



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 The Council Chamber, Town Hall, Upper Street, N1 2UD on, **15 December 2022 at 7.30 pm.**

Enquiries to : Jonathan Moore  
Tel : 020 7527 3308  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 7 December 2022

### 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

### Wards

Councillor Poyser (Chair)	- Hillrise;
Councillor Ibrahim	- Arsenal;
Councillor McHugh and St James';	- St Mary's
Councillor Hayes	- Clerkenwell;
Councillor Klute and Canalside;	- St Peter's

Quorum: 3 councillors



**A. Formal Matters**

**Page**

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business
6. Minutes of Previous Meeting

<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>
1.	Canonbury ATE, Highbury Grove, London, N5 1HJ	11 - 34
2.	Christ Church, 157 Highbury Grove, London, N5 1SA	35 - 82
3.	Garage 12a, Brooksby Mews, London, N1 1EZ	83 - 110

<b>C.</b>	<b>Consideration of other planning matters</b>	<b>Page</b>
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**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.

<b>F.</b>	<b>Confidential/exempt items</b>	<b>Page</b>
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**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, 23 February 2023

**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 Thomas French on 020 7527 6568. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing [enquiriesplanning@islington.gov.uk](mailto:enquiriesplanning@islington.gov.uk)**

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London Borough of Islington

## Planning Sub Committee B - 1 November 2022

Minutes of the meeting of the Planning Sub Committee B held at Council Chamber, Town Hall, Upper Street, N1 2UD on 1 November 2022 at 7.30 pm.

**Present:**           **Councillors:**       Poyser (Chair), Ibrahim, Hayes and Klute  
**Also**               **Councillors:**  
**Present:**

### Councillor Dave Poyser in the Chair

16       **INTRODUCTIONS (Item A1)**

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

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

Apologies for absence were received from Councillor McHugh.

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

None.

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

There were no declarations of pecuniary or other interests.

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

The order of business would be amended to consider B3, B2, B4, and then B1.

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

**RESOLVED:**

That the minutes of the meeting held on 13 September 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

22       **29 ST GEORGE'S AVENUE, LONDON, N7 0HB (Item B1)**

Basement excavation to provide additional living accommodation to the existing residential dwelling house with a new front lightwell. Erection of a single-storey rear and side extensions; Installation of metal balustrades to the existing rear outrigger to form a private terrace with associated screening. Replacement of existing single glazed windows with double glazed windows; Installation of 3 roof lights to the rear roof slope and associated alterations

The amendments include:

(a) increase the 1.8 metre boundary treatment to 2 metres.

(Planning application number: P2022/0093/FUL)

In the discussion the following points were made:

- A member asked for clarification on the plans. It was confirmed that there were proposed railings and, screening to protect the privacy of the neighbouring property.
- The objectors raised concerns regarding the impact of the extension on the conservation area, the impact of the extension on residential amenity, in particular, privacy, and the impact on trees caused by development in the area. It was requested that if approved, the removal of a sideways facing window be considered.
- The applicant's representatives explained that they assessed the area to ensure the design was sensitive to the surrounding area. Glazing had been reduced and the rear extension glazing was omitted in favour of a green roof that would provide a more positive visual amenity.
- A objector requested that a large window that faced sideways into a main living space be omitted. The Planning officer said there would not be a loss of privacy due to a 2.8-metre-high boundary wall. The applicant explained the majority of the wall was 1.8 metres and they would be happy to include vegetation or screening.

Councillor Klute proposed a motion to add a condition to increase the boundary treatment from 1.8 metres to 2 metres. This was seconded by Councillor Ibrahim and carried.

**RESOLVED:**

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

**23**

**80-90 HIGHGATE HILL, LONDON, N19 5NQ (Item B2)**

Partial demolition/reconfiguration of the external terrace relating to the existing public house and the redevelopment of the adjacent hardstanding car park for the construction of five (3 x 3 bed and 2 x 2-bed) self-contained dwellinghouses (C3 use) and associated alterations.

REASON FOR RECONSULTATION: Revised drawings, Revised Daylight/Sunlight Report, Additional Land use information for car park, Fire Safety Information (including Fire Statement, Fire Strategy, Approved Inspector Letter), Response to objections,

(Planning application number: P2022/1599/FUL)

In the discussion the following points were made:

- In response to a member's question, the planning officer confirmed that the pub could have tables and chairs at the terrace at the front of the property as well as at the terrace to the south of the site.
- The Committee considered recent planning issues on the wider site.
- In response to a member's question, the planning officer advised that handmade bricks had been used in the surrounding area. Although not in the proposal this could be included as a condition if the committee was so minded.
- It was noted that the buildings were higher than the fence at the rear of the carpark however mitigation such as a sloped, green roof had been proposed to soften the impact of the building.
- The objectors raised concerns regarding the accuracy and completeness of materials and analysis related to the application; the protection of pubs in the Local Plan and

the lack of an independent assessment related to the viability of the pub; the failure to assess harm to heritage assets and the conservation area; that the Conservation Area Design Guidance prohibited the proposed alterations to original features; the mass and scale of the proposed building and the limited provision of measurements; loss of light and overshadowing and a lack of independent assessment; noise from construction and the construction's impact on wildlife; lack of consultation and reply from the applicant; the impact on the wall at the rear of the carpark and its effect on their gardens and trees at the boundary and issues such as the size and management of a gap between a second wall proposed by the applicant; the impact on protected wildlife; the management of trees; how a bus stop servicing two schools would be managed and the children's safety and, that the quality, style, mass and design did not match the local area or historic views.

- The applicant's representatives highlighted to the Committee that the development company was design conscious, sustainably led and aimed to positively affect the built environment for future generations. They had acquired the carpark and the terrace from the pub, who had provided a letter of support for the application and were currently leasing the terrace. Since the refusal of the previous scheme it had been carefully reviewed and significant revisions had been. They posited that the current site was underutilised and detracted from the setting of the conservation area; the proposals addressed previous concerns and provided a much enhanced outlook when compared to the existing outlook of the site; Historic England and the Council's Heritage and Design Officer did not raise an objection to the application but commended its high quality design, which complimented the nature and scale of the street; removing part of the pub's terrace would not cause substantial harm to the setting of the building; it would offer high quality housing on a brownfield site; a £250,000 contribution would be made for the delivery of offsite affordable housing and a CIL contribution of £197,000; thorough research had been done into the site's history and surroundings, which informed the design; inspiration was taken from the local Victorian features and the design was supported by the design and conservation officer; the number of units had been reduced from six to five; the massing had been reduced; neighbouring amenity was not raised in the previous refusal however changes to the mass and scale had reduced any potential harm to adjacent properties; the units were set back from the street and so maintained privacy, had adequate separation from neighbours and quality outdoor space; there was a mix of two and three bedroom units in line with the priority housing needs of the Council; the scheme exceeded minimum space standards for floor areas and private amenity space; all units were dual aspect with step free access to ensure inclusivity; the trade and profit potential of the pub had been evaluated and the pub could continue to operate effectively; the BRE Guidelines 2022 stated that alterations to daylight of less than 20% would be unnoticeable and the largest alteration to the neighbours was 7%, sunlight alterations were also considered unnoticeable; regarding overshadowing the BRE Guidelines 2022 said an amenity space should receive 50% direct sunlight and all the neighbours receive at least 90% direct sunlight;
- The Chair highlighted that one of the objectors had said only the four closest heritage assets had been considered when trying to make the application architecturally consistent. The applicant said there was further details available in the design and access statement and the heritage statement provided by an outside consultant who addressed the overall heritage of the conservation area.
- The Chair asked about the objectors comment regarding the bus stop. It was explained that TfL was a statutory consultant and conditions had been applied

regarding a construction management plan and the maintenance of the bus stop during construction.

- The Chair asked the Council's legal advisor for their view on potential legal challenges raised by the objectors. It was explained that the matters raised were covered in the officer's report.
- A member asked about the applicant's engagement with residents. The residents felt they had not been engaged and incorrect measurements in the report could have affected the daylight and sunlight modelling as no one had been to their gardens. It was explained by the applicant that as part of their consultation they had spoken to the Highgate Society and the Highgate Conservation Area Action Committee. They had attempted to engage with residents on site but this had been unsuccessful. There had been no other consultation with residents. The Planning Officer explained that they would encourage applicants to speak to residents but there were no statutory requirements for consultation for minor developments.
- It was confirmed that granting planning permission would result in the loss of a part of the pub's terrace.
- A member asked about the boundary wall. It was explained that a full boundary wall survey had been undertaken. It was likely to be a concrete frame retaining the wall, but a fully detailed plan would be part of the phase four process, following planning permission.
- A member highlighted that although there was no statutory requirement for the consultation of neighbours, they would expect residents to be included in the planning process. It was also considered that the design and conservation officer had been integral to this proposal.
- The Chair stated that the report stated there was no daylight/sunlight impact on the neighbours; the lack of consultation with residents was disappointing; the loss of the carpark was not an issue as it was in the centre of town and car travel was discouraged; the loss of part of the terrace was not ideal as outside space was valuable however the case to maintain it was not strong and the design and conservation officer considered the design to be acceptable.

**RESOLVED:**

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

**24 LAND TO REAR OF 12 CHADWELL STREET, LONDON, EC1R 1XD (Item B3)**

Redevelopment of the land behind 12 Chadwell Street to provide a new three bed dwelling across ground and basement levels with associated amenity space and land scaping the proposal also includes demolition of existing hardstanding.

(Planning application number: P2020/2995/FUL)

In the discussion the following points were made:

- The planning officer highlighted that an additional objection had been raised.
- Members raised questions regarding the bin storage. The planning officer advised that the bins could be stored in the same location but would need to be moved to the front of the properties for collection. The Sub-Committee considered the

implications of bins stored at the front of the house and the impact of moving the bins on those with disabilities.

- Concerning Paragraph 7.17, a member asked what criteria would be used to decide whether or not an air source heat pump would be used. The planning officer stated that the sustainability statement suggested the pump be used, with gas and enhanced building fabrics being an alternative option if the pump could not be provided. Full justification and a section 73 application would need to be provided to vary or remove that condition.
- The objectors raised concerns regarding access to a right of way; size and scale; damage to the conservation area; threat to high quality legally protected trees; cleaning and maintenance problems caused by autumnal leaves; the use of the heat pump and the need for a noise and impact assessment; bin storage and the integrity of a Thames Water mains pipe.
- The applicant stated that since the previous scheme was refused, they had worked with officers to reduce the footprint of the proposed dwelling; set the front elevation back; reduced the site coverage by 35%; reduced the height; moved the bike storage to reduce visual intrusion from the road; provided a greater level of subservience to the surroundings and provided a greater level of external amenity for future residents. The site was a carpark and the applicant considered that it did not contribute towards sustainable development and the character of the surrounding listed buildings. He posited that planning policy promoted this type of development; the London Plan required small sites to be optimised for housing due to the housing crisis; the development was subservient in scale to the surrounding buildings; did not have prominence from the street; provided potential landscape improvements; an excellent living environment for future residents and safeguarded the amenity of neighbours. It was highlighted that the development achieved or exceeded all space and amenity standards and had been thoroughly assessed in terms of daylight and sunlight.
- The Chair asked why there had not been agreement on the right of way. The agent's representative was not aware of discussions on this. The council's legal representative confirmed it was a private right of access and the sub-committee could not impose a condition.
- The Chair asked about the bin collections. This would be considered private rights rather than a material planning consideration.
- The Chair asked about the impact of the development on the roots of trees. Trees had been considered in a tree impact assessment that had been agreed by the council's relevant officers.
- The sub-committee considered cycle storage. The planning officer advised that cycle storage was in line with the council's policy.
- The sub-committee considered noise pollution from the air source pump. The planning officer advised that this had been conditioned.

**RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to 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 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.

25

**THE ALBAN BUILDING RO, 71-73 UPPER STREET, 1 ST ALBAN'S PLACE, LONDON, N1 0NX (Item B4)**

Two storey building with excavation below to provide a single storey basement level with rear lightwells to provide new commercial floor space (Class E) (following demolition of existing workshop building) Installation of plant equipment to rear lightwell.

(Planning application number: P2021/0302/FUL

In the discussion the following points were made:

- The planning officer highlighted that an additional objection had been received and that material planning considerations raised had been addressed in the report.
- The objectors raised concerns regarding a proposal for a three storey building on a constrained site; the proposed first floor would add bulk and height to a dense area of residential flats and would reduce neighbour's outlook and increase a sense of enclosure; the size, scale and bulks impact on the character and appearance of a conservation area; comparing the site to previously refused applications considered more harmful did not mean this application was not harmful; the proposed first floor was 5 metres from the boundary of Upper Street Flats and the Council's Policy required an 18 metre back to back distance between habitable windows; No active frontage was provided; neighbour's amenity would be impacted; the underpinning required to create the basement being on land not owned by the applicant; they had provided a letter from a qualified daylight/sunlight consultant who found faults in the modelling and methodology of the submitted daylight/sunlight report, including inaccurate placements of windows and no calculations for the depth of rooms; that their expert had produced a contradictory view on daylight, sunlight and outlook that should be considered new information as the committee could not make a confident decision regarding the impact on neighbours; the use of a heavily serviced alleyway that also stored refuse would cause further congestion and was an inappropriate access, particularly for inclusivity and accessibility reasons; no evidence was provided assessing the impact of the development on existing businesses; false statements and errors in the planning application; a failure to notify landowners and there had been no consultation with residents and business owners.
- The applicant explained to the sub-committee that the proposals were to replace a dilapidated warehouse building in a highly accessible location in need of regeneration. They had engaged with officers and the local community which had led to a policy complaint scheme being presented to the sub-committee; the application delivered 422 square metres of new, high quality, energy efficient, and flexible office space that would contribute to the thriving Small Medium Enterprise (SME) economy within Islington; the principle of new employment floorspace, the overall design, particularly the elevational detailing and materiality had been considered acceptable by planning officers and the planning inspectorate; the scheme had been reduced in height by one story and the separation distance at the rear of the property had been increased; there was less development to the rear of the building in comparison to the existing pitched roof; the proposals improved the relationship between the site and the street; the existing outlook was improved; the daylight and sunlight assessment recognised a minor impact on existing daylight and sunlight levels and were compliant with the BRE Guidelines 2022; a green roof would improve the appearance of the site, reduce surface water run-off and improve biodiversity; the site was car free and delivered significant cycle parking; it would include a financial contribution to street, park and cycle facilities; there had

## Planning Sub Committee B - 1 November 2022

been five applications on the site over the past ten years, which had included eight formal consultations and site visits with objectors; that no underpinning was required outside of the site's area; the correct notices had been submitted to landowners; the development would enhance the rear of the alleyway to ensure a high quality scheme and improved environment; a number of reports including fire safety strategies and construction management plans had been prepared by experts and it had been demonstrated that the development could commence safely and without harm to adjacent properties; it would utilise renewable sources of energy including an air source heat pump and it would create natural surveillance.

- A member asked the applicant to clarify whether the alleyway could be better policed. It was explained that windows along that elevation would help to improve natural surveillance.
- A question regarding the impact on the land use by businesses along the street was raised. It was explained that the existing building had a right of way that could be used lawfully without any planning permissions and tracking drawings had been carried out to demonstrate that refuse vehicles could continue to use the site.
- A member asked whether the objector's daylight and sunlight report should be considered new evidence. The planning officer highlighted that the submissions had been considered by officers and also that the previous planning inspector's decision did not bring up any issues with daylight and sunlight.
- The Chair asked whether the land owners had been correctly notified. The legal officer stated that it was not the responsibility of the local authority to go into the details of landownership, but legislation required the applicant to submit that information and if the details were wrong there could be serious consequences. If an error was known the application should not be considered but it was reasonable to assume the information was correct.
- A member asked what consideration had been given to access by disabled people along the alleyway. There would be an accessible cycle path, the building was wheelchair accessible, the only potential issue was a cobbled street that was outside of the plans.
- A member asked about the requirement for 18 metres between residential properties raised by the applicant and whether the condition for obscured windows would apply if one property was residential. It was explained that it was the case that the obscured windows were there to protect the privacy of residents.
- A member asked for clarification on the existing use of the building. The planning officer advised that it was a business floor space, class E. It had historically been used as a workshop, and although it was not currently being used it could be bought back into use.
- In response to a member's question as to whether the footprint of the existing building was comparable to the proposed building, the planning officer explained they were very similar.
- A member acknowledged objectors' concerns about the application having been through a number of previous iterations, but stated the sub-committee had to consider the application in front of them.
- A member commented that the issues raised by the planning inspectorate such as residential units in a business area, the bulk and massing and, the outlook from adjoining buildings had been addressed.

### **RESOLVED:**

That following consideration of the case officer's report (the assessment and recommendations therein), the presentation to Committee, submitted representations and objections provided verbally at this meeting, planning permission be granted subject to the

## **Planning Sub Committee B - 1 November 2022**

conditions and informatives set out in Appendix 1 of the original 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 original officer report.

The meeting ended at 9.00 pm

**CHAIR**

**COMMITTEE AGENDA**

**1 Canonbury ATE**  
**Highbury Grove**  
**London**  
**N5 1HJ**

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**2 Christ Church**  
**157 Highbury Grove**  
**London**  
**N5 1SA**

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**3 Garage 12a**  
**Brooksby Mews**  
**London**  
**N1 1EZ**

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**1 Canonbury ATE**  
**Highbury Grove**  
**London**  
**N5 1HJ**

**Application Number:** P2022/2151/FUL

**Ward:** Highbury

**Proposed Development:** Installation of telecommunications equipment including 6No. Antennas (on 4No. new replacement tripods & support poles), 4No. Dishes, 2No. GPS Antennas, 5No. Equipment Cabinets and ancillary apparatus (following removal of existing equipment including 4No. Existing Antennas, 2No. Existing Cabinets, and Ancillary Apparatus)

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Cellnex

**Recommendation:**

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**2 Christ Church**  
**157 Highbury Grove**  
**London**  
**N5 1SA**

**Application Number:** P2021/1810/S73

**Ward:** Highbury East - historic

**Proposed Development:** Section 73 (Minor material amendment) for removal / variation of condition 5 (hours of use of community centre) following a grant of planning permission Ref:P2017/4445/FUL dated 29/03/2018 For Erection of a new single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building.

The application seeks to vary the existing opening hours of the community centre to start at 07.00 hours daily

**Application Type:** Removal/Variation of Condition (Section 73)

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Revd Andy Chrich

**Recommendation:**

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**3 Garage 12a  
Brooksby Mews  
London  
N1 1EZ**

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**Application Number:** P2021/2502/FUL

**Ward:** Barnsbury

**Proposed Development:** Change of use to Class E(g) for the provision as an Architect's studio. Replacement of existing single glazed aluminium framed windows and single door, with enlarged double glazed aluminium framed windows and double doors

**Application Type:** Full Planning Application

**Case Officer:** Daniel Jeffries

**Name of Applicant:** Mr Madhav Kidao

**Recommendation:**

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**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING SUB COMMITTEE B</b>		<b>B1</b>
<b>Date:</b>	<b>15<sup>th</sup> December 2022</b>	

Application number	P2022/2151/FUL
Application type	Full Planning Application
Ward	Highbury
Listed building	None
Conservation area	Highbury New Park Conservation Area Within 50m of Calabria Road and Canonbury Conservation Area
Development Plan Context	Rail Land Ownership - National Rail Surface Rail Safeguarding - Channel Tunnel Rail Link Cycle routes (Local) Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Canonbury ATE, Highbury Grove, London N5 1HJ
Proposal	Installation of telecommunications equipment including 6No. Antennas (on 4No. new replacement tripods & support poles), 4No. Dishes, 2No. GPS Antennas, 5No. Equipment Cabinets and ancillary apparatus (following removal of existing equipment including 4No. Existing Antennas, 2No. Existing Cabinets, and Ancillary Apparatus)

Case Officer	Daniel Jeffries
Applicant	Cellnex
Agent	WHP Telecoms - Mr Tiernan Walsh



3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site



Image 3 – View of host building (left) from public highway of Highbury Grove, looking north



**Image 4** – View of host building (right) from public highway of Highbury Grove, looking south

## **SUMMARY**

- 3.1 The application seeks planning permission for the installation of telecommunications equipment comprising 6 x Antennas (on 4 x new replacement tripods and support poles), 4 x Dishes, 2 x GPS Antennas, 5 x Equipment Cabinets and ancillary apparatus to facilitate 5G coverage. This is following the removal of existing equipment including 4 x Existing Antennas, 2 x Existing Cabinets, and Ancillary Apparatus.
- 3.2 The application building is known as Canonbury ATE (Automatic Telephone Exchange) building, which is a three-storey brick building. The equipment would be at roof level, above the existing plant enclosure. The site is situated within the Highbury New Park Conservation Area and there are no statutory or locally listed buildings in the immediate vicinity of the site.
- 3.3 The main consideration in the assessment of the application relates to the planning balance between the impact of the proposals on the character and appearance of the conservation area and the public benefits of the proposal, as well as consideration of the amenities of surrounding occupiers.
- 3.4 The additional height and visual prominence of the proposal is considered to result in less than substantial harm to the wider conservation area. However, the proposals would deliver a public benefit by delivering improved electronic communication. Paragraph 114 of the NPPF (2021) states that *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning Policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections'*.
- 3.5 Paragraph 202 of the NPPF states *'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'*. In this case, there is public benefit derived from the overall objective to improve electronic communication and the resulting fast and ubiquitous access to the internet from mobile and fixed devices. In accordance with the NPPF, it is considered that given the less than substantial harm impact the replacement equipment will have on the setting of the surrounding heritage assets, the public benefits outweigh this harm. Appropriate weight in accordance with the statutory duties of Section 72 have been applied to "preserve" the heritage asset.
- 3.6 The proposals would not be considered to cause harm to the amenities of neighbouring properties.
- 3.7 For the above reasons the recommendation to Committee is to resolve to grant permission subject to planning conditions.
- 3.8 It is concluded that the development accords with all relevant development plan policies, as listed in Appendix 2.

