result in any significant noise issues to neighbouring properties. Notwithstanding the above, it should be noted that these restrictions relate only to the use of the property as a childcare facility only.



**Image 7:** Photograph showing rear garden

10.24 Notwithstanding the above, it is acknowledged that the proposal does not strictly accord with the Council's land use policies, and would ordinarily be restricted given it results in the loss of residential floorspace in a residential area. However, the application seeks planning permission to retain the facilities for a temporary period of 3 no. years to allow the applicants the opportunity to seek alternative locations for the childcare facility. Whilst the applicant has confirmed that this process has already commenced, it is considered that an appropriate and reasonable time period would be 2 no. years to allow this process to occur and for the host building to return to single dwellinghouse used for solely for residential purposes.

10.25 In summary the proposal would not conflict with Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

### **Accessibility**

- 10.26 Policy DM2.2 seeks to ensure all developments demonstrate they provide for ease of and versatility in use and deliver safe, legible and logical environments. Furthermore, Policy DM4.12C(ii) seeks to ensure *social infrastructure are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants.*
- 10.27 The Council's Inclusive Design Officer has raised concerns in relation to compliance with Council's objectives in this regard and in relation to the use of the host property as a childcare facility, in terms of providing an accessible and inclusive environment for users.
- 10.28 It is acknowledged there are concerns with the proposal in terms of providing an inclusive environment for users. However, it should be noted that the proposal relates to the conversion of an existing building, which limits the opportunities to provide accessible accommodation. However, it should be noted that the host building benefits from level access, and the childcare facility is located on the lower two floors. In addition, the application only seeks to retain the existing childcare facility on a temporary basis, after to which time it would revert to its original use as a residential property. It should also be noted, the quality of the existing childcare facility in terms of its standard of education was assessed by Ofsted, and was regarded as outstanding. The latest inspection report did not identify any issues in relation to the accessible nature or standard of the accommodation in the assessment. Therefore, it is considered that the lack of compliance with the Council's Inclusive Design policies of the proposal would not warrant the refusal of the application.

### **Highways**

- 10.29 Policy DM8.2 seeks to ensure development meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated.
- 10.30 It is acknowledged that the use of the host property as a childcare facility, rather than the pre-existing use as a single dwellinghouse, results in an increase in the number of visits to the property in terms of the pickup and drop off, in the morning and afternoon.
- 10.31 However, as noted in the land section above, the site is located in a highly accessible area with very good (PTAL – 5) public transport provision. In addition, the roads surrounding the site are subject to CPZ (Controlled Parking Zone) Area which restricts parking during weekdays (Monday to Fridays) 8.30am to 6.30pm and Saturdays 08.30am to 1.30pm. It is considered that given the restrictions in relation to car parking, which include the restricted operation hours (apart from 1 hour in morning between 7.30am and 8.30am), as well the transport links in the area it is considered that the increased activity at the site is not considered to have a significant impact on users of the local highway network.
- 10.32 The proposal is therefore considered to be have an acceptable impact on the local highway network and is considered acceptable in this regard.

## **Other Matters**

- 10.33 Concerns have been raised in relation to the retrospective nature of the planning application. However, the application was submitted following an enforcement investigation. Whilst ideally the application would have been made prior to the commencement of the development, the assessment is no different in terms of whether it is acceptable in terms of its compliance with the Council's policies and should be assessed on its own individual planning merits.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Planning permission is sought for the retention of the use of the host building as a mixed use childcare facility and residential property. The application seeks to retain the childcare facility use for a temporary period of 3 no. years to allow for the applicant to find an alternative location for the facility.
- 11.2 The application is brought to committee as the proposal results in the partial loss of residential floorspace and is a departure to the Development Plan.
- 11.3 The issues arising from the consultation carried out on the application are the impact of the amenity of the occupiers of neighbouring properties in terms of noise, disturbance, including use of the rear garden, the time period that the applicant seeks to retain the existing use, revert to the original use, the standard of the accommodation and the retrospective nature of the application.
- 11.4 It is acknowledged that in land use terms, the loss of residential floorspace is considered to be contrary to policy DM3.2. There are also concerns in terms of the use of the suitability of the property as a childcare facility due to the potential impacts on neighbor's amenity in close proximity. However, subject to restrictive conditions such as the number of children using the host building as a childcare facility, as well as the rear garden, and ensuring that it is time limited to a maximum of 2 no. years, whereby it would revert back to a single dwellinghouse, it is considered that, on balance, the proposed development would be acceptable.
- 11.6 Overall, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Temporary period of consent</b>
	<p>CONDITION: The childcare facility hereby approved shall cease on 1 July 2021 and the property then revert back to a residential use under class C3 only and thereafter only used for this purpose.</p> <p>REASON: To protect the host building use as a residential property</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement, 19001/P0101/Rev.A (Pre-Existing Drawing), 19001/P/0201/Rev.A (Existing Drawing)</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>
<b>3</b>	<b>Hours of operation</b>
	<p>CONDITION: The hereby approved childcare facility shall only operate Monday to Fridays between 0900 to 1800 hours. The operation of the host building as a childcare facility shall not operate outside of these hours.</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>
<b>3</b>	<b>Rear garden</b>
	<p>CONDITION: The rear garden associated with the hereby approved development shall only be used by a maximum of 7 no. children using the childcare facility between the hours of 0930 to 1630 hours, Monday to Friday.</p> <p>REASON: In order to protect the amenity of neighbouring properties in terms of noise</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

