



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

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

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Members of Planning Sub Committee B are summoned to a meeting, which will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on, **14 June 2021 at 7.30 pm.**

Enquiries to : Zoe Lewis  
Tel : 020 7527 3486  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 4 June 2021

### **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 Poyser (Chair)  
Councillor Convery  
Councillor Ibrahim  
Councillor North  
Councillor Picknell

### Wards

- Hillrise;  
- Caledonian;  
- Highbury West;  
- St Peter's;  
- St Mary's;

### Substitute Members

Councillor Chowdhury  
Councillor Hyde  
Councillor Kay  
Councillor Khurana  
Councillor Nathan  
Councillor Wayne  
Councillor Williamson

- Barnsbury;  
- Caledonian;  
- Mildmay;  
- Tollington;  
- Clerkenwell;  
- Canonbury;  
- Tollington;

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> |
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| 1.        | Collingwood House, Mercers Road, London, N19 4PJ  | 9 - 34      |
| 2.        | 100 Tollington Park, London, N4 3RB               | 35 - 60     |
| 3.        | Highbury Fields, Highbury Terrace, London, N5 1UP | 61 - 82     |

**C. Consideration of other planning matters**

**D. Urgent non-exempt items**

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

**E. Exclusion of press and public**

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

**F. Confidential/exempt items**

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

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

**Date of Next Meeting:** Planning Sub Committee B, 30 September 2021

**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)**

**WEBCASTING NOTICE**

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt

items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you participate in the meeting you will be deemed by the Council to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area, overlooking the Chamber.

In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)

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

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

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

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

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

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



London Borough of Islington

## **Planning Sub Committee B - 23 February 2021**

Minutes of the virtual meeting of the Planning Sub Committee B held on 23 February 2021 at 7.30 pm.

**Present:**      **Councillors:**      Kay (Chair), Khondoker (Vice-Chair), Klute, Chowdhury and Woolf

### **Councillor Jenny Kay in the Chair**

**52**      **INTRODUCTIONS (Item A1)**

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

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

Councillor Chowdhury declared an interest in Item B1 as he lived nearby. He left the virtual meeting for the duration of this item. He also did not take part in the discussion or consideration of Items B2 and B3 due to technical issues.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 8 December 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**58**      **198 BRECKNOCK ROAD, LONDON, N19 5BE (Item B1)**

Application for full planning permission for amendments to the approved development (Ref. P2015/5283/FUL) for the 'Change of use of the building into seven residential dwellings (C3 use class), including extensions fronting Corinne Road at lower ground, ground floor and roof level and other external alterations including replacement timber windows with new timber windows throughout. Associated landscaping and new fencing' including those approved under non-

material amendment application (Ref. P2019/2733/NMA) for two new roof lights to the flat roof, the height of the ground floor door, introduction of aluminium framed sliding doors and windows to northeast elevation, reconfigured light well and new external stair providing access to cycle store. As well as the following the following additional alterations:

- (a) The deconstruction and reconstruction of the north-eastern external brickwork wall
- (b) Replacement of the original front dormer window facing Corinne Road with a new slate hung dormer window.
- (c) Replacement of the original roof including fascia board
- (d) Partial deconstruction and reconstruction of front porch

(Planning application number: P2020/1800/FUL)

Councillor Chowdbury, who had declared an interest in this item, left the meeting for the consideration of this item.

In the discussion the following points were made:

- The planning officer advised that two additional objections had been received in relation to the planning history and he then outlined the planning history for members.
- In response to a member's question as to whether the application sought to regularise the works undertaken, the officer stated that it did.
- In response to a member's question as to whether there were any changes to the approved envelope and therefore the sunlight/daylight impact, the officer replied that the envelope remained the same as did the sunlight/daylight impact.
- Consideration was given as to whether the planning permission approved in July 2017 had been implemented. The legal officer advised that for the permission to be implemented, an operation which required planning permission had to be undertaken and it was a matter for the planning officers to determine. The planning officer advised that officers considered that the planning permission approved in July 2017 had been implemented. Although the standard three year implementation period ended in October 2020, the Business and Planning Act had granted an extension to 1 May 2021 so even if the planning permission had not been implemented, it still could be.
- A member referred to the inspector's report which had stated the inspector did not have sufficient information to consider amenity aspects. The planning officer stated that the amenity impacts were not sufficient to warrant refusal and mitigation measures were in place.
- A member suggested that the applicant might want to consider improving sustainability in the future e.g. by installing solar panels, although it was recognised that this could require a further planning application to be submitted.
- The chair stated that the site had a complicated history and concerns had been raised about this by objectors. Improvements could have been made previously but it was not possible to do this now. The July 2017 permission

was considered implemented as even if it had not been, it could be up until 1 May 2021.

- A member stated that as the July 2017 permission was considered implemented, the committee had a duty to regularise the works.

**RESOLVED:**

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

**59 CITY GARDEN ROW CAR PARK, THESEUS WALK, LONDON, N1 (Item B2)**

Change of use of the existing lower deck car park (sui generis) to a self-storage facility (Class B8)

(Planning application number: P2020/0744/FUL)

Councillor Chowdhury was not in attendance for the consideration of this item.

In the discussion the following points were made:

- In response to a question from a member about how many cars regularly used the car park, the planning officer advised that there were approximately 12 vehicle movements per hour. There was no information about capacity and how much the car park was used. Policies encouraged the removal of car parking.
- A member asked whether most people would use a van, whether cycle storage would meet current and near future demands and about logistical details including cameras and staff. The planning officer advised that there were mainly small lockers so the use of large vans was not envisaged. There was provision for 16 cycle parking stands and there was little demand. The logistical details would be required to be submitted in the Operational Management Plan.
- A member commented that the car park was commercially run so there would not be a loss to residents.
- A member raised concern about vans unable to park on the ramp making deliveries. There were two pay and display bays nearby and residents' bays opposite the entrance. It was suggested that the bays be swapped so that the vans could park closer and that the applicant pay for the consultation and installation process. A member commented that there was only one large unit so large van deliveries would be rare. The swapping of bays could be done later if deemed necessary. The planning officer advised that this could be discussed with the Council's Highways Department and where this could be delivered it would be secured by way of a legal agreement. Officers would explore and report back to the chair.

Councillor Klute proposed a motion that authority be delegated to officers look into the swapping of the residents' bays and pay and display bays as part of the S106

agreement and report back to the chair. This was seconded by Councillor Kay and carried.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to the sub-committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the conditions and informative set out in Appendix 1 of the officer report and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report with officers considering the swapping of bays as outlined above.

**60**     **37F MEWS HOUSE, MILDMAY GROVE NORTH, ISLINGTON, LONDON, N1 4RH (Item B3)**

Erection of a glazed roof extension. External courtyard alterations including creation of new entrance patio and water tank storage. Installation of two living walls to north and south walls of external patio. Associated alterations.

(Planning application number: P2020/0592/FUL)

Due to a technical issue, Councillor Chowdhury was not present for the entirety of the consideration of this item. Therefore he did not take part in the discussion or decision making.

In the discussion the following points were made:

- Consideration was given to the sight lines between the glazed roof extension and the nearby properties. The applicant's agent stated that the applicant would obscure the back roof panels with charred timber and was willing to flute or reed glaze the front glass panels if required.
- The differences between charred timber, flute and reed glazing were discussed and consideration was given to whether obscuring all the panels would be necessary to resolve the sight line issue. A member raised concern that if more panels than necessary were obscured, this would allow limited light into the glazed roof extension.
- A member, having considered the long section drawing proposal stated that if the second from back panels were also of charred timber, this would resolve the sight line issue without requiring all the panels to be obscured. The planning officer confirmed this would be the case.

Councillor Klute proposed a motion for an amended condition to require the two panels next to the charred timber panels to also be charred timber panels. This was seconded by Councillor Woolf and carried.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to the sub-committee, submitted representations and objections provided verbally at this meeting, planning

permission be granted subject to the conditions set out in Appendix 1 of the officer report and the additional condition outlined above.

**61 TOWN HALL, UPPER STREET, LONDON, N1 2UD (Item B4)**

Proposed alterations to the external service yard and internal basement spaces to upgrade and provide dedicated cycle storage and changing facilities as well as the reconfiguration of the service yard to accommodate council facilities storage, parking, refuse collection (Council Own Application).

(Planning application number: P2020/3418/FUL)

In the discussion the following points were made:

- A member asked whether the cycle spaces and changing facilities were sufficient to meet current and future demand. The planning officer advised that the cycle spaces met policy requirements and TfL guidelines. The shower and locker provision was considered acceptable in meeting current and future demand.
- The chair stated that the scheme would improve accessibility, improve usability and encourage staff to cycle or run to work.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein) and the presentation to the sub-committee, planning permission be granted subject to the conditions and set out in Appendix 1 of the officer report.

**62 TOWN HALL, UPPER STREET, LONDON, N1 2UD (Item B5)**

Proposed alterations to the external service yard and internal basement spaces to upgrade and provide dedicated cycle storage and changing facilities as well as the reconfiguration of the service yard to accommodate council facilities storage, parking, refuse collection (Council Own Application).

(Planning application number: P2020/3485/LBC)

In the discussion the following points were made:

- A member asked whether the cycle spaces and changing facilities were sufficient to meet current and future demand. The planning officer advised that the cycle spaces met policy requirements and TfL guidelines. The shower and locker provision was considered acceptable in meeting current and future demand.
- The chair stated that the scheme would improve accessibility, improve usability and encourage staff to cycle or run to work.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein) and the presentation to the sub-committee, listed building consent be granted subject to the conditions and set out in Appendix 1 of the officer report.

**63** **TOWN HALL, UPPER STREET, LONDON, N1 2UD (Item B6)**

Refurbish entrance and reception spaces; create two ceremonial suites in R01 (meeting room) and R04 (office); convert R05 (first aid room) to accessible WC; new access to R06 (office); combine R02 and R03 (meeting rooms) to create store for hall VFX equipment; new reception desk and lectern in main entrance.

(Planning application number: P2020/3416/LBC)

In the discussion the following points were made:

- In response to a member's question about whether other uses had been considered, the planning officer advised that the rooms were the closest to the entrance and the Assembly Hall which meant they were easy to reach for visitors and in particular those with limited mobility.
- The scheme sought to improve the entrance to make the original features more visible.
- The location of the reception desk was discussed. The planning officer advised that the desk would be located outside Rooms 2 and 3. It would improve accessibility and there would be a clear view of the marble staircase from the entrance.
- In response to a member's query about accessibility and whether the space between the new reception desk and the bottom of the staircase was sufficient, the planning officer advised that the space was of double door width. The accessibility officer had made no comment but could be reconsulted once the details of the reception desk were submitted.
- A member commented that the historical features of the building were being recognised and asked whether the design of the reception desk was appropriate and of good quality. The planning officer advised that the details of the desk were yet to be submitted but had been conditioned and would be considered by planning officers once submitted.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein) and the presentation to the sub-committee, listed building consent be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

**64** **TOWN HALL, UPPER STREET, LONDON, N1 2UD (Item B7)**

Refurbish entrance and reception spaces; create two ceremonial suites in R01 (meeting room) and R04 (office); convert R05 (first aid room) to accessible WC; new access to R06 (office); combine R02 and R03 (meeting rooms) to create store for hall VFX equipment; new reception desk and lectern in main entrance.

(Planning application number: P2020/3442/LBC)

In the discussion the following point was made:

- The scheme would facilitate greater use of the facilities at the Town Hall.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein) and the presentation to the sub-committee, listed building consent be granted subject to the conditions and informative set out in Appendix 1 of the officer report.

The meeting ended at 9.50 pm

**CHAIR**

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### PLANNING COMMITTEE REPORT

|                                 |                            |                   |
|---------------------------------|----------------------------|-------------------|
| <b>PLANNING SUB-COMMITTEE B</b> |                            |                   |
| <b>Date:</b>                    | 14 <sup>th</sup> June 2021 | <b>NON-EXEMPT</b> |

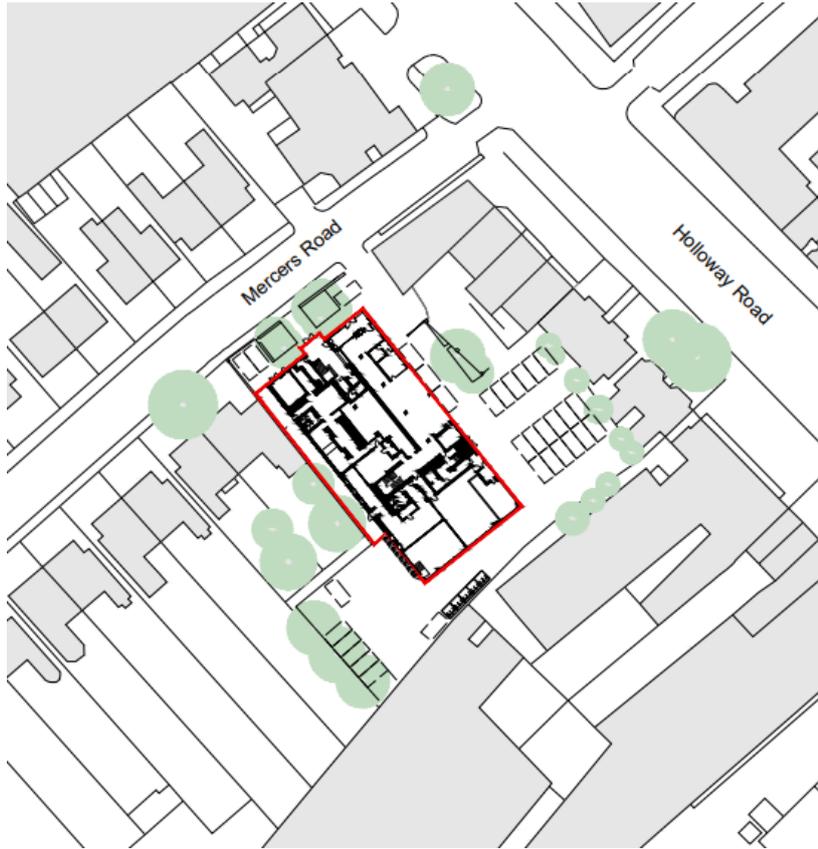
|                          |  |
|--------------------------|--|
| Application number       | P2021/0587/FUL   |
| Application type         | Full Planning Application  |
| Ward                     | St Georges   |
| Listed building          | No   |
| Conservation area        | Mercers Road/Tavistock Terrace Conservation Area and article 4 direction   |
| Development Plan Context | Nag's Head and Upper Holloway Road Core Strategy Key Area<br>Within 100m of TLRN (Holloway Road)<br>Cycle Routes (Local)<br>Article 4 (A1-A2 (Rest of Borough))  |
| Licensing Implications   | No   |
| Site Address             | Collingwood House, Mercers Road, London N19 4PJ  |
| Proposal                 | Retention of existing air conditioning units with base slab, all associated pipework within existing acoustic enclosures, and proposed installation of canopy over enclosures alongside the South West elevation of Collingwood House and new gates to the street frontage to Mercers Road |

|              |                                    |
|--------------|------------------------------------|
| Case Officer | Daniel Jeffries                    |
| Applicant    | Mr Oleg Chulkov                    |
| Agent        | Mr John Cambridge - MHA Architects |

### 1. RECOMMENDATION

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

**2. SITE PLAN (SITE OUTLINED IN RED)**



3. PHOTOS OF SITE/STREET



Image 1: Aerial view facing north



Image 2: Aerial photo showing area of proposal



**Image 3:** Photo showing existing alleyway along southwest elevation of building

#### **4. SUMMARY**

- 4.1 The application seeks planning permission for the retention of existing plant equipment and acoustic enclosures installed at ground floor level along the southwest elevation of the building. The application has been submitted following an enforcement investigation (Ref. E/2020/0317) associated with the previous approval (Ref. P2019/1452/FUL) for plant equipment at second floor level above a first floor extension to the southwest elevation. The application seeks planning permission for the retention of the re-sited air conditioning condensers that were approved as part of the previous planning application. The proposal seeks to install a canopy over the equipment with a green roof and the installation of gates to the front of the property, adjacent to the southwest elevation of the building.
- 4.2 Given the previously approved development, the principle of the installation of plant equipment to the host building is considered acceptable, subject to its acceptability in all other regards, particularly its design and amenity impact.
- 4.3 The design of the proposed development is considered to be in keeping with the visual appearance and historic character of the host building and wider Mercers Road/Tavistock Road Conservation Area. The acoustic enclosures and sedum roof canopy, which would be similar in height to the existing boundary, are considered to soften the visual appearance when viewed from the upper floor windows of neighbouring properties. The proposed timber gate to the front elevation would obscure views from street level and the wider conservation area, and a condition is recommended to ensure these are installed within three months of any approval. The proposal is considered to be compliant with policies D1, D4 and HC1 of the London Plan (2021), policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.3 of Development Management Policies (2013) the Urban Design Guide (2017).
- 4.4 The proposal is considered to not detrimentally impact the amenity of the occupiers of neighbouring properties, in terms of loss of daylight/sunlight, outlook or privacy. Whilst the proposal has the potential for increased noise to the surrounding area, following the submission of additional noise assessment information the Council's Public Protection Environmental Health Officer has raised no objections to the proposal, subject to conditions including limits on noise levels and a requirement for a timer to be installed restricting the hours of operation to between 07:00 to 23:00

Monday to Friday and 09:00 to 22:00 Saturday and Sunday only. Therefore, given the assessment and subject to these conditions the proposal is considered acceptable

- 4.5 The Council’s Building Control Team have advised that the proposal would be acceptable in regards to fire safety.
- 4.6 The proposal is considered to be acceptable and it is recommended that the application be approved subject to conditions.

**5. SITE AND SURROUNDINGS**

5.1 The application site consists of the four storey building located to the south side of Mercers Road. The host building consists of a gymnasium use at ground, first and rear part of the second floor levels and residential units on the second floors and above. The host building is not a listed building, but the site is located within the Mercers Road/Tavistock Terrace Conservation Area, as well as the Nag’s Head and Holloway Road Core Strategy Key Area.