## **4. SITE AND SURROUNDING**

- 4.1 The application site is the rooftop of the Telephone Exchange building at Canonbury ATE (Automatic Telephone Exchange) also known as 1-3 Highbury Grove. The Telephone Exchange is a three-storey detached building with existing telecommunications equipment located centrally on the rooftop. The site is located within the Highbury New Park Conservation Area, and immediately adjacent to the Calabria Road Conservation Area. The property is not a Listed Building.

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

- 5.1 The application proposes to replace various pieces of telecommunications equipment on the roofspace at the Canonbury ATE building, with the Planning Statement confirming that the

current proposal provides the necessary equipment upgrades and additional capacity to the 2G, 3G and 4G and 5G network.

5.2 The Planning Statement confirms that the following equipment would be installed:

- 6No. Antennas (on 4No. new replacement tripods & support poles)
- 4No. Dishes
- 2No. GPS Antennas
- 5No. Equipment Cabinets
- All other ancillary apparatus (including mast head amplifiers (MHA), break-out box (BOB) testing devices, remote radio units (RRU) annotated on the drawings)

5.3 The proposed equipment would be located to the roof of the host building. The host building measures 14.26m at parapet level. The equipment would be located above the existing plant enclosure which measures 3m in height, and is located centrally within the roof, with the proposed equipment measuring 6.5m. The maximum height of the proposal would be 23.5m above ground floor level.

5.4 The proposal would replace existing telecommunications equipment including the following:

- 4No. Existing Antennas
- 2No. Existing Cabinets
- Other Ancillary Apparatus (including mast head amplifiers (MHA), break-out box (BOB) testing devices, remote radio units (RRU) annotated on the drawings)

5.5 The submitted Planning Statement confirming that the existing installation currently in situ is not structurally capable of supporting the required upgrade technologies, as the existing steelworks are not currently designed to fit all the required equipment within the same structure. As such the development before the Council is to swap out the existing tripods and supports with new tripods with support poles and new ancillary apparatus (including mast head amplifiers (MHA), break-out box (BOB) testing devices, remote radio units (RRU) annotated on the drawings).

## 6. RELEVANT HISTORY

### PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2020/1916/PRA	Prior Approval (Telecommunications) for replacement of 1No existing rooftop equipment cabinet with 2 no. new equipment cabinets.	Prior approval required approved	10/09/2020
P2016/2670/PRA	Prior Approval determination for the installation of electronic communications apparatus including: 3no. antenna on the rooftop together with cabinet and ancillary infrastructure.	Prior approval required approved	05/09/2016
P2013/0614/FUL	Replacement of three existing rooftop aerials with three new smaller sized aerials at the same height and bearing, together with the installation of a new controlling equipment cabinet of 0.48m x 0.6m x 1.6m (h) on existing rooftop support grillage with associated feeder cables and ancillary development thereto.	Approved	12/06/2013
P080836	Relocation of existing radio equipment housing on the roof	Approved	11/12/2008

P062401	Installation of louvre into existing window opening on ground floor, west elevation.	Approved	18/12/2006
P040973	Installation of three louvres into glazed windows on ground floor east elevation (facing Highbury Grove).	Refused	18/06/2004
P030323	Installation of telecommunications antennae, equipment housing and ancillary development at roof level.	Refused (Appeal Withdrawn)	18/02/2004 (04/05/2006)
P012504	Installation of three dual polar antenna on tripod mounted poles and one equipment cabin on the roof.	Prior Approval Required Refused	24/01/2002
P010373	Installation of telecommunications system on roof and electrical meter cabinet on forecourt.	Prior Approval not required	04/04/2001
931772	Installation of 0.9m diameter satellite dish on roof.	Approved	03/03/1994
890622	Alterations in connection with installation of additional chiller plant.	Approved	23/06/1989
880047	Elevational alterations to front and side	Approved	29/06/1988

## 7. CONSULTATION

### Public Consultation

- 7.1 Letters were sent to occupants of 110 adjoining and nearby properties on St Paul's Road, Calabria Road, Highbury Grove, on the 11<sup>th</sup> August 2022, and site and press adverts were displayed. The second round of public consultation of the application therefore expired on 4<sup>th</sup> September 2022. It is the council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of writing this report **5 objections** had been received. The points raised within the representations are summarised below (*with reference to which sections of this report address those particular concerns in brackets*).

#### Design

- Increased visual prominence and impact on the conservation area.  
(Paragraphs 9.2 to 9.30)

### External Consultees

- 7.3 None

### Internal Consultees

- 7.4 Environmental Health Pollution (Acoustic) Officer: Confirmed that the proposed equipment are not typically high noise generating installations and that they have no objections.
- 7.5 Conservation and Design Officer: Raised concerns regarding the visual appearance and prominence of the increase in rooftop telecommunications equipment in a conservation area.
- 7.6 Public Health:

Public Health Islington Council takes the health, wellbeing and safety of its residents very seriously. Having due regard to an assessment of the available national and international scientific evidence and current national guidance for the installation of telecommunications

infrastructure, including masts, we do not consider that the deployment of 5G poses a threat to the health and safety of our residents. This position is consistent with the latest guidance from Public Health England (PHE), the statutory body responsible for protecting the nation from public health hazards. Radiofrequency electromagnetic field exposures include exposures to radio waves produced by Wi-Fi equipment, smart meters and mobile phone base stations. PHE guidance on this matter was last updated in May 2019. Extensive research has been conducted for many years on the impact of exposure to radio waves on health. This research has been examined by groups of UK and international independent experts, and their conclusions from this accumulated evidence is that adverse health effects are unlikely to occur if exposures are below the levels set in current standards. The management of telecommunications is governed by national and international legislation and guidance, with installations needing to comply with the limitations imposed by the International Commission on Non-Ionising Radiation Protection (ICNIRP). These instruct that the design and placement of sites must ensure that exclusion zones are either in areas that individuals cannot enter (for example in inaccessible clear space adjacent to a rooftop) or be signposted and in a controlled area. Moreover, emissions surveys and audits of similar existing telecommunications installations have found that the levels of all types of radio frequency transmissions found near to mobile phone base stations remain hundreds or even thousands of times lower than the permissible limits set by ICNIRP.

- The applicant for this particular planning application has provided a declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines. This link (<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>) includes detailed information on exposure guidelines and health-related evidence and reviews. PHE continues to monitor the latest scientific evidence on this topic and update its advice, and Islington Council will regularly review its position in light of the latest available evidence and national guidance on the health impacts of mobile phone installations. For your reference, I set out below some further background scientific and technical references. A general overview of High Frequency Electro-Magnetic Frequency, 100Khz to 300Ghz (HF EMF), can be found here. With all the telecoms installations in the borough, operators must ensure that all equipment is ICNIRP (International Committee on Non-Ionising Radiation Protection) compliant, as stated in the Department for Communities and Local Government's National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).
- Radio base stations and handsets use Electromotive Force (EMF) to transfer information and make mobile phone communications possible. EMFs are used for television and radio transmissions, by the police, fire and ambulance services, by taxi firms and public utilities. EMFs are also used for a wide range of personal and commercial equipment from electronic car keys, Wi-Fi equipment and baby monitoring devices to shop security tag systems. They are also produced by household electrical appliances like fridges, vacuum cleaners or electric shavers. • In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of

any health consequences from exposure to low level electromagnetic fields” (<http://www.who.int/peh-emf/about/WhatIsEMF/en/index1.html>).

- The Advisory Group on Non-ionising Radiation summarised that: “...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children.” [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].
- In addition, the report ‘Recent Research on EMF and Health Risk – Tenth report from SSM’s Scientific Council on Electromagnetic Fields, 2015’ notes that: “new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.
- Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection).
- These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: “ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice.” [Source: ICNIRP statement on the “Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)”] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)

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

- 8.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington’s Local Plan, including adopted Supplementary Planning Guidance.) and;
  - As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: ‘at the heart of the NPPF is a presumption in favour of sustainable development’.
- 8.3 The National Planning Policy Framework 2021 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

### **National Guidance**

- 8.9 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

- 8.10 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 policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Emerging Policies**

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

- 8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27<sup>th</sup> 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council consulted on the main modifications to the plan from 24 June 2022 to 30 October 2022.

8.12 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).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

8.13 Emerging policies that are relevant to this application are set out in below:

- Policy PLAN1: Site appraisal, design principles and process
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST3: Telecommunications, communications and utilities equipment

### **Designations**

8.14 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:

- Highbury New Park Conservation Area
- Within 50m of Calabria Road and Canonbury Conservation Area
- Rail Land Ownership - National Rail Surface
- Rail Safeguarding - Channel Tunnel Rail Link
- Cycle routes (Local)
- Article 4 Direction (A1-A2)

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

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

## **9. ASSESSMENT**

9.1 The main issues arising from this proposal relate to:

- Design, conservation and heritage
- Neighbouring amenity

## Design and Conservation

- 9.2 The application proposes to replace various pieces of telecommunications equipment on the roofspace at the Canonbury ATE building. The site is located within the Highbury New Park Conservation Area and is adjacent to the Calabria Road Conservation Area and within 50m of Canonbury Conservation Area. The following Map indicates the location of the building along with conservation area boundaries.



**Image 5:** Map showing proximity of conservation areas to existing site

- 9.3 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 the setting of these heritage assets.
- 9.4 In terms of the acceptability of the proposal in design terms, the advice found within the Islington Urban Design Guide 2017, the Highbury New Park Conservation Area Design Guidelines should be used in its assessment.
- 9.5 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 9.6 Chapter 10 of the NPPF, within paragraphs 114 to 118, provides advice in relation supporting high quality communications. Paragraph 114 states that:
- 9.7 *Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).* Paragraph 115 of the NPPF states that:

*The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.*

*Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.*

9.8 Paragraph 116 of the NPPF states that:

*Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.*

9.9 Paragraphs 5.189 to 5.191 of the Islington Urban Design Guide provides advice in relation to telecommunications equipment, advising that *particular care needs to be taken with mobile phone/telecommunication masts to ensure their size, height and positioning does not dominate the surrounding public realm. Where it will not have a detrimental impact on performance, they should be located where they are largely obscured from the surrounding public realm and do not impact adversely upon the skyline from longer views.*

9.10 Paragraph 197 of the NPPF advises that

*In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

9.11 Paragraphs 199 to 204 of the NPPF (2021) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.

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

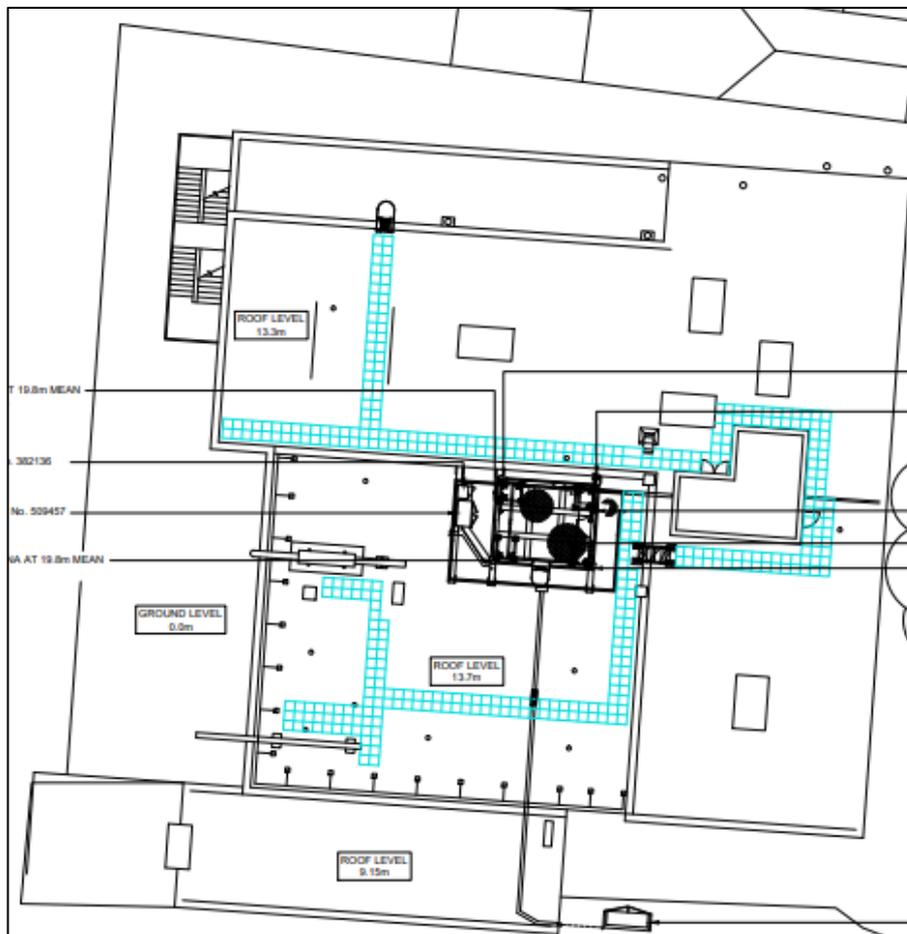
9.13 Policy DM2.3 states that Islington's historic environment is an irreplaceable resource, and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance.

9.14 Development Management Policy DM2.7 states that telecommunications and utilities equipment will only be permitted where they are sited and designed to minimise their visual impact, do not have a detrimental effect upon the character or appearance of the building or area, innovative design and technological solutions have been explored to minimise visual impact, and there is no reasonable possibility of sharing facilities.

- 9.15 The Highbury New Park Conservation Area Design Guidelines advises that (para. 15.7 part (iv)) 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.*

#### Assessment of Proposal

- 9.16 The Canonbury ATE is a 3-storey building to the west of Highbury Grove. There are already various pieces of similar telecommunications equipment positioned on the roof space at the host building in the same location as that of the proposed equipment, being located above the existing plant enclosure.
- 9.17 The surrounding area is predominately residential with a built form that is formed of terraces to the west (along Calabria Road) or rows of semi-detached residential properties or blocks of flats (along Highbury Grove).
- 9.18 The development proposes to replace the existing equipment on the roofspace with new telecommunications equipment, including that which can facilitate 5G mobile communication. The replacement equipment will be situated in the same location within the roof above the existing plant enclosure located centrally within the building.

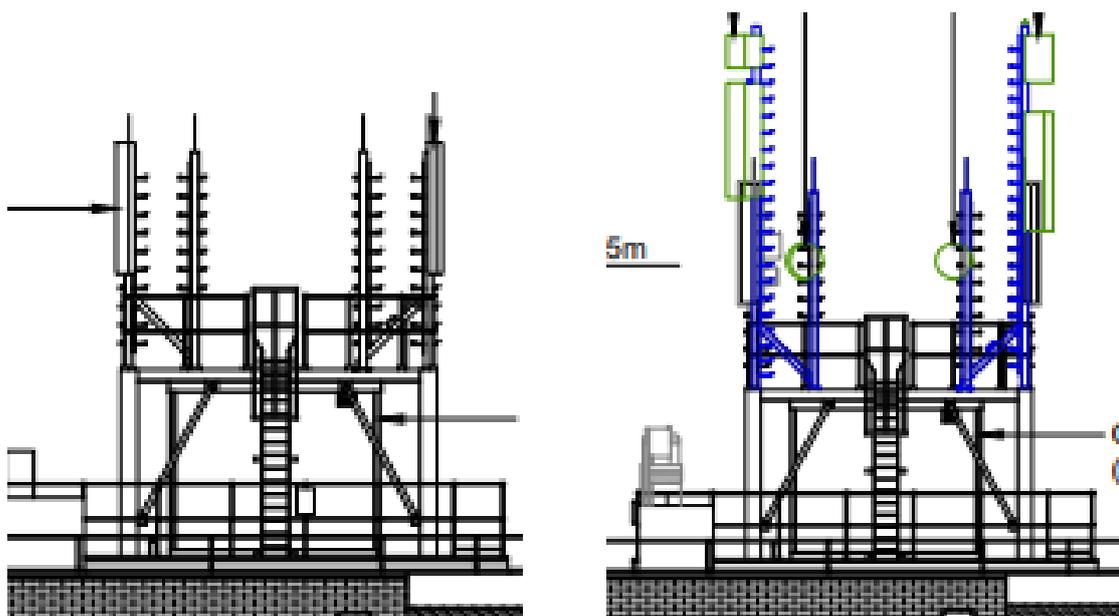


**Image 6:** Existing Site Plan



**Image 7:** Proposed Site Plan

9.19 The proposed equipment would be larger in height than the existing equipment to be removed. The existing building, including the roof level equipment, has a maximum height of 21m above ground floor level, and the existing equipment measures 4m above the plant enclosure (which is 3 metres in height). The proposal would result in the existing building, together with the proposal having a maximum height of 23.5m, with the proposed equipment measuring 6.5m. Therefore, the proposal would result in an increase in height of 2.5m in comparison to the existing equipment.



**Images 9 and 10:** Existing (left) and Proposed (right) equipment

- 9.20 Whilst the principle of telecommunications equipment is considered to have been established as acceptable, with the existing building having telecommunications equipment at roof level, with the planning history confirming some existence of equipment since 1993. However, given the increase in height it is important to assess the impact of this increase in terms of the impact on visual appearance and historic character of the host building.



**Images 11 and 12:** Street view photos facing west (left) and south west (right) towards host building

- 9.21 As shown in the images above, the existing equipment is not visible from either immediately to the west or to the north of Highbury Grove, due to the central location of the equipment on the existing roofspace and the buildings relationship with other buildings and trees. The additional height of the proposed equipment is not considered to result in the equipment being more prominent nor immediately visible from these locations.
- 9.22 However, the existing equipment is visible from the south of Highbury Grove, adjacent to the junction with St Paul's Road. Therefore, the proposed equipment, which is taller, would also be visible from this location. The additional height and size of the equipment is considered to be more visually prominent than the existing situation.



**Image 13:** Street view photo facing north west facing towards host building

- 9.23 The proposal is considered to result in harm to the visual appearance and historic character of the host building and wider conservation area. Given the location of existing telecommunications structures on the property in the same location, the level of harm to the setting of the heritage assets as a result of the proposal is considered to be less than substantial. However, as advised by paragraph 202 *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.* Therefore, it is important to assess the public benefits of the scheme.

#### Public Benefits

- 9.24 Paragraph 114 of the NPPF states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections”.*
- 9.25 Paragraph 115 of the NPPF 2021 states that *“Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate”.*
- 9.26 Paragraph 116 of the NPPF 2021 states that local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that: a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services
- 9.27 As demonstrated in the preceding section, the proposals would result in less than substantial harm to the character and appearance of the Whitehall Park Conservation Area. It is

considered that the public benefit of next generation communications infrastructure (5G) is a significant public benefit to justify the proposed replacement equipment in the conservation area. In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the surrounding conservation areas. In this instance there are several mitigating factors to consider: the existing situation, the height and scale of the existing building, limiting public views to the equipment at roof level, over and above the existing situation as well as the strong government support within the updated NPPF (2021) for increased provision of 5G infrastructure across London.

- 9.28 The benefits of the proposal, including efforts to improve wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to weigh heavily in the planning balance. The proposals would not be visible from immediately to the west and north, being more visible from the south along Highbury Grove. Whilst visible from limited points within the surrounding conservation areas, the design of the proposals and their siting are for the purpose of achieving maximum efficiency.
- 9.29 The public benefits of improved mobile infrastructure are considered to outweigh any perceived visual harm that may be realised from the additional equipment proposed and increased height. It is the officer's opinion that the less than substantial harm to the visual appearance and historic character of the setting of the heritage assets of the Highbury New Park Conservation Area and the nearby Calabria Road and Canonbury Conservation Areas and that there are tangible public benefits as a result of the development. Consequently, on balance the application is assessed as being acceptable in this instance.
- 9.30 As such, the proposal is considered to be compliant with policies D1, D3 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management (2013), and the design advice found within the Islington Urban Design Guide (2017) and Highbury Fields Conservation Area Design Guidelines.

### **Neighbouring Amenity**

- 9.31 Policy DM2.1Ax of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.32 Paragraph 118 of the Framework states that the need for the telecommunication system should not be questioned, nor should health safeguards be determined if the proposal meets International Commission guidelines for public exposure.
- 9.33 The increase in telecommunications equipment on the roofspace does not raise any adverse issues in terms of impacting neighbouring amenity with regard to noise, disturbance, outlook, sense of enclosure or loss of daylight and sunlight. The equipment is low sound generating, designed to be in full compliance with ICNIRP and sufficiently separated from nearby residential accommodation to not cause any disturbance.

### **Health Risks**

- 9.34 Paragraph 118 of the National Planning Policy Framework states that Local authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 9.35 The plans submitted by Cellnex have provided a declaration that the proposal has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and the EU Council recommendation of 12 July 1999\* "on the limitation of

exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)" in all areas legitimately accessible to the public.

- 9.36 Public Health consider that the risks from EMF are low and that the deployment of 5G does not pose a threat to the health and safety of residents. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would comply with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas on the roof of Canonbury ATE would not pose a risk to Public Health.

#### Conclusion

- 9.37 The proposal is considered to be acceptable, and it is recommended that the application be approved subject to conditions.