The National Planning Policy Framework 2018 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

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

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

Policy 3.6 Children and young people's play and informal recreation facilities  
Policy 3.14 Existing housing  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.18 Education facilities  
Policy 7.4 Local Character  
Policy 7.6 Architecture

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

##### Strategic Policies

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

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

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM3.2 – Existing housing
- Policy DM3.3 – Residential conversions and extensions
- Policy DM3.7 – Noise and vibration (residential uses)
- Policy DM4.12 – Social and strategic infrastructure and cultural facilities
- Policy DM8.4 – Walking and cycling

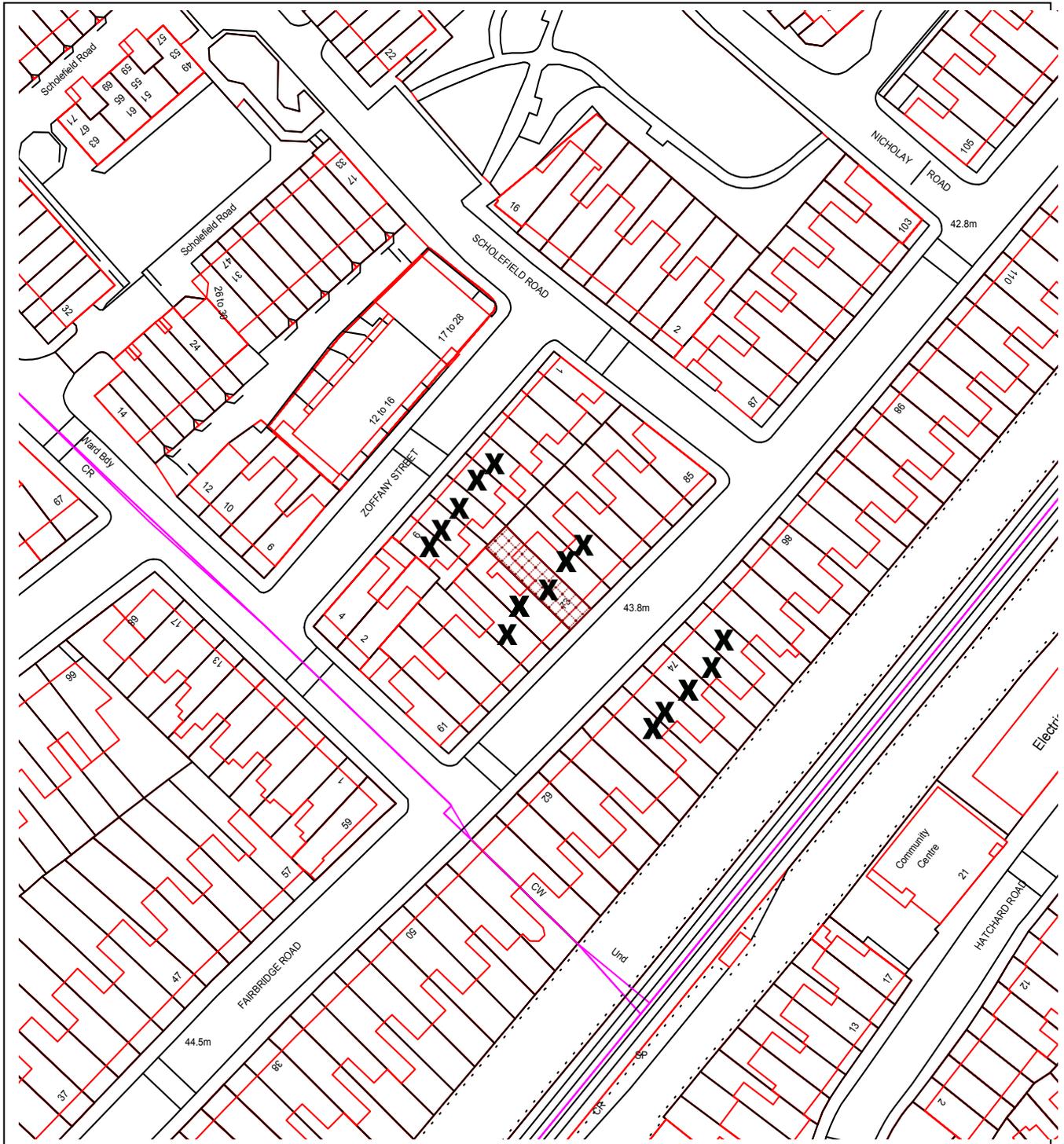
### **3. Designations**

Local cycle routes  
Article 4 Direction A1-A2 (Rest of the Borough)

### **4. SPD/SPGS**

Urban Design Guidelines  
Inclusive Design SPD

# Islington SE GIS Print Template



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P2019/0223/FUL

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