**6. PROPOSAL (IN DETAIL)**

6.1 The application seeks planning permission for the retention of existing plant equipment and acoustic enclosures installed at ground floor along the southwest elevation of the building. The application has been submitted following an enforcement investigation (Ref. E/2020/0317) associated with the previous approval (Ref. P2019/1452/FUL) for plant equipment at second floor above a first floor extension to the south west elevation. The application seeks planning permission for the retention of the re-sited air conditioning condensers that were approved as part of the previous planning application. The proposal seeks to install a canopy over the equipment with a green roof and the installation of gates to the front elevation, adjacent to the south west elevation of the building.

6.2 The type of plant equipment, including acoustic enclosures, that has been installed is shown in Images 4 and 5 below. Images 9 and 10 show the existing plant equipment in situ within the alleyway and from Mercers Road. The proposal also includes the installation of timber and sedum roof canopies on steel supporting structures. The proposal would also relocate the position of the refuse/recycling bins, between the existing relocated metal gates and new timber gates which would be positioned along the Mercers Road frontage.



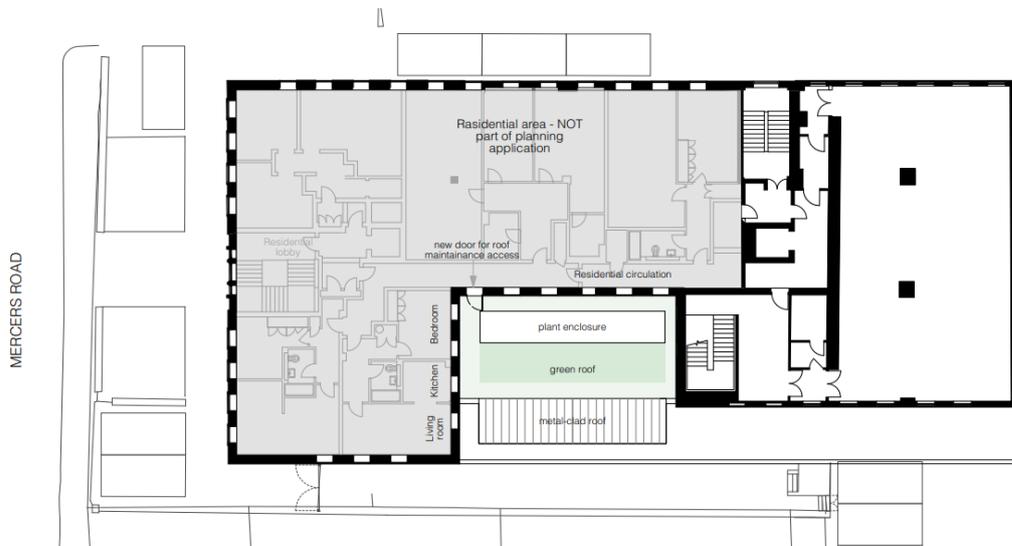
**Images 4 and 5:** Photographs of type of plant equipment installed (Image 4 (left) and 5 (right))

6.3 This application is for the retention of the re-sited air conditioning condensers that were approved as part of planning application (Ref. P2019/1452/FUL approved on 8<sup>th</sup> November 2019) for the following development description:

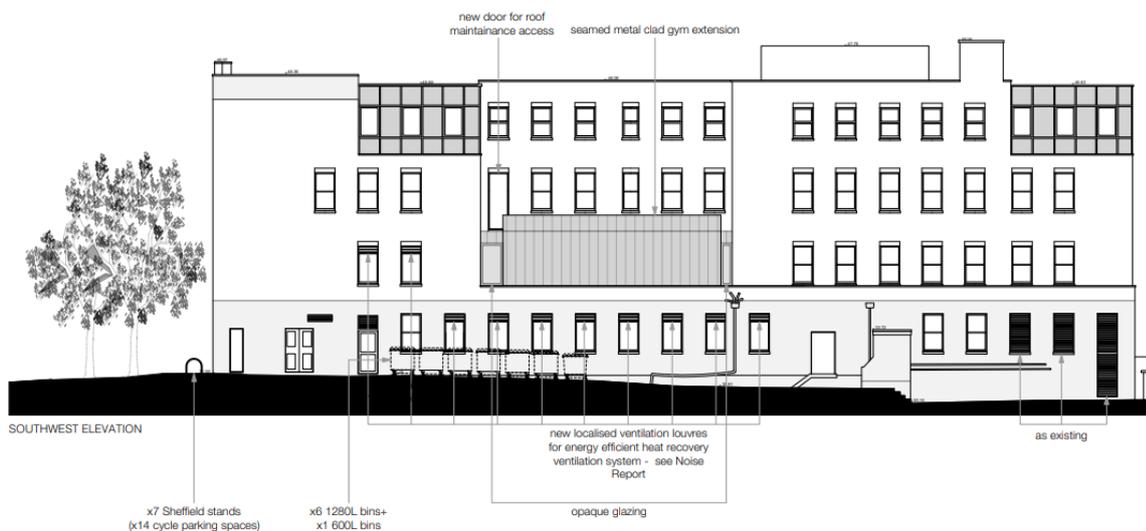
*Single storey infill first floor extension to provide additional (95 sqm) gym (Use Class D2) floorspace to south west elevation, with plant enclosure above, to facilitate internally located mechanical ventilation units. Creation of new door opening on front elevation at ground floor*

level to north west elevation. Installation of external ventilation louvres to ground and first floor windows. Installation of cycle spaces and refuse/recycling stores and associated works.

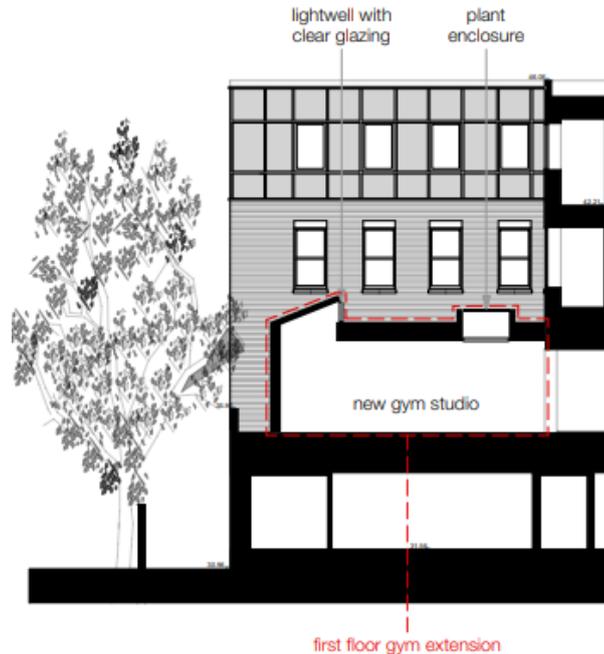
- 6.4 The approved plant equipment would have been located on the southwest facing part of the site at second floor (shown in Images 6, 7 and 8) and would have been installed above the approved first floor extension within the recessed element of the existing building.
- 6.5 The applicant has confirmed that *“in developing the detailed design proposals for the approved extension, it became apparent that the size of the plant and the construction build up and setting out of the flat roof behind the pitched roof meant that it would have been too intrusive in this location. No longer could the plant be contained behind the upstand of the pitched roof to the proposals and the design intent of the elevation, facing the backs of properties on Mercers Road, would have been lost. Moreover the acoustic measures with noise output below background levels would have been very difficult to achieve, even with acoustic enclosures, given the proximity of the apartment windows. Therefore this proposal was rejected on the grounds of practicality.”*



**Image 6:** Previously approved proposed second floor plan - Ref. P2019/1452/FUL



**Image 7:** Previously approved proposed south west elevation - Ref. P2019/1452/FUL



**Image 8:** Previously approved section through first floor extension - Ref. P2019/1452/FUL

**7. RELEVANT HISTORY:**

Collingwood House

*PLANNING APPLICATIONS*

- 7.1 P2020/3109/FUL – Installation of air conditioning with acoustic enclosures, base slab and all associated pipework, alongside the south west elevation at ground floor level. Withdrawn by applicant.
- 7.2 P2020/3056/NMA – Non-material amendments of Planning permission ref: P2019/1452/FUL dated 08/11/2019 Single storey infill first floor extension to provide additional (95 sqm) gym (Use Class D2) floorspace to south west elevation, with plant enclosure above, to facilitate internally located mechanical ventilation units. Creation of new door opening on front elevation at ground floor level to north west elevation. Installation of external ventilation louvres to ground and first floor windows. Installation of cycle spaces and refuse/recycling stores and associated works. The application seeks the following alterations: (a) inclusion and removal of louvres at ground and first floor of north east, south east and south west elevations. Agreed on 25/11/2020
- 7.3 P2019/1452/FUL - Single storey infill first floor extension to provide additional (95 sqm) gym (Use Class D2) floorspace to south west elevation, with plant enclosure above, to facilitate internally located mechanical ventilation units. Creation of new door opening on front elevation at ground floor level to north west elevation. Installation of external ventilation louvres to ground and first floor windows. Installation of cycle spaces and refuse/recycling stores and associated works. Approved on 08/11/2019
- 7.4 P2016/1469/FUL - Creation of new door opening on front elevation at ground floor level which will be used as a new entrance for gym members to existing gym and replacement of the existing main entrance doors. Approved with conditions on 09/06/2016
- 7.5 P2015/1402/PRA - Prior Approval application in relation to the change of use of the 3rd floor and part of the 2nd floor of the building to residential use (C3) class creating 13 (7x 1-bedroom, 6x 2-bedroom) residential units. Prior approval required - approved with Conditions on 01/06/2015.
- 7.6 P2013/4782/PRA - Prior Approval application in relation to the following considerations arising from the change of use of the 3rd floor and part of the 2nd floor of the building to residential use (C3)

use class creating 12 (6x 1-bedroom, 4x 2-bedroom, 2x 3-bedroom) residential units. Prior approval required – approved on 09/01/2014.

- 7.7 980563 - Change of use of ground, first and part second floor to a private health club with associated parking and alterations to the front and side elevation at ground floor level. Approve with conditions on 30/11/1998
- 7.8 881837 - Change of use of ground floor to business (B1) use formation of an additional car park and refurbishment and extension at third floor level for business use. Approved with conditions on 20/03/1989
- 7.9 871397 - Conversion into 39 one bedroom flats including demolition of peripheral buildings construction of an additional floor and elevational alteration. Appeal made against non-determination on 19/07/1988. Appeal Dismissed on 19/07/1988
- 7.10 861803 - Conversion of vacant office building into 53 self-contained flats including demolition of substantial areas of existing building construction of new extensions an additional floor and new roof plus environmental improvements. Appeal made against non-determination on 19/07/1988. Appeal Dismissed on 19/07/1988

#### PRE-APPLICATION

- 7.11 Q2017/4758/MJR – (*Option 1 – Office*) Conversion and refurbishment of existing Collingwood House and change of use of D2 (gym) to residential (C3); erection of a two storey roof extension comprising 8 new residential units (Use Class C3) and single side extension and associated works. Erection of a six storey building comprising 12 residential units (C3). Demolition of existing buildings and erection of commercial building comprising a gym (D2) at basement level, with office (B1) accommodation above. (*Option 2 – Residential*) Conversion and refurbishment of existing Collingwood House and change of use of D2 (gym) to residential (C3); erection of a two storey roof extension comprising 8 residential units (Use Class C3) and single side extension and associated works. Erection of a six storey building comprising 12 residential units. Demolition of existing buildings and erection of a mixed use building comprising a gym (D2) at basement level, retail at ground floor with residential (C3) accommodation above.

#### *Officers response:*

- *Concerns were raised in relation to the design and impact on the conservation area*

- 7.12 Q2016/0222/MJR - Two storey roof extension to the existing building which contains a mix of uses, to provide an additional 10 No. flats and associated roof terraces at fifth floor level.

#### *Officers response:*

- *Concerns in relation to design and impact on the conservation area, advising that an increase in height, bulk and massing would be unacceptable in principle. The advice noted that the existing building is already significantly higher than its immediate context on Mercers Road and its dominance would be exacerbated with the addition of any height. Also that the main thoroughfare is Holloway Road where there is some increase in the scale of the buildings. However, the buildings on Holloway Road immediately adjacent to the subject site are only 4 storeys high and the immediate context along Holloway Road is circa 4-5 storeys.*

#### ENFORCEMENT

- 7.13 E/2020/0317 - Breach of condition 7 (pre commencement sound insulation) of application reference P2019/1452/FUL (Investigation ongoing)
- 7.14 E001559 - Works currently being undertaken at Collingwood Business Centre. Case closed on 07/08/2001.

## Other relevant sites

Land adjoining Collingwood House

- 7.15 P2020/2727/FUL – Proposed redevelopment of existing car park by constructing 8x two storey, plus basement mews houses (6 no. 3 bed x 5 person and 2no. 3 bed x 6 person units) together with landscaping, cycle parking, vehicle parking and associated works. (Under assessment)

## **CONSULTATION**

### Public Consultation

- 7.16 Letters were sent to occupants of 97 no. adjoining and nearby properties at Holloway Road, Mercers Road, and Manor Gardens on 1<sup>st</sup> March 2020, and site and press adverts were displayed. Additional consultation letters were sent on 14<sup>th</sup> April 2021 and 13<sup>th</sup> May 2021, for additional noise information. The consultation period ended on 27<sup>th</sup> May 2021.
- 7.17 At the time of the writing of this report a total of 8 no. responses have been received from the public with regard to the application, raising objections to the proposal. The issues raised in the objections can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

#### ***Design and Conservation***

- Visual appearance, clutter and impact on conservation area
- Concerns about size of gates and canopy
- Concerns about choice of materials and sustainability
- Concerns proposed sedum roof cannot be achieved  
(See Paragraphs 9.4 to 9.21)

#### ***Neighbouring Amenity***

- Noise and disruption to surrounding properties
- Hours of use of the equipment
- Not appropriate to install plant so close to existing houses and flats
- Criticism of noise report
- It is not feasible for the large 2.5m high gates to be repeatedly used daily  
(See Paragraphs 9.22 to 9.33)

#### ***Accessibility and Fire Safety***

- Concerns that proposal will prevent London Fire Brigade being able to access south west elevation (See Paragraphs 9.34 to 9.39)

#### ***Other Matters***

- The plant should be installed on the main roof in the existing plant enclosure or the area previously approved or by the car park
- The developer has completely disregarded the planning process by already installing the equipment
- Lack of trust of applicant that they will adhere to conditions
- Concerns that the applicant wishes to extend at roof level and this is the only reason that the plant has been installed at this low level rather than the main roof  
(See Paragraphs 9.40 to 9.48)

### Internal Consultees

- 7.18 **Design and Conservation Officer:** raised no objections to the proposal.
- 7.19 **Environmental Health Pollution Officer:** raised no objections subject to conditions.
- 7.20 **Building Control Officer:** raised no objections to the proposal.

## 8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES

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

### National Guidance

- 8.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following 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.)
- 8.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 8.3 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.
- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 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.
- 8.6 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.
- 8.7 Members of the Planning Sub-Committee B must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 8.8 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**

- 8.9 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 8.10 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Mercers Road/Tavistock Terrace Conservation Area and article 4 direction
- Nag's Head and Upper Holloway Road Core Strategy Key Area
- Within 100m of TLRN (Holloway Road)
- Cycle Routes (Local)
- Article 4 (A1-A2 (Rest of Borough))

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

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

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 8.12 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications took place from 19 March to 9 May.

- 8.13 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 8.14 Emerging policies relevant to this application are set out below:

- Policy PLAN1 – Site appraisal, design principles and process
- Policy SP5 – Nag's Head and Holloway Road
- Policy DH1 – Fostering innovation and conserving and enhancing the historic environment
- Policy H2 – Heritage assets
- Policy DH5 – Agent-of-change, noise and vibration

## **9. ASSESSMENT**

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

- Land Use
- Design
- Neighbouring Amenity
- Landscaping, trees and biodiversity

- Accessibility and Fire Safety
- Other matters

### **Land Use**

- 9.2 The proposal seeks planning permission for the retention of air conditioning units, with the base slab, all associated pipework and acoustic enclosures. The application seeks to introduce a canopy over the equipment along the southwest elevation of Collingwood House. The proposal is also for new gates to the street frontage to Mercers Road. The plant equipment, which has been installed, is for the existing gymnasium use, which is located on the ground, first and the rear part of the second floor. The remaining part of the second floor and the whole of the third floor of the building is currently occupied by self-contained residential dwellings which were approved as part of prior approval applications (Refs. P2015/1402/PRA and P2013/4782/PRA) in June 2014 and January 2015 respectively.
- 9.3 The principle of providing plant equipment associated with the existing use of the host building is considered to have been established, with the granting of planning permission (Ref. P2019/1452/FUL) which included plant equipment at second floor. Therefore, the proposal is considered acceptable in land use terms, subject to its acceptability in all other respects, including design, amenity, accessibility and fire safety which is discussed later within this report.

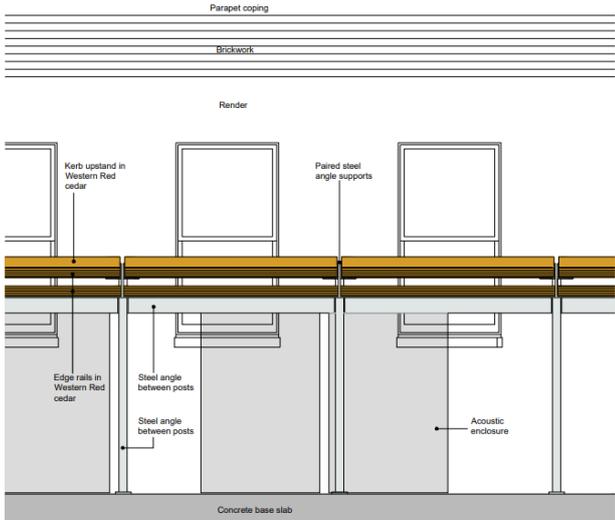
### **Design and Conservation**

- 9.4 The site is within the Mercers Road/Tavistock Road Conservation Area, therefore in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention is required to be paid to the desirability of preserving or enhancing the character and appearance of this heritage asset.
- 9.5 The design advice found within the Islington Design Guide 2017 and Mercers Road/Tavistock Road Conservation Area Design Guidelines should be taken into consideration in the design assessment.
- 9.6 Paragraphs 5.182 to 5.185 of the UDG provide advice in relation to building services and equipment and advises that *any plant or machinery associated with the operation of a commercial flue should be located within the building if possible. 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.*
- 9.7 The Conservation Area Design Guidelines (para. 24.11) advises that the *Council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio or satellite equipment at roof level where this can be seen from street level or public space, including long views from side streets.*
- 9.8 The proposal relates to plant equipment, which has been installed along the alleyway at ground floor level, between the southwest elevation of the host building and the shared boundary with no. 2B Mercers Road, rather than at roof level. The existing plant equipment consists of 5 no. condensers, and is shown in Images 9 and 10 which show that the equipment is currently visible from the public realm, with views possible from Mercers Road through the existing metal gates.