**APPENDIX 1 – RECOMMENDATIONS**

**RECOMMENDATION A**

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

**List of Conditions:**

<b>1</b>	<b>IMPLEMENTATION PERIOD</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than 29<sup>th</sup> March 2021.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS LIST</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>166672-06-100-MD015/15.A (Proposed Site Plan), 166672-06-150-MD015/15.A (Proposed East Elevation), 166672-06-150-MD015/15.A (Proposed South Elevation), 166672-06-150-MD015/15.A (Proposed West Elevation), 166672-06-150-MD015/15.A (Proposed North Elevation), 166672-06-150-MD015/15.A (Proposed Antenna Plan), RFS_CANONBURY ATE - 166672 - RF Safety Compliance Certificate dated 18th May 2022, 222470 - Canonbury ATE - Planning Statement - 31.05.22, 222470 - Cellnex - Consultation Strategy Plan, Information Telecoms Development, Cellnex - 5G - Helping to tackle climate change, Cellnex - 5G Health and Safety, Cellnex - 5G Technical Support, Cellnex - National Policy - Delivering Ultra Fast Broadband Mobile Connectivity, DCMS MHCLG Collaborating for Digital Connectivity Letter, Health and Mobile Phone Base Stations-1633649, 166672/00-004-ML003/3 (Location 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>

## 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 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### 2. Development Plan

The Development Plan is comprised of the London Plan 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 HC1 Heritage conservation and growth

#### B) Islington Core Strategy 2011

Policy CS8 – Enhancing Islington's character  
Policy CS9 – Protecting and enhancing Islington's built and historic environment

#### C) Development Management Policies June 2013

Policy DM2.1 – Design  
Policy DM2.3 – Heritage  
Policy DM2.7 – Telecommunications and Utilities  
Policy DM7.2 – Energy Efficiency and Carbon Reduction in Minor Schemes

#### E) Site Allocations June 2013

Not Allocated

### 3. Designations

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:

- Highbury New Park Conservation Area
- Within 50m of Calabria Road and Canonbury Conservation Area
- Rail Land Ownership - National Rail Surface

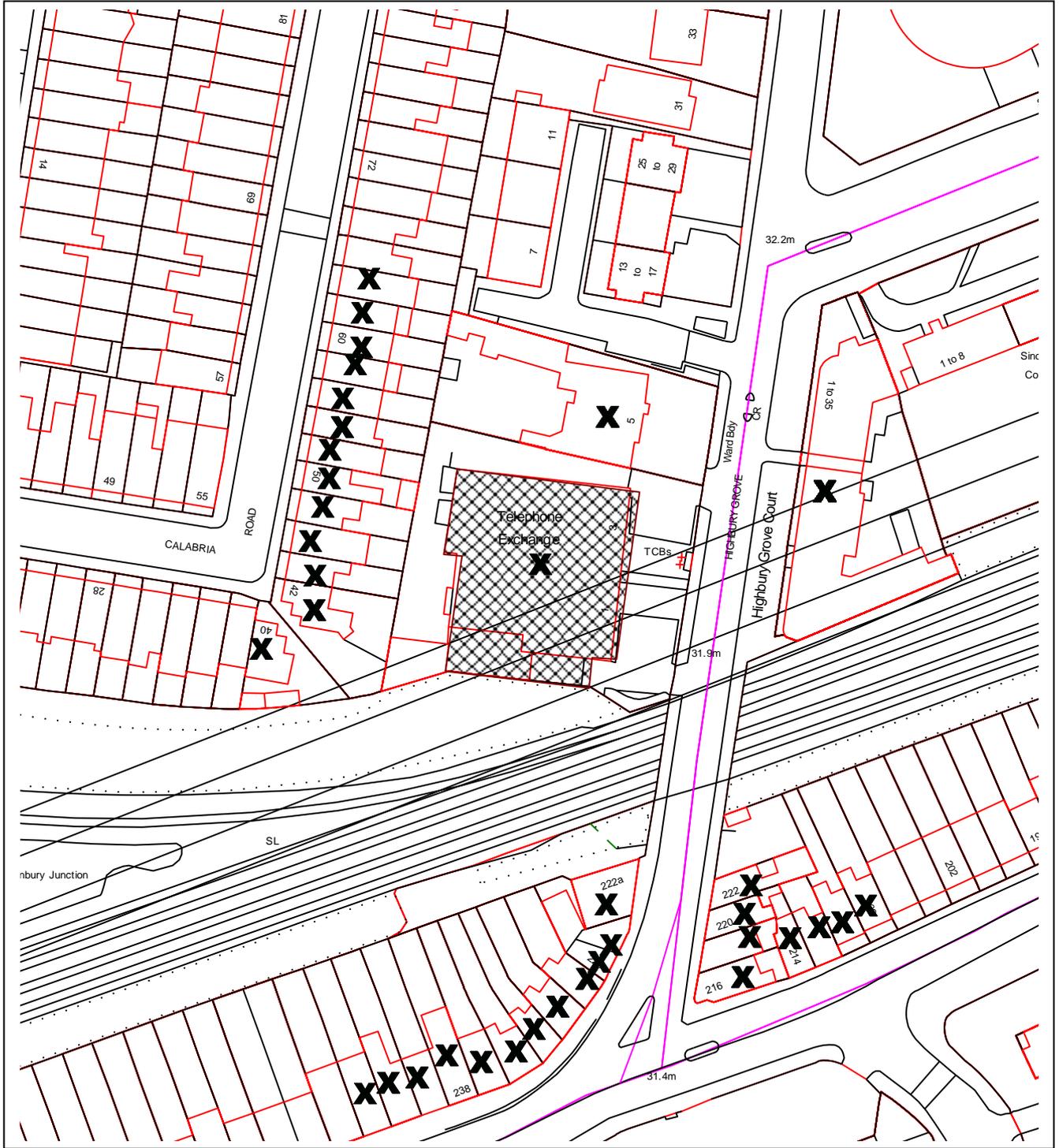
- Rail Safeguarding - Channel Tunnel Rail Link
- Cycle routes (Local)
- Article 4 Direction (A1-A2)

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

The following SPGs and/or SPDs are relevant:

- | <u>Islington Local Development Plan</u>                        | <u>London Plan</u> |
|--|--------------------|
| - Urban Design Guide 2017                                      | - None             |
| - Highbury New Park Conservation Area Design Guidelines (2002) |                    |

# Islington SE GIS Print Template



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P2022/2151/FUL

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**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING SUB COMMITTEE B</b>		<b>B2</b>
<b>Date:</b>	<b>15<sup>th</sup> December 2022</b>	

Application number	P2021/1810/S73
Application type	Section 73 (Minor Material Amendment)
Ward	Highbury East
Listed building	Grade II Listed
Conservation area	Highbury Fields Conservation Area and Article 4 Direction
Development Plan Context	Local Cycle Route (Church Path) Designated Open Space (adjacent) Site of Importance for Nature Conservation (adjacent)
Licensing Implications	None
Site Address	Christ Church, 157 Highbury Grove London N5 1SA
Proposal	<p>Section 73 (Minor material amendment) for removal / variation of condition 5 (hours of use of community centre) following a grant of planning permission Ref: P2017/4445/FUL dated 29/03/2018 For Erection of a new single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building.</p> <p>The application seeks to vary the existing opening hours of the community centre to commence at 07.00 hours daily</p>

Case Officer	Daniel Jeffries
Applicant	Rev Andy Chrich
Agent	Matthew Lloyd Architects LLP

**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)

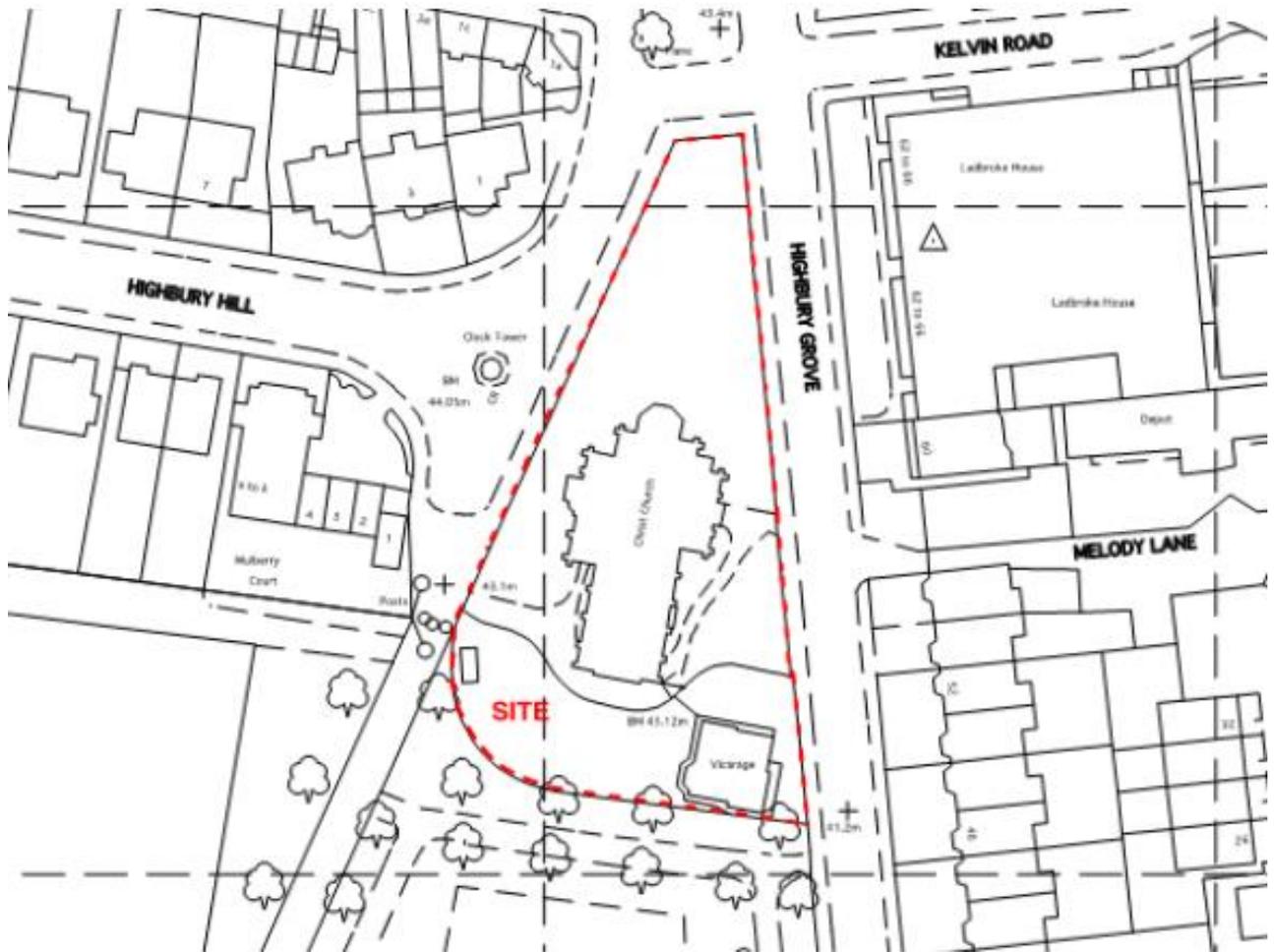


Image 1 – Site Location Plan

3. PHOTOS OF SITE/STREET

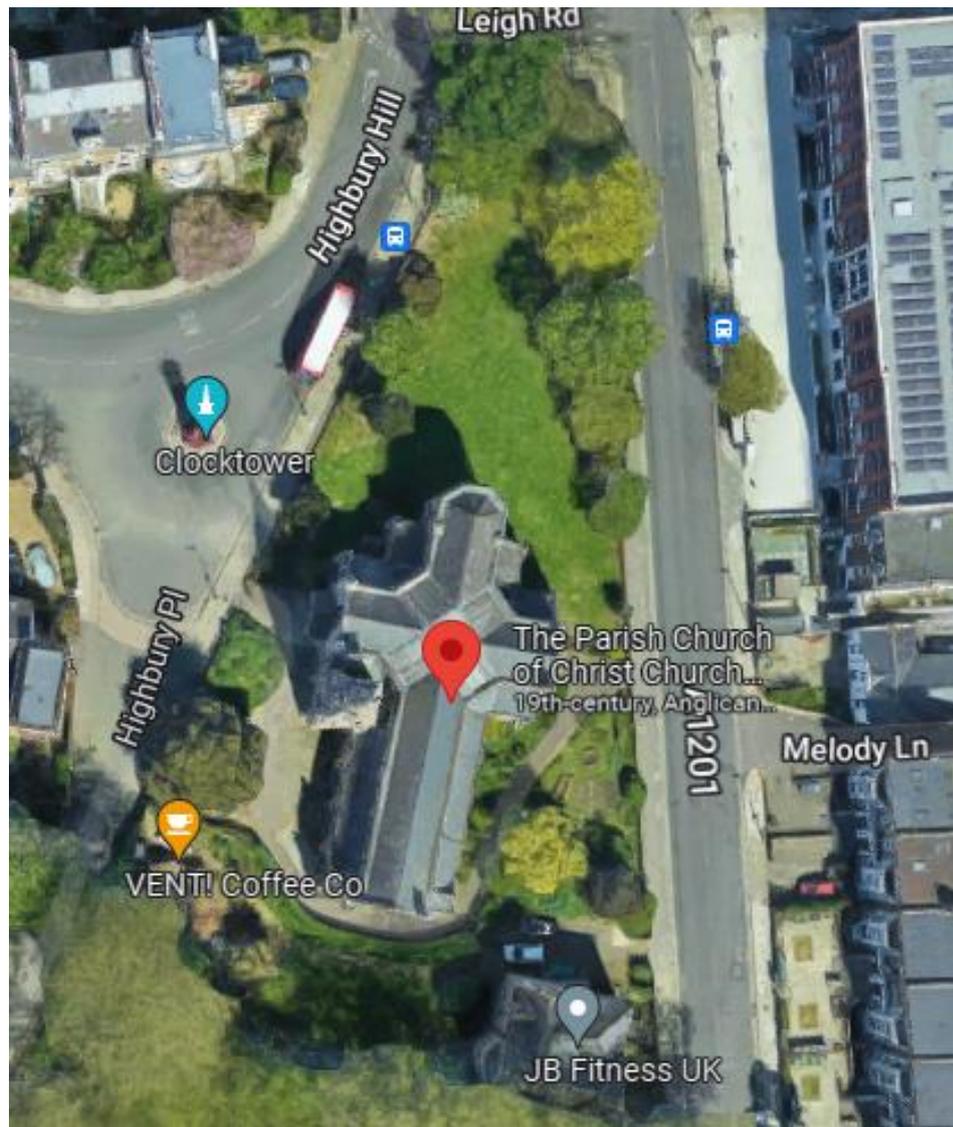


Image 2 - Aerial View of Site



**Image 3** – View of entrance, looking east (taken from Church Path)



**Image 4** – View of entrance, looking south (taken from Church Path) prior to implementation of approved development

## SUMMARY

3.1 The application seeks planning permission for the variation of condition 5 (house of use of community centre) following the grant of planning permission (ref: P2017/4445/FUL) for the community centre use at Christ Church Highbury which was approved on 29/03/2018.

3.2 Condition 5 of the original permission stated the following:

*CONDITION: The community centre shall not operate outside the hours of 08.00am and 22.00 pm daily, with the exception of between 01 January until 31 March. Between these dates, the community centre shall not operate outside the hours of 08.00-22.00 Sunday to Thursday, 08.00-00.00 on Friday and 00.00-22.00 on Saturdays. Between the hours of 22.00 on Friday and 08.00 on Saturday (01 January to 31 March), the community centre shall operate for the sole purpose of hosting the Winter Night Shelter for the homeless and for no other use hereby approved.*

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

3.3 This application seeks to vary the existing opening hours of the community centre to allow for the start time to be altered from the approved 08.00 to 07.00 hours daily, resulting increased in use of the facility.

3.4 A number of land use issues, in terms of its impact on the adjacent Site of Importance for Nature Conservation (SINC) have been considered acceptable in the original assessment and would not change given there are no external alterations.

3.5 The principle of this intensification of the use is considered acceptable in land use terms, given it would allow improved shared use of the facility which is required by policy DM4.12.

3.6 It is considered that the additional hour per day would not result in any significant loss of amenity to occupiers of neighbouring properties, over and above the existing situation and is considered compliant with policy DM2.1.

3.7 The proposal is considered acceptable in terms of design, inclusive design, impact on neighbouring amenity, highways, transportation, parking, trees, landscaping and sustainability, subject to conditions which are set out in Appendix 1 which incorporate the approval of details applications. As found within the original assessment the proposal results in less than substantial harm to the setting of the Grade II listed church and vicarage, and a small loss of semi-private open space, both of which are outweighed by the community benefits offered by the scheme. On balance, it is recommended that permission is granted.

## 4. SITE AND SURROUNDING

4.1 The application site is a triangular plot located on the western side of Highbury Grove, bordering the north-eastern corner of Highbury Fields. The site comprises the main church, located broadly in the centre of the plot, and a three-storey vicarage fronting Highbury Grove. The south-western corner of the site, where the new building is to be located, contains a disused garage and a shed, and is currently in an unkempt and overgrown state.

4.2 The church itself was designed by Thomas Allom and constructed in 1848. Both the church and the vicarage are Grade II listed. The site lies within the Highbury Fields Conservation Area and is directly adjacent to Highbury Fields, the largest green space in Islington and a Designated Open Space and Site of Importance for Nature Conservation (SINC). A Grade II listed Victorian clocktower sits outside the church in Highbury Place.

4.3 Highbury Fields wraps around the south-western corner of the site. To the west are residential properties located on Highbury Hill, with Highbury Grove running along the eastern boundary. Most of the site is surrounded by black railings mounted on a dwarf wall, with the southern boundary to Highbury Fields consisting of a dilapidated close-boarded fence. There

is vehicular access to the church from Highbury Hill (where it joins Church Path), and vehicular access for the vicarage from Highbury Grove. There is also pedestrian access from both Highbury Hill/Church Path and Highbury Grove, with a public footpath running through the church garden.

## 5. PROPOSAL (IN DETAIL)

- 5.1 The application seeks permission for a minor material amendment (section 73) to vary condition 5 (hours of use of community centre) following a grant of planning permission ref: P2017/4445/FUL for the following development which was approved on 29/03/2018:

*Erection of a new single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building.*

- 5.2 Condition 5 states the following:

CONDITION: The community centre shall not operate outside the hours of 08.00am and 22.00 pm daily, with the exception of between 01 January until 31 March. Between these dates, the community centre shall not operate outside the hours of 08.00-22.00 Sunday to Thursday, 08.00-00.00 on Friday and 00.00-22.00 on Saturdays. Between the hours of 22.00 on Friday and 08.00 on Saturday (01 January to 31 March), the community centre shall operate for the sole purpose of hosting the Winter Night Shelter for the homeless and for no other use hereby approved.

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

- 5.3 The application seeks the variation of condition 5 to allow for the existing opening hours of the community centre to an earlier start at 07.00 hours daily. The applicant has proposed the following amended condition 5:

*CONDITION: The community centre shall not operate outside the hours of 07.00am and 22.00 pm daily, with the exception of between 01 January until 31 March. Between these dates, the community centre shall not operate outside the hours of 07.00-22.00 Sunday to Thursday, 07.00-00.00 on Friday and 00.00-22.00 on Saturdays. Between the hours of 22.00 on Friday and 07.00 on Saturday (01 January to 31 March), the community centre shall operate for the sole purpose of hosting the Winter Night Shelter for the homeless and for no other use hereby approved*

- 5.4 The application has been amended during the course of the application to a proposed start time of 07.00 daily from the initially proposed start time of 06.00 daily.
- 5.5 As the proposal has been implemented a number of conditions have been amended to reflect the approved details secured by condition which is explained in the relevant sections.

## 6. RELEVANT HISTORY

### PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2022/2806/AOD	Approval of Details pursuant to Condition 4 (Landscaping Scheme) of planning permission ref: P2017/4445/FUL dated 29/03/2018.	Approved	30/09/2022
P2022/1907/AOD	Approval of Details pursuant to condition 10 (monitoring tree protection measures) of	Approved	27/07/2022

	planning permission reference: P2017/4445/FUL, dated: 29/03/2018. Erection of a new single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building.		
P2022/0594/AOD	Approval of details pursuant to condition 11 (tree planting) of planning consent ref: P2017/4445/FUL dated 28/03/2018.	Approved	06/04/2022
P2020/0427/AOD	Approval of Details pursuant to condition 3 (Details and samples of all facing materials), 4 (Landscaping scheme) and 8 (Details of bird and bat nesting boxes/bricks) of planning permission reference: P2017/4445/FUL, approved on 29/03/2018	Approved	03/02/2021
P2020/0124/AOD	Approval of Details in pursuant to Condition 9 (Arb report/Tree protection measures) of P2017/4445/FUL dated 29 March 2018	Approved	28/04/2020
P2017/4445/FUL	Erection of a new single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building.	Approved	29/03/2018
P2017/2326/FUL	Erection of a new single storey church and community centre to accommodate the new church's office, reception and administration functions, as well as flexible community space for church activities and community outreach, and a small café	Withdrawn	27/07/2017
P051811	Erection of a 3.5 m high metal pole to carry 2 light fittings to illuminate the church	Approved	07/11/2005
P042529	Erection of a 4-metre-high metal pole to carry 2 floodlights directed at the church and one spotlight directed at the spire	Refused	10/01/2005
831569	Installation of new railings around church gardens	Approved	01/02/1985

## 7. CONSULTATION

### Public Consultation

- 7.1 Letters were sent to occupants of 150 adjoining and nearby properties on De Barowe Mews, Highbury Park, Highbury Grove, Leigh Road, Highbury Hill on the 30<sup>th</sup> November 2021 and 9<sup>th</sup> November 2022, and site and press adverts were displayed. The second round of public consultation of the application therefore expired on 24<sup>th</sup> November 2022. It is the council's practice to continue to consider representations made up until the date of a decision.

- 7.2 At the time of writing this report **11 responses had been received, including 1 letter of support and 10 objections**. The points raised within the representations are summarised below (*with reference to which sections of this report address those particular concerns in brackets*).

#### Amenity

- Increased noise and disturbance from use and visitors accessing the site  
(Paragraphs 9.20 to 9.29)

#### Other Matters

- Lack of consultation from applicant  
(Paragraphs 9.45)

#### Internal Consultees

- 7.3 Environmental Health Pollution (Acoustic) Officer: Confirmed that they had no objections to the proposed earlier opening hour changes.

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

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

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

- 8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development'.

- 8.3 The National Planning Policy Framework 2021 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

### **National Guidance**

8.9 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

8.10 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 policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Emerging Policies**

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

8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27<sup>th</sup> 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021 with consultation on Main modifications running from 24 June to 30 October 2022.

