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## AGENDA FOR THE PLANNING SUB COMMITTEE A

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Members of the Planning Sub Committee A are summoned to a meeting, which will be held in on, **1 February 2024 at 7.30 pm.**

Enquiries to : Ola Adeoye  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 24 January 2024


### **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).**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor North (Chair)	- St Peter's and	Councillor Chowdhury	-
Canalside;		Barnsbury;	
Councillor Clarke (Vice-Chair)	- Tufnell Park;	Councillor Gilgunn	-
Councillor Convery	- Caledonian;	Tollington;	
Councillor Hamdache	- Highbury;	Councillor Hayes	-
Councillor McHugh	- St Mary's and St	Clerkenwell;	
James';		Councillor Ibrahim	- Arsenal;
		Councillor Jegorovas-Armstrong	- Highbury;
		Councillor Kay	- Midmay;
		Councillor Klute	- St Peter's
		and Canalside;	
		Councillor Poyser	- Hillrise;

Quorum: 3 councillors



<b>A.</b>	<b>Formal Matters</b>	<b>Page</b>
1.	Introductions	
2.	Apologies for Absence	
3.	Declarations of Substitute Members	
4.	Declarations of Interest	

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

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

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

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

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

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

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

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

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

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

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

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

5.	Order of Business	1 - 2
6.	Minutes of Previous Meeting	3 - 8
<b>B.</b>	<b>Consideration of Planning Applications</b>	<b>Page</b>

1. Part Basement (Restaurant), 190 City Approach, City Road, London, EC1V 2QH 9 - 28

2. Land adjoining Turnbull House, Windsor Street, London, N1 8QG 29 - 56

**C. Consideration of other planning matters Page**

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

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

**E. Exclusion of press and public**

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

**F. Confidential/exempt items Page**

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

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

**Date of Next Meeting:** Planning Sub Committee A, 25 April 2024

**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 Democratic Services or email [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk). 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 AGENDA**

**1 Part Basement (restaurant)**

190 City Approach  
City Road  
London  
EC1V 2QH

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**2 Land adjoining Turnbull House**

Windsor Street  
London  
N1 8QG

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**1 Part Basement (restaurant)**

190 City Approach  
City Road  
London  
EC1V 2QH

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**Application Number:** P2023/2844/S73

**Ward:** Bunhill

**Proposed Development:** Section 73 Application to vary Condition 2 of Planning Permission 841340 dated 15/06/1984 to amend the hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.

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

**Case Officer:** Sandra Chivero

**Name of Applicant:** Mr Graeme Hawkins

**Recommendation:**

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**2 Land adjoining Turnbull House**

Windsor Street  
London  
N1 8QG

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**Application Number:** P2023/2863/FUL

**Ward:** St Mary's & St James'

**Proposed Development:** Installation of a new generator and erection of associated enclosure with surrounding landscaping to support the operation of the Supported Living Accommodation building approved via planning permission ref: P2017/3493/FUL.

**Application Type:** Full Planning (Council's Own)

**Case Officer:** Joseph Hennessy

**Name of Applicant:** London Borough of Islington-Souad Akbur





London Borough of Islington

## **Planning Sub Committee A - 11 July 2023**

Minutes of the meeting of the Planning Sub Committee A held at Council Chamber, Town Hall, Upper Street, N1 2UD on 11 July 2023 at 7.30 pm.

**Present:**      **Councillors:**      North (Chair), Convery, Hamdache and McHugh

### **Councillor Toby North in the Chair**

**16**      **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillor Clarke

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be Item B2, Item B3, Item B1.

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

**RESOLVED:**

That the minutes of the meeting held on Tuesday 21<sup>st</sup> March 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**22**      **AYLESBURY HOUSE, 17C, 17-18 AYLESBURY STREET, LONDON, EC1R 0DB (Item B1)**

Proposed redevelopment of 17-18 Aylesbury Street, comprising extensions at fourth and fifth floor, (following partial demolition of second, third, fourth and fifth floors) rear extensions at third floor and internal and external refurbishments, to provide 65.5sq.m of additional Class E(g)(i) office floorspace in addition to ground floor shopfront replacement at 17c Aylesbury Street and associated alterations.

(Planning application number: P2023/0630/FUL)

In the discussion the following points were made:

- Revisions had been made since the refused application and there was only a 65sqm uplift in employment space.

## Planning Sub Committee A - 11 July 2023

- There was no bike storage within the building currently.
- The applicant commended the officer report, highlighting that their proposals sought to refresh and improve the workspace, make it more energy efficient and given the location within the Central Activities Zone, a refurbished space would have the ability to create more jobs. The applicant also noted that they had made further cutbacks to ensure the light impact was minimal, the side windows will be appropriately glazed and that they were working to improve the shopfront and general appearance.
- While there were no specific proposals to improve cycling, and the requirement for bicycle provision was 80 square metres rather than the 65 square metres in this application, the applicant was receptive to proposals to offer a proportionate contribution for off-site cycle storage.
- With regards to concerns about the glazing, Members agreed to revise Condition 10 to read: Notwithstanding the plans hereby approved, prior to occupation of the development, all new windows proposed along the 1st and 2nd floor rear elevation and entire side eastern flank elevation of the building shall be obscurely glazed with purpose made obscure glazing to protect the amenity of 9-10 Jerusalem Passage. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.

Councillor North proposed a motion to grant planning permission subject to tightening Condition Ten to specify and include opaque glazing to all new windows on the eastern flank elevation, and also the insertion of an additional head of term into Appendix 1, to secure the contribution to one Sheffield cycle stand in the immediate vicinity of the site. This was seconded by Councillor McHugh 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 revised conditions and informatives set out in Appendix 1 of the officer report and the revision to condition ten outlined above; and subject to the prior completion of a Deed of Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1 of the officer report as amended above, the wording of which was delegated to officers; and subject to any direction by the Mayor of London to refuse the application or for it to be called in for determination by the Mayor of London.

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### **CLYRO COURT, TOLLINGTON PARK, LONDON, N4 3AQ (Item B2)**

Demolition of existing garages and erection of single storey building to accommodate 1x2-bedroom self-contained residential unit with associated landscaping, cycle parking and refuse storage and associated works to existing flats including new amenity spaces and landscaping treatments.

(Planning application number: P2022/2440/FUL)

In the discussion the following points were made:

- Members heard an update from the Planning Officer, in which it was stated that outline energy and sustainability statements had been provided, and that calculations had been provided that demonstrate that the unit complied with average daylight factor for daylight and sunlight; however full details would still be sought from pre-commencement conditions.
- Members were shown an overview on the site and surrounding context (in which Block A was cited as nearest to the junction); the existing Garages, the 2017 application which proposed roof extensions to each block and was refused on

design and amenity, and had subsequent appeals withdrawn; the proposed new dwelling's appearance and the proposed new dwelling within site context. Members were also told access would take place from Regina Road and that in late 2021 a withdrawn application submitted, which was slightly revised in 2022, in which officers retained concerns regarding the buildings at the side.

- Regarding the potential of a height condition on the fence, members were told that the report established a height of 1.8m, and that the trellis was included at the request of the Metropolitan Police/Design Out