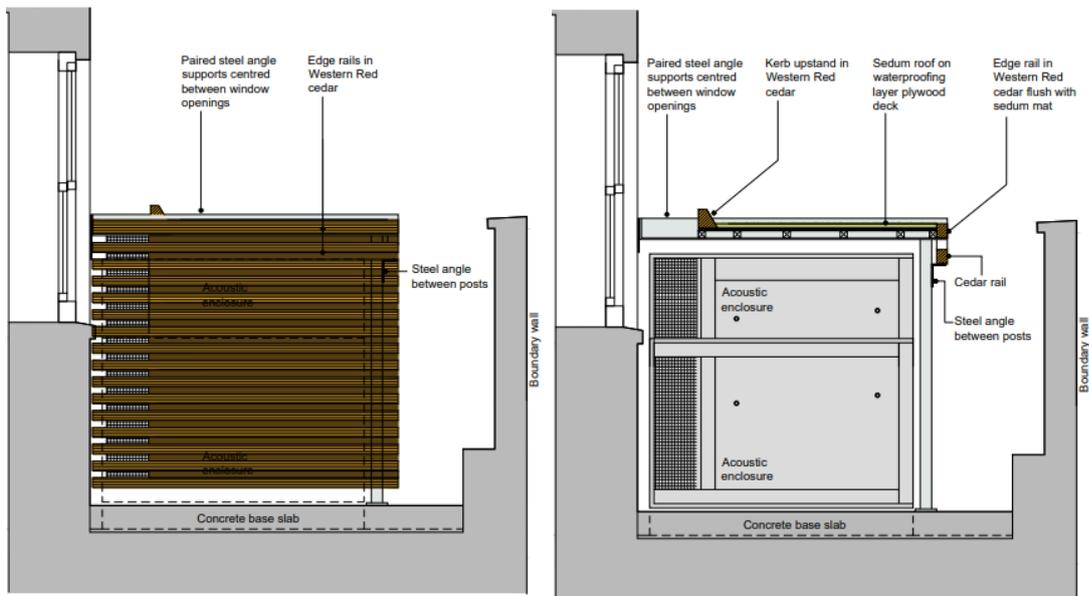


**Images 9 and 10:** Photographs within the alleyway (left) and Mercers Road (right)) showing the existing plant equipment

9.9 In order to mitigate the visual impact of the existing equipment on the wider area and limit views from the public realm, the scheme includes the proposed installation of a canopy and the installation gates. The proposed canopy would be located above and to the North West (front) elevation (facing Mercers Road) of the existing equipment. As shown in the images below (Images 11, 12 and 13) the canopy would consist of Western Cedar upstands, supported by steel angle supports. The proposed canopy would also include a sedum roof above a waterproof plywood layer.



**Image 11:** Proposed section drawing showing the existing plant equipment and enclosures when viewed from within the site facing the south west elevation



**Image 12 and 13:** Proposed elevation (Image 12 - left) and section drawing (Image 13 - right)

- 9.10 CGI drawings have been submitted comparing the visual appearance of the existing plant equipment with and without the acoustic enclosures installed (Image 14). The two views are created from the perspective of the upper floor windows at the nearest residential properties along Mercers Road immediately adjacent to the site. Whilst the visuals show that the canopy would be visible from these windows, their position, the separation distance from these windows and the restricted height, which is similar to the existing boundary, shows that views would be limited and the materials and use of a sedum roof would soften its visual appearance.

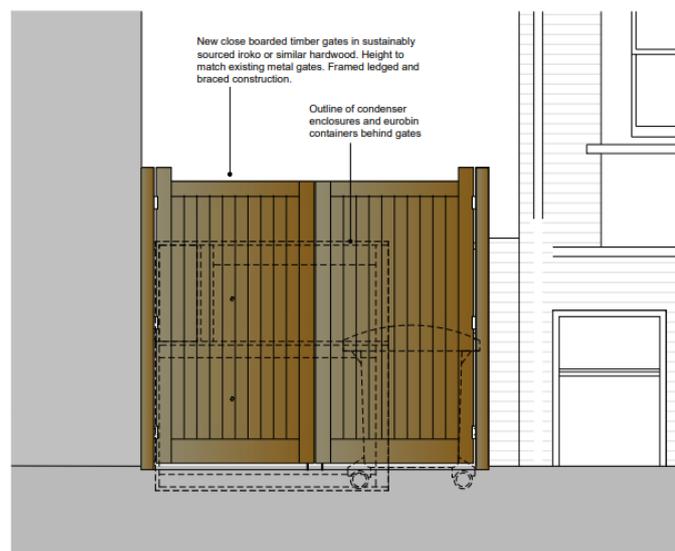


**Image 14:** Visuals showing the plant equipment with and without the proposed acoustic enclosures

- 9.11 The proposal includes the installation of timber gates which would be installed to be flush with the front elevation of the host building on Mercers Road. The existing gates would be re-positioned along the alleyway, separating the existing refuse and recycling storage and the plant equipment.
- 9.12 The general advice found within paragraph 24.8 of the CADG should be taken into consideration: *The Council will pay particular attention to design matters when considering planning applications, including its own proposals for development, to ensure that the character of the area is retained.*

*Efforts will be concentrated on controlling inappropriate changes / additions to the public face of existing buildings and ensuring that where development does take place it enhances the character of the area and makes a positive contribution to the streetscene.*

- 9.13 Paragraphs 5.30 to 5.33 of the UDG provides advice in relation to defining public and private space, advises that *all new development should therefore be based on a layout that provides a clear distinction between the public and private realm and that boundary walls/railings should be designed in a manner that is consistent with the existing street and should provide an open aspect.*
- 9.14 The Conservation Area Design Guidelines does not have any specific advice in relation to boundary gates other than *new buildings should incorporate suitable boundary treatments.*
- 9.15 The principle of the installing gates to the front of the site, between the south west elevation and the shared boundary with no. 2 Mercers Road is considered to be acceptable. The host building has an existing set of metal gates setback from the front elevation. The proposed close boarded timber gates takes its cue from similar gates to street frontages between houses within the immediate vicinity.
- 9.16 It is acknowledged that these gates would be more visually prominent in the streetscene and wider public realm in comparison to the existing gate, as it would be flush with the front elevation and would not allow light or views through. However, the proposed gates would match the height (2.28m) and width (2.75m) of the existing metal gates. It is also noted that the benefit of installing the gates flush with the front elevation of the building is that it would remove an existing recessed area to the side elevation. The Metropolitan Police's 'Secured by Design' advice recommends the removal of recessed areas, particularly areas with limited natural surveillance, which is the case in the existing situation.



**Image 15:** Proposed front elevation showing a detailed view of the proposed gates

- 9.17 Representations have been received raising concern with the choice of the proposed materials, particularly in terms of how sustainable they would be. Paragraphs 5.111 to 5.123 of the UDG provides guidance in relation to proposed materials, stating *the choice of materials in any new development must take account of its context. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular.* In relation to sustainability it advises that *the use of durable and high quality materials is necessary to ensure that buildings can withstand the wear and tear of a tough urban environment.* The Conservation Area Design Guidelines advises *the use of high quality materials and that the design and choice of materials is compatible with the details of the original building.*
- 9.18 The proposed acoustic enclosures would largely be constructed of Western Red Cedar timber and metal frames, which is considered to be in keeping with the visual appearance of the host building and wider area. The proposed gates would be constructed using timber, specifically Iroko or similar

hardwood. The gates are of robust design of ledged braced and framed construction with tongue and groove boarding infill, using substantial timber sections and the applicant has confirmed that the materials would be sustainably sourced. It is considered that the choice of materials is appropriate for the development and its context.

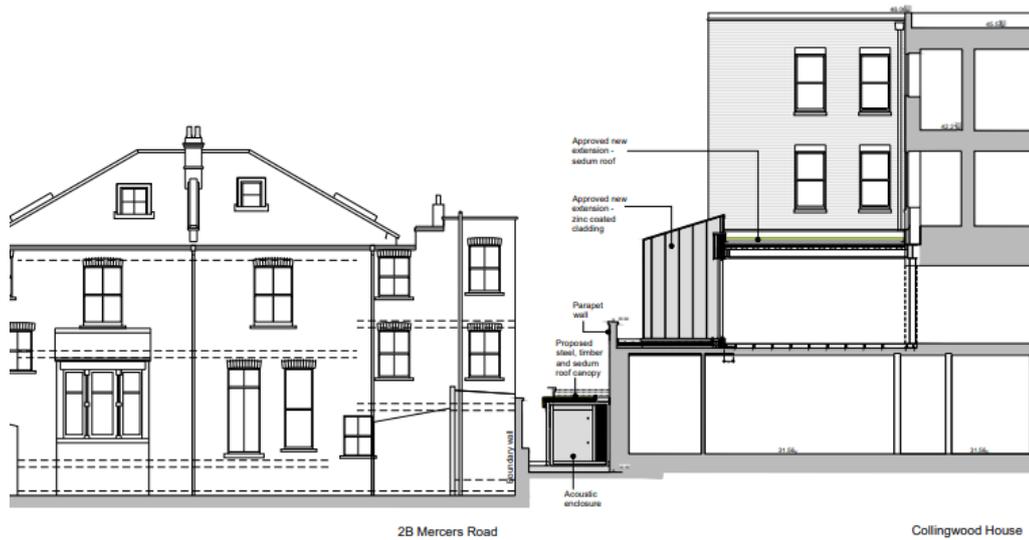
- 9.19 Concerns have been raised in representations noting that there would be insufficient depth for a green sedum roof to be installed on top of the proposed plant enclosure. However, the applicant has confirmed that the sedum roof only requires 50mm which is designed into the proposal.
- 9.20 The proposed timber gate would obscure public views of the equipment from the public realm. The height and position of the equipment, which would be encased within a cedar panelled acoustic enclosure with a sedum roof above, would mean that it is obscured in views from the private realm. It is therefore considered the proposal would be in keeping with the visual appearance and historic character of the host building and wider Mercers Road/Tavistock Terrace Conservation Area.
- 9.21 A condition has been included to ensure the proposed gates, acoustic enclosures and sedum roof are installed within 3 months of the date of any decision and maintained thereafter. Subject to this condition, the proposal is considered to preserve the visual appearance and historic character of the host building and wider Mercers Road Conservation Area. The proposal is therefore considered compliant with policies D1, D4 and HC1 of the London Plan (2021), policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1 and DM2.3 of Development Management Policies (2013) the Urban Design Guide (2017) and is considered acceptable in design terms.

### **Neighbouring Amenity**

- 9.22 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy D14 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing.
- 9.23 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.
- 9.24 Policy D14 (part A) of the London Plan 2021 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.
- 9.25 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.

### *Daylight/Sunlight and outlook*

- 9.26 The nearest residential properties to the proposed works are located along Mercers Road immediately adjacent to the alleyway. As shown in the section drawing (Image 16), there is a difference in the ground levels with the adjacent property, with no. 2B Mercers Road being slightly lower than the application site. However, as the proposal matches the height of the shared boundary wall, across a limited section of the southwest elevation, it is considered not to result in any loss of daylight/sunlight or outlook to the properties along Mercers Road.



**Image 16:** Proposed section drawing showing relationship with neighbouring property, no. 2B Mercers Road



**Image 17:** Proposed south west elevation

9.27 It is also important to consider the impact on future occupiers of the residential properties within the application (Ref. P2020/2727/FUL) which is currently under assessment. The description of this proposed development is as follows:

*Proposed redevelopment of existing car park by constructing 8x two storey, plus basement mews houses (6 no. 3 bed x 5 person and 2no. 3 bed x 6 person units) together with landscaping, cycle parking, vehicle parking and associated works.*

9.28 The proposed residential units within the application (Ref. P2020/2727/FUL) are located to the rear car park, away from the plant equipment and gates and there are therefore not considered to be any daylight/sunlight or outlook issues for future occupiers of these units.

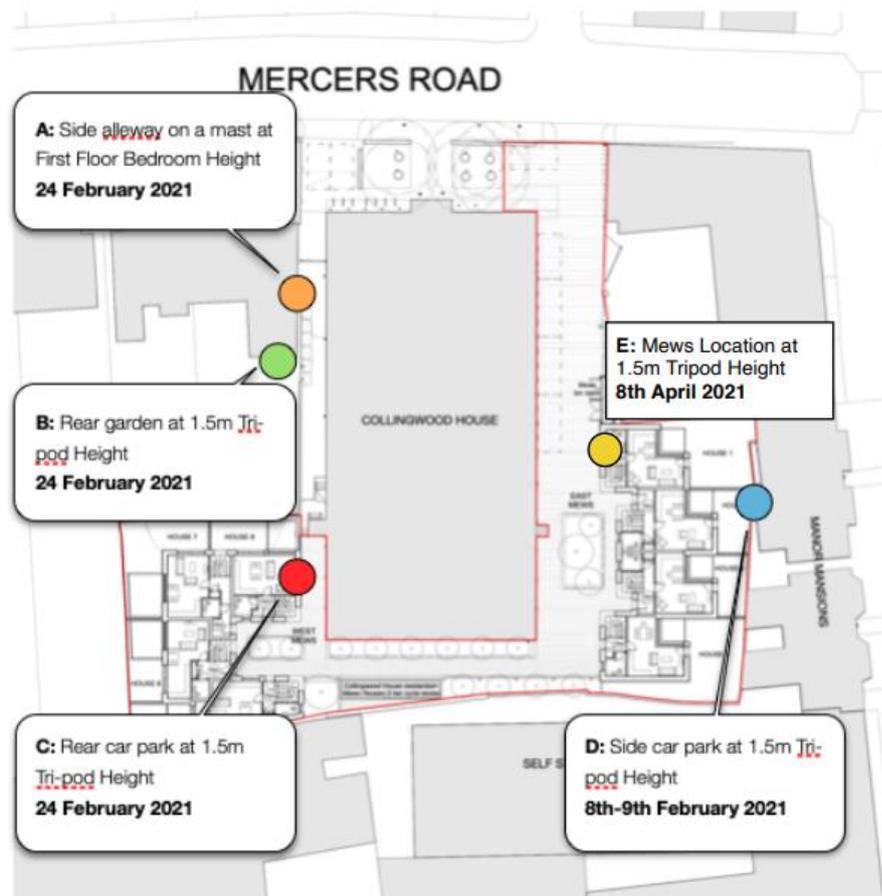
*Privacy*

The proposal is not considered to result in any privacy issues to neighbouring properties over and above the existing situation, as the proposal does not include any additional openings.

*Noise*

9.29 A Noise Impact Assessment (Ref. R1875-REP03-SJW) by Red Acoustics was submitted in support of the application. The Council’s Public Protection Environmental Health Officer reviewed the submitted report and raised a number of clarification questions about the initial report, including if the proposed mitigation had been installed and what it included, and raised issues about the lack of assessment of the proposed mews development under assessment (Ref. P2020/2727/FUL) amongst other matters.

9.30 An addendum report dated 9 April 2021 was therefore submitted, which responded to these questions with further information. The Council's Public Protection Environmental Health Officer reviewed this additional information and confirmed that it addressed all the queries satisfactorily, with further measurements taken in the alleyway, at first floor window height for the upper floor residential units at Collingwood House (A), in the rear garden of No.2 Mercers Road (B), in the rear car park in the position of proposed "West Mews" façade (C), the car park next to rear of existing Manor Mansions on Holloway Road (D) and the car park at the façade of the proposed "East Mews" (E) (see Image 18). The Environmental Health Officer confirmed that the report predicts that there will be no breach of Islington's plant noise criterion at any of the positions, and that they are representative of the most likely affected nearby receptors.



**Image 18:** Plan showing noise measurements taken

9.31 The Environmental Health Officer also recommended that conditions are used to control overall plant noise levels from the site and that a timer be installed limiting the operation of all plant to between the hours of 07:00 to 23:00 Monday to Friday and 09:00 to 22:00 Saturday and Sunday. The condition would stipulate that the plant shall not be operated outside of these hours.

9.32 It is therefore considered that subject to these conditions the proposal would not have a detrimental impact on neighbouring properties in terms of noise.

Conclusion

9.33 Overall, subject to noise conditions, the proposal is considered to be compliant with Development Management Policies DM2.1.

Accessibility and Fire Safety

9.34 Policy DM2.2 seeks to ensure that all developments demonstrate that they provide for ease of and versatility in use. Given the position of the plant equipment along the southwest elevation it is important that the proposal does not have a detrimental impact on the existing accessibility of the

building, and in particular to ensure that the building maintains safe evacuation in the event of a fire. The submitted Planning Statement includes a section in relation to this matter.

- 9.35 The applicant has confirmed their use of an approved Building Inspector. Therefore, rather than submitting an application to the Council's Building Control Team, the scheme is subject to the approval of an approved Building Inspector to ensure compliance with Building Regulations. In terms of evacuation, the applicant has confirmed that the gymnasium refurbishment involves opening up the spaces on the ground floor with the removal of non-structural walls and the re-location of changing areas to the first floor. These alterations are considered by the approved inspector to ensure direct access to two main fire exits is achieved, these being the gymnasium main entrance on Mercers Road and an existing fire exit on the northeast elevation. The approved inspector has confirmed that these are sufficient to accommodate the maximum capacity in the event of a fire.
- 9.36 The approved inspector has also confirmed that as a result of the internal refurbishment the three external doors on the southwest elevation are no longer required for operational reasons, or as a means of escape and are now sealed shut. They have confirmed that there is an external door that faces the end of the proposed plant enclosures that leads into a small flat roofed side annex to the main building. There is no internal connection to the ground floor of the main building. The access to this door will be maintained. The applicant has also provided a certificate from the London Fire Brigade confirming that this arrangement is acceptable. The Council's Building Control Officer has reviewed the submitted information and confirmed that there are no objections.
- 9.37 The applicant has confirmed that a path will be retained from the front gates alongside the refuse bins and plant enclosures to the rear car park along the southwest elevation. They have confirmed that this is not intended to provide regular through access and is primarily for access from the front of the site to the bins and to the plant and building for maintenance. It is considered that this arrangement would be acceptable.
- 9.38 Notwithstanding the above, concerns have been raised in representations, noting that the southwest elevation would become inaccessible to the London Fire Brigade in the event of a fire, as a result of the proposal. It should be noted that whilst the proposal would install gates, the host building already has an existing set of gates along this elevation which are further set back.
- 9.39 Overall, given the advice from the Council's Building Control Officer and the details submitted, the proposal is considered acceptable in this regard.