8.12 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).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

8.13 Emerging policies that are relevant to this application are set out in below:

- Policy PLAN1: Site appraisal, design principles and process
- Policy H1 Thriving Communities
- Policy G4: Biodiversity, landscape design and trees
- Policy G5: Green roofs and vertical greening
- Policy S1: Delivering Sustainable Design
- Policy S2: Sustainable Design and Construction
- Policy S3: Sustainable Design Standards
- Policy S4: Minimising greenhouse gas emissions
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy DH5: Agent-of-change, noise and vibration
- Policy T2 Sustainable Transport Choices
- Policy T5 Delivery, Servicing and Construction
- Policy S1 Delivering Sustainable Design
- Policy S3 Sustainable Design Standards
- Policy T3 Car Free Development Parking

### **Designations**

8.14 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:

- Grade II Listed Building
- Highbury Fields Conservation Area
- Cycle Routes (Local)

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

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

## **9. ASSESSMENT**

9.1 The main issues arising from this proposal relate to:

- Land Use
- Design, conservation and heritage
- Accessibility
- Neighbouring amenity
- Highways, transportation and parking
- Landscaping, Trees and Biodiversity
- Sustainability

## Land-Use

- 9.2 The application relates to changes to the approved single storey Church and Community centre for Christ Church Highbury to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small cafe and associated alterations to the building which was originally approved (Ref. P2017/4445/FUL) in March 2018.
- 9.3 The original development was assessed against the current local policies, with the most significant changes relating to the recently adopted National Planning Policy Framework (2021) and London Plan (2021). Therefore, this assessment needs to take into consideration the relevant policies in these updated documents. However, given the scale of the development and that the NPPF (2021) and London Plan (2021) are consistent with the current local policies, the policy context remains consistent.
- 9.4 The originally approved development was considered compliant with the Council's policies in regard to the acceptability of the principle of enlarging the host building to provide community facilities. Paragraphs 10.4 of the Council's Planning Committee Report (presented at 27<sup>th</sup> March 2018 Planning Sub-Committee B) stated the following:
- The new church and community centre will be used predominantly in connection with the church, both for the benefit of the congregation and for the benefit of the local community through the church's outreach programmes (much in the same way the existing basement rooms are used). However, the café is open to the public and includes a serving hatch, which would enable refreshments to be served to passing members of the public on a commercial basis. The café will only be open when the community centre is open, and will be run by the church, for the church. In this respect, it can be considered ancillary to the main use of the site, and will be subject to suitable conditions to ensure that the café remains a small-scale ancillary operation which does not unduly harm amenity (see para. 10.18 of this report).*
- 9.5 Also in terms of the loss of the semi-private space required for the proposal the report (at paragraph 10.5) confirms that this would be acceptable in land use terms:
- The proposal results in the loss of a small amount of semi-private open space within the grounds of the church. Policies CS15 and DM6.3 provide that the loss of existing local open spaces, including incidental greenspace and private gardens, will not be permitted unless the loss is compensated and the development has overriding benefits. In this instance, the scheme will provide space for the operation of important community services, will improve the relationship between the church and the public realm, activate a neglected part of the site, and replace two dilapidated structures with a high-quality, modern building. Whilst the poor state of the site is not in itself a reason to grant consent (as objectors have pointed out, there are other ways to improve the site's physical appearance), the chance to improve this area is one of several benefits provided by the scheme and officers are entitled to take it into account in the final balance of planning considerations. The improvement to this area of the site, coupled with the community benefits of the scheme, justifies the loss of open space in this instance.*
- 9.6 Paragraph 5.3 of the CADG advises that *planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area*. It is acknowledged that the proposal to increase the operating hours would result in the intensification of the existing use. as a result of the increased hours. However, given the existing use was acceptable in land use terms and the proposal does not seek to change the existing operation, apart from increasing the hours, the acceptability in land use terms is dependent on the assessment on the impact on the amenity of occupiers of neighbouring properties.
- 9.7 Policy DM4.12C relating to new social and cultural facilities, including extensions to existing facilities part (iii) seeks to ensure they maximise the shared use of the facility, particularly for recreational and community uses; and iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.

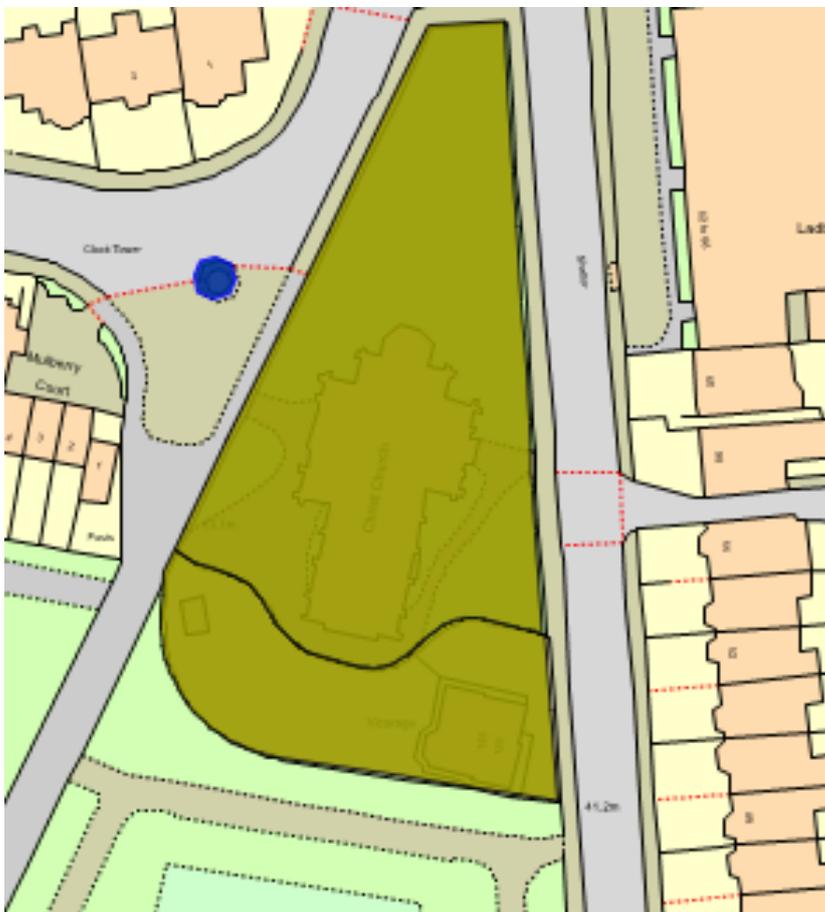
9.8 The applicant has confirmed that the proposal would allow the expansion of the before school clubs and early morning wellbeing classes which is considered to improve the shared use of the facility for recreational and community uses as required by policy DM4.12C(iii). Therefore subject to compliance with part (iv) of this policy, in relation to the amenity impact, the principle of the proposed is considered acceptable.

Conclusion

9.9 Therefore, subject to the acceptability of the proposal in terms of its impact on the amenity of neighbouring properties, the proposal is considered compliant with policies S1, S3 and S5 of London Plan (2021), CS15 of Islington Core Strategy (2011) and DM4.12 and DM6.3 of Development Management Policies (2013) and acceptable in land use terms.

**Design and Conservation**

9.10 The site is located within the Highbury Fields Conservation Area, and the proposed building is within the immediate setting of two Grade II listed buildings (the church and vicarage), close to another designated heritage asset (the Grade II listed clocktower in Highbury Place).



**Image 5:** Map showing existing heritage assets within proximity of the site including the church and vicarage (identified in green) and clocktower (blue) (Grade II Listed Buildings)

9.11 Therefore, in accordance with Sections 16(1) and 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 the setting of these heritage assets.

9.12 In terms of the acceptability of the proposal in design terms, the advice found within the Islington Urban Design Guide 2017, the Highbury Fields Conservation Area Design Guidelines should be used in its assessment.

9.13 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.

### Assessment of significance

9.14 The design assessment of the original proposal is considered within paragraphs 10.7 to 10.12 of the original report (within Appendix 2), with paragraphs 10.9 to 10.12 most relevant, with paragraph 10.11 stating the following:

- *Given all of the above, it is considered that the harm to the designated heritage assets is at the lower end of the scale, and 'less than substantial' in the context of para. 134 of the NPPF. Accordingly, one must consider whether the other benefits of the scheme outweigh the harm to the heritage assets. As discussed in paras. 10.3 and 10.5 of this report, the building will enable the church to continue to provide important services to the community and improve a neglected corner of the site. It is therefore considered that the benefits offered by the proposal clearly outweigh the harm to the heritage assets.*

9.15 The approved building consists of a single storey building, located to the south west corner of the site and the main church building and to the east of the vicarage building, clad in a buff-coloured gault brick with bronze fenestration. The permission has been implemented in accordance with the materials approved within approval of details application (Ref. P2020/0427/AOD) and a photo is shown below of the existing development.



**Image 6:** Photograph of approved development under construction (June 2021)

9.16 Whilst the proposal does seek the intensification of the existing use, which is discussed in the land use and amenity sections of this report, this proposal does not seek any external alterations to the approved development. Therefore, subject to this assessment the proposal is considered acceptable in design terms.

9.17 As such, the proposal is considered to be compliant with policies D1, D3 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of

Development Management (2013), and the design advice found within the Islington Urban Design Guide (2017) and Highbury Fields Conservation Area Design Guidelines.

### **Accessibility**

- 9.18 Policy DM2.2 seeks to ensure developments demonstrate that they provide for ease of and versatility in use. Paragraph 10.14 of the original committee report confirms that *the proposed landscaping works include the construction of an accessible parking bay on the forecourt of the site, a new wheelchair ramp into the main church, step-free access into the new community facility and the installation of storage and charging points for electric scooters. The internal layout of the new centre is suitable for wheelchair users and an accessible WC is provided. It is therefore considered that the development complies with inclusive design standards and is in accordance with Policy DM2.2 and relevant supplementary planning guidance*
- 9.19 This application would retain the approved accessibility features which were considered acceptable in the original proposal. Therefore, it is considered that the proposal would be acceptable in this regard.

### **Neighbouring Amenity**

- 9.20 Policy DM2.1Ax of the Islington Development Management Policies, requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.21 Paragraphs 10.15 to 10.18 of the original committee report (Appendix 2) provides the Council's assessment in regard to the amenity impact of the approved scheme. Given the proposal does not result in any external alterations this application is not considered to result in any additional impacts to neighbouring properties, in terms of loss of daylight/sunlight, outlook, sense of enclosure or privacy, over and above those considered in the original assessment.

### **Noise**

- 9.22 Paragraphs 10.17 and 10.18 of the original committee report provides the Council's assessment in terms of the approved use and its impact on the surrounding area in terms of responding to concerns raised by occupiers of neighbouring properties regarding noise and disturbance to the surrounding area.
- 9.23 In terms of the café a condition was imposed restricting the opening times of the serving hatch to between 08.00 and 18.00 daily (Condition 6), which also has the effect of ensuring the café remains ancillary to the church and community centre use. In terms of odour, it was considered that the kitchen was not of a commercial scale and the small, domestic kitchen extract would be sufficient to protect the amenity of occupiers of neighbouring properties, particularly given the hot food will not be sold (refreshments are limited to drinks and wrapped food).
- 9.24 In regard to the general use of the community centre the original committee report confirms that *'the number of people that could potentially use the hall at any one time is unlikely to be sufficiently large to cause significant disturbance. As noted above a condition (5) was imposed restricting the operating hours of the centre to between 08.00 and 22.00 daily. This condition also allows the church to use the host building to host a winter night shelter for the homeless on Friday nights between 1st January and 31st March. The condition specifies the general opening hours and the late opening is in relation to the night shelter and for the benefit of no other use.*
- 9.25 This application seeks to extend the use of the centre to allow operating hours to between 07.00 to 22.00 daily. The applicant has confirmed that the current opening hours restrict the applicant's ambition to expand the services they provide. They have confirmed that the

additional hours would open-up the flexibility to increase the centre's existing offer, with before school clubs and early morning wellbeing classes. The applicant confirms these sessions are in the form of either small group classes or individual training. According to the applicant's statement, the increase in opening hours by one additional hour in the morning for private hire would provide the financial stability needed to allow more flexible accommodation of third sector use during the daytime and evening, along with the ability to expand services.

- 9.26 As noted in the land use section above, part (iii) of Policy DM4.12C seeks to ensure social and cultural facilities maximise the shared use of the facility, particularly for recreational and community uses; and part (iv) complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding use.
- 9.27 The Council's Environmental Health Pollution Officer has reviewed the proposal and has raised no objections to the proposed extension of the hours in terms of the use of the building. It is noted that in addition to the use of the building, it is also important to consider the potential increase in noise from users arriving to the community centre. However, it is considered that an additional hour per day in terms of the starting time would not result in any significant noise and disturbance to the surrounding area, given the limited size and capacity of the building.
- 9.28 The proposal would intensify the use of the site and use of the approved community centre potentially resulting in drop off and car idling for 1 hour earlier than the approved situation. However, as discussed later in the report there are a number of car parking restrictions in the area, and given the lack of car parking (apart from accessible parking) it is likely that users would predominately visit the site by foot or by cycle, particularly given the level of cycle storage on site.

#### Conclusion on Amenity

- 9.29 Overall, the development proposed is not considered to adversely affect surrounding occupier's amenity in terms of loss of daylight/sunlight, outlook, sense of enclosure, noise, privacy or having an overbearing effect. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

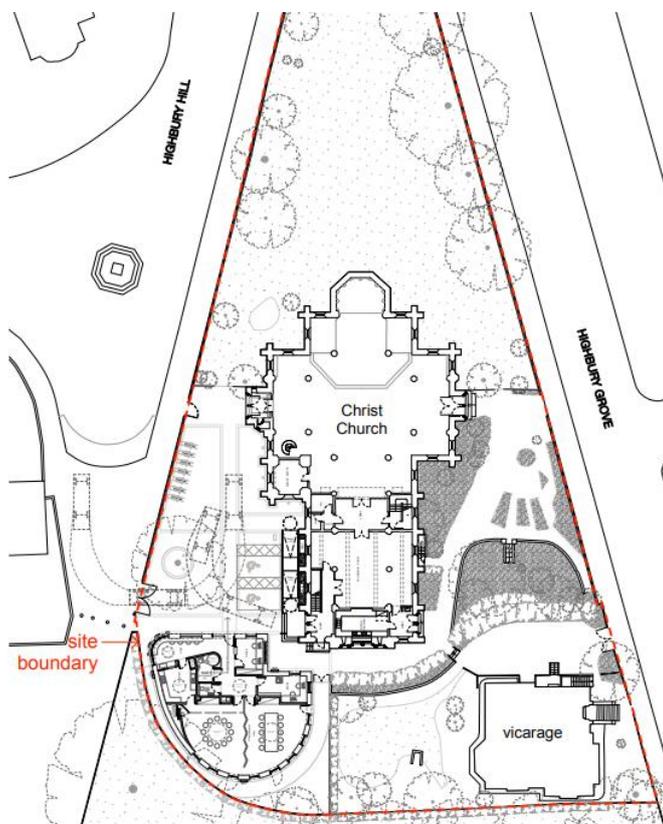
#### Transport and Highways

- 9.30 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development with Part A stating the following:

*Development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. In order for developments to be considered acceptable they are required to:*

- i. fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
- ii. have no negative impacts on the safe and efficient operation of transport infrastructure;*
- iii. maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians, cyclists and public transport users;*
- iv. provide equal access for all people, including inclusive access for disabled people;*
- v. adequately address delivery, servicing and drop-off requirements, and*
- vi. have no significant negative impacts from transport arrangements on the local and wider environment*

- 9.31 In the committee report for the original scheme paragraph 10.20 confirmed that *the proposed development is located in an area with a PTAL rating of 5 (very good). The application does not provide any vehicle parking, with the exception of one accessible parking space. A total of 14 cycle parking spaces (in excess of that required) are provided. Deliveries will take place on the forecourt of the site, and the vehicle swept path shows that a wedding car, hearse or small delivery vehicle (the only types of vehicles that will be permitted to access the site) can comfortably turn in the space and leave the site in forward gear, in accordance with the requirements of Policy DM8.6. No objections have been received from the council's highways team, and it is considered that the proposal is acceptable from a highways and transportation perspective.*
- 9.32 The approved drawing Proposed Site Plan shown below (drawing number PL201C) provides details of the accessible vehicle parking spaces (2 spaces), the cycle storage provision (14 spaces) and the swept paths to demonstrate that vehicles can comfortably turn in the space and leave the site in a forward gear. The current proposal would not alter these approved arrangements.



**Image 7:** Proposed Site Plan

- 9.33 In addition to the above there are existing car parking restrictions in the area. The existing site is within a Controlled Parking Zone as well as the surrounding streets which also have residential parking bays which require car parking permits. Furthermore, immediately in front of the entrance to the site there are double yellow lines which restrict car parking as well as a bus stop/ stand.



**Image 8:** Streeview photo showing double yellow lines and bus stop/ stand

- 9.34 Given these restrictions and that there are no changes to these arrangements subject to the same conditions originally proposed the proposal is considered to be acceptable in regard to the impact on the local highway network.

### **Landscaping, Trees and Biodiversity**

- 9.35 Policy DM6.5B seeks to ensure trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. The following requirements shall be adhered to:

- i. Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided.*
- ii. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required. ii. The council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees*

- 9.36 The originally approved application involved the removal of four trees in the south-western corner of the church grounds (three Leyland Cypress trees and a Holm Oak). The applicant submitted an arboricultural report detailing pruning works to the retained trees, and agreed to provide additional replacement trees in response to comments from the council's Tree Officer. These replacement trees will be provided between the vicarage and the new building, as shown on drawings PL203 and PL204 Rev C. Conditions were attached to the original approval requiring the submission of a report detailing tree protection during construction, as well as details of tree replacement.

- 9.37 In addition landscaping work was proposed as part of this proposal, including the repaving of the forecourt to the church, the installation of LED lighting, and the replacement of the existing dilapidated fence on the southern boundary with a new fence as well as a number of other works. These works were secured by condition. In addition, the proposal included a condition for details of bird and bat nesting boxes/bricks.

- 9.38 The Council can confirm that the approval of details for these matters have been approved including for condition 4 (Landscaping Scheme) (Ref. P2022/2806/AOD), 8 (Details of bird and bat nesting boxes/bricks) (Ref. P2022/0427/AOD), condition 9 (Arb report/Tree protection measures) (Ref. P2020/0124/AOD). condition 10 (monitoring tree protection measures) (Ref. P2022/1907/AOD), and condition 11 (tree planting) (Ref. P2022/0594/AOD).
- 9.39 Given that the details of these conditions have been approved, the relevant conditions have been amended to be compliance conditions, in order to ensure the proposal would incorporate these measures.
- 9.40 The original proposal included a compliance condition for the approved green roof to accord with the Council's requirements, which has also been retained.
- 9.41 Overall, the proposal is considered acceptable in this regard.

### **Sustainability**

- 9.42 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification.
- 9.43 In the originally approved development, the report identified sustainable measures within the originally submitted Sustainable Design and Construction Statement with the original application were implemented in full. These measures include permeable paving, measures to minimise CO<sup>2</sup> emissions, water efficiency and re-use measures (including the installation of water butts on the site) and passive design features to minimise overheating risk.
- 9.44 However, no condition was imposed on the original permission. In order to ensure these measures are integrated within the approved scheme, it is considered that a condition is recommended to ensure that the proposal would be acceptable in this regard (Condition 12).

### **Other Matters**

- 9.45 Concerns have been raised from occupiers of neighbouring properties in relation to the lack of consultation from the applicant with regard to the proposed changes. Whilst the Council would encourage community consultation it is not a statutory requirement of an application of this scale and therefore is not material consideration of this application.

## **10.0 SUMMARY AND CONCLUSION**

### **Summary**

- 10.1 The principle of providing expanded existing community facilities is considered compliant DM4.10 of Development Management Policies (2013). However, this is subject to the impact of the amenity of neighbouring properties. Following the amendments of the originally proposed hours to commence at 06.00 hours daily to commence at 07.00 hours daily, together with the confirmation that the Council's Environmental Health Pollution Officer has raised no objections to the change of the proposed start time, it is considered acceptable and compliant with policies DM2.1Ax and DM4.12.
- 10.2 The proposal is considered acceptable in all other regards, given the limited changes and the original assessment was carried out against the current local policies.