### **Other matters**

- 9.40 Whilst the Council are only able to assess and determine the acceptability of the proposal subject to the application, questions have been raised in representations as to why the proposed equipment is located at ground floor level rather than in alternative positions including the existing main roof plant enclosure, the approved roof location or the rear car park.
- 9.41 The applicant has confirmed that the new plant for the gymnasium is located as far as possible within the building and it is only the condenser plant that has to be located externally. The external condenser plant required for the heating and air conditioning is designed to be located externally in a ventilated and unheated area in order to function correctly. For this reason it is not possible to locate this part of the HVAC system within the building. It is only this element of the new installation which it is proposed to be located externally.
- 9.42 The consent for the new extension (Ref. P2018/1452/FUL), which is now built, gave permission for external plant to be located on the roof of the extension. The condition in respect of noise output has proved difficult for the applicant to meet, and due to its size and location it would have been difficult to conceal the plant behind the roof upstand in accordance with the original design intent. Therefore, the applicant has stated that an alternative location was required.
- 9.43 In considering alternative locations the applicant took into consideration the Council's design advice within paragraph 5.183 of the UDG 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'*

- 9.44 In considering plant equipment at roof level, the applicant acknowledges that there was an existing external plant enclosure on the roof of Collingwood House. However, this predates the conversion of the upper floors into residential units and is a centralised design that no longer meets current standards. The applicant notes that whilst the plant enclosure is still in place it had become redundant with the completion of the gym refurbishment (a condition has been recommended for its removal within 3 months of the date any permission). The applicant considers that the existing rooftop location is inappropriate for the location of the new condenser plant as it would be remote from the gym and associated internally located units and would require the provision of pipe runs through what are now residential parts of the building.
- 9.45 In terms of locating the plant equipment to the rear car park, the applicant has confirmed that this land is not within the same ownership.
- 9.46 Representations have also questioned whether the reason for not locating plant at roof level is due to future plans to extend the existing building at roof level. Should a planning application be submitted for these works, it would be subject to further public consultation and assessment.
- 9.47 Objections have been received regarding the applicant's lack of compliance with planning legislation by installing the equipment without planning permission and the lack of trust that any conditions will be adhered to by the applicant. The application has been submitted following an investigation by the Council's Planning Enforcement Team. In the event that the application was approved, it would be subject to conditions and if the applicant did not adhere to these conditions the Council's Planning Enforcement Team would investigate this matter and take action as required.
- 9.48 Concerns have also been raised in relation to the lack of public consultation about the application with neighbouring properties by the Council. As noted in the consultation section above, and in accordance with statutory requirements and the Council's Statement of Community Involvement, 97 no. neighbour letters were sent, and site and press adverts were also displayed. It is considered that the level of consultation for a development of this scale was appropriate.

## **10. SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The application seeks planning permission for the retention of existing plant equipment and acoustic enclosures installed at ground floor along the south west elevation of the building. The application has been submitted following an enforcement investigation associated with the previous approval (Ref. P2019/1452/FUL) for plant equipment at second floor above a first floor extension to the south west elevation. The applicant has confirmed this is for the retention of re-sited air conditioning condensers that were approved as part of the previous planning application. The proposal seeks to install a canopy over the equipment with a green roof and the installation of gates to the front elevation, adjacent to the south west elevation of the building.
- 10.2 The proposed external alterations to the existing plant equipment are considered to ensure the proposal is in keeping with the visual appearance and historic character of the host building and wider conservation area, and is considered acceptable in design terms.
- 10.3 The proposal is considered not to result in any significant loss of amenity to occupiers of neighbouring properties, in terms of loss of daylight/sunlight, outlook, privacy or noise. The proposal is not considered to result in any significant fire safety issues.
- 10.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents and should be approved accordingly.

## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

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

### 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>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>1CV01.Db.02 – Photographs, 1CV01-VS001 – Visuals, 1CV01 001 - Location Plan, 1CV01-103 P1 - Existing Elevations, 1CV01-601 P3 - Proposed Site and Canopy Plan, 1CV01-602 P2 - Proposed Elevation Sections of Canopy and Building, 1CV01-603 P2 - Proposed Details of Canopy and Entrance Gate, 1CV01-102 P1 - Existing &amp; Approved Site Plan, Design, Access &amp; Planning Statement (with Rev. Fig. 14), Noise Impact Assessment Ref. R1875-REP03-SJW dated 9 March 2021 and Technical Note (titled EHO Comments 30 March 2021) Ref. Ref R1875/T03a dated 9 April 2021 by Red Acoustics, 0581-001-GA-F - Proposed Ground &amp; 1st Floor Plan,</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>Installation of canopy and gates (compliance)</b>  |
|          | <p>CONDITION: For the hereby approved development, the proposed gates and canopy (shown on drawing no's 603/P2 and 601/P3) shall be installed within 3 months of the date of this decision and retained thereafter into perpetuity.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider conservation area.</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 approved plans and within the Design and Access and Planning 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>4</b> | <b>Noise levels (Compliance)</b>  |
|          | <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p>  |
| <b>5</b> | <b>Installation of timer (Compliance)</b>   |

|          |  |
|----------|--|
|          | <p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the all plant hereby approved to between the hours of 07:00 to 23:00 Monday to Friday and 09:00 to 22:00 Saturday and Sunday. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: In order to protect the amenity of neighbouring properties.</p> |
| <b>6</b> | <b>Removal of roof level plant equipment (Compliance)</b>  |
|          | <p>CONDITION: Within 3 months of the date of this decision the existing plant equipment and enclosure associated works located at roof level of Collingwood House and shown on drawing no. 602/P2 shall be removed.</p> <p>REASON: To preserve the visual appearance and historic character of the host building and wider conservation area.</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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- National Planning Policy Framework 2019

### 2. **Development Plan**

The new London Plan was adopted on the 2nd March 2021. The adopted London plan has now full weight and is it is considered a material consideration. The adopted London Plan policies have been fully taken into account.

Therefore the Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London**

- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy D14 Noise
- Policy D12 Fire Safety
- Policy HC2 Heritage assets
- Policy S5 Sports and recreation facilities

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

- Policy CS3 Nag's Head and Upper Holloway Road
- Policy CS8 Enhancing Islington's character
- Policy CS 9 Protecting and enhancing Islington's built and historic environment

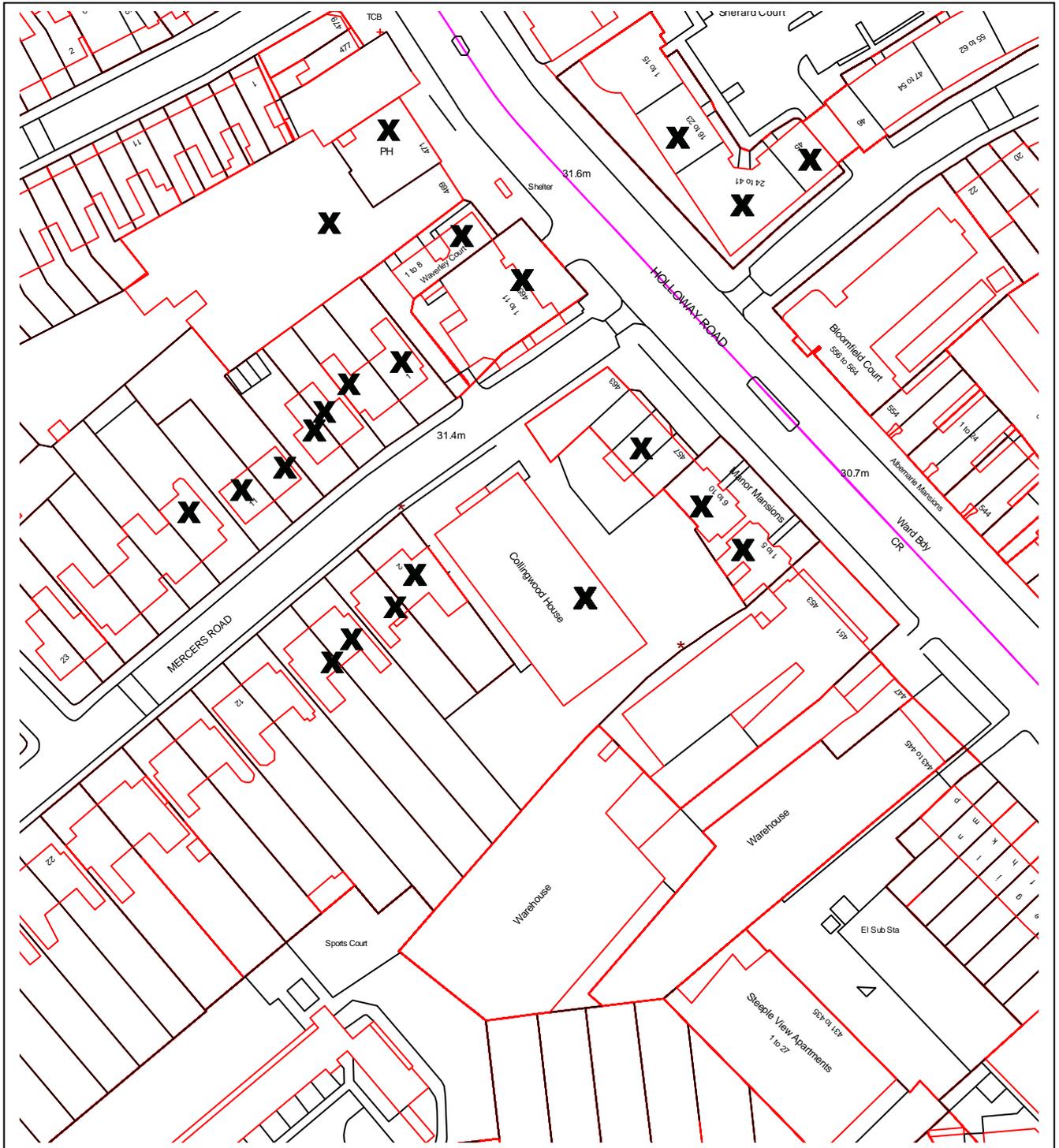
#### **C) Islington Development Management Policies 2013**

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

### 3. **Designations**

- Mercers Road/Tavistock Terrace Conservation Area and article 4 direction
- Nag's Head and Upper Holloway Road Core Strategy Key Area
- Within 100m of TLRN (Holloway Road)
- Cycle Routes (Local)
- Article 4 (A1-A2 (Rest of Borough))

# ISLINGTON SE GIS Print Template



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P2021/0587/FUL

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## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building

|                                 |                            |                   |
|---------------------------------|----------------------------|-------------------|
| <b>PLANNING SUB-COMMITTEE B</b> |                            |                   |
| <b>Date:</b>                    | 14 <sup>th</sup> June 2021 | <b>NON-EXEMPT</b> |

|                          |  |
|--------------------------|--|
| Application number       | P2020/0917/FUL   |
| Application type         | Full Planning Application  |
| Ward                     | Tollington   |
| Listed building          | No   |
| Conservation area        | Tollington Park  |
| Development Plan Context | Finsbury Park Core Strategy Key Area<br>Article 4(2) Direction – Tollington Park Conservation Area<br>Locally Listed Building<br>Cycle Routes (Local)<br>Article 4 Direction A1-A2 (Rest of Borough) |
| Licensing Implications   | None   |
| Site Address             | 100 Tollington Park, London, N4 3RB  |
| Proposal                 | Conversion of an existing garage/store to create a one bedroom flat and the erection of a rear ground floor extension, plus private amenity space, refuse and cycle parking.                         |

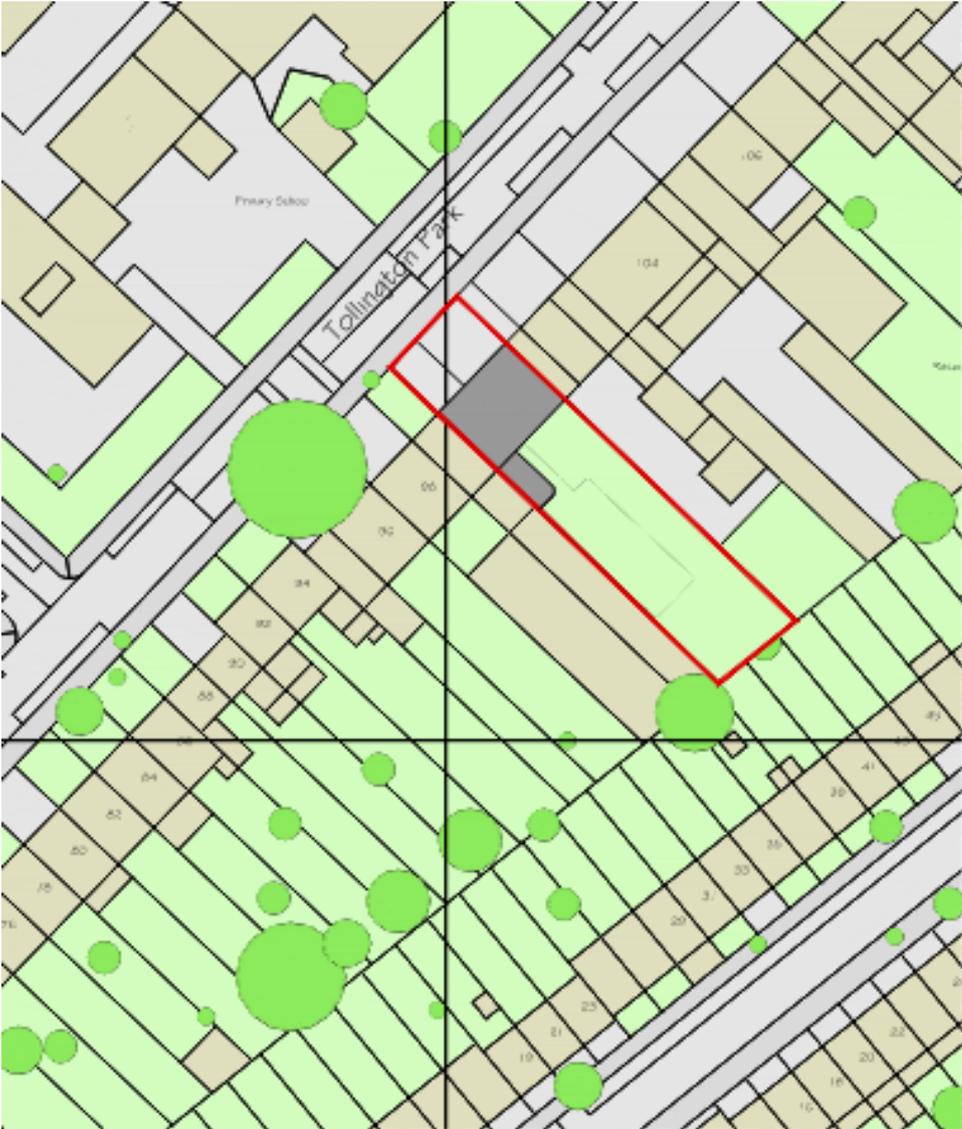
|              |  |
|--------------|--|
| Case Officer | Mr Ross Harvey                         |
| Applicant    | Mr H Schneck                           |
| Agent        | Allen Planning Limited – Mr Tony Allen |

### 1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1; and
2. subject to the prior completion of a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (Outlined in red)



### 3. PHOTOS OF SITE



**Image 1:** Aerial view to the rear of the site



**Image 2:** View to the front of the property.

### 4. SUMMARY

- 4.1 Planning permission is sought for the conversion of an existing garage/store to create a one bedroom flat and the erection of a rear ground floor extension, with private amenity space, refuse and cycle parking.
- 4.2 The application site is subject to an extensive planning history relating to similar proposals being considered at appeal. The most recent application (ref: P2019/3284/FUL) was refused by the Council on the basis that the subdivision of the rear garden by way of an artificial hedge would unacceptably impact on the character and appearance of the host property and wider Conservation Area. This refusal was not appealed and the applicants sought to overcome the

reasons for refusal within the current application. The current proposals replace the artificial hedge with a semi-mature natural hedge pre-grown to a height of approximately 1.8m. The use of a natural hedge will be similar in appearance to the existing and is therefore considered to be sympathetic to the character and appearance of the host building and its surrounds, and represents a significant improvement on the artificial hedge that was recently refused.

- 4.3 The application is presented to Committee due to the number of objections received raising material planning issues. The main issues highlighted include loss of historic character of the rear garden and locally listed building, and impacts on the amenities of neighbouring residents. A summary of the objections raised is highlighted in Section 8.1.
- 4.4 The design of the proposals is considered to be acceptable and the new unit would facilitate a good quality residential unit that is sufficiently sized and provides a dual aspect. It is also considered that the proposal would not result in unacceptable harm to the amenity of the neighbouring occupiers.
- 4.5 It is considered that the current application has addressed the Council's previous reasons for refusal together with the issues raised by the Inspector in the most recent Appeal Decisions relating to the site. The applicants have agreed to pay the full small sites contribution and the carbon offsetting contribution.
- 4.6 The proposed development is considered to accord with the National Planning Policy Framework 2019, and the policies found within the London Plan 2021, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents. The proposal is therefore recommended for approval subject to a legal agreement and appropriate conditions.

## **5. SITE AND SURROUNDING**

- 4.7 The application site is situated on the south-eastern side of Tollington Park and comprises a three storey villa house which was converted into 5no. self contained residential units in 2000. The subject site was built circa 1840 and forms part of a group of locally listed Grade B buildings. The property is located within the Tollington Park Conservation Area but does not contain any statutory listed buildings or monuments.
- 4.8 Tollington Park was one of the earliest residential streets to be laid out in the northern part of the Borough, and was lined with grand semi-detached villas in the 1830's and 40's, many of which survive. Together with the two fine Victorian Churches of St Mellitus and St Mark in their contrasting styles, and the many mature trees, Tollington Park has an unusually spacious quality and an above average standard of architectural design.
- 4.9 The surrounding area is largely residential, comprising buildings of a similar historic character to the host property. Much like the application site which was converted into 5 flats in the early noughties, the majority of historic properties within the local area appear to have been converted into flats. The Christ the King Catholic Primary School is also located directly opposite on the northern side of Tollington Park.
- 4.10 Proposals are limited to the ground floor level of the property within an existing ancillary garage.