### **Conclusion**

The proposal is considered to be acceptable, and it is recommended that the application be approved subject to conditions.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>IMPLEMENTATION PERIOD</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than 29/03/2021.</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 29/03/2018 [LBI ref: P2017/4445/FUL]. Furthermore, to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS LIST</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>EX00 Location plan, EX01A Existing site plan, EX03 Existing landscape plan, EX04 Existing first floor plan, EX05 Existing north elevation, EX06 Existing east elevation EX07 Existing south elevation, EX08 Existing west elevation, EX09 Existing Section AA, EX10 Existing Section BB, EX11 Existing Section CC, EX12 Existing Section DD, PL201D Proposed site plan, PL203C Proposed landscape plan PL204C, Proposed roof plan 1:200, PL205 Proposed north elevation PL206 Proposed east elevation, PL207A Proposed south elevation, PL208 Proposed west elevation, PL209 Proposed Section AA, PL210 Proposed Section BB, PL211 Proposed Section CC, PL212A Proposed Section DD, PL213C Proposed ground floor plan, PL214C Proposed roof plan 1:100, PL215A Proposed north elevation - new church centre, PL216A Proposed east elevation - new church centre, PL217A Proposed south elevation - new church centre, PL218A Proposed west elevation - new church centre, PL219 Proposed Section AA - new church centre, PL220 Proposed Section BB - new church centre, PL221 Proposed Section CC - new church centre, PL222 Proposed façade detail , Planning Statement (June 2017, revised March 2018), Design and Access Statement (November 2017), Heritage Impact Assessment and Heritage Statement (November 2017), Sustainable Design &amp; Construction Statement (May 2017), Ecological Appraisal (January 2018), Arboricultural Statement (April 2017, revised February 2018) &amp; Structural Statement (November 2017).</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant 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 hereby development shall be carried out strictly in accordance with the details approved within the approval of details application Ref. P2020/0427/AOD (Pre-commencement conditions details booklet and related drawings Rev A By Matthew Lloyd Architects) 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>LANDSCAPING (Compliance)</b>
	<p>CONDITION: The hereby approved development shall be carried out strictly in accordance with the details approved within the approval of details application Ref. P2022/2806/AOD (NY-2D-B, Pre-commencement Conditions Report-REV A, CCH_210-AB01 - Proposed Landscape Plan, BOUNDARY FENCE SPECIFICATION &amp; PHOTOGRAPHS) and shall be maintained as such thereafter into perpetuity.</p>

	REASON: In the interests of biodiversity, sustainability and to ensure that a satisfactory standard of visual amenity is provided and maintained.
<b>5</b>	<b>COMMUNITY CENTRE HOURS OF USE (Compliance)</b>
	<p>CONDITION: The community centre shall not operate outside the hours of 07.00am and 22.00 pm daily, with the exception of between 01 January until 31 March. Between these dates, the community centre shall not operate outside the hours of 07.00-22.00 Sunday to Thursday, 07.00-00.00 on Friday and 00.00-22.00 on Saturdays. Between the hours of 22.00 on Friday and 08.00 on Saturday (01 January to 31 March), the community centre shall operate for the sole purpose of hosting the Winter Night Shelter for the homeless and for no other use hereby approved.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>6</b>	<b>CAFÉ HOURS OF USE (Compliance)</b>
	<p>CONDITION: The cafe hereby approved shall only be open to members of the public between the hours of 08.00 and 18.00 Monday to Sunday including public holidays. The serving hatch facing Highbury Fields shall be closed daily at 18.00.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>7</b>	<b>GREEN ROOF (Compliance)</b>
	<p>CONDITION: The biodiversity (green) roof shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) laid out in accordance with plans PL204 C and PL214 C hereby approved; and</p> <p>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>8</b>	<b>BIRD/BAT NESTING BOXES (Compliance)</b>
	<p>CONDITION: For the hereby approved development the nesting boxes / bricks approved within the approval of details application Ref. P2020/0427/AOD (Pre-commencement conditions details booklet and related drawings Rev A By Matthew Lloyd Architects) shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity</p>
<b>9</b>	<b>TREE PROTECTION SCHEME (Compliance)</b>
	<p>CONDITION: For the hereby approved development the scheme for the protection of the retained trees approved within approval of details application Ref. P2020/0124/AOD (Arboricultural Method Statement by Middlemarch Environmental ref: RT-MME150996-01 Rev A dated January 2020) shall be implemented in strict accordance with the approved details.</p> <p>The approved details shall be implemented in full and retained thereafter during the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.</p>

	REASON: To protect the amenity of future occupiers and the local highway network.
<b>10</b>	<b>SITE SUPERVISION TREE PROTECTION MEASURES (Compliance)</b>
	<p>CONDITION: The hereby approved development shall be implemented in accordance with the measures identified within the approval details measures approved within application ref. P2022/1907/AOD (Condition 10: Schedule of Tree Protection prepared by Matthew Lloyd Architects CCH).</p> <p>REASON: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under Condition 9.</p>
<b>11</b>	<b>TREE PLANTING (Compliance)</b>
	<p>CONDITION: For the hereby approved development all tree planting shall be carried out in accordance with the details approved within the approval of details application ref. P2022/0594/AOD (Condition 11: Proposed tree specification' Ref. CCH and drawing 210/Rev.C03 (Landscape Plan)) and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p> <p>REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>
<b>12</b>	<b>SUSTAINABLE DESIGN MEASURES (Compliance)</b>
	<p>CONDITION: For the hereby approved development the measures identified within the approved Sustainable Design &amp; Construction Statement by eight associates dated 30/05/2017 (including permeable paving, measures to minimise CO<sup>2</sup> emissions, water efficiency and re-use measures (including the installation of water butts on the site) and passive design features to minimise overheating risk) shall be implemented in full and retained thereafter into perpetuity.</p> <p>REASON: To ensure sustainable development.</p>

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### 2. Development Plan

The Development Plan is comprised of the London Plan 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 D5 Inclusive Design  
Policy D8 Public realm  
Policy D14 Noise  
Policy HC1 Heritage conservation and growth  
Policy T5 Cycling  
Policy T6 Car 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  
Policy CS15 - Open Space and Green Infrastructure

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

Policy DM2.1 Design	Policy DM6.5 Landscaping, trees and biodiversity
Policy DM2.2 Inclusive Design	Policy DM7.1 Sustainable design standards
Policy DM2.3 Heritage	Policy DM8.2 Managing transport impacts
Policy DM3.7 Noise and vibration (residential uses)	Policy DM8.4 Walking and cycling
Policy DM4.12 Social and Strategic Cultural Facilities	

## **E) Site Allocations June 2013**

Not Allocated

## **3. Designations**

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:

- Grade II listed building (church and vicarage)
- Highbury Fields Conservation Area
- Local Cycle Route (Church Path)
- Designated Open Space (adjacent)
- Site of Importance for Nature Conservation (adjacent)

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

The following SPGs and/or SPDs are relevant:

<u>Islington Local Development Plan</u>	<u>London Plan</u>
- Environmental Design	- Accessible London: Achieving and Inclusive Environment
- Urban Design Guide 2017	- Housing
- Highbury Fields Conservation Area Design Guidelines (2002)	- Sustainable Design & Construction
	- Planning for Equality and Diversity in London

## APPENDIX 2: P2017/4445/FUL Committee Report

### PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM: B5</b>
<b>Date:</b>	27 March 2018	<b>NON-EXEMPT</b>

Application number	P2017/4445/FUL
Application type	Full Planning Application
Ward	Highbury East
Listed building	Grade II
Conservation Area	Highbury Fields
Development Plan	Grade II listed building Highbury Fields Conservation Area Local Cycle Route Designated Open Space (adjacent) Site of Importance for Nature Conservation (adjacent)
Licensing Implications	None
Site Address	Christ Church, 157 Highbury Grove, London, N5 1SA
Proposal	Erection of a new single storey Church and Community centre for Christ Church, Highbury, to accommodate the Church's office, reception and administration functions, as well as flexible community space for Church activities and community outreach, and a small café.

Case Officer	Rebecca Neil
Applicant	Parish of Christ Church, Highbury with St. John and St. Saviour
Agent	Matthew Lloyd Architects LLP

### 1.0 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 THE SITE



*Fig. 1: View of entrance, looking east (taken from Church Path)*



*Fig. 2: View of entrance, looking south (taken from Church Path)*



**Fig. 3:** Christ Church, looking east (taken from Church Path)



**Fig. 4:** Christ Church, looking north-east (taken from Highbury Fields)



*Fig.5: South-western corner of the site (taken from Highbury Fields)*

#### **4.0 SUMMARY**

- 4.1 Planning permission is sought for a single storey building within the grounds of Christ Church, Highbury, which is Grade II statutorily listed. The application is brought to committee because of the number of objections to the proposal (five) from members of the public (as detailed in section 8.0 of this report).
- 4.2 The application site is a triangular plot located on the western side of Highbury Grove, bordering the north-eastern corner of Highbury Fields. The site comprises the main church and a three-storey vicarage fronting Highbury Grove. The south-western corner of the site, where the new building is to be located, contains a disused garage and a shed, and is of an unsightly appearance. The site lies within the Highbury Fields Conservation Area and is directly adjacent to Highbury Fields, the largest green space in Islington and a Designated Open Space and Site of Importance for Nature Conservation (SINC).
- 4.3 The building will be used as a new church and community centre, and will contain a main hall, two offices, a kitchen and a café. The café will have a serving hatch which opens onto the west elevation, allowing for the sale of light refreshments to passing members of the public on Highbury Fields. The building is proposed to be constructed in buff-coloured gault brick with bronze aluminium trims, windows and external doors, and has a flat sedum roof with five circular roof lights. The proposal also involves landscape works in conjunction with the new building, including a new paved courtyard, an accessible wheelchair parking space, 14 cycle parking spaces, a wheelchair ramp into the main church and new metal gates across the vehicular entrance.
- 4.4 The proposed development, particularly the provision of additional community space, is welcomed in principle, and would represent a significant improvement to this part of the church premises, which is unsightly and has a poor relationship to the adjacent public realm. The application has been considered in conjunction with the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.

4.5 The proposal is considered acceptable in terms of design, inclusive design, impact on neighbouring amenity, highways, transportation, parking, trees, landscaping and sustainability, subject to conditions which are set out in Appendix 1. The proposal results in less than substantial harm to the setting of the Grade II listed church and vicarage, and a small loss of semi-private open space, both of which are outweighed by the community benefits offered by the scheme. On balance, it is recommended that permission is granted.

## **5. SITE AND SURROUNDINGS**

5.1 The application site is a triangular plot located on the western side of Highbury Grove, bordering the north-eastern corner of Highbury Fields. The site comprises the main church, located broadly in the centre of the plot, and a three-storey vicarage fronting Highbury Grove. The south-western corner of the site, where the new building is to be located, contains a disused garage and a shed, and is currently in an unkempt and overgrown state.

5.2 The church itself was designed by Thomas Allom and constructed in 1848. Both the church and the vicarage are Grade II listed. The site lies within the Highbury Fields Conservation Area and is directly adjacent to Highbury Fields, the largest green space in Islington and a Designated Open Space and Site of Importance for Nature Conservation (SINC). A Grade II listed Victorian clocktower sits outside the church in Highbury Place.

5.3 Highbury Fields wraps around the south-western corner of the site. To the west are residential properties located on Highbury Hill, with Highbury Grove running along the eastern boundary. Most of the site is surrounded by black railings mounted on a dwarf wall, with the southern boundary to Highbury Fields consisting of a dilapidated close-boarded fence. There is vehicular access to the church from Highbury Hill (where it joins Church Path), and vehicular access for the vicarage from Highbury Grove. There is also pedestrian access from both Highbury Hill/Church Path and Highbury Grove, with a public footpath running through the church garden.

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

6.1 Planning permission is sought for a single storey building located in the south western corner of the site, close to the boundary with Highbury Fields. The building would be partially located on land which currently belongs to the vicarage garden. The proposed building is 4 metres in height (from the lowest level of the land adjacent to it), covers a footprint of 190m<sup>2</sup>, and has a curved design that follows the boundary of the site. It is to be constructed in buff-coloured gault brick with bronze aluminium trims, windows and external doors. It has a flat green roof containing five circular roof lights.

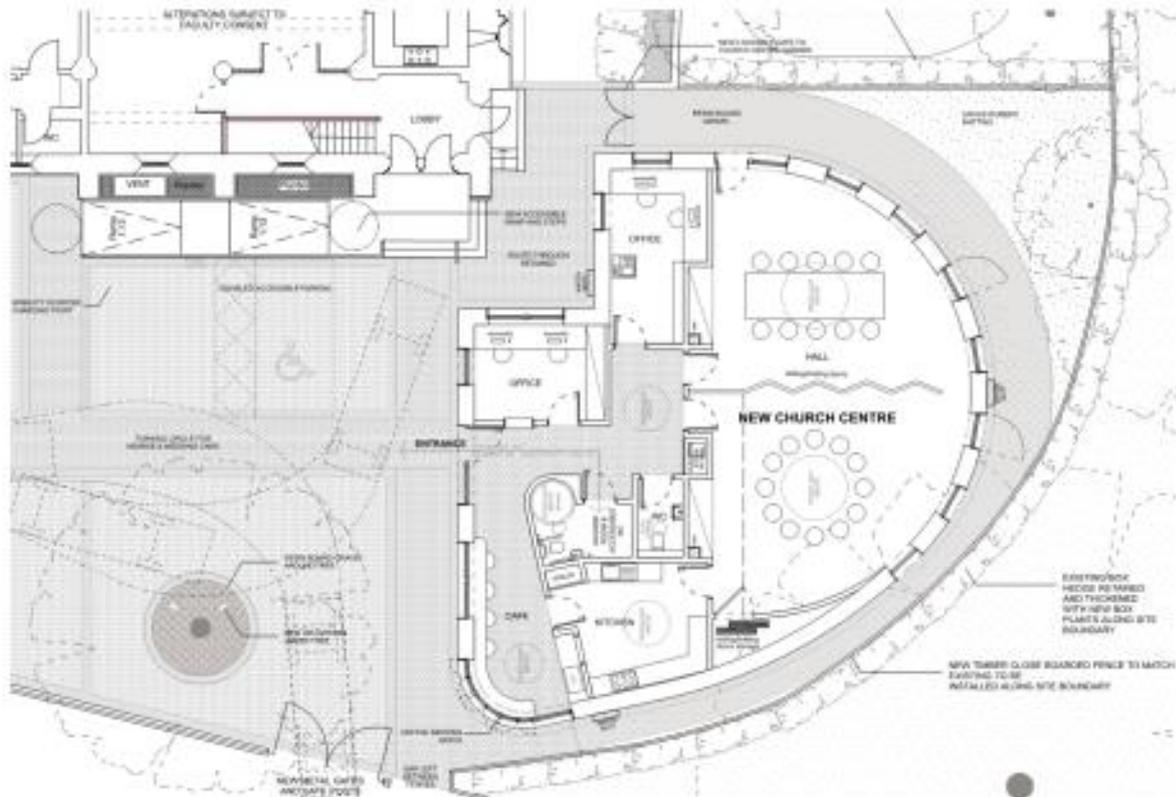
6.2 The building is to be used as a church and community centre and will enable relocation of the existing administrative and community functions (as well as the Junior Church) from their current location in the basement of the vicarage, which is no longer suitable for these functions. The proposed building contains a large room which can be divided into two smaller rooms by a sliding partition, two new offices, two WCs (one general use and one accessible), a store, a kitchen and a café. Although the café is predominantly for the use of visitors to the centre, it features a serving hatch enabling the sale of light refreshments and drinks to members of the public.

6.3 The proposal also involves landscape works in conjunction with the new building, including a new paved courtyard, an accessible parking space (accessed via the existing vehicular entrance from Highbury Place), a permanent wheelchair ramp into the main church and new metal gates across the vehicular entrance. A replacement close-boarded fence will be erected along the southern boundary of the site, and the existing hedge will be retained and consolidated. The proposal involves the removal of four trees to be replaced by four new trees in the vicarage garden, which also perform a screening function. A total of 14 cycle parking spaces will be provided on the forecourt.



*Fig. 6: Computer generated image of proposed building from Highbury Place*

- 6.4 Three sets of revised drawings have been received during the assessment and consideration of this proposal. The first revisions (Rev A, dated 26 January 2018) show water butts added to the scheme, following a suggestion by the Sustainability Officer. The second revisions (Rev B, dated 08 February 2018) show the addition of screening trees to the vicarage garden to replace those lost on the site, and the services intake/drainage route added to the ground floor plan. The third revisions (Rev C, dated 09 March 2018) show the reduction in the amount of disabled parking spaces from two to one, following concern that the vehicle swept path overlapped the disabled parking spaces. The general layout plan can be seen in Fig. 7 below.
- 6.5 It should be noted that the construction of the building is due to take place at the same time as internal works at the main church building, as indicated on the submitted drawings. These alterations are not subject to any application before this authority; they are exempt from the need to obtain listed building consent by virtue of Section 60 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (known as an 'ecclesiastical exemption').



**Fig. 7: Proposed ground floor layout and landscaping plan**

## **7. RELEVANT HISTORY**

### **Planning applications**

- 7.1 P2017/2326/FUL – Erection of a new single storey church and community centre to accommodate the new church’s office, reception and administration functions, as well as flexible community space for church activities and community outreach, and a small café (Withdrawn on 27/07/17).
- 7.2 P051811 - Erection of a 3.5 m high metal pole to carry 2 light fittings to illuminate the church (Approved on 07/11/2005).
- 7.3 P042529 - Erection of a 4-metre-high metal pole to carry 2 floodlights directed at the church and one spotlight directed at the spire (Refused on 10/01/2005).
- 7.4 831569 - Installation of new railings around church gardens (Approved on 01/02/1985).

### **Enforcement**

- 7.5 None.

### **Pre-application advice**

- 7.6 A pre-application request was submitted in May 2016 for the erection of a single storey church hall with ancillary office and café, replacement of the church entrance stairs and ramp, and the remodelling of the church courtyard including replacement boundary treatment, paving and three disabled parking spaces.
- 7.7 The officer’s advice was that the principle of development was acceptable, but there was concern in relation to the inclusion of a canopy between the new building and the church, and the café use,

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which it was considered might impact on the amenity and character of the church and open space. It was also suggested that additional planting was required on the southern boundary, adjacent to Highbury Fields.

- 7.8 Details of the anticipated use of the café and the servicing arrangements have been submitted with this application and are considered acceptable. The canopy has been removed from the proposal, and further screening is proposed on the southern boundary in accordance with the officer's advice. It is considered that all matters raised by the case officer at pre-application stage have been satisfactorily addressed in this application.

## **8. CONSULTATION**

### **Public consultation**

- 8.1 Letters were sent to occupants of 306 adjoining and nearby properties at Highbury Hill, Leigh Road, Hamilton Park, Highbury Grove, Kelvin Road and Melody Lane on 17 November 2017.
- 8.2 A notice was displayed outside the site on 14 December 2017 and a press notice published in the Islington Gazette on 23 November 2017. The public consultation period expired on 14 December 2017, however it is the Council's practice to consider representations made up until the date of a decision.
- 8.3 At the time of writing of this report, a total of 5 objections, 2 expressions of support and 1 comment (a request for bird and bat boxes) had been received from members of the public. Letters of support have also been received from Councillor Hull, ward member for Highbury West, and the Highbury Fields Association.
- 8.4 Objections from residents have raised the following issues:
- There is no need for additional community space in the borough, and the Highbury area already benefits from an adequate supply of community facilities (objection addressed in para. 10.3 below);
  - The number of people who will benefit from the building is small in relation to the number of people who live in Highbury (objection addressed in para. 10.3 below);
  - The building is too large, and its design is out of keeping with the Conservation Area and harmful to the setting of the church and vicarage, which are Grade II listed buildings (objection addressed in paras. 10.7-10.11 below);
  - The proposal involves the felling of trees, shrubs and hedgerows and their replacement with hard surfacing, to the detriment of the landscape (objection addressed in paras. 10.1-10.23 below);
  - The proposed café will divert business from Oasis in the Park in Highbury Fields (objection addressed in para.10.6 below);
  - The late-night opening hours will create disturbance to the detriment of nearby residential properties and will result in additional noise, smells and litter (objection addressed in paras. 10.15-10.18 below);
  - If the land adjacent to the church is in a poor state of repair, it should be tidied up - a new building is not the only way to reinstate visual amenity (objection addressed in para. 10.5 below).

### **Internal consultees**

- 8.5 Access and Inclusive Design – have recommended a shallower gradient for the wheelchair ramp (though the proposal is within the allowable limits) and also raised concern that the delivery vehicle swept path overlaps the accessible parking bays, which has now been rectified (see para. 6.4 above).
- 8.6 Design and Conservation – have noted that changes have been made to the scheme following the withdrawn application. Although there will still be some harm to the heritage assets, this harm is 'less than substantial' and should be weighed against the public benefits of this proposal.

- 8.7 Parks and Open Space – No objection.
- 8.8 Tree Preservation/Landscape – initially objected to the excessive pruning of T4 and requested additional replacement planting, as well as some amendments to the submitted arboricultural report. A revised report was provided on 09 February 2018, along with new drawing showing additional trees between the vicarage garden and the new church centre. The Tree Officer confirmed on 15 February 2018 that the proposal is now acceptable, subject to appropriate conditions relating to tree protection and tree replacement.
- 8.9 London Underground – No objection
- 8.10 Highways – No objection
- 8.11 Sustainability, Biodiversity and Nature Conservation – requested an ecological survey, which was later provided by the applicant, and suggested that water butts be installed (now shown on amended drawings Rev A). The Sustainability Team have also requested conditions in relation to the specification of the green roof and the installation of nesting/roosting boxes for birds and bats.
- 8.12 Noise Team (Environmental Protection) – No objection.
- 8.13 No comments were received from Building Control, Waste and Recycling or the Planning Policy Team.

#### **External Consultees**

- 8.14 Historic England – No objection
- 8.15 Historic England: Greater London Archaeological Advisory Service (GLASS) – No objection.
- 8.16 London Fire and Emergency Planning Authority – No objection subject to building regulations; recommends installation of sprinkler system in the new building.
- 8.17 No comments were received from the Metropolitan Police, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Islington Society, the London and Middlesex Archaeological Society, the Metropolitan Public Gardens Association, the Society for the Protection of Ancient Buildings, the Twentieth Century Society, the Victorian Society, or the MP for Islington North.

#### **Applicant's own consultation**

- 8.18 The Church held an open public meeting on 27<sup>th</sup> February 2017, which was attended by approximately 50 people, 33 of whom filled out feedback forms on the proposals. The results of this consultation can be found on pages 13 and 14 of the submitted Design and Access Statement.

### **9.0 RELEVANT STATUTORY DUTIES, DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

- 9.1 Islington Council (Planning Committee), in determining this planning application, has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
  - To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
  - To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).

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

#### **National Policy**

- 9.6 The National Planning Policy Framework 2012 (NPPF) contains a presumption in favour of sustainable development, which should be seen as '*a golden thread running through both plan-making and decision-taking*' (para. 14). For decision-taking, this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in the determination of this application and has been taken into account during the assessment of these proposals.

#### **Development Plan**

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

#### **Supplementary Planning Guidance (SPG) / Documents (SPDs)**

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

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle of development
- Design, conservation and heritage
- Inclusive design
- Neighbouring amenity
- Highways, transportation and parking
- Trees and landscaping
- Sustainability and biodiversity.

### Principle of development

- 10.2 The London Plan provides that development proposals which provide high quality social infrastructure will be supported (Policy 2.6) and that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities (Policy 3.1). Policy DM4.12 of the Islington Development Management Policies 2013 provides that new social infrastructure should be accessible to the communities they serve by a range of sustainable transport modes; provide buildings which are inclusive, accessible and adaptable; be sited to maximise shared use of the facility; and complement existing uses and the character of the area, avoiding adverse impacts on amenity. In this instance, all criteria set out in Policy DM4.12 are met (see paras. 10.20, 10.13-10.14, 10.3 and 10.15-10.18 of this report respectively).
- 10.3 The construction of the new community centre would enable the church to continue a range of social and community functions which currently operate from the basement of the vicarage building, including the Parish office and the Junior Church. The basement is no longer considered suitable for these uses due to its limited accessibility, lack of natural light, poor ventilation and inflexible floor plan. The new building will also help the church expand its wider community programmes, such as the Christ Church Playgroup and Winter Night Shelter. The location of the building at the rear of the site, with a pedestrian and cycle access directly from Church Path, means that it is highly accessible to the public. It is therefore sited to maximise shared use of the facility in accordance with policy DM4.12, and will enable the church to continue to offer flexible meeting spaces to local groups (approximately 12 local groups presently utilise the church premises). As requested by officers at pre-application stage, the applicant has provided details of a feasibility study carried out in 2015 to demonstrate that the additional space required cannot be provided within the envelope of the main church (see page 3 of the Design and Access Statement). It is considered that the building provides a substantial community benefit and that - given the unsuitability of the current space in the vicarage basement - there is a need for such a facility. The fact that the facility may benefit a relatively small number of people compared to the general population of Highbury is largely irrelevant for the purposes of this application; it serves a need nonetheless and would be a valuable community use.
- 10.4 The new church and community centre will be used predominantly in connection with the church, both for the benefit of the congregation and for the benefit of the local community through the church's outreach programmes (much in the same way the existing basement rooms are used). However, the café is open to the public and includes a serving hatch, which would enable refreshments to be served to passing members of the public on a commercial basis. The café will only be open when the community centre is open, and will be run by the church, for the church. In this respect, it can be considered ancillary to the main use of the site, and will be subject to suitable conditions to ensure that the café remains a small-scale ancillary operation which does not unduly harm amenity (see para. 10.18 of this report).
- 10.5 The proposal results in the loss of a small amount of semi-private open space within the grounds of the church. Policies CS15 and DM6.3 provide that the loss of existing local open spaces, including incidental greenspace and private gardens, will not be permitted unless the loss is compensated and the development has overriding benefits. In this instance, the scheme will provide space for the operation of important community services, will improve the relationship between the church and the public realm, activate a neglected part of the site, and replace two dilapidated structures with a high-quality, modern building. Whilst the poor state of the site is not in

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itself a reason to grant consent (as objectors have pointed out, there are other ways to improve the site's physical appearance), the chance to improve this area is one of several benefits provided by the scheme and officers are entitled to take it into account in the final balance of planning considerations. The improvement to this area of the site, coupled with the community benefits of the scheme, justifies the loss of open space in this instance.

- 10.6 Some residents have objected to this application on the basis that the existence of a new café adjacent to the park would affect the viability of the existing council-run café in Highbury Fields. The impact of a proposed use on the viability of a single business is not a material planning consideration, and cannot be taken into account in the determination of this application.

#### **Design, conservation and heritage**

- 10.7 The National Planning Policy Framework (NPPF) provides that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Para. 132 of the NPPF provides that any harm or loss to the significance of a designated heritage asset should require clear and convincing justification, and para. 134 provides that where a development will lead to 'less than substantial harm', this harm should be weighed against the public benefits of the proposal.
- 10.8 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policy CS9 of the Islington Core Strategy requires new buildings to be sympathetic in scale and appearance and complementary to local identity, and provides that the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced. Policy DM2.1 of Islington's Development Management Policies requires new development, *inter alia*, to respect and respond positively to existing buildings, the streetscape and wider context, and to be sustainable, durable, adaptable, safe and inclusive. Policy DM2.3 further provides that the borough's heritage assets should be conserved and enhanced in a manner appropriate to their significance, and that new developments within the borough's conservation areas are required to be of a high quality contextual design so that they conserve or enhance the Conservation Area.
- 10.9 The proposed building is within the immediate setting of two Grade II listed buildings (the church and vicarage), close to another designated heritage asset (the Grade II listed clocktower in Highbury Place), located within a Conservation Area, and is directly adjacent to Highbury Fields. It is therefore within an extremely sensitive location. The applicant has, in accordance with the requirements of Policy DM2.3, submitted a Heritage Statement with this application, which considers the impact of the new building on several views of both the church and vicarage. The greatest impact is on views from Highbury Place, as the building is situated directly adjacent to the site's western boundary; however, it only marginally obscures the church façade. The building would have a minor adverse impact on views from Highbury Fields, but would be screened by a reinforced hedge and fence. From Highbury Grove, the building would be glimpsed through the gap between the vicarage and the church, and from the north (Leigh Road), it would be visible to the right of the church but screened by the large London Plane tree, which is to be retained. It is therefore the case that views of the designated heritage assets are affected but not significantly so. The building has been carefully designed to respect its context - it is low-profile, of a simple, modern appearance, and is tucked away in the least sensitive corner of the site.
- 10.10 The building is proposed to be clad in a buff-coloured gault brick with bronze fenestration, which is designed to reference the main church. The use of these materials has been discussed with officers at pre-application stage and is considered acceptable (though due to the site's sensitivity, a condition will be attached requiring the submission of full details of materials, including samples, prior to development commencing).
- 10.11 Given all of the above, it is considered that the harm to the designated heritage assets is at the lower end of the scale, and 'less than substantial' in the context of para. 134 of the NPPF. Accordingly, one must consider whether the other benefits of the scheme outweigh the harm to the heritage assets. As discussed in paras. 10.3 and 10.5 of this report, the building will enable the church to continue to provide important services to the community and improve a neglected corner

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of the site. It is therefore considered that the benefits offered by the proposal clearly outweigh the harm to the heritage assets.

- 10.12 The proposal involves the erection of a new metal gate across the vehicular access point. The design of the gate is considered appropriate and is in keeping with the traditional black-painted cast-iron railings which surround the site and are common in Highbury Park, Highbury Place and Highbury Terrace. A condition will be attached requiring details of the gates to be submitted and approved prior to development commencing (to be incorporated into the landscaping details condition, Condition 4).

#### **Inclusive design**

- 10.13 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate that they provide for ease of use and versatility in use, produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. Policies on inclusive design are also supported by the Inclusive Design in Islington SPD, adopted in 2014.
- 10.14 The proposed landscaping works include the construction of an accessible parking bay on the forecourt of the site, a new wheelchair ramp into the main church, step-free access into the new community facility and the installation of storage and charging points for electric scooters. The internal layout of the new centre is suitable for wheelchair users and an accessible WC is provided. It is therefore considered that the development complies with inclusive design standards and is in accordance with Policy DM2.2 and relevant supplementary planning guidance.

#### **Neighbouring Amenity**

- 10.15 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 The proposed building is a single storey (4 metres) in height and is approximately 15 metres away from the nearest residential property (1 Mulberry Court). It therefore has no impact on any neighbouring residential occupiers by virtue of overshadowing, overlooking, daylight, sunlight, over-dominance, sense of enclosure or outlook. In terms of privacy, the proposed close-boarded fence around the south-western corner of the church, as well as the boundary fence to the residential garden at 1 Mulberry Court, will ensure that no overlooking occurs into the ground floor windows of that property. The upper floor windows are at too acute an upward angle for any overlooking to occur as result of the use of the new building, given that the proposed building is only a single storey in height.
- 10.17 Objections have been received in relation to the proposed opening hours of the community centre (08.00-00.00 Monday to Friday, 00-00 - 22.00 on Saturday and 08.00-22.00 on Sunday). Whilst the number of people that could potentially use the hall at any one time is unlikely to be sufficiently large to cause significant disturbance, it is nevertheless considered appropriate to impose a condition restricting the operating hours of the centre to between 08.00 and 22.00 daily. However, on Friday nights between 1<sup>st</sup> January and 31<sup>st</sup> March, the church intends to use the new centre to host a winter night shelter for the homeless. At present, this takes place in the main church building in the 'Fellowship Room', which the church considers is no longer appropriate for the Night Shelter due to its cold temperatures and the fact there is no washing facilities (the new building contains a shower). Relocating the shelter to the new building would require the centre to be open 24 hours, and it is considered reasonable to allow this to happen during the three months the night shelter is in operation, on Fridays only. A condition will be attached to this effect (Condition 5), which will specify that the late opening is in relation to the night shelter and for the benefit of no other use.

- 10.18 The public aspect of the café is modest and is unlikely to generate a significant amount of noise, but there is the potential for a degree of disturbance, particularly in the summer months. A condition will therefore be attached restricting the opening times of the serving hatch to between 08.00 and 18.00 daily (Condition 6), which also has the effect of ensuring the café remains ancillary to the church and community centre use. In terms of odours, the kitchen is not of a commercial scale and hot food will not be sold (refreshments will be limited to drinks and wrapped food). A small, domestic kitchen extract is proposed. A dedicated waste bin for the café is provided in the forecourt, and waste disposal facilities are provided within the grounds of Highbury Fields. Given the above, it is unlikely that the café use would generate any additional issues over and above that typically expected of kiosks/cafes in public parks, such as that run by the council (Oasis in the Park).

#### **Highways, transportation and parking**

- 10.19 Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. Policy DM8.1 provides that the design of new development is required to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM8.2 of the Development Management Policies provides that development proposals are required, *inter alia*, to maximise safe and convenient access to, from and within developments for pedestrians and cyclists, provide equal access for all, and adequately address delivery, servicing and drop-off requirements. Policy DM8.6 requires that servicing and delivery vehicles enter and exit the site in forward gear, and Policy DM8.4 requires cycle parking to be provided in accordance with the minimum standards set out in Appendix 6 of the Islington Development Management Policies.
- 10.20 The proposed development is located in an area with a PTAL rating of 5 (very good). The application does not provide any vehicle parking, with the exception of one accessible parking space. A total of 14 cycle parking spaces (in excess of that required) are provided. Deliveries will take place on the forecourt of the site, and the vehicle swept path shows that a wedding car, hearse or small delivery vehicle (the only types of vehicles that will be permitted to access the site) can comfortably turn in the space and leave the site in forward gear, in accordance with the requirements of Policy DM8.6. No objections have been received from the council's highways team, and it is considered that the proposal is acceptable from a highways and transportation perspective.

#### **Trees and landscaping**

- 10.21 Policy 7.21 of the London Plan provides that existing trees of value should be retained and that any trees lost as the result of development should be replaced. This is reflected in Policy CS15 (Part A) and Policy DM4.5 (B) of the Islington Development Management Policies, the latter of which stipulates that any loss will only be permitted where there are overriding planning benefits and the trees are suitably re-provided. Policy 7.5 of the London Plan provides that any public realm should incorporate the highest quality landscaping, planting, street furniture and surfaces. Policy DM6.5 (A) stipulates that developments must protect, contribute to and enhance the landscape, and are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation.
- 10.22 The application involves the removal of four trees in the south-western corner of the church grounds (three Leyland Cypress trees and a Holm Oak). These trees are amongst the smaller trees on site and provide limited canopy cover. The larger trees, including the mature London Plane, all contribute significantly to the amenity value of the site, Conservation Area and the designated open space, and are to be retained. The applicant has submitted an arboricultural report detailing pruning works to the retained trees, and has agreed to provide additional replacement trees in response to comments from the council's Tree Officer. These replacement trees will be provided between the vicarage and the new building, as shown on drawings PL203 and PL204 Rev C. Conditions will be attached requiring the submission of a report detailing tree protection during construction, as well as details of tree replacement.

- 10.23 A considerable amount of landscaping work is proposed as part of this proposal, including the re-paving of the forecourt to the church, the installation of LED lighting, and the replacement of the existing dilapidated fence on the southern boundary with a new fence. The proposal also involves the reinforcement of the poor quality leylandii hedge with evergreen planting to provide screening of the building from the northern part of Highbury Fields, as suggested by the officer at pre-application stage. Although the removal of the brick planter from outside the church involves the loss of greenery, it also 'opens up' the frontage and reveals more of the church façade from public views, and there is no objection to the re-landscaping of this area in principle. It is considered that a condition should be attached requiring submission of a detailed landscaping scheme for approval by the council prior to development commencing (Condition 4).

### **Sustainability and biodiversity**

- 10.24 Policy CS10 of the Islington Core Strategy requires developments to address a number of sustainability criteria such as climate change adaptation, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards (provided within Islington's Environmental Design SPD and underpinned by the Mayor's Sustainable Design and Construction Statement SPG). Policy DM7.2 requires developments to achieve best practice energy efficiency standards in terms of design and specification, and Policies CS15 and DM6.5 require development to maximise opportunities to 'green' the borough through measures such as planting and green roofs. The local development plan provides strong protection for SINC's, and requires that any development having an adverse effect on a designated SINC will be resisted.
- 10.25 The applicant has submitted a Sustainable Design and Construction Statement with the application which details several sustainable design measures, including permeable paving, measures to minimise CO<sup>2</sup> emissions, water efficiency and re-use measures (including the installation of water butts on the site) and passive design features to minimise overheating risk. The measures proposed are proportionate to the scale of the proposal and have been welcomed by the Sustainability Team. The development is therefore considered to be compliant with the sustainability policies in the local plan.
- 10.26 As the site is located within a SINC, the applicant has submitted an ecological appraisal, which acknowledges the presence of several bird species and bats in Highbury Fields. The ecological appraisal has been scrutinised by the Sustainability Officer, who has no objection to the scheme, but has recommended a condition requiring the installation of no less than two nesting boxes/bricks to be installed on the new building (one for bats and one for birds). The flat roof space is proposed as a green roof, and a condition is recommended requiring the green roof to meet the council's standard requirements as set out in Islington's Environmental Design SPD (Condition 7).

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The proposed development, particularly the provision of additional community space, is welcomed in principle, and would represent a significant improvement to this part of the church premises, which is unsightly and has a poor relationship to the adjacent public realm. These benefits have been weighed against the shortcomings of the proposal, in particular the less than substantial harm to the setting of the designated heritage assets and loss of open space. Objections from residents (and comments of support) have also been considered in the final balance of planning considerations, and it is recommended that permission is granted subject to appropriate conditions relating to materials, landscaping, hours of operation, biodiversity and trees.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

<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.</p>
<b>2</b>	<b>Approved plans</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>EX00      Location plan</p> <p>EX01A     Existing site plan</p> <p>EX03      Existing landscape plan</p> <p>EX04      Existing first floor plan</p> <p>EX05      Existing north elevation</p> <p>EX06      Existing east elevation</p> <p>EX07      Existing south elevation</p> <p>EX08      Existing west elevation</p> <p>EX09      Existing Section AA</p> <p>EX10      Existing Section BB</p> <p>EX11      Existing Section CC</p> <p>EX12      Existing Section DD</p> <p>PL201D    Proposed site plan</p> <p>PL203C    Proposed landscape plan</p> <p>PL204C    Proposed roof plan 1:200</p> <p>PL205      Proposed north elevation</p> <p>PL206      Proposed east elevation</p> <p>PL207A    Proposed south elevation</p> <p>PL08      Proposed west elevation</p> <p>PL09      Proposed Section AA</p> <p>PL10      Proposed Section BB</p> <p>PL11      Proposed Section CC</p> <p>PL212A    Proposed Section DD</p> <p>PL213C    Proposed ground floor plan</p> <p>PL214C    Proposed roof plan 1:100</p> <p>PL215A    Proposed north elevation - new church centre</p> <p>PL216A    Proposed east elevation - new church centre</p> <p>PL217A    Proposed south elevation - new church centre</p> <p>PL218A    Proposed west elevation - new church centre</p> <p>PL219      Proposed Section AA - new church centre</p> <p>PL220      Proposed Section BB - new church centre</p> <p>PL221      Proposed Section CC - new church centre</p> <p>PL222      Proposed façade detail</p>

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	<p>Planning Statement (June 2017, revised March 2018)  Design and Access Statement (November 2017)  Heritage Impact Assessment and Heritage Statement (November 2017)  Sustainable Design &amp; Construction Statement (May 2017)  Ecological Appraisal (January 2018)  Arboricultural Statement (April 2017, revised February 2018)  Structural Statement (November 2017)</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (details)</b>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) solid brickwork (including brick panels and mortar courses);</li> <li>b) window and roof light treatment (including sections and reveals);</li> <li>c) aluminium trims;</li> <li>d) any other materials to be used in the external construction of the building.</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Landscaping (details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>b) proposed trees (their location, species and size);</li> <li>c) soft planting (including grass and turf areas, shrub and herbaceous areas);</li> <li>d) enclosures (including types, dimensions and treatments of walls, fences, hedges and gates);</li> <li>e) hard landscaping (including ground surfaces, kerbs, edges, ridge and flexible paving, unit paving, furniture, steps and synthetic surfaces); and</li> <li>f) any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>

	<p>REASON: In the interests of biodiversity, sustainability and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>5</b>	<b>Hours of operation (compliance)</b>
	<p>CONDITION: The community centre shall not operate outside the hours of 08.00am and 22.00 pm daily, with the exception of between 01 January until 31 March. Between these dates, the community centre shall not operate outside the hours of 08.00-22.00 Sunday to Thursday, 08.00-00.00 on Friday and 00.00-22.00 on Saturdays.</p> <p>Between the hours of 22.00 on Friday and 08.00 on Saturday (01 January to 31 March), the community centre shall operate for the sole purpose of hosting the Winter Night Shelter for the homeless and for no other use hereby approved.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>6</b>	<b>Hours of operation for the café (compliance)</b>
	<p>CONDITION: The café hereby approved shall only be open to members of the public between the hours of 08.00 and 18.00 Monday to Sunday including public holidays. The serving hatch facing Highbury Fields shall be closed daily at 18.00.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>7</b>	<b>Green Roof (compliance)</b>
	<p>CONDITION: The biodiversity (green) roof shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plans PL204 C and PL214 C hereby approved; and</li> <li>c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>8</b>	<b>Nesting boxes (details)</b>
	<p>CONDITION: Details of bird and bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>No less than 2 boxes/bricks (one for bats and one for birds) shall be provided and the details shall include the exact location, specification and design of the habitats.</p>

	<p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<p><b>9</b></p>	<p><b>Tree protection (details)</b></p>
	<p>CONDITION: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> <li>a) Location and installation of services/ utilities/ drainage</li> <li>b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees</li> <li>c) Details of construction within the RPA or that may impact on the retained trees. This will need to detail foundation methods for the main building as well as any other construction activities (including): piling operations including access, installation of uplifting lighting within crown canopies</li> <li>d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</li> <li>e) Methods to protect tree stems from car parking damage.</li> <li>f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.</li> <li>g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing</li> <li>h) A specification for scaffolding and ground protection within tree protection zones.</li> <li>i) Tree protection during both demolition and construction indicated on two TPPs, demolition and construction activities clearly identified as prohibited in this area</li> <li>j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires</li> <li>k) Boundary treatments within the RPA</li> <li>l) Methodology and detailed assessment of root pruning</li> <li>m) Arboricultural supervision and inspection by a suitably qualified tree specialist</li> <li>n) Reporting of inspection and supervision.</li> </ul> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>REASON: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.</p>

<b>10</b>	<b>Arboricultural site supervision (details)</b>
	<p>CONDITION: The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in Condition 9 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>REASON: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under Condition 9.</p>
<b>11</b>	<b>Tree planting (details)</b>
	<p>CONDITION: Prior to completion or first occupation of the development hereby approved, whichever is the sooner, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.</p> <p>Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p> <p>REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</p>

**List of Informatives:**

<b>1</b>	<b>Positive statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1. National Guidance**

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

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 2013.