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

- 6.1 The proposals result in the conversion of an existing garage/store to create a new self-contained residential unit at ground floor level of 100 Tollington Park. The new unit would be accessed via the garage doors, and contains one double bedroom.

- 6.2 The erection of a single storey rear ground floor extension is also proposed. It would extend beyond the rear wall of the existing outrigger by approximately 2.1m at a height of approximately 2.7m. The proposed single storey rear extension would replace an existing addition at a similar height and footprint.
- 6.3 Subdivision of the rear garden is also proposed to provide private outdoor amenity space to the new unit. The subdivision of the rear garden includes the planting of new hedges to a pre-grown height of 1.8m along the shared boundary with the other ground floor unit.

## 7. RELEVANT HISTORY:

### *Planning Applications*

- 7.1 **P2019/3284/FUL** Conversion of an existing garage/store to create a one bedroom flat and the erection of a rear ground floor extension, plus private amenity space, refuse and cycle parking. **Refused** permission.

*REASON: The proposed subdivision of the rear garden is considered, by virtue of its proposed materials and detailed design, to cause harm to the appearance of the locally listed building and Conservation Area and would not preserve or enhance the character and appearance of the conservation area and would not provide any biodiversity benefits and would be contrary to London Plan Policies 7.4 and 7.6, Islington Core Strategy (2012) Policies CS8, CS9 and CS10, Development Management (2013) Policies DM2.1, DM2.3 and DM6.5 the Islington Urban Design Guide (2017) and the Tollington Park Conservation Area Design Guidelines*

- 7.2 **P2018/1391/FUL** Conversion of an existing garage/store to create a one bedroom flat and the erection of a rear ground floor extension, plus private amenity space, refuse and cycle parking. The application was appealed for non-determination and **Dismissed** by the Planning Inspectorate on 19/09/2019 for the following reasons:

*LIVING CONDITIONS: Due to loss of privacy of both future and neighbouring occupiers, and the unsatisfactory light and outlook for future occupants, would produce an unacceptable standard of amenity contrary to policy DM2.1.*

*TRAFFIC AND PARKING: Lack of a legal agreement securing car free development. A legal agreement is necessary to achieve the planning objectives of avoiding increased traffic congestion and pollution in the area.*

*CARBON OFFSETTING: Policy CS10 of the Core Strategy of 2011 requires development to offset CO2 emissions associated with the building through a financial contribution towards measures which reduce CO2 emissions from the existing building stock. In the absence of a mechanism to secure any contribution the proposed development would be contrary to Policy CS10*

- 7.3 **P2017/3970/FUL** Conversion and extension of an existing garage to a 1 bed self-contained residential unit, subdivision of rear garden, erection of rear extension plus alterations to front garage door. The application was **Refused** for the following reasons

*REASON: The proposed subdivision of the rear garden and alteration to the garage doors are considered by virtue of their design to cause harm to the appearance of the locally listed building and would not preserve or enhance the character and appearance of the conservation area and would be contrary to London Plan Policies 7.4 and 7.6, Islington Core Strategy (2012) Policy CS8, Development Management (2013) Policies DM2.1 and DM2.3, the Islington Urban Design Guide (2017) and the Tollington Park Conservation Area Design Guidelines*

7.4 **P2016/2195/FUL** Conversion and extension of an existing garage/store at the rear ground floor to create a two bedroom flat (2b 3p) and alterations to front elevation and replacement rear extension with private amenity space and fencing plus bicycle and bins stores was refused 01/03/2017. This application was **Refused** for the following reasons:

*REASON: The proposal results in the change of use to create a self-contained residential unit (C3 Use Class Order), however the applicant has failed to submit written confirmation of an agreement to pay the financial contribution, as sought by the Islington Affordable Housing Small Sites Contributions SPD. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012).*

*REASON: The proposed unit would fail to provide adequate living conditions to potential future occupiers based on the poor internal layout and poor outlook levels to the main habitable room spaces and as such would fail to meet the criteria and housing standards as set out in Policy DM3.4 of the Development Management Policies (June 2013) and the London Housing SPG.*

The application was **Dismissed** at appeal for the following reasons:

*AFFORDABLE HOUSING: planning obligation securing a financial contribution towards affordable housing is necessary to make the development acceptable in planning terms. No viability evidence has been submitted to demonstrate that a contribution of £50,000 would not be fairly and reasonably related in scale and kind to the development. The proposal fails to comply with Policy CS12 part G, as supported by the SPD.*

*LIVING CONDITIONS: Due to lack of outlook and access to light the proposal has not demonstrated compliance with the development plan and that future occupiers would enjoy a reasonable level of amenity within the urban context*

*NEIGHBOUR AMENITY: The proposed refuse disposal and cycle parking is an unacceptable element of the scheme, conflicting with a consideration set out in Policy DM3.3 part B*

*CONSERVATION AREA: Single storey rear extension does not relate to well to the distinctive curved corner of the host building, the erection of an internal 1.8 m close boarded timber fence, the installation of timber decking and timber planter boxes would not be in keeping with the period building and would detract from the open character of the garden space. The alterations to provide for cycle parking and bin storage in the front garden would not be consistent with the encouragement for the reinstatement of front boundary walls and soft landscaping to the front of 96-108 Tollington Park as stated in the Conservation Area Design Guidelines. The insertion of vertical areas of glazing to the front garage doors to provide natural light into the living area would negatively impact the character and historic appearance of the host building.*

7.5 **P2014/4980/FUL** The conversion and extension of an existing garage/store at the rear ground floor to create a two-bedroom flat and associated alterations to side elevation, insertion of new doors plus rear boundary treatment at 100 Tollington Park was refused 04/03/2015. This application was **Refused** for the following reasons

*REASON: The proposed extension would result in an increased height and mass that replaces an existing bomb shelter which was built as ancillary to the main building and would therefore substantially harm the setting of the locally listed building and the character and appearance of the conservation area. This is contrary to Policy CS9 of the Core Strategy 2011, Policies DM1, DM3 and DM3.5 of the Development Management Policies, Islington Urban Design Guidelines 2006 and the Conservation Area Guidelines for Tollington Park 2002.*

*REASON: The proposed flat would fail to provide an adequate level of residential amenity by virtue of lack of adequate outlook, daylight and sunlight. This is contrary to the provisions of Islington's Core Strategy 2011 policy CS12, DM2.1 and DM3.4 of the Development Management Policies*

- 7.6 **P2014/2875/FUL** The conversion and extension of an existing garage/store at the rear ground floor to create a two bedroom flat. Appeal **Dismissed** 06/02/2015 for the following reasons:

*LIVING CONDITIONS: The development would conflict with Policy CS12 of the CS and Policies DM2.1, DM3.3 and DM3.4 of the DMLP, which seek to ensure that all new residential accommodation provides an appropriate level of outlook and light from habitable rooms. It would also be contrary to one of the core planning principles of the National Planning Policy Framework (the Framework) that, planning should always seek to provide a good standard of amenity for all existing and future occupiers of land and buildings.*

- 7.7 **P122061** The partial conversion and extension rearwards of an existing garage/store area at rear ground floor to create a one bedroom single storey flat, and the erection of a two storey house to the central part of the rear garden. This application was refused for the following reasons

*REASON: The current proposal would be built on garden land, not a brownfield site as suggested in the submission document; indeed No.100 is notable for its extremely large rear garden (one of the largest in the borough) which is unaltered since the 19thC. The proposal would be harmful to visual amenity and to the character and appearance of the conservation area. The proposal would be contrary to policy 7.18 of the London Plan 2011, policy H6 of the Unitary Development Plan 2002, policy DM36 of the emerging Development Management policies, June 2012, Conservation Area Guidelines for Tollington Park 2002, and no overriding factor is offered as to why the application should be considered an exception.*

*REASON: The proposal to erect a two-storey house in the central area of the rear garden, connected to the house via a single storey link, will, as a result of the expansion and intensification, substantially harm the setting of the locally listed building and the character and appearance of the conservation area. The proposal will therefore be contrary to policies 7.4, 7.6 and 7.8 of the London Plan 2011, policies D4, D11, D22, D24 and D42 of the Unitary Development Plan 2002, policy CS9 of the Core Strategy 2011 and policies DM1, DM3 and DM36 of the emerging Development Management policies June 2012, Islington Urban Design Guidelines 2006 and Conservation Area Guidelines for Tollington Park 2002.*

*REASON: The two storey house would have a harmful effect on the amenity to the existing residential flats at 100 Tollington Park, especially the ground floor unit which would lose southerly light and suffer from a sense of enclosure and loss of outlook, and would also lead to a loss of light and outlook to the adjacent property at 98 Tollington Park. The proposal will therefore be contrary to policies 7.6 of the London Plan 2011, D3 of the Unitary Development Plan 2002, CS9 of the Core Strategy 2011 and DM1 of the emerging Development Management policies, June 2012*

The application was appealed and dismissed for the following reasons:

*CONSERVATION AREA: the part single part two storey rear extension would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policy DM2.3 of the DMP, Policy 7.8 of the London Plan (LP), the CADG and the UDG which, amongst other things, seek to conserve and enhance the Borough's heritage assets and encourage development that makes a positive contribution to local character and distinctiveness. It would also conflict with The Framework*

*LIVING CONDITIONS: The proposals would have a harmful effect on the living conditions of the occupier of No 100E Tollington Park due to being visually intrusive and loss of light*

- 7.8 **P031258** The construction of a single storey rear extension in connection with the formation of a three bedroom ground floor flat, together with the creation of a roof terrace at first floor level at 102 Tollington Park granted 03/09/2003.
- 7.9 **971784** Change of use from light industrial to live/work units involving conversion to provide two x 3-bedroom live/work units with associated alterations, and provision of amenity space to rear of 98 Tollington Park granted 18/10/1999.
- 7.10 **900310** Conversion of former coach house to self-contained two bedroom flat and provision of new entrance for existing basement flat under, granted 17/12/1990 at 96 Tollington Park.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants adjoining and nearby properties. A site notice and press advert were also published and distributed. At the time of the writing of this report responses had been received from a total of 9 different addresses objecting to the proposed scheme. The issues raised can be summarised as follows (*with the paragraphs in brackets indicating where in the report the respective points have been addressed*):
- Does not overcome concerns raised by Islington Council and the Planning Inspectorate regarding loss of privacy and daylight/sunlight to rear windows and garden of 100E Tollington Park (**paras 10.25-10.27**)
  - Overlooking to No.100E (**paras 10.25-10.27**)
  - Installation of bin stores to the front of the property would impact bedroom windows of 100E Tollington Park and impact the character and appearance of the host property and wider conservation area (**para 10.15 & 10.22**)
  - Proposed hedging would lose leave in winter exacerbating overlooking and loss of privacy and visual amenity impacts (**para 10.23 & 10.38**)
  - Overlooking into proposed unit from Flat B above due to the installation of a new rooflight (**paras 10.26**)
  - Poor quality residential unit due to its restricted access to daylight/sunlight, small sized bedroom with restricted, insufficiently sized kitchen and lack of defensible space to the front (**10.31-10.38**)
  - Single storey rear extension is harmful to the host building and wider conservation area (**paras 10.11-10.13**)
  - Use of the garage as habitable space is an over use of the site (**para 10.2-10.5**)
  - Impacts on biodiversity due to physical extensions and loss of trees (**para 10.43 – 10.45**)
  - Very similar to previous schemes which have been refused and dismissed at appeal (*Officer Note –The proposal includes material differences to the previous submissions and therefore is required to be assessed*).
  - Plans not drawn correctly (*Officer Note – The submitted drawings are sufficiently accurate*)

### Internal Consultees

- 8.2 **Design and Conservation:** In previous applications, objections were raised to the subdivision of the garden, removal of the hedge and replacing with artificial landscaping as well as the size

of the rear extension. The Planning Inspectorate addressed these issues in their previous appeal decisions and this is also addressed in the assessment below.

### **External Consultees**

8.3 **Islington Swifts Group:** From a biodiversity perspective the hornbeam hedge is welcome although it must be a native European Hornbeam (*Carpinus betulus*) to ensure a genuine gain for biodiversity and maximise value for wildlife.

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

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

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

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

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 mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 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.
- 9.10 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **Emerging Policies**

#### **Draft Islington Local Plan 2019**

- 9.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process now in progress. As part of the examination, consultation on pre-hearing modifications is took place from 19 March to 9 May 2021.
- 9.12 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

- 9.13 The emerging policies relevant to this application are set out below:

- Policy H1 Thriving Communities
- Policy H9 Supporting Housing
- Policy T1 Enhancing the Public Realm and Sustainable Transport
- Policy T5 Delivery, Servicing and Construction
- Policy S1 Delivering Sustainable Design
- Policy DH1 Fostering Innovation and Conserving and Enhancing the Historic Environment
- Policy DH2 Heritage Assets

## **10. ASSESSMENT**

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

- Land Use
- Design and Conservation
- Neighbouring Amenity
- Quality of Accommodation
- Highways
- Trees
- Access
- Small Site Contributions
- Other Matters

### **Land Use**

- 10.2 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets. London Plan Policy H1 (Increasing Housing Supply) seeks to maximise the supply of additional homes in line with the London Plan's, having regard to the site's characteristics in terms of urban design, local services, public transport and neighbour amenity.
- 10.3 The proposed loss of the garage car parking space is in accordance with the Council's car free policy, while the introduction of a residential use would support policy aims to maximise the supply of new homes.

### **Design and Conservation**

- 10.4 100 Tollington Park is a three storey building located in the Tollington Park Conservation Area (a designated heritage asset) which is characterised by a spacious residential environment and high quality architecture including grand semi-detached villas on tree lined streets.
- 10.5 Policy DM2.3 of the Islington Development Management Policies requires new development and alterations to existing buildings in conservation areas to conserve or enhance their significance. Paragraph 193 of the NPPF (2019) states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*' (and the more important the asset, the greater the weight should be). Furthermore, at paragraph 196: '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 10.6 Islington's Conservation Area Design Guidelines (CADG) identify that it is the gardens of dwellings that create a sense of spaciousness and it is this feature that helps to convey the prosperous origins of the conservation area. The deep garden at the rear and the garden space to the front of the building make a positive contribution to the building's setting and enhance the conservation area.
- 10.7 It is considered that, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Weight is a matter for the decision maker.

### **Conversion of Garage and Subdivision of Rear Garden**

- 10.8 There have been several recent appeals for similar development at this site, notably those submitted in 2017 and 2019 (appeal ref: APP/V5570/W/17/3170858 and APP/V5570/W/19/3231409). Both appeals were dismissed by the Planning Inspectorate due to

the impacts on the privacy of both future and neighbouring occupiers, the unsatisfactory light and outlook for future occupants of the unit and a lack of adequate mechanisms to secure affordable housing provision, carbon offsetting and a car free development to be in place.

- 10.9 A subsequent application was submitted in 2019 (ref: P2019/3284/FUL), which was refused by the council due to the proposed subdivision of the rear garden, which by virtue of its proposed materials and detailed design, was considered to cause harm to the appearance of the locally listed building and conservation area. The materials and detailed design referenced in the reason for refusal relate to the insertion of an artificial plastic hedge with a height of 1.7m and a depth of 13.5m between the proposed new dwelling and the existing property at 100E Tollington Park, the lower ground floor unit immediately adjacent to the proposed new dwelling. Whilst it was accepted that it would prevent mutual overlooking between the host property and 100E Tollington Park, the use of an artificial hedge was considered to be a large, contrived and monolithic boundary structure that would not accurately replicate the character or amenity provided by a natural hedge. The drawings submitted as part of the current application detail the provision of a pre-grown 1.8m high hornbeam hedge in this location, instead of an artificial hedge.
- 10.10 The proposed hedge is similar in appearance to the existing hedge within the rear garden and, as noted above, would be planted to a pre-grown height of 1.8m. The hornbeam hedge is a semi-evergreen species that is commonly used throughout the UK and would not be considered to appear significantly out of place within a historic garden setting. The use of such a species to subdivide the rear garden is considered a significant improvement on the refused scheme, which incorporated an artificial hedge. It is considered that the proposed hedge would be complementary to the character and appearance of the host property and its generous rear garden, as well as the wider conservation area setting. As such, it is considered that the introduction of an appropriate hedge would overcome the previous reason for refusal in this regard.



**Image 4** Hornbeam Hedging Example

#### Single Storey Rear Extension and Alterations to Rear Outrigger

- 10.11 A single storey ground floor rear extension is proposed beyond the two storey outrigger. It would replace an existing non-original single storey structure. The proposed rear extension would cover a similar footprint to the existing rear structure, with a depth of approximately 2.1m and a width of 4m. In terms of its height, the proposed extension would exceed the existing rear addition, at 2.7m. In terms of its materials, the single storey rear extension would be constructed from brickwork to match existing.



**Image 3** Existing (left) and Proposed (right) Rear Elevation

- 10.12 During the appeal of application ref: P2016/2195/FUL the Inspector noted that *“the more substantial residential extension would not relate well to the distinctive curved corner of the host building.”* The extension under the current application and more recently refused applications has been designed to have a curved element to reflect the three storey closet wing present at the property. This, again is considered a more appropriate detail than the scheme that was refused on appeal. In addition, during the most recent appeal (ref: P2018/1391/FUL) the Planning Inspector concluded *“By incorporating a curved corner element I agree with the main parties that the rear extension forming part of the proposal would not adversely affect the character or appearance of the host building or the conservation area”*. This element remains unchanged in scale and massing terms from the most recent appeal and is therefore considered acceptable.
- 10.13 No objections are raised regarding the additional glazing shown to the side elevation in design and conservation terms. The glazing would be limited to the rear and side of the outrigger. The new obscure glazed window serving the bathroom would be small in scale with very limited visibility from nearby private views. It is considered that the new openings to the rear elevation are modest in scale and appropriate to a residential dwelling. No objections are raised to the obscuring of the existing window to the flank elevation of the outrigger at ground floor level, which would otherwise retain its existing appearance.