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

##### **Chapter 2: London's Places**

Policy 2.18 Green infrastructure

##### **Chapter 3: London's People**

Policy 3.1 Ensuring life chances for all  
Policy 3.2 Improving health and addressing health inequalities  
Policy 3.6 Protection and enhancement of social infrastructure

##### **Chapter 5: London's response to climate change**

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

##### **Chapter 6: London's Transport**

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

##### **Chapter 7: London's Living Spaces and Places**

Policy 7.1 Lifetime neighbourhoods  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.18 Protecting open space and addressing deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands

## **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 CS15 Open space and green infrastructure

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

- Policy DM2.1 Design
- Policy DM2.2 Inclusive Design
- Policy DM2.3 Heritage
  
- Policy DM4.12 Social and strategic infrastructure and cultural facilities
  
- Policy DM6.2 New and improved public open spaces
- Policy DM6.3 Protecting open space
- Policy DM6.5 Landscaping, trees and biodiversity
  
- Policy DM7.1 Sustainable design and construction
- Policy DM7.2 Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 Sustainable design standards
- Policy DM7.5 Heating and cooling
  
- Policy DM8.1 Movement hierarchy
- Policy DM8.2 Managing transport impacts
- Policy DM8.4 Walking and cycling
- Policy DM8.5 Vehicle parking
- Policy DM8.6 Delivery and servicing for new developments

## **3. Designations**

- Grade II listed building (church and vicarage)
- Highbury Fields Conservation Area
- Local Cycle Route (Church Path)
- Designated Open Space (adjacent)
- Site of Importance for Nature Conservation (adjacent)

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

### **The London Plan**

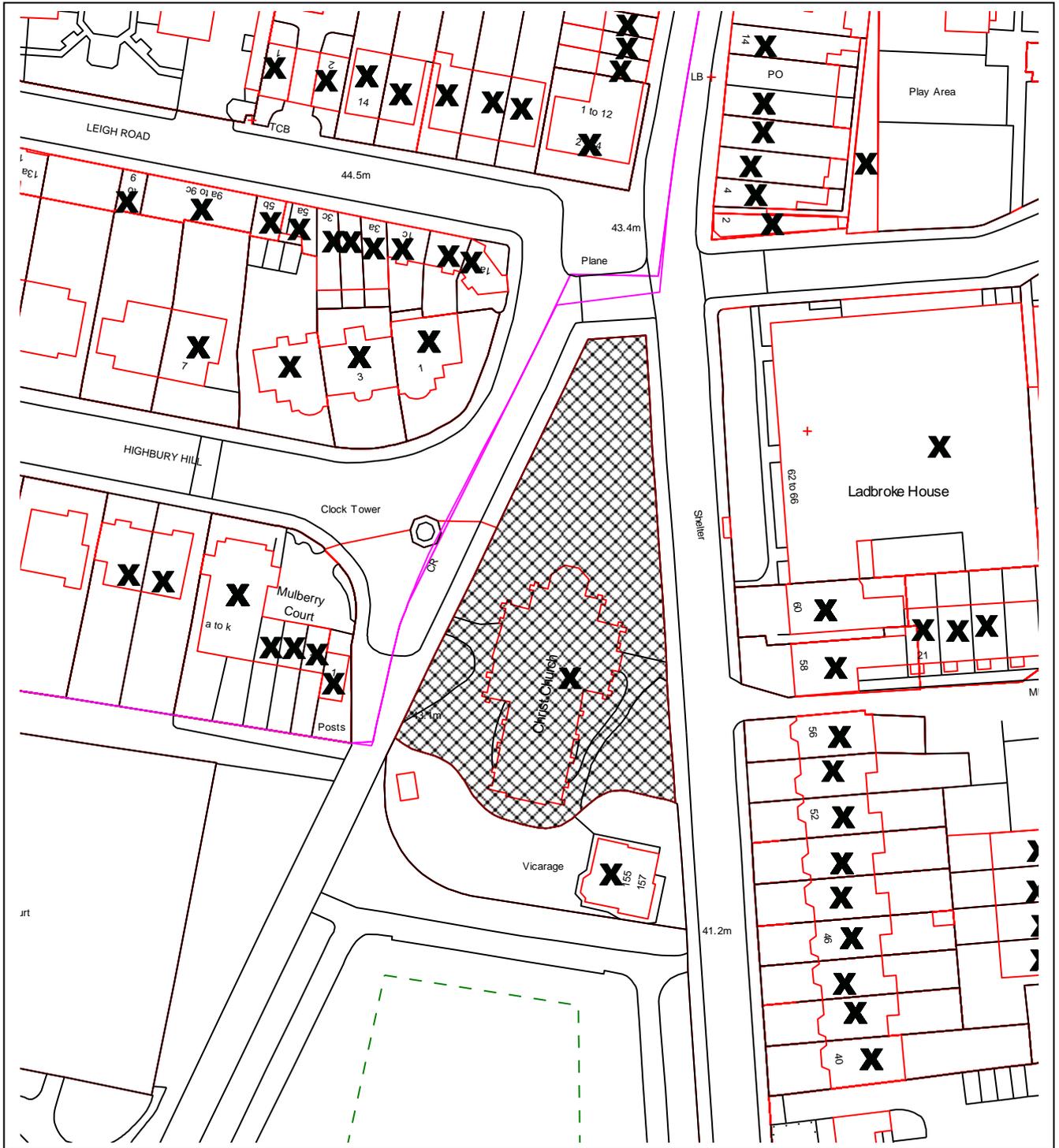
- Social Infrastructure (2015)
- Character and Context (2014)
- Sustainable Design and Construction (2014)

### **Islington Development Plan**

- Islington Urban Design Guide (2017)
- Inclusive Design in Islington (2014)
- Inclusive Landscape Design (2010)
- Environmental Design (2012)
- Highbury Fields Conservation Area Design Guidelines (2002)

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# Islington SE GIS Print Template



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**PLANNING COMMITTEE REPORT**

 Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING SUB COMMITTEE B</b>		<b>B3</b>
<b>Date:</b>	<b>15<sup>th</sup> December 2022</b>	

Application number	P2021/2502/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Adjacent to Grade II Listed Buildings (along Bewdley Street and Brooksby Street)
Conservation area	Barnsbury Conservation Area and Article 4 Direction
Development Plan Context	Mayors Protected Vistas (Alexandra Palace viewing terrace to St Paul's) Cycle Routes (Local) Article 4 Directions (A1-A2 (Rest of Borough) and B1(c) to C3)
Licensing Implications	None
Site Address	Garage 12a Brooksby Mews London N1 1EZ
Proposal	Change of use to Class E(g) for the provision as an Architect's studio. Replacement of existing single glazed aluminium framed windows and single door, with enlarged double glazed aluminium framed windows and double doors

Case Officer	Daniel Jeffries
Applicant	Mr Madhav Kidao
Agent	Mr Madhav Kidao

**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)**



**Image 1 – Site Location Plan**

**3. PHOTOS OF SITE/STREET**



**Image 2 - Aerial View of Site**



**Image 3 – Street view photo facing towards entrance to Brooksby Mews from Brooksby Street**



**Image 4** – Panoramic photo showing entrance to Brooksby Mews and looking West along Brooksby Mews



**Image 5:** Photo of existing application site building

#### **4. SUMMARY**

- 4.1 The application seeks planning permission for the change of use to Class E(g) for the provision as an Architect's studio. The physical works are for the replacement of existing single glazed aluminium framed windows and a single door with enlarged double glazed aluminium framed windows and double doors.
- 4.2 Following an investigation by the Council's Planning Enforcement Team (Ref. E/2020/0115) an Enforcement Notice was served by the Council on 5<sup>th</sup> June 2020 relating to the change of use to a motorbike repairs, servicing, recovery, and associated activities garage and motorbike and accessories shop (Sui Generis use). The Notice was subsequently appealed but was withdrawn on 10<sup>th</sup> February 2021 prior to the appeal being determined. The notice then became effective on this date and the recipients had three months to comply with its requirements. A site visit on 12<sup>th</sup> May 2021 confirmed that the use had ceased, and the Enforcement Notice complied with. This application was then submitted.

- 4.3 The Council considers that the host building is likely to have a Nil use. This means that the site does not have a use and therefore any proposed use at all requires planning permission. Therefore, the acceptability in land use terms is whether the introduction of a commercial use in the form of office accommodation would be appropriate, and no assessment is made for a use 'lost'. It is considered that the nature of 'offices', 'research and development' and 'industrial processes' within Class E should be acceptable on this site, as by definition within the Town and Country Planning (Use Classes)(Amendment) Regulations 2020 such uses have to be able to be 'carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'.
- 4.4 An unrestricted Class E use would not be appropriate at the site given its proximity to residential properties and the lack of information to demonstrate that these other uses would not result in unacceptable harm to neighbouring occupiers or have transport impacts.
- 4.5 The proposal is considered to meet the statutory tests of preserving the visual appearance and historic character of the setting of the heritage assets of Barnsbury Conservation Area and the setting of the listed buildings. The proposed alterations are considered to be relatively minor and would be in keeping with the host building and wider area. The proposal is considered to be in accordance with policies D4 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management Policies (2013) and acceptable in design terms.
- 4.6 The proposal is not considered to result in any significant amenity issues to the occupiers of neighbouring properties, in terms of loss of daylight/sunlight, outlook, noise or privacy. Conditions are recommended to control the hours of use. It is therefore considered to accord with policy DM2.1Ax of Development Management Policies (2013).
- 4.7 The proposal is considered to have an acceptable impact on the local highway network. The proposal would be carfree, would provide cycle storage and the site is located within an area with very good public transport links. Therefore, subject to several conditions and matters secured by legal agreement the proposal is considered compliant with policy CS10 of Islington Core Strategy (2011) and policies DM8.2, DM8.4 and DM8.5 of Development Management Policies (2013).

## **5. SITE AND SURROUNDING**

- 5.1 The application site is located on the southern side of Brooksby Mews, which is an alleyway accessed via Brooksby Street to the south, between the rear gardens associated with the residential properties along Brooksby Street and Bewdley Street. The application site which is located immediately to north of the rear gardens of no's 26 to 32 Brooksby Mews, comprises of a single storey building, with several similar sized building along the mews. The surrounding streets consist of terraced residential properties.
- 5.2 The site is located within the Barnsbury Conservation Area and is within the setting of several Grade II Listed Buildings (along Brooksby Street and Bewdley Street).

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

- 6.1 The application seeks planning permission for the change of use of the unit to Class E(g) for the provision as an Architect's studio. The proposal also includes the replacement of existing single glazed aluminium framed windows and single door, with enlarged double glazed aluminium framed windows and double doors.
- 6.2 The application has been submitted following an investigation by the Council's Planning Enforcement Team (Ref. E/2020/0115) relating to the use of the building. Following this investigation, an Enforcement Notice was served by the Council on 5<sup>th</sup> June 2020 relating to the change of use to a motorbike repairs, servicing, recovery, and associated activities garage and motorbike and accessories shop (sui generis). The Notice was subsequently appealed but was withdrawn on 10 February 2021 prior to the appeal being determined. The notice then became effective on this date and the recipients had three months to comply with

its requirements. A site visit on 12 May 2021 confirmed that the use had ceased and the Enforcement Notice complied with. This application for a new use was then subsequently submitted.

## 7. RELEVANT HISTORY

### PLANNING APPLICATIONS:

#### 7.1 Garages 9-12 Brooksby Mews

Application Number	Development Description	Decision	Decision Date
900063	Car repair workshop	Granted Certificate of Established Use	18/01/1990
P2017/4315/PRA	Prior approval for change of use from a motor vehicle repair garage (Use Class B2) to Residential (C3)	Refused	19/12/2017

#### 7.2 6, 7 and 8 Brooksby Mews

Application Number	Development Description	Decision	Decision Date
P2022/1320/FUL	Alterations to existing 3 no. garages (no's 6, 7 and 8) including replacement of existing doors, brick piers and roof, and associated internal and external alterations	Approved	21/07/2022

### ENFORCEMENT:

#### 7.3 12a Brooksby Mews

Application Number	Development Description	Decision	Decision Date
E/2019/022	Alterations to garage including the insertion of windows and possible change of use to residential	Case closed	11/07/2019
E/2020/011	Change of use to a motorbike repairs, servicing, recovery, and associated activities garage and motorbike and accessories shop (sui generis).	Enforcement Notice served	05/06/2020

7.4 During the enforcement investigation in 2020, it was established that around 1991 a further change of use had occurred to 10/12 Brooksby Mews to a mixed residential, car repair and car storage use (sui generis). This mixed use became immune from enforcement action by virtue of it being used, thereafter, in excess of 10 years, which during court proceedings relating to an adverse possession claim, was understood to have continued to at least 2017. The lawful use of the property thus became a mixed C3, B2 and B8 use (sui generis) prior to the subsequent change of use (in 2019) to the unauthorised motorbike repairs, servicing, recovery, and associated activities garage and motorbike and accessories shop (Sui Generis)

## PRE-APPLICATION:

7.5 Q2021/1414/MIN - The pre-application proposal put forward for comment was for (officer's description) a 'Change of use to provide office (Class E) floorspace'.

7.6 Council Officers advised the following:

- Whilst the proposed use as offices would be acceptable in land use terms, without information to demonstrate otherwise, the other Class E uses would be inappropriate in this location given There are however, potential noise and disturbance issues associated with servicing and access for vehicles, potential noisy equipment, and the potential for future mechanical ventilation for any 'research and development' and 'industrial processes' and therefore only offices such as the one described which would not include any access for vehicles or noisy equipment are considered appropriate. It is also advised any future occupiers would benefit from acceptable levels of daylight/sunlight.

## 8. CONSULTATION

### Public Consultation

8.1 Letters were sent to occupants of 44 adjoining and nearby properties on Brooksby Mews, Bewdley Street and Brooksby Mews on the 7<sup>th</sup> of September 2021 and 9<sup>th</sup> November 2022, and site and press adverts were displayed. The consultation period expired on 30<sup>th</sup> November 2022. However, it is the council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of writing this report **12 responses had been received from occupiers of neighbouring properties raising objections** to the scheme, including the Brooksby Mews Management Committee. This is in addition to the three Barnsbury local Councillors at the time of the consultation (Cllr Champion, Cllr Chowdhury and Cllr Hamitouche) have commented on the application. The points raised within the representations are summarised below (*with reference to which sections of this report address those particular concerns in brackets*).

### Land use

- Concerns over the principle of commercial uses along Mews and previous unauthorised use
- Concerns about unrestricted Class E
- Could lead to other inappropriate uses  
(Paragraphs 10.2 to 10.31)

### Design

- Impact on conservation area
- Concerns about antisocial behaviour and security  
(Paragraphs 10.32 to 10.42)

### Amenity

- Increased noise from use of building and impact on gardens
- Opening hours
- Loss of daylight/sunlight  
(Paragraphs 10.50 to 10.59)

### Highways

- Commented that there is no off-street parking and
- Increase vehicular traffic  
(Paragraphs 10.63 to 10.67)

### Other Matters

- Covenant restricting use of outbuilding as ancillary to residential properties
- Concerns that applicant wants to maximise profitability of the site
- Breached planning permission with previous use should prevent commercial use  
(Paragraphs 10.70 and 10.71)

### Internal Consultees

- 8.3 Environmental Health Pollution (Acoustic) Officer: Confirmed no objection but recommended condition for opening hours to 0800 to 1900 hours Monday to Friday only.
- 8.4 Highways Officer: Confirmed that the application site has a very good level of public transport accessibility (5 - PTAL) which means that many, if not all, journeys can be conveniently made by public transport. The proposals should be car-free development and requested 2 cycle storage spaces but noted 1 would be acceptable. Welcomes the provision of shower facilities. Considers that details of servicing arrangements should not be sought nor should details of the construction due to scale of the development.
- 8.5 Design and Conservation Officer: Raised no objections to the proposed external changes.

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

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.) and;
  - As the development is within close proximity to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF): Paragraph 10 states: 'at the heart of the NPPF is a presumption in favour of sustainable development'.
- 9.3 The National Planning Policy Framework 2021 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

### **National Guidance**

9.9 The National Planning Policy Framework 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **Development Plan**

9.10 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 policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Emerging Policies**

#### Draft Islington Local Plan 2019

9.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27<sup>th</sup> 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021 with consultation on Main modifications running from 24 June to 30 October 2022.

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).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

9.13 Emerging policies that are relevant to this application are set out in below:

- Policy PLAN1: Site appraisal, design principles and process
- Policy B1: Delivering business floorspace
- Policy B2: New business floorspace
- Policy H1 Thriving Communities
- Policy S1: Delivering Sustainable Design
- Policy S2: Sustainable Design and Construction
- Policy S3: Sustainable Design Standards
- Policy S4: Minimising greenhouse gas emissions
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy DH5: Agent-of-change, noise and vibration
- Policy T2 Sustainable Transport Choices
- Policy T3 Car Free Development Parking
- Policy T5 Delivery, Servicing and Construction

### **Designations**

9.14 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:

- Adjacent to Grade II Listed Buildings (along Bewdley Street and Brooksby Street)
- Barnsbury Conservation Area and Article 4 Direction
- Mayors Protected Vistas (Alexandra Palace viewing terrace to St Paul's)
- Cycle Routes (Local)
- Article 4 Directions (A1-A2 (Rest of Borough) and B1(c) to C3)

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

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

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Standard of Accommodation
- Accessibility and Fire Safety
- Neighbouring Amenity

- Transport and Highways
- Sustainability
- Refuse and Recycling

### Land-Use

- 10.2 The site is within the Barnsbury Conservation Area, which is characterised by predominately residential development but also includes some commercial uses. The application site consists of part of an existing single storey building that is accessed from Brooksby Street along an alleyway between Brooksby Street and Bewdley Street.
- 10.3 As noted in the relevant applications section above, the wider site (10/12 Brooksby Mews) was subject to an investigation by the Council's Planning Enforcement Team following alleged breaches of planning legislation relating to the change of use to a motorbike repairs, servicing, recovery and associated activities garage and motorbike and accessories shop (sui generis). Following this investigation, an Enforcement Notice was served on 5<sup>th</sup> June 2020 requiring this use to cease.
- 10.4 Paragraph 3.1.1 of the associated delegated Enforcement Report confirmed that *following a considerable number of ongoing complaints of noise and disturbance from neighbours a planning enforcement case was opened. The investigation has established that a motorbike/scooter business has opened at the Site. The business appears to comprise the repair of motorbikes, sale of vehicles and parts as well as associated paraphernalia (e.g., clothing, helmets, locks) sales.* Paragraph 3.1.4 confirmed that the prior lawful use of the wider site was considered to be a sui generis use, consisting of a mix of residential (C3)/car repairs (B2) and storage (B8) uses.
- 10.5 The Enforcement Notice was subsequently appealed by the applicant. However, prior to the Appeal Decision being determined the appeal was withdrawn on 10<sup>th</sup> February 2021 and the unauthorised motorbike use was confirmed to have ceased on 12 May 2021. A subsequent pre-application request (Ref. Q2021/1414/MIN) was submitted to the Council to change the use of the host building to an office.
- 10.6 The Council's pre-application response advised that the planning history of the site shows a certificate of lawfulness was granted in 1990 for the use of the premises as a "car repair workshop". However, no use class was specified in the certificate and the file is not retained.
- 10.7 It is also noted that a subsequent prior approval application (Ref. P2017/4315/PRA) was refused, with paragraph 2.2 of the Council's delegated report stating the following:
- 'As the existing use described on the application form do not fall within use class B1(a)....' AND paragraph 7.1 'The buildings to which the application relates have not been demonstrated to have been in lawful B2 use'*
- 10.8 The Council consider that given this site history and the breaking up of the former planning unit, the site is likely to have a Nil use and has been considered as such.
- 10.9 Therefore, the acceptability of the proposal in land use terms is whether the proposed use as office floorspace would be acceptable in this location.
- 10.10 As noted above, the site is within the Barnsbury Conservation Area, where the associated Conservation Area Design Guidelines advises in paragraph 10.3 that:
- Generally, the Council recognises that often the best use for a building is that which it was designed for and will seek to retain public houses, shops and workshops in appropriate uses which will not diminish their special interest. The removal of individual established uses within the conservation area will not be permitted where they contribute to its character.*
- 10.11 Policy CS13 of the Core Strategy states that new employment floorspace should be located in the CAZ and town centres; should be flexible to meet future business needs and should

provide a range of unit types and sizes. Part C of policy DM5.1 states that outside Employment Growth Areas, Town Centres and the LSIS business floorspace may be provided within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth.

- 10.12 Part D of the policy states that for industrial and warehousing uses, off-street loading and adequate goods lifts should be provided, there should be satisfactory access and servicing and the use would not be detrimental to amenity. Part F of the policy states that new business floorspace must be designed to allow for future flexibility of use, including future subdivision.
- 10.13 The proposal would result in the introduction of an office for an architectural firm. It is considered that the nature of 'offices', 'research and development' and 'industrial processes' within Class E should be acceptable on this site, as by definition such uses have to be able to be '*carried out in a residential area without detriment to its amenity*'. There are, however, potential noise and disturbance issues associated with servicing and access for vehicles, potential noisy equipment, and the potential for future mechanical ventilation for any 'research and development' and 'industrial processes' and therefore only offices such as the one described which would not include any access for vehicles or noisy equipment are considered appropriate in this location. It is also advised any future occupiers would benefit from acceptable levels of daylight/sunlight.

#### Class E Rights

- 10.14 Notwithstanding the above, Class E was introduced to the Town and Country Planning (Use Classes) Order 1987 on 1 September 2020 and broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(3) including:
- **E(a)** Display or retail sale of goods, other than hot food
  - **E(b)** Sale of food and drink for consumption (mostly) on the premises
  - **E(c)** Provision of:
    - i. Financial services,
    - ii. Professional services (other than health or medical services), or
    - iii. Other appropriate services in a commercial, business or service locality
  - **E(d)** Indoor sport, recreation, or fitness (not involving motorised vehicles or firearms)
  - **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
  - **E(f)** Creche, day nursery or day centre (not including a residential use)
  - **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
    - i. Offices to carry out any operational or administrative functions,
    - ii. Research and development of products or processes
    - iii. Industrial processes

- 10.15 Not all the uses encompassed by the new Use Class E would be appropriate at this site or can be adequately assessed on the basis of the limited information submitted. Specifically:

#### *Retail*

- 10.16 Policy DM4.4 of the Development Management Policies states that applications for more than 80m<sup>2</sup> of floorspace for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses (all subsumed by the new Use Class E) should be located within designated town centres. Where suitable locations within town centres are not available, local shopping areas or edge-of-centre sites should be chosen. Where this is not possible, out-of-centre sites may be acceptable where alternative sites within these centres have been thoroughly investigated, the development would not have a detrimental impact on the vitality and viability of these centres, and the development would be accessible by all sustainable means of transport.

- 10.17 The proposal includes a total of 47sqm of floor space. Whilst it is acknowledged that the area is less than 80sqm, the site is not located within a designated town centre, which is a suitable location for retail uses and the site has restricted access and is in close proximity to residential units. Therefore, it is not considered appropriate for a retail use to be permitted in this location

*Food and drink*

- 10.18 Policy DM4.2 states that entertainment and night time activities are generally inappropriate outside Town Centres and where proposed outside Town Centres applicants will need to demonstrate that such uses will not result in adverse impacts, including cumulative impacts as assessed in relation to Policy DM4.3. Policy DM4.3 states that proposals for cafes and restaurants will be resisted where they would result in negative cumulative impacts; would cause unacceptable disturbance or detrimentally affect the amenity, character, and function of an area.
- 10.19 The site is not within a town centre, and is within close proximity to residential properties, the introduction of food and drink establishments is not considered to be appropriate in this location.

*Financial, professional, and other services*

- 10.20 This can include banks, building societies and estate agents. Policy DM4.3 states that these types of uses will be resisted where they are in proximity to schools or sensitive community facilities. Supporting paragraph 4.24 states that where the location or concentration of certain uses may result in negative impacts the Council may use conditions to prevent the use of A2 uses. The location and concentration of uses SPD (2016) provides further detailed guidance on suitable locations for and the information that needs to be submitted with any planning applications for such uses
- 10.21 The site is not within a town centre, and it is in a residential area, where financial, professional, and other services are not appropriate. It is also considered inappropriate for a unit of this size in this location, which requires public footfall, to operate.

*Indoor sport, recreation, or fitness*

- 10.22 Policy DM4.4 of the Development Management Policies states that applications for more than 80m<sup>2</sup> of floorspace for uses within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses (all subsumed by the new Use Class E) should be located within designated town centres. Where suitable locations within town centres are not available, local shopping areas or edge-of-centre sites should be chosen. Where this is not possible, out-of-centre sites may be acceptable where alternative sites within these centres have been thoroughly investigated, the development would not have a detrimental impact on the vitality and viability of these centres, and the development would be accessible by all sustainable means of transport.
- 10.23 Whilst the proposal provides 47sqm of floor space, the site is not located within a designated town centre, therefore, it is not considered appropriate for a sport/recreation or fitness use to be permitted in this location
- 10.24 Sport/recreation or fitness uses have potential noise and disturbance issues associated with the frequency of visits to such uses, the number of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

*Medical or health services*

- 10.25 Part C of policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.
- 10.26 Medical or health facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation.
- 10.27 Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

*Creche, day nursery or day centre*

- 10.28 Part C of Policy DM4.12 states that new social infrastructure and cultural facilities must be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes; provide buildings that are includes, accessible and flexible; be sited to maximise shared use of the facilities; and complement existing uses and the character of the area and avoid adverse impacts on the amenity of surrounding uses. The glossary confirms that community and social facilities include health facilities and early years providers.
- 10.29 Crèche, nursery, or day centre facilities have potential noise and disturbance issues associated with the frequency of visits to such uses, the amount of patrons, the trading hours, the nature of use with potential noisy equipment and/or events, and the potential for future mechanical ventilation. Without the submission of appropriate documentation to submit and assess these potential noise issues the Local Planning Authority is not able to fully assess the potential impact upon neighbour amenity.

Conclusion

- 10.30 Therefore, whilst the proposed use as offices would be acceptable in land use terms, without information to demonstrate otherwise, the other Class E uses would be inappropriate in this location.
- 10.31 Therefore, several conditions have been recommended to restrict the use of the premises including the hours of operation (condition 5), restriction of Class E uses (condition 12) and the removal of permitted development rights for Class E to Class C3 (residential) (condition 13). Subject to these conditions the proposal is acceptable in land use terms.

**Design and Conservation**

- 10.32 The site is located within the Barnsbury Conservation Area, and the site is within the setting of several Grade II Listed Buildings, including those immediately adjacent to Brooksby Street (to the south) and the opposite side of the alleyway along Bewdley Street.



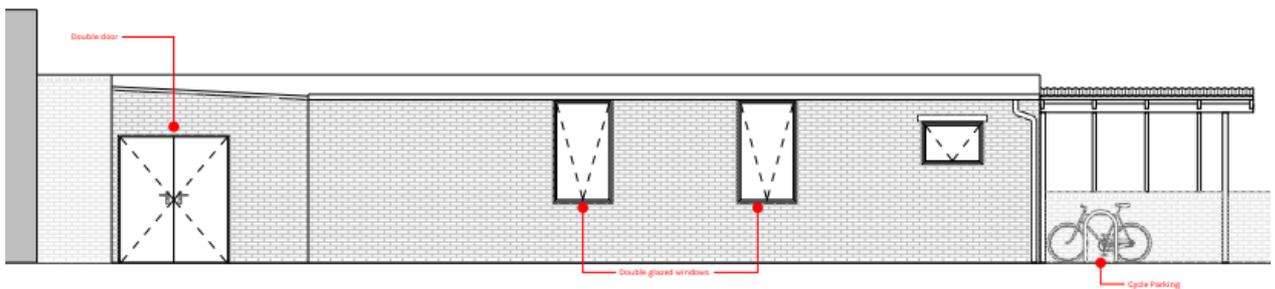
**Image 6:** Map showing existing heritage assets within proximity of the site (Grade II Listed Buildings in green)

- 10.33 Therefore, in accordance with Sections 16(1) and 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 the setting of these heritage assets.
- 10.34 In terms of the acceptability of the proposal in design terms, the advice found within the Islington Urban Design Guide 2017, the Barnsbury Conservation Area Design Guidelines should be used in its assessment.
- 10.35 Apart from the change of use, this proposal consists of external alterations to the existing building including changes to the windows and doors and the introduction of cycle storage.
- 10.36 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and CS9 of Islington's Core Strategy (CS) 2011 and Policies DM2.1 and DM2.3 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape, and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.



**Images 7 and 8:** Photos of existing building facing east (left) and west (right) along alleyway

- 10.37 Paragraphs 5.91 to 5.95 of the UDG provide advice in relation window arrangement and style. It advises that *windows are a key component of the façade that help define a building's character and their arrangement is an important element in breaking down the scale of building frontages. Care needs to be taken to ensure that the windows are of an appropriate scale to the façade and that windows in the façade have some relationship with each other. Key to this is identifying the appropriate shape, position, and size of the windows.*
- 10.38 The CADG does not provide any specific guidance in relation to window and door changes to buildings similar to the host building. However, it does provide general advice that it is *important that new buildings, extensions, and refurbishments of existing buildings, blend in with and reinforce this character. Care must also be taken with the choice of brick and bond.*
- 10.39 The proposed works include the replacement of the existing single entrance door to the east of the building, with a new set of double doors (1.9m width x 1.8m height), and the replacement using the same openings of two double glazed windows on the north elevation (1.45m height x 0.85m width), all fronting the lane at ground floor level.



**Image 9:** Proposed north elevation

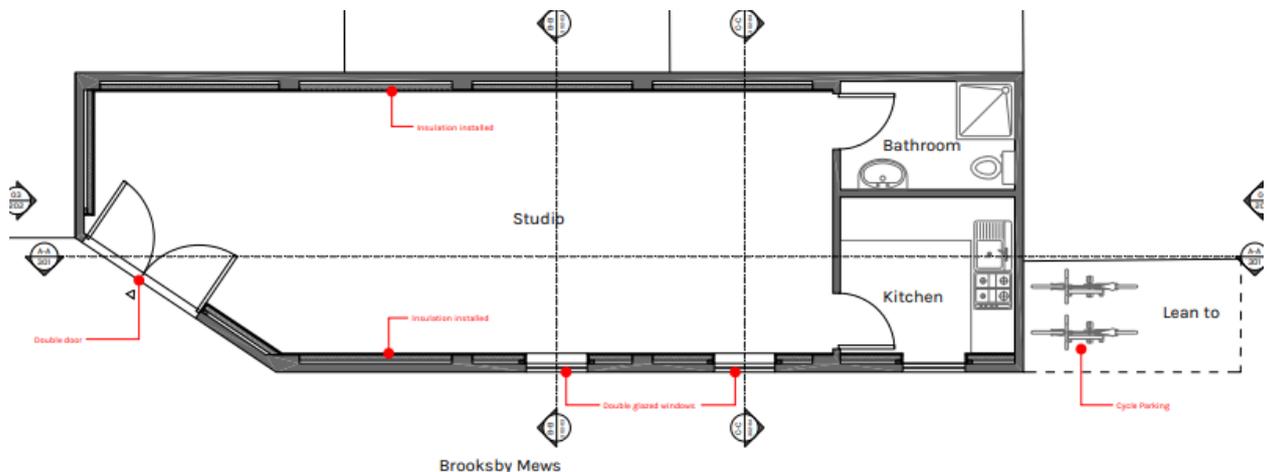
- 10.40 The proposed works to replace the existing single glazed aluminium framed windows and single door, with enlarged double glazed aluminium framed windows and double doors are considered to preserve the visual appearance and historic character of the host building and wider streetscene.
- 10.41 The other external changes include cycle storage in the form of 2 no. Sheffield cycle stands, which would be located underneath the existing covered structure. Whilst further evaluation of cycle storage is discussed later within this report this provision is considered acceptable in design terms.

10.42 Overall, the proposal is considered to be compliant with policies D1, D3 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management (2013), and the design advice found within the Islington Urban Design Guide (2017) and Barnsbury Conservation Area Design Guidelines and acceptable in design terms.

### **Standard of Accommodation**

10.43 Whilst there are no specific policies in terms of assessing the quality of office accommodation, it is important that future occupiers would benefit from an acceptable standard of accommodation in terms of access to daylight/sunlight.

10.44 The existing openings are located on the north elevation, two of which provide daylight/sunlight for the main area for the office accommodation, and these openings would be retained but would be altered in design to ensure future occupiers would have acceptable levels of daylight and sunlight.



**Image 10:** Proposed floor plan

10.45 Given the restricted depth of the building, it is considered that the enlargement of these windows would provide acceptable levels of daylight/sunlight and standard of accommodation for future occupiers.

10.46 The only other window, which would not be altered is also located on the north elevation, is at high level and would serve the kitchen. Given this window would serve a kitchen to a commercial use, it is considered to be acceptable. A condition has been recommended to ensure that the windows and doors are inwardly openable.

### **Accessibility and Fire Safety**

10.47 Policy DM2.2 seeks to ensure developments demonstrate that they provide for ease of and versatility in use. The proposal includes limited physical alterations. Whilst it is acknowledged being located along an alleyway with cobbled stones does restrict the accessibility of the site, the enlargement of the existing single door is considered to improve the accessibility of the building, particularly given it is at ground floor.

10.48 Policy D12 of the London Plan (2021) seeks to ensure that in *the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:*

- 1) *identify suitably positioned unobstructed outside space:*
  - a) *for fire appliances to be positioned on*
  - b) *appropriate for use as an evacuation assembly point*

- 2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures*
- 3) *are constructed in an appropriate way to minimise the risk of fire spread*
- 4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.*

10.49 Whilst limited details have been provided in terms of fire safety, given the scale of the development the lack of information is not considered to warrant the refusal of the application, given that the building would need to ensure compliance with Building Regulations.

**Neighbouring Amenity**

10.50 Policy DM2.1 of the Islington Development Management Policies, which requires development to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.

10.51 The proposal is not considered to result in any loss of daylight/sunlight or outlook to neighbouring properties in terms of loss of daylight/sunlight, outlook, or sense of enclosure. The proposal would not result in any enlargement of the existing buildings footprint or increase in height.

**Privacy/Overlooking**

10.52 Paragraphs 2.14 of the Development Management Policies (2013) states that *to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.*

10.53 The proposal would retain the existing openings, albeit the design and type of windows would be altered at a maximum height of 2.3m above ground floor level. However, these changes are not considered to result in additional privacy issues over and above the existing situation given that they are at ground floor level and face towards an existing boundary wall along the bottom of the rear gardens of Bewdley Street, measuring approximately 2m high. These properties immediately opposite and shown in the image below have outbuildings to the bottom of the rear gardens which have no windows on the rear elevation.



**Image 11:** Aerial photo showing host building and boundary and outbuilding in rear gardens of Bewdley Street

## Noise

- 10.54 The application site is within close proximity to residential properties, albeit adjacent to the bottom of the rear gardens. The Council's Environmental Health Team's Pollution Officer has reviewed the proposal and confirmed that numerous noise complaints about the previous use as a scooter repair garage have been received by the Council.
- 10.55 However, the Pollution Officer considers that the proposed change of use to a Class E(g) for offices for an architect's studio would have a much lower impact use than the previous use. The Officer also notes that the site is a mews between residential streets with low background sound levels with the screening effect of the buildings, and provided a condition is imposed controlling the hours of use between 0800 to 1900 hours Monday to Friday, there would be no objections to the proposal.
- 10.56 In addition, the limited size of the building and use as an office building is considered to be compatible use within a residential area, and is considered acceptable in this regard.

## Light Pollution

- 10.57 As noted above, the only windows located to the north elevation are at ground floor level and face onto the rear boundary wall of the gardens associated with the properties along Bewdley Street. As shown in the aerial photo behind this wall there are outbuildings within the rear gardens immediately opposite the host building.

## Security

- 10.58 Representations have been made in terms of the security impact on the occupiers of neighbouring properties. It is considered that the introduction of a commercial unit with natural surveillance of the area would improve the security of the area, in comparison to a vacant unit. However, as noted within the letter of representation the existing alleyway benefits from a gated entrance, limiting access.

## Conclusion on Amenity

- 10.59 Overall, the development proposed is not considered to adversely affect surrounding occupier's amenity in terms of loss of daylight/sunlight, outlook, sense of enclosure, noise, privacy or having an overbearing effect. The development is therefore considered to comply with the relevant London Plan, Islington Core Strategy and Development Management Policies.

## Sustainable Design

- 10.60 Policy DM7.2C seeks to ensure *major developments, minor developments creating new residential and/or commercial units, and extensions of 100m<sup>2</sup> or greater, shall be accompanied by a Sustainable Design and Construction Statement (SDCS), including where relevant an Energy Statement. The SDCS shall clearly set out how the application complies with relevant sustainable design and construction policies and guidance.*
- 10.61 Chapter 8.0 of the submitted Planning Statement provides a Sustainable Construction Statement which confirms several sustainability measures including the following:
- The use of low U-Value double glazed windows to provide for increased thermal efficiency,
  - Internally insulate the external brick walls and increase the air tightness of the property.
  - Low energy lighting installed.
  - Where possible will endeavour to implement water reduction measures.
- 10.62 A condition is recommended for these measures to be installed prior to the first occupation of the development and is considered acceptable in this regard.

## **Transport and Highways**

- 10.63 Development Management Policy DM8.2 requires developments proposals to meet the transport needs of the development with Part A stating the following:

*Development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice. Where the council considers that a development is likely to have a significant negative impact on the operation of transport infrastructure, this impact must be satisfactorily mitigated. In order for developments to be considered acceptable they are required to:*

- i. fully mitigate any adverse impacts upon the capacity of transport infrastructure, including pavements and other walking routes, cycle routes, public transport and roads;*
  - ii. have no negative impacts on the safe and efficient operation of transport infrastructure;*
  - iii. maximise safe, convenient, and inclusive accessibility to, from and within developments for pedestrians, cyclists, and public transport users;*
  - iv. provide equal access for all people, including inclusive access for disabled people;*
  - v. adequately address delivery, servicing, and drop-off requirements, and*
  - vi. have no significant negative impacts from transport arrangements on the local and wider environment*
- 10.64 The site is located within an area with a very good public transport provision, with a PTAL (Public Transport Accessibility Level) of 5, where 6 is the best and 0 the worst. The Council's Highways Officer considers that many, if not all, journeys can be conveniently made by public transport.
- 10.65 Policy DM8.5B seeks to ensure that *parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service.* In this instance, the proposal does not include any car parking which is considered to be compliant with this policy.
- 10.66 Policy DM8.4C seeks to ensure adequate cycle storage is provided in accordance with the minimum standards set out in Appendix 6. Storage for at least 1 no. cycle would be required per 80sqm of office accommodation. The proposal includes 2 no. Sheffield cycle racks within the covered area to the rear of the building which is considered to meet this policy requirements, and a condition is recommended to secure this provision.
- 10.67 The Council's Highways Officer has confirmed that given the scale of the development and proposed alteration details of the delivery and servicing, and details of the construction works are not required.

## **Refuse/Recycling**

- 10.68 The Islington Street Service document titled 'Recycling and Refuse Storage Requirements' confirms that for office developments 2.6 cubic metres of waste storage per 1,000 square metres of floor space (gross), which equates to 2000 litres with a further 50% required for recycling
- 10.69 The submitted Planning Statement confirms that the applicant is committed to producing minimal waste and recycling waste where possible, and any waste created will be stored within the property until it is ready for collection, with a commercial waste and recycling collection will be organised once per week. Given the restricted size of the unit and nature of the use, it is considered that this would be acceptable.

## **Other Matters**

- 10.70 Concerns have been raised in representations that the site should not be able to be used as a commercial premises, due to a covenant restricting the use of the outbuilding and requiring

this to be ancillary to residential properties. It is also alleged that applicant wants to maximise profitability of the site. Whilst the Council has not investigated this covenant, both this and the maximising the profitability of the site is not a material planning consideration in the assessment to the application and is a civil matter.

- 10.71 As noted above, the application site has been subject to enforcement action in regard to the previous use at the site. Occupiers of neighbouring properties have raised concerns that the breach of planning should prevent the application being approved. Whilst the planning history at the site does form a material consideration, including the enforcement history, the enforcement action related to an entirely different use to the one proposed within this application, and each application should be assessed on its own merits against the policies in the Development Plan and any other material considerations.

## **11.0 SUMMARY AND CONCLUSION**

### Summary

- 11.1 The principle of the introduction of an office (Class E (g)) use within the host building is considered acceptable in land use terms. However, an unrestricted Class E use would be unacceptable.
- 11.2 The proposed external alterations are considered to pay special regard in terms of preserving the visual appearance and historic character of the setting of the heritage assets including the setting of the adjacent listed buildings and Barnsbury Conservation Area. The proposal is considered compliant with policies 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) and advice found within the Islington Urban Design Guide (2017) and Barnsbury Conservation Area Design Guidelines.
- 11.3 The proposal is considered not to unacceptably impact the amenity of the occupiers of neighbouring properties, in terms of loss of daylight/sunlight, outlook, privacy and noise, subject to conditions including the use and opening hours.
- 11.4 Conditions have been recommended in relation to ensuring the proposal would have an acceptable impact regarding the public highway network, including for cycle storage.

### Conclusion

- 11.5 The proposal is considered to be acceptable, and it is recommended that the application be approved subject to conditions.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>IMPLEMENTATION PERIOD</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>APPROVED PLANS LIST</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Planning Statement by Nebbia Works dated 26/08/21, 102 (Proposed Plan), 102 (Proposed Roof Plan), 201 (Proposed North Elevation), 201 (Existing &amp; Proposed East &amp; West Elevation), 301, 302, OS Plan, Block 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>MATERIALS (Compliance):</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the 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>CYCLE STORAGE (Compliance)</b>
	<p>CONDITION: The cycle storage area shown on drawing no. 102 (Proposed Plan) shall be provided prior to the first occupation of the development for a minimum of 2 no. cycles and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>5</b>	<b>OPENING TIMES</b>
	<p>CONDITION: The hereby approved development shall only be in use and occupied between the following hours:</p> <p>0800 to 1900 hours Monday to Friday</p> <p>With no use or occupation on Saturdays, Sundays or Bank Holidays.</p> <p>REASON: To protect the amenity of neighbouring properties.</p>
<b>9</b>	<b>SUSTAINABLE DESIGN &amp; CONSTRUCTION STATEMENT (Compliance)</b>
	<p>CONDITION: Prior to the first occupation the sustainability measures identified within Chapter 8.0 of the approved Planning Statement (including the use of low U-Value double glazed windows to provide for increased thermal efficiency, internally insulate the external brick walls and increase the air tightness of the property. Low energy lighting installed, where possible will endeavour to</p>

	<p>implement water reduction measures) shall be implemented in full prior to the first occupation of the hereby approved development and retained thereafter into perpetuity, unless otherwise agreed with the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development.</p>
<b>12</b>	<b>RESTRICTED USE (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Amendment)(England) Regulations 2020, the use as an Office (Class E(g)(i) or the equivalent use within any amended/updated subsequent Order) hereby approved, shall be limited to this use only and for no other purpose (including any other use within Class E) of the Schedule to the Town and Country Planning (Amendment)(England) Regulations 2020, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in order to protect the supply of office floorspace</p>
<b>13</b>	<b>RESTRICTION OF PD RIGHTS – CLASS E TO RESIDENTIAL (Compliance)</b>
	<p>CONDITION: Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2021 (or any order revoking and re-enacting that Order with or without modifications), no change of use of the extended floorspace hereby approved from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place without an express grant of planning permission.</p> <p>REASON: For the avoidance of doubt and to ensure that the Local Planning Authority can restrict the use of the building to this specific use only, in order to protect the supply of office floorspace in this location and retain control over the change of use of the building in the future. Due to the small and constrained nature of the borough, performance against the spatial strategy within the Development Plan is vitally important to ensure that targets to increase employment continue to be met. Additionally, windfall sites are rare and a loss of opportunity to negotiate affordable housing within such proposals would significantly undermine the borough's ability to address critical housing need again due to the small and constrained nature of the borough.</p>
<b>14</b>	<b>WINDOWS AND DOORS (Compliance)</b>
	<p>CONDITION: The hereby approved windows and doors show on drawing number 201 (Proposed North Elevation) shall open inwards and not project beyond the north elevation and shall be retained thereafter into perpetuity.</p> <p>REASON: To preserve the visual appearance of the host building.</p>

**List of Informatives:**

<b>1</b>	<b>Car-Free Development –</b>
	<p>Car-Free Development. All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
<b>2</b>	<b>Fire safety</b>
	<p>It is recommended that you obtain technical advice regarding compliance with the Building Regulations (and/including matters relating to fire safety and evacuation) prior to any further design work commencing and prior to the selection of materials. In particular, you should seek further guidance regarding the design of the external fabric (including windows) to limit the potential for spread of fire to other buildings. Islington's Building Control team has extensive experience in working with clients on a wide range of projects. Should you wish to discuss your project and how Islington Building Control may best advise you regarding compliance with relevant (building control) regulations, please contact Building Control on 020 7527 5999 or by email on Building Control@islington.gov.uk.</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 2021 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 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 D5 Inclusive Design
- Policy D8 Public realm
- Policy D12 Fire safety
- Policy D13 Agent of change
- Policy D14 Noise
- Policy E1 Offices
- Policy HC1 Heritage conservation and growth
- Policy T5 Cycling
- Policy T6 Car 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 CS13 Employment spaces

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

Policy DM2.1 Design	Policy DM7.1 Sustainable design standards
Policy DM2.2 Inclusive Design	Policy DM8.2 Managing transport impacts
Policy DM2.3 Heritage	Policy DM8.4 Walking and cycling
Policy DM5.1 New business floorspace	Policy DM8.5 Vehicle parking
Policy DM7.2 Energy efficiency and carbon reduction in minor schemes	
Policy DM7.4 Sustainable design standards	

## **E) Site Allocations June 2013**

Not Allocated

### **3. Designations**

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:

- Adjacent to Grade II Listed Buildings (along Bewdley Street and Brooksby Street)
- Barnsbury Conservation Area and Article 4 Direction
- Mayors Protected Vistas (Alexandra Palace viewing terrace to St Paul's)
- Cycle Routes (Local)
- Article 4 Directions (A1-A2 (Rest of Borough) and B1(c) to C3)

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

The following SPGs and/or SPDs are relevant:

#### Islington Local Development Plan

- Environmental Design
- Urban Design Guide 2017
- Inclusive Design (2014)
- Planning Obligations

#### London Plan

- Accessible London: Achieving an Inclusive Environment
- Housing
- Sustainable Design & Construction
- Planning for Equality and Diversity in London

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