#### Alterations to the Front of the Property

- 10.14 The drawings submitted detail that the historic timber carriage-house doors and vertical areas of glazing would be maintained. These are integral to the historic form and had been proposed to be replaced with modern glazing under the previously refused schemes. This allows the fabric of the locally listed building to be retained to the front of the property and would provide natural light and a second aspect to the proposed living space within the proposed unit.



**Image 5** Existing (left) and Proposed (right) Front Elevations

- 10.15 Concerns have been raised regarding the use of the front of the property for bin and bicycle storage. Bin storage is shown as being within the driveway beside the existing front steps. A review of google imagery confirms that this location is already used for bin storage for the other flats within No.100 Tollington Park. Notwithstanding this, a condition has been recommended requiring further details for a proposed bin store location to be submitted. This will also ensure that there is no impact on the character and appearance of the host property and wider conservation area. The cycle storage is shown at semi-basement level beneath the existing stairs to the upper floor levels of the building and would therefore not be visible from the public realm
- 10.16 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to preserving and enhancing the character or appearance of the Conservation area, its setting and any of its features of special architectural or historic interest. Officers consider that the proposed development would not harm the character of the Tollington Park Conservation Area when considering the design and scale of the development. Furthermore there are no statutory listed buildings in close proximity to proposed site that would impacted upon in terms of their individual setting. As such Officers have taken Sections 16(2) and 66 (1) (Listed Buildings and Conservation Areas) Act 1990 into account in assessing the proposed external changes.
- 10.17 Overall the proposals are considered to maintain the character and appearance of the host property and the Conservation Area, in accordance conflict with Policy CS 9 Part B of the Core Strategy and Polices DM2.1 and DM2.3 of the DMP.

### **Neighbouring Amenity**

- 10.18 Policy DM2.1 of the Development Management Policies 2013 state that development should not have an adverse impact on neighbouring amenity in terms of overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure or outlook.
- 10.19 Whilst the development would inevitably result in some increase in activity, due to the expected occupancy and location within an established residential area, the proposal would not result in unacceptable increases in noise and disturbance.

- 10.20 Consistent with the previous applications (ref: P2017/3970/FUL, P2018/1391/FUL and P2019/3284/FUL), the proposal would result in the loss of an internal glazed partition. However, this is not considered to cause any undue harm in terms of loss of light as this is internal.
- 10.21 The proposed rear extension would be of a similar depth to the structure it is replacing. Although it would be a slightly higher, it would have a modest height and depth beyond the three storey outrigger such that it would detrimentally impact upon the amenity of the neighbouring occupiers. The existing lower ground floor flat would not be unacceptably impacted in terms of outlook to the rear due to the modest scale of the proposal and its location away from the windows serving this unit.
- 10.22 The proposal includes the provision of bin storage within the front garden/driveway, with cycle parking located underneath the front external stairs at semi-basement level. This is consistent with P2018/1391/FUL (Appeal ref: APP/V5570/W/19/3231409). During the appeal of P2018/1391/FUL, the Planning Inspectorate stated that "*Although these arrangements might produce some risk of conflict, on the whole they appear to me to be workable and would not affect the privacy or outlook from the front windows of Flat 100E*". Notwithstanding the conclusions of the Planning Inspector, it is considered that full details of bin storage is required to ensure this does not detrimentally impact on the amenity of future and neighbouring residential occupiers. A condition has therefore been recommended to this effect. No objections are raised regarding the location of bicycle storage.
- 10.23 With regard to the rear garden, the appeal decision relating to application ref: P2018/1391/FUL noted concerns regarding the lack of boundary treatments and the resulting overlooking to neighbouring residents and lack privacy to future occupiers of the proposed residential unit due to mutual overlooking between the two rear gardens. The Inspector noted that the proposed box hedging may take several years to become established and grow to the level shown on previously submitted drawings. In order to overcome this reason for refusal, the applicant has replaced the previously proposed box hedging at the boundary with no.100E Tollington Park and with a pre-grown 1.8m high Hornbeam hedge. It is considered that the planting of the pre-grown hedge would ensure overlooking between the proposed new unit and No.100E would not be compromised and that a good level of privacy would be maintained between the two properties. The type of hedging proposed would also be semi-evergreen thereby maintaining a level of screening in the winter months.
- 10.24 Whilst the hedge could only be secured by condition for a period of 5 years, it is considered an appropriate boundary treatment in this instance given the conservation area setting of the property as well as the generous and well preserved historic garden at the rear of the site. In addition, windows along the flank elevation are now shown as obscure glazed, preventing overlooking from key living areas of the new unit to the rear of No.100E. Any potential mutual overlooking would therefore be limited to rear gardens should the hedge be removed or die after 5 years. To ensure that the garden is not inappropriately subdivided through the introduction of a solid means of boundary which would detrimentally impact the character and appearance of the conservation area, a condition is recommended to remove the permitted development rights of the future occupiers to erect a boundary enclosure other than the hedge.
- 10.25 A trellis fence to a depth of approximately 3m from the rear party wall is retained from previous schemes. It would project beyond the bedroom window, separating the application site from No.100E. The mature hedge would be planted along the remainder of the shared boundary. No objections are raised regarding potential overlooking from the trellis fence as it is limited to a small portion of the side return and views from the bedroom window to the adjoining property would be significantly restricted.

- 10.26 No objections would be raised regarding potential overlooking from proposed rooflights into the units above. Views into habitable room windows would not be possible given the oblique angle from ground floor level rooflights.
- 10.27 Overall as submitted the scheme would not be considered to result in additional harm to the amenities of neighbouring occupiers and the proposals are therefore in accordance with Development Management Policy DM2.1.

### **Quality of Accommodation**

- 10.28 The current planning application proposes a one bedroom, two-person self-contained residential unit.
- 10.29 Paragraph 17 of the NPPF outlines a set of core land-use principles which should underpin decision making, including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings
- 10.30 Policies DM3.4 and 3.5 require new developments to provide good quality accommodation both internally and externally, which should accord with the principles of good design and provide dual aspect accommodation unless exceptional circumstances are demonstrated.
- 10.31 The proposed unit measures 63sqm which exceeds the minimum area stated in the nationally described space standard. The proposed bedroom has been measured as approximately 11.9sqm, which although slightly smaller than the requirement of a double bedroom (12sqm) by the Development Management Policies, is in excess of the minimum floor area as required by the Nationally Described Space Standards (11.5sqm).
- 10.32 The previous Inspector found the, *“Although the outlook and light levels to the living area are acceptable, on the whole the outlook and natural light would be rather restricted. The privacy of the amenity space would be limited. Although the plans show the box hedging to be around head height, it may take a number of years to become established and grow to this level, and so there would be likely to be some loss of privacy between the neighbouring occupiers. Overall I therefore consider that the proposal would not afford an adequate standard of amenity for future occupiers, contrary to policy DM2.1.”*
- 10.33 The current proposal (Image 3 below) incorporates a similar layout to the previous scheme that was dismissed at appeal. However, the key difference involves the inclusion of 1.8m high pre-grown hedge to the side boundary with no.100E Tollington Park, which is considered to overcome the Inspectors concerns regarding privacy to habitable areas at the rear and outdoor amenity spaces. It is acknowledged that natural light and outlook would remain somewhat limited to the front of the property facing the street with the windows serving the kitchen area. Notwithstanding this, the overall improvements to the privacy of the residential unit together with the overall size of the 1 bedroom unit and southern facing larger living space is considered to weigh in its favour. The previous submission included outward opening double doors along the flank elevation and a fixed shut window to the rear elevation.



**Image 6 Current Proposals**

- 10.34 The current proposals (Image 6) instead show the opening double doors to the rear elevation and include a fixed shut and obscure glazed window along the flank elevation. Whilst the current scheme results in the loss of a window towards the rear of the flank wall of the outrigger when compared to the recent refusals referenced above, no objections are raised in this regard given its proximity to the 1.8m high hedge restricting outlook. Overall, the proposed arrangement is considered a significant improvement, particularly in terms of outlook with the main living area being afforded unobstructed views to the rear garden via the double doors. Although facing north east, it is considered that the obscure glazed window along the flank elevation would contribute to the overall light levels into the property.
- 10.35 The main living areas face south east, and are served by large double doors/windows. Given its orientation and the size of its rear openings, it is considered reasonable to expect that the proposed unit would receive sufficient levels of natural light, with outlook to the rear garden provided. The double bedroom also benefits from a south east facing floor to ceiling height window which would allow good levels of natural light and outlook to that room. Whilst it is unfortunate that outlook cannot be enhanced to the front, the retention of the garage doors is considered a heritage benefit, which has been considered in the planning balance of these matters. It is therefore considered that the openings are sufficient to ensure the property would be well lit with reasonable levels of outlook to the rear garden provided.
- 10.36 It is also important to note that as the most recent refused application (ref: P2019/3284/FUL) overcame the privacy issue between the host property and no.100E Tollington Park, the levels of light and outlook alone were not considered sufficiently harmful enough to warrant refusal and this would also be in line with the comments in the previous Inspectorate decision. Notwithstanding this, for the reasons given above, it is considered that the proposed unit would be afforded reasonable access to light and outlook to the rear and given the improvements in terms of privacy to the rear garden with the installation of a mature hedge, it is considered that the unit, on balance, would provide a good standard of residential accommodation.
- 10.37 In addition and as noted above, the proposed unit would exceed the minimum floorspace requirements for a 1 bedroom 2 person unit (50 sq m required and 63 sqm proposed) and would provide a functional layout.
- 10.38 It is considered that the size and layout of the private amenity space is sufficient and well in excess of the minimum requirement for a ground floor unit of 13sqm. The planting of a mature hedge will ensure good levels of privacy are maintained between the host property and No.100E. Whilst the proposed hedge (*Carpinus Betulus*) is classed as deciduous, it is noted

that it does not lose all cover during winter, ensuring that privacy screening would be retained should the rear garden be occupied during the cooler months.

- 10.39 Policy DM2.1 expects a good level of amenity, Policy DM3.3 sets out the requirements for acceptable conversions and Policy DM3.4 sets out a range of considerations affecting housing quality and liveability. The proposal has demonstrated compliance with the development plan and that future occupiers would enjoy a reasonable level of amenity within the urban context

### **Highways**

- 10.40 Islington policy identifies that all new development shall be car free. Therefore, no parking provision will be allowed on site and occupiers will not have the ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. Residents of the development will not be eligible to attain on-street parking permits, unless required to meet the needs of occupiers registered disabled. The applicant has signed a Unilateral Undertaking with a commitment to occupants of the host property being restricted from occupying residential parking bays within the Borough. While the site includes an existing off street parking bay, this is not proposed to be changed as part of the application.
- 10.41 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. The application proposes the use of an under stairs area to the front of the property for bicycle storage. As referenced in the sections above, the location of the proposed cycle storage area is considered acceptable and workable with the existing residential units on site.
- 10.42 Bin storage is also shown to the front of the property, adjacent to the existing off-site parking bay. To ensure that a proposed bin store would not detrimentally impact upon the amenity of neighbour and future occupiers and that this would not impact upon the character and appearance of the conservation area, a condition is recommended requiring detail to be submitted to and approved by the Local Planning Authority.

### **Trees/Biodiversity**

- 10.43 In accordance with Development Management Policy DM6.5 (Landscaping, trees and biodiversity), all developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits.
- 10.44 The loss of existing trees was not referenced as part of the most recent appeal of P2018/1391/FUL. However, during a previous appeal (relating to application P2016/2195/FUL and appeal ref: APP/V5570/W/17/3170858) the Planning Inspectorate stated: "*The plans and the planning application form do not identify an existing pear tree in the rear garden. In all probability this tree would have to be removed to enable the scheme to proceed as shown on plan. The tree has some amenity value but the Council's tree officer describes it as being of poor health, form and vigour. That being the case its loss could not reasonably be resisted and a planning condition could require replacement planting*". The Council's Tree Officer has been consulted during the assessment period of P2018/1391/FUL and P2019/3284/FUL and has raised no objections to the removal of this tree. As such, the removal of the tree is not considered to warrant refusal of the application.
- 10.45 In light of the above, it is considered that the proposed development would not significantly impact on the landscape and biodiversity value of the application site. The physical alterations

sought are limited to the erection of a modestly sized rear extension and the planting of a mature hedge, which are not considered harmful in biodiversity terms.

### **Access**

- 10.46 On 1st October 2015, a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, to be enforced by an Approved Inspector. Residential development containing fewer than 10 units should be designed so that all dwellings meet Category 2 of the National Housing Standards. A written statement explaining how each of the units meets the requisite standard should be provided with the application (this can be contained within the Planning Statement). Plans should indicate notional furniture layouts.
- 10.47 Policy D7 of the London Plan 2021 requires all new development to provide suitable housing and genuine choice for London's diverse population. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone.
- 10.48 The site has level access from the front driveway and would provide the opportunity to be an adaptable home. Given the site relates to an existing building it is considered that any lack of compliance would not warrant refusal if all other issues were acceptable.

### **Affordable Housing /Carbon Offset**

- 10.49 Islington's Affordable Housing Small Sites Contribution SPD (2012) states that 'all minor residential developments resulting in the creation of one or more additional residential unit(s) are required to provide a commuted sum of £50,000 per unit, towards the costs of providing affordable housing units on other sites within the borough'. Therefore, the requirement for financial contributions towards affordable housing relates to residential schemes proposing between 1 – 9 units, which is applicable in this instance.
- 10.50 Government planning policy on affordable housing contributions is set out in the National Planning Policy Framework (NPPF as revised 2018), having originally been introduced in a Written Ministerial Statement (WMS) made in Parliament on 28 November 2014 by the Secretary of State for Communities and Local Government. Neither the NPPF nor the WMS has statutory weight; both are material considerations which must be given weight according to the circumstances of a particular application. They do not override the operation of planning statute, namely s38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.
- 10.51 The NPPF (para 63) states that provision of affordable housing should not be sought for residential developments that are not major developments. The Islington Core Strategy requires sites delivering less than 10 residential units to provide a financial contribution towards affordable housing elsewhere in the borough reflecting. Further detail, including the level of contribution, is set out in the Affordable Housing Small Sites Contributions SPD.
- 10.52 The applicant has agreed to contribute the full sum of £50,000 to the Council's Affordable Housing Small Sites Contributions as outlined within the Supplementary Planning Document (the SPD). This payment has been secured through a Unilateral Undertaking signed by the applicant.
- 10.53 The applicant has also agreed to contribute the full sum of £1,000 to towards the council's carbon offsetting strategy, as required by the Environmental Design SPD and policy CS10 of the Islington Core Strategy 2011. As above, this this payment has been secured through a Unilateral Undertaking signed by the applicant.

## 11. SUMMARY AND CONCLUSION

### Summary

- 11.1 It is considered that the current application is acceptable in design terms and would facilitate a good quality residential unit. The proposal has sought to overcome the most recent reason for refusal (ref: P2019/3284/FUL) by replacing the previously unacceptable artificial boundary treatment with a pre-grown hedge to a height of 1.8m. The proposed species is considered appropriate within the historic context of the site and due to its semi-evergreen species, would protect the rear gardens of both the application site and 100E Tollington Park from unreasonable levels of mutual overlooking.
- 11.2 The proposed residential unit would provide sufficient floor area, a dual aspect and have access to high quality outdoor private amenity space, ensuring a suitable quality of residential accommodation is achieved.
- 11.3 The proposed windows along the flank elevation of the rear outrigger will be obscure glazed to protect the amenity of neighbouring residential occupiers. It is considered that the proposed hedge would allow for sufficient access to light and outlook from the neighbouring residential property at No.100E Tollington Park.
- 11.4 The applicant has agreed to pay the full small sites contribution of £50,000 towards the provision of off-site affordable housing and £1,000 towards CO2 offsetting.
- 11.5 The proposed development is considered to accord with the National Planning Policy Framework 2019, and the policies found within the London Plan 2021, the Islington Core Strategy 2011, the Development Management Policies 2013 and Supplementary Planning Documents. The proposal is therefore recommended for approval subject to a legal agreement and appropriate conditions

### Conclusion

- 11.6 It is recommended that planning permission be granted subject to conditions and a legal agreement set out in Appendix 1 - RECOMMENDATIONS.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

- Contribution of £50,000 towards affordable housing within the borough
- Contribution of £1,000 towards carbon off-setting
- Car free restriction

### RECOMMENDATION B

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

#### List of Conditions:

|          |  |
|----------|--|
| <b>1</b> | <b>3 YEAR CONSENT PERIOD</b>   |
|          | <p>CONDITION: 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>  |
| <b>2</b> | <b>APPROVED PLANS LIST</b>   |
|          | <p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Dwg jw545 - 103 Rev L; Dwg JW545-200; Planning, Design &amp; Access Statement, including Heritage Assessment dated March 2020; ARBORICULTURAL IMPACT ASSESSMENT REPORT dated 31.1.19</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 (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>4</b> | <b>REFUSE AND 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>5</b> | <b>PD RIGHTS REMOVED (COMPLIANCE)</b>  |
|          | <p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any amended/updated subsequent Order) under Part 2 Class A permitted development rights relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure are hereby removed. No such work shall occur without express planning permission.</p> <p>REASON: To ensure that the historic garden form is retained and protect the character and appearance of the conservation area.</p>   |
| <b>6</b> | <b>BOUNDARY HEDGE (COMPLIANCE)</b>   |
|          | <p>CONDITION: The 1.8 metre high hedge detailed on the hereby approved plan ref: Dwg jw545 - 103 Rev L shall be planted during the first planting season following practical completion of the development hereby approved.</p> <p>Should the 1.8 metre high boundary hedge detailed to be planted as part of the approved landscaping scheme be removed, die, become severely damaged or diseased within five years of completion of the development, this shall be replaced with the same species at the same height, or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p> |

### List of Informatives

|          |  |
|----------|--|
| <b>1</b> | SECTION 106 AGREEMENT: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.   |
| <b>2</b> | CIL: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). |

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES AND GUIDANCE**

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.

- NPPF (2019)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, 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 2021 - Spatial Development Strategy for Greater London**

Policy D1- London's form, character and capacity for growth  
Policy D4- Delivering good design  
Policy D6- Housing quality and standards  
Policy D7 – Accessible housing  
Policy H1- Increasing housing supply  
Policy T5- Cycling  
Policy T6- Car parking  
Policy T6.1- Residential parking

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

Policy CS8 Enhancing Islington's Character  
Policy CS9 Protecting and enhancing Islington's built and historic environment  
Policy CS10 Sustainable design  
Policy CS11 Waste  
Policy CS12 Meeting the Housing Challenge

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

Policy DM2.1 Design  
Policy DM2.2 Inclusive Design  
Policy DM2.3 Heritage  
Policy DM3.1 Mix of housing sizes  
Policy DM3.4 Housing standards  
Policy DM3.5 Private outdoor space  
Policy DM6.5 Landscaping, trees and biodiversity  
Policy DM7.1 Sustainable design and construction  
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes  
Policy DM7.4 Sustainable Design Standards  
Policy DM8.4 Walking and cycling  
Policy DM8.5 Vehicle Parking  
Appendix 6 Cycling

### **3. Designations**

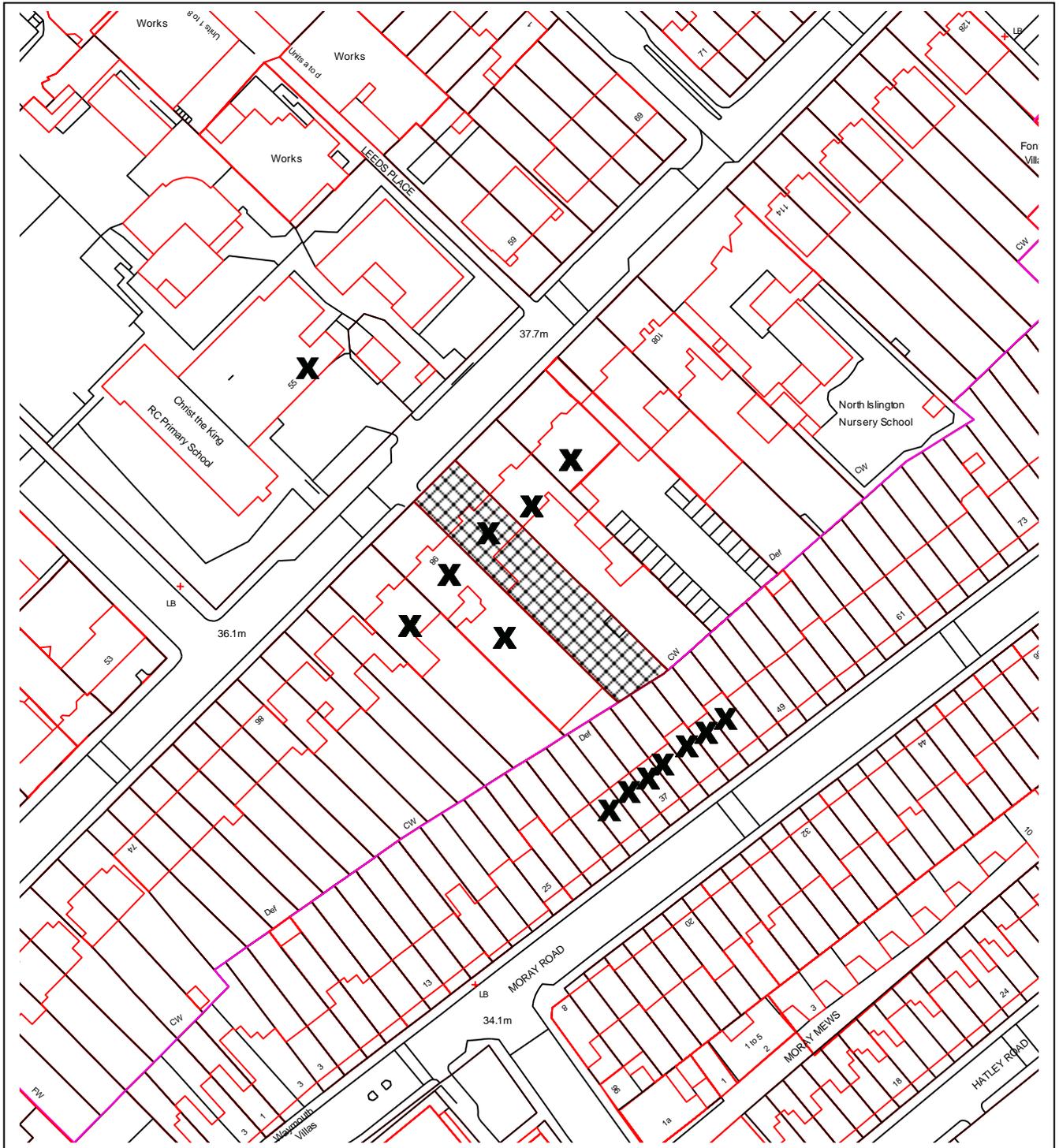
The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Tollington Park Conservation Area
- Finsbury Park Core Strategy Key Area
- Article 4(2) Direction – Tollington Park Conservation Area
- Locally Listed Building
- Cycle Routes (Local)
- Article 4 Direction A1-A2 (Rest of Borough)

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

Urban Design Guide January 2017  
Planning Obligations December 2016  
Inclusive Design January 2010  
Affordable Housing: Small Sites October 2012  
Development Viability January 2016  
Environmental Design Planning Guidance SPD (2012)

# ISLINGTON SE GIS Print Template



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P2020/0917/FUL

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### PLANNING COMMITTEE REPORT



|                                 |              |                   |
|---------------------------------|--------------|-------------------|
| <b>PLANNING SUB-COMMITTEE B</b> |              |                   |
| <b>Date:</b>                    | 14 June 2021 | <b>NON-EXEMPT</b> |

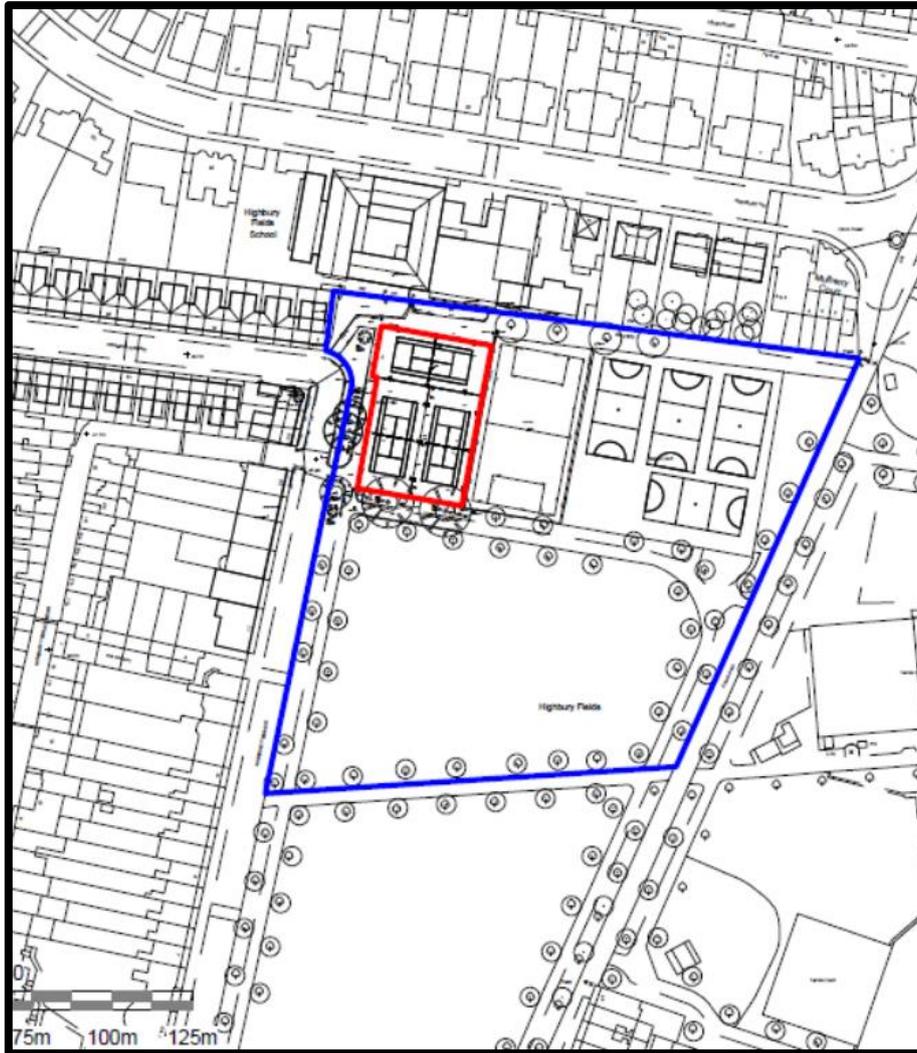
|                          |   |
|--------------------------|---|
| Application number       | P2021/0563/FUL  |
| Application type         | Full Planning Application   |
| Ward                     | Highbury East   |
| Listed building          | No  |
| Conservation area        | Highbury Fields   |
| Development Plan Context | Metropolitan Open Land<br>Borough Open Space<br>Site of Importance for Nature Conservation    |
| Licensing Implications   | None  |
| Site Address             | Highbury Fields, Highbury Terrace, London, N5 1UP   |
| Proposal                 | Installation of replacement low level LED floodlighting to 3x existing outdoor tennis courts. |

|              |                   |
|--------------|-------------------|
| Case Officer | Samir Benmbarek   |
| Applicant    | Islington Council |
| Agent        | S.F.P.A.D. Ltd.   |

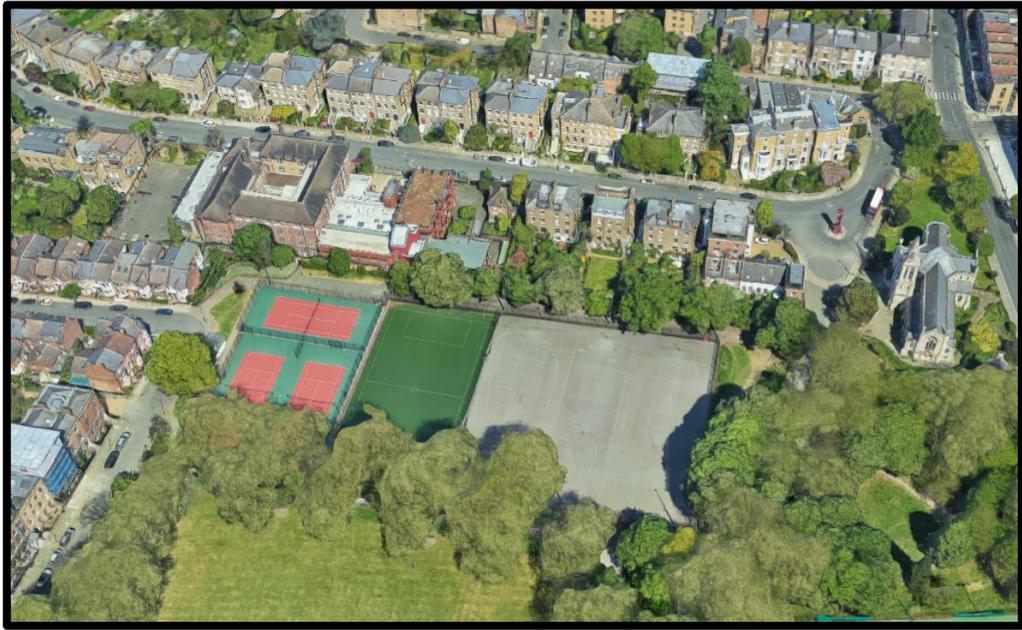
#### 1. RECOMMENDATION

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 red)



3. PHOTOS OF SITE/STREET



**Image 1:** Aerial view of site (looking north). The application concerns the tennis courts towards the top left corner of this image.



**Image 2:** View of tennis courts from Framfield Road/Highbury Terrace (west).



**Image 3:** Tennis Courts viewed from Highbury Terrace (south west).



**Image 4:** View of tennis courts from Highbury Fields with houses of Highbury Terrace/Framfield Road in the background.



**Image 5:** View of tennis courts with junction of Framfield Road and Highbury Terrace in the background.



**Image 6:** Existing floodlighting.

## **4. SUMMARY**

- 4.1 The application proposes the installation of 15 x columns with 18 x low level replacement LED floodlighting to three existing outdoor floodlit tennis courts at Highbury Fields (Court 9, 10 and 11). Each lighting column would be 7m in height and would be constructed from metal in a dark green finish with a 600 watt LED panel type fitting (7.2m mounting height).
- 4.2 The existing site is the tennis courts at Highbury Fields, which are located in its northwestern corner. It is bounded to the west by Highbury Terrace/Framfield Road and Highbury Fields School to its north. To its immediate east are football pitches with parkland stretching to the south. Further tennis courts (Nos. 1-8) not subject to this application are located at the east of the open space in between Highbury Place and Highbury Grove.
- 4.3 The application is brought to committee as it is a Council own development.
- 4.4 The proposed design, layout and scale of the proposed development is considered acceptable and would not detract from the character and appearance of the Highbury Fields Conservation Area. Therefore, the proposed development complies with policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013.
- 4.5 It is considered that the proposal would not detrimentally impact on the amenity of the neighbouring properties by way of lighting and illumination. A condition is recommended restricting the use of the floodlighting between 8am and 9pm daily to reduce impacts to adjacent neighbouring properties. A further condition is recommended requiring the flood lighting to comply with guidance within the Institution of Lighting Engineers – Guidance Notes for reduction of obtrusive lighting and that the floodlighting is installed by a suitably qualified contractor or engineer fully complying with the guidance
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

## **5. SITE AND SURROUNDINGS**

- 5.1 The application site comprises three tennis courts, no. 9, 10, and 11, which are located on the northwestern corner of Highbury Fields and occupy an area of approximately 1750sqm. The tennis courts can be accessed from Highbury Terrace to its west or the path along its southern perimeter that connects it to the rest of Highbury Fields, including the main through path (Highbury Place). The tennis courts are enclosed by mesh fencing at a height of 3.6m and the courts include 4 x 12m high lighting columns.
- 5.2 Highbury Fields encompasses an area of approximately 117,000 square metres (29 acres) and contains parkland, open space and lawns, tennis courts, football pitches and general hardstanding sports provision, a children's playground, café and WCs. At the southern tip of Highbury Fields is Highbury Leisure Centre. Highbury Fields is bounded to the west by Highbury Crescent and Terrace, with its southern part bounded by Highbury Place to its east before it intersects its northern part. At its northern part, Highbury Fields is bounded to the east by Highbury Grove.
- 5.3 The site is not statutorily or locally listed; however it is located within the Highbury Fields Conservation Area. There are no listed buildings in close proximity to the tennis courts.
- 5.4 The site is designated Metropolitan Open Land by the London Plan and designated Open Space within the Islington Core Strategy and Development Management Policies. The site is designated as a SINC (site of importance for nature conservation) as by the current Core Strategy and Development Management Policies as well as the draft Local Plan.
- 5.5 The character and use of Highbury Fields is open space with sports and leisure and general use and enjoyment. Highbury Fields also provides a separation between the denser mixed-use development centred on Highbury Corner and Upper Street, and the residential areas located to the north within Highbury such as Highbury Hill, Highbury Terrace and Framfield Road as well as to the east in Aberdeen Park. The site is located near Highbury and Islington station.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application proposes the installation of 18x low level replacement LED floodlighting on 15x columns to three existing outdoor floodlit tennis courts at Highbury Fields (courts 9, 10 and 11). Each lighting column would be 7m in height and would be constructed from metal in a dark green finish (RAL 6005) with a 600 watt LED panel type fitting (7.2m mounting height). The existing 4x 12m height columns would be removed.
- 6.2 The proposed lighting columns would be aligned in five rows from north to south with each tennis court benefitting from 6 x floodlights. The image below illustrates the proposed lighting strategy and configuration of the tennis courts.



Image 4: Proposed layout of lighting columns.

- 6.3 The proposed lighting columns would be located within the existing mesh boundary separating the tennis courts from the rest of Highbury Fields. None of the proposed floodlighting would be located along the boundary of Highbury Fields with either the public highway or neighbouring properties. The nearest proposed lighting would be located approximately 10m from the highway and 22m from the nearest properties on the western side of Highbury Terrace.

## 7. RELEVANT HISTORY:

### Application Site

- 7.1 P2014/3719/FUL- The installation of low level floodlighting to two existing outdoor tennis courts (courts 7 & 8) along southern boundary (Baalbec Road side). **Approved with conditions 19/12/2014.**

- 7.2 P2017/3720/FUL- The installation of 8.00m floodlighting to two existing outdoor tennis court Nrs 5 and 6 along the eastern boundary (Highbury Grove side). **Approved with conditions 19/12/2014.**

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 77 adjoining and nearby properties at Highbury Terrace, Highbury Hill, Framfield Road and The Precinct on 04/03/2021.
- 8.2 A site notice and press advert were displayed on 11/03/2021. The public consultation of the application therefore expired on 04/04/2021; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.3 At the time of the writing of this report no responses had been received from the public with regard to the application.

### **Internal Consultees**

- 8.4 **Design & Conservation:** No objection to the proposed development. The proposed lighting is contained within an established sports area of Highbury Fields and whilst the number of lighting columns would increase, the decrease in height is welcomed.
- 8.5 **Environmental Health:** No comments received.
- 8.6 **Biodiversity:** No objection to the proposed development and no bat details required in this instance.

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

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

### **National Guidance**

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the main following 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.)
- 9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 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 B 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.
- 9.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the adjoining listed buildings, its setting and any of its features of special architectural or historic interest.

### **Development Plan**

- 9.11 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011 and the Islington Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Designations**

- 9.12 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Metropolitan Open Space
  - Designated Open Space
  - Highbury Fields Conservation Area

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

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

### **Draft Islington Local Plan 2019**

9.14 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress. As part of the examination, consultation on pre-hearing modifications took place from 19 March to 9 May 2021.

9.15 In line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

9.16 Emerging policies relevant to this application are set out below:

- Policy G2- Protecting open space
- Policy G4- Biodiversity, landscape design and trees
- Policy DH1- Fostering innovation while protecting heritage
- Policy DH2- Heritage assets

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation and Heritage
- Neighbouring Amenity
- Biodiversity and Nature Conservation
- Other Matters

### **LAND USE**

10.2 The site is designated Metropolitan Open Land (MOL) by the London Plan as well as designated Open Space within the Islington Core Strategy and Development Management Policies. The site is also a designated SINC (Site of Important Nature Conservation). The proposed development would involve the removal of the existing 4 x lighting columns and installation of 15 x lighting columns at a height of 7m from ground level within the existing tennis courts at the northwestern corner of Highbury Fields.

10.3 Part A of policy G3 (Metropolitan Open Land) of the London Plan 2021 states that MOL should be protected from inappropriate development whilst part B of policy G4 (Open Space) ensures development does not result in the loss of protected open space. Policy DM6.6 of the Islington Development Management Policies states that development is not permitted on any public open space.

10.4 Therefore, as a basis, any development within Highbury Fields would not be supported in principle; however, the proposed scheme is to install lighting within an established and surfaced area

for tennis courts that is fenced off from the remainder of Highbury Fields. Whilst the MOL and open space designation covers all of Highbury Fields, this part of the open space has been designated for sports use and the proposed floodlighting would not result in a loss of open green space used for general leisure and enjoyment.

- 10.5 Furthermore, given its location within the fenced tennis courts and its height (in comparison to the existing), it is considered that the proposed development would not hinder the enjoyment of the general open space of Highbury Fields, whilst also continuing to facilitate the already designated sports use. As such, it is considered that the proposal would not be an inappropriate form of development within the MOL.
- 10.6 The proposed development in this instance is considered to comply with policy DM6.6 of the Islington Development Management Policies 2013. The proposed development is also considered to comply with policies G3 and G4 of the London Plan 2021.
- 10.7 Policy CS17 of the Islington Core Strategy supports the need to improve the quality accessibility and capacity of sports facilities so that maximum use of all existing facilities can be made. Whilst policy DM6.4 does not specifically note schemes to improve existing sports facilities, the general aim of the policy is to ensure the borough has good quality and a sufficient quantity of sports facilities within the borough.
- 10.8 The installation of floodlights around the perimeter of the tennis courts would allow the courts to be utilised for longer periods of the day (particularly during the winter period) thereby providing greater opportunities for local residents to participate in sport and recreation and maximise the use of the existing facilities.
- 10.9 Given that the proposed floodlighting would improve an existing sport and recreation facility, it is considered the proposed development is considered to comply with the broad aims of policy CS17 of the Islington Core Strategy 2011 and policy DM6.4 of the Islington Development Management Policies 2013.
- 10.10 Overall, the proposed development is considered acceptable in regards to land use (both open space and sports provision); however, overall acceptability is subject to the other considerations within this report.

## **DESIGN, CONSERVATION AND HERITAGE**

- 10.11 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.
- 10.12 Paragraph 131 of the NPPF (2019) states that in determining planning applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.13 Policy CS8 of the Islington Core Strategy sets out the general principles to be followed by new development in the borough. Policy CS9 of the Core Strategy and policy DM2.1 of the Islington 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
- 10.14 Policy DM2.3 of the Development Management Policies will ensure that the borough's heritage assets are conserved and enhanced in an appropriate manner whilst development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged. The site is located within the Highbury Fields Conservation Area.

- 10.15 As the site is located within a conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal, special regard must be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 10.16 Paragraph 190 of the NPPF states that the Local Planning Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraphs 193-194 state that great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be).
- 10.17 Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.18 The proposal would involve the erection of 15x 7m high floodlighting columns (with 18x lights) which is required in association with the tennis courts. Each floodlight would be strategically positioned along the tennis court to maximise the light for the court it would serve. The height of the floodlights is considered to not cause a significant visual impact given its restrained height, minimal massing, location within an enclosed sports area, that it would replace existing higher lamp columns, and would be obscured by the mature trees to the west and south. There would be private views from the dwellings of Highbury Terrace and the end dwellings of Framfield Road; however, the scale and height of the columns are not considered harmful to such views.
- 10.19 It is also considered given its location, the proposed apparatus would not detract from this part of Highbury Fields as the provision of lighting apparatus would be expected within a sports facility. The full impact of the proposed development would be experienced during the evening periods (which would be longer between October and March) when the floodlights would be on. The floodlighting would be directed onto the courts, illuminating the area. This is also considered to not detract from the character and appearance of this part of the conservation area as there is a level of illuminance at present and there is an expectation that outdoor sports facility include some level of illuminance. Additionally, the provision of lighting would enable the use of the courts during darker evenings and would provide a greater extent of activity onto the surrounding pedestrian routes. It should also be noted that the proposed development does not change the context or overall appearance of this part of Highbury Fields by virtue of the existing floodlighting which currently result in a greater visual impact given that these existing flood lights are 12m tall and more visible from longer views outside of the conservation area.
- 10.20 There is also some visual buffering provided as the tennis courts are part of a larger area of open sports facilities that are surrounded by trees. Upon approval, a condition would be attached to ensure the apparatus is in a green finish as proposed to further reduce the visual impact.
- 10.21 Overall, subject to conditions, the proposed development complies with the National Planning Policy Framework 2019, policies D4 and HC1 of the London Plan 2021, policies CS8 and CS9 of the Islington Core Strategy 2011 and policies DM2.1 and DM2.3 of the Development Management Policies 2013. The development also adheres to the guidance in the Islington Urban Design Guide 2017 and the Highbury Fields Conservation Area Design Guidelines 2002.
- 10.22 Consideration has also been taken into policies DH1 (Fostering innovation and conserving and enhancing the historic environment) and DH2 (Heritage assets) of the Draft Islington Local Plan. The proposed development is considered a high quality which would preserve the character of this part of the Highbury Fields Conservation Area. It is noted that the aims of policy DH2 of the Draft Local Plan does not diverge significantly from that of policy DM2.3 of the Development Management Policies in respect to heritage assets.

## **NEIGHBOURING AMENITY**

- 10.23 The Development Plan contains policies that seek to appropriately safeguard the amenities of residential occupiers when considering new development. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to

noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.

- 10.24 Given the location of the tennis courts and the extent of the development, it is considered that the identified neighbouring properties with the potential to be impacted by the development are Nos. 21, 22, 23, 24 & 25 Highbury Fields and Nos. 2 & 4 Framfield Road.
- 10.25 It is considered by reason of its scale, slim profile and distance away from nearby neighbouring properties, the proposed floodlighting columns would not adversely impact the amenity of neighbouring occupiers in respect to daylight, sunlight or outlook. Furthermore, given the development is for a structural apparatus associated with an existing use, neighbouring privacy would not be impacted.
- 10.26 With respect to the floodlighting proposed, the applicant states that '*column height, placement and configuration are calculated in order to obtain the optimum aiming angles on the luminaries*'. This is to maximise the light on the playing surface and minimise light spill off the pitch on to adjacent areas. A Lighting Impact Assessment has been submitted with the application considering the flight spill arising. The Council's Public Protection Officer has been consulted and considers the information acceptable. The officer comments that the replacement lighting would reduce energy and costs and power output which would result in less glare. The replacement lighting would be an overall improvement from the existing lighting in respect to illuminance towards neighbouring properties. The type of lighting and overall height of the structures would ensure that the the level of illuminance is directed more intensively on the playing surfaces of the tennis courts and less on the surrounding areas which ensures further protection to the nearby neighbours than the existing situation.
- 10.27 The Public Protection Officer notes that the report designates the area as Environmental Zone E4 for "Town/city centres with high levels of night-time activity", whilst it would be considered to be classified as E3 "Well inhabited rural and urban settlements, small town centres and suburban locations." Despite this, the lighting report does predict compliance with the luminance levels for E3.
- 10.28 Overall, the proposed development is considered acceptable in regards to illuminance subject to the condition that the proposed lighting stops operation after 2100 hours.
- 10.29 In terms of noise, whilst the proposed lighting would facilitate a better use of the tennis courts it is considered it would not result in a greater intensity of the use. This is given the existing tennis courts are already floodlight from the existing apparatus and the amount of tennis courts would not increase as a result of the proposed development. The noise level from the continued organised sports games is unlikely to cause a significant level of noise to nearby properties given the separation distance of at least 22m and the nature of the use.
- 10.30 The hours of operation would not change as a result of the proposal and would be unreasonable to suggest to do so given there is existing floodlighting and the pitches are managed. The existing hours of 08:00-21:00hrs every day all year round are considered acceptable. These hours of use for the floodlighting ensures that there would be no leisure activities occurring under lights late at night when nearby residents are likely to be resting. As such, it would ensure the protection of neighbour amenity in the important periods of the night-time. The Acoustic Officer is also satisfied that the hours of operation would ensure protection to nearby residents in terms of noise and disturbance while residents are likely to be sleeping.
- 10.31 Overall, the proposed development will not cause significant adverse harm to the residential amenities enjoyed by the occupiers of neighbouring properties and is in accordance with policy DM2.1 (Design) of the Development Management Policies Plan 2013.

## **TREES AND LANDSCAPING**

- 10.32 The proposal would be situated adjacent to several mature trees along the boundary. The tree officer has been consulted and has no objections to the scheme. The position of the floodlights would not cause any adverse impact on the trees.

10.33 As such, the proposed development is acceptable with regard to landscaping and trees and is in accordance with policies DM2.1 and DM6.5 of the Islington Development Management Policies 2013.

## **BIODIVERSITY AND NATURE CONSERVATION**

10.34 Part C of policy DM6.3 of the Islington Development Management Policies 2013 states that planning permission will not be given for any schemes which adversely affect designated SINCs of Metropolitan or Borough Grade I, Grade II or local importance. The proposed development is considered to not harm the SINC for the same considerations as that for the Metropolitan Open Space. The development would be on existing developed hardstanding that is designated of sports use and would continue lighting and existing area within Highbury Fields that is already illuminated.

10.35 There are known bat habitats within Highbury Fields and there have been previous applications for lighting within Highbury Fields which have required bat surveys in order to confirm their use of the area as well as the location of habitats. The most recent survey was undertaken in 2014 where there were no identified bat habitats within the northwestern area of Highbury Fields. Bat habitats were identified towards the centre of Highbury Fields and towards the east (where the other tennis courts are located).

10.36 The application has been reviewed by the Council's Nature Conservation Manager who commented that a bat survey is not required in this instance given sufficient information on bats are already known from Highbury Fields in which the habitat locations have not changed since the 2014 applications. The submitted lighting plan minimises light spill and that the lights will be turned off when not in use. The lighting would also be operated in an individual system rather than collectively, further reducing light impacts towards bats. Only individual courts that are in use will be illuminated.

10.37 Therefore, the proposed development is considered acceptable in regards to nature conservation and biodiversity and as such complies with policy G6 of the London Plan 2021, policy CS15 of the Islington Core Strategy 2011 and policy DM6.5 of the Islington Development Management Policies 2013.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 Overall, subject to conditions, the proposal would maintain the appearance of the site and would not harm the surrounding area. The proposal accords with policies CS8 and CS9 of the Islington Core Strategy 2011, policies DM2.1 and DM2.3 of the Islington Development Management Policies 2013, the Urban Design Guide 2017 and the Conservation Area Design Guidelines 2002.

11.2 The application proposes the installation of 15 x columns with 15x low level replacement LED floodlighting to three existing outdoor floodlit tennis courts at Highbury Fields (Court 9, 10 and 11). Each lighting column would be 7m in height and would be constructed from metal in a dark green finish with a 600 watt LED panel type fitting (7.2m mounting height).

11.3 It is also considered that the development would not result in unacceptable loss of daylight or sunlight to the occupiers of adjoining residential properties. The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor direct overlooking. The replacement floodlighting would ensure less light spillage to surrounding areas thereby further reducing impact on neighbours and a condition remains on the hours of operation. As such it would not have a detrimental impact upon nearby amenity levels taken as a whole and accords with Policy DM2.1.

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

## **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to **conditions** to secure the following, and that there is delegated to each of the following: the Head of Development Management the Team Leader Major Applications and the Team Leader Planning Applications to make minor changes (additions removals or amendments) to the conditions:

#### 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>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>2019 CAS 073: 010; 011; 012; 013; 014; 015; 016; 017; 018; 019.<br/>Design and Access Statement by Sports Facility Planning &amp; Design Ltd dated 12/02/2021 (Issue 01); Lighting Impact Assessment by Sports Facility Planning &amp; Design Ltd dated 08/02/2021.</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 (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>4</b> | <b>External Finish (Compliance)</b>   |
|          | <p>CONDITION: The floodlight poles hereby approved shall be finished in dark green prior to installation, and maintained as such thereafter.</p> <p>REASON: To ensure that the appearance of the floodlights blends in with the character of the area, surrounding trees and green open space.</p>  |
| <b>5</b> | <b>Hours of Operation (Compliance)</b>  |
|          | <p>CONDITION : The hereby approved floodlighting shall not operate (be switched on providing artificial light) outside the hours of:</p> <p>Monday to Friday : 08:00 – 21:00<br/>Saturday : 08:00-21:00<br/>Sunday and Bank Holiday : 08:00 -21:00</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>  |

**List of Informatives:**

|                 |   |
|-----------------|---|
| <p><b>1</b></p> | <p><b>Construction Works</b></p> <p>INFORMATIVE: 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>  |
| <p><b>2</b></p> | <p><b>Highway Requirements</b></p> <p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p> |
| <p><b>3</b></p> | <p><b>Community Infrastructure Levy (CIL)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL).</p> <p>The Council will issue a CIL Liability Notice stating the CIL amount that will be payable on the commencement of the development. Failure to pay CIL liabilities when due will result in the Council imposing surcharges and late payment interest.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/cil">www.planningportal.gov.uk/cil</a>, and the Islington Council website at <a href="http://www.islington.gov.uk/cil">www.islington.gov.uk/cil</a>. CIL guidance is available on the GOV.UK website at <a href="http://www.gov.uk/guidance/community-infrastructure-levy">www.gov.uk/guidance/community-infrastructure-levy</a>.</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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

- National Planning Policy Framework 2019

### **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 2021 – The Spatial Development Strategy for Greater London**

- Policy GC3- Creating a healthy city
- Policy D4- Delivering good design
- Policy S5- Sports and recreation facilities
- Policy HC1- Heritage conservation and growth
- PolicyG3- Metropolitan Open Land
- Policy G4- Open space
- Policy G6- Biodiversity and access to nature

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

- Policy CS8 Enhancing Islington's character
- Policy CS9 Protecting and enhancing Islington's built and historic environment
- Policy CS15- Open space and green infrastructure
- Policy CS17- Sports and recreation provision
- Policy CS18 Delivery and infrastructure

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

#### Design and Heritage

- Policy DM2.1- Design
- Policy DM2.3- Heritage

#### Health and open space

- Policy DM6.3- Protecting open space
- Policy DM6.4- Sport and recreation
- Policy DM6.5- Landscaping, trees and biodiversity

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

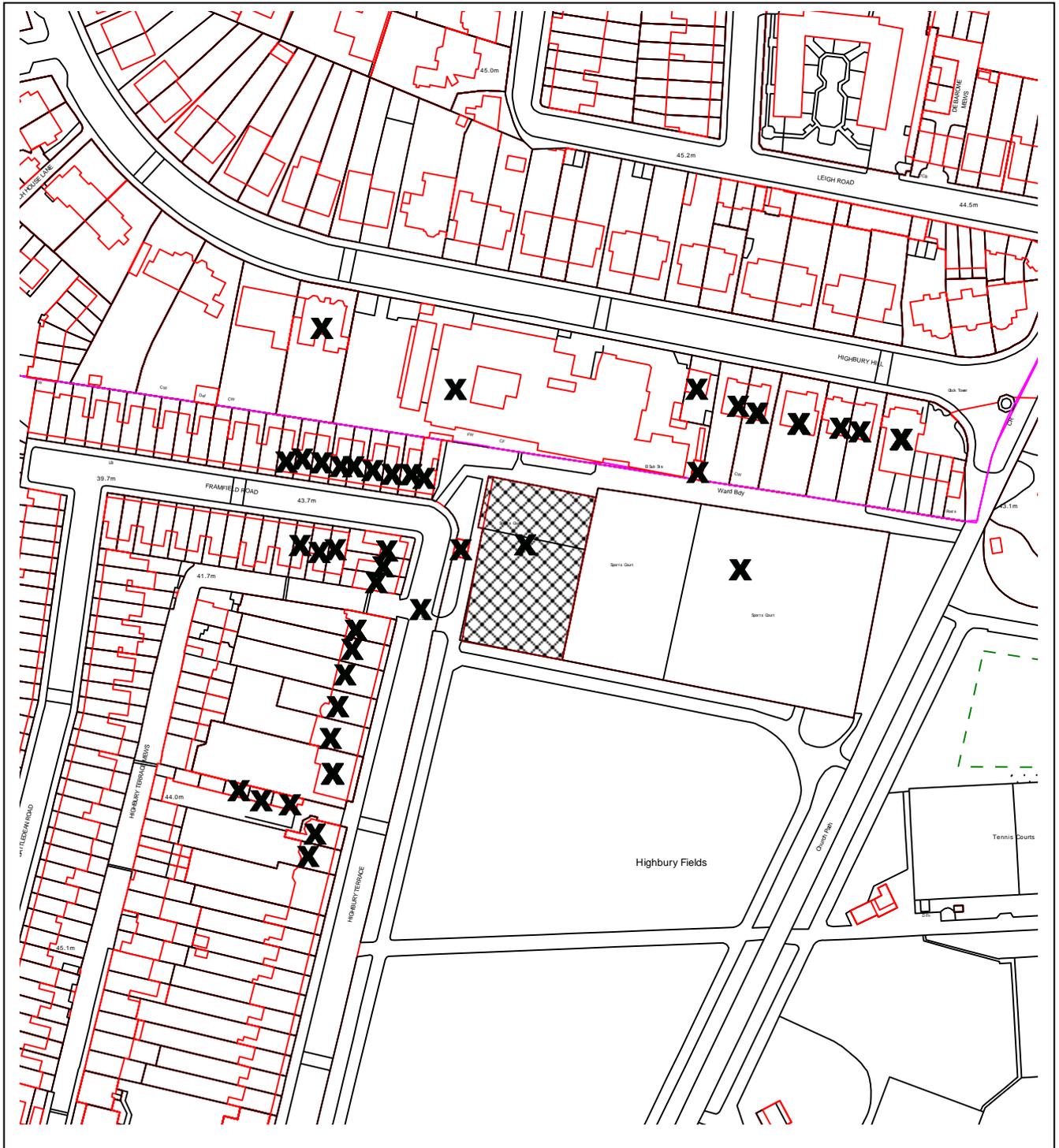
The following SPGs and/or SPDs are relevant:

#### Islington SPG/SPD

- Urban Design Guide 2019
- Conservation Area Design Guidelines 2002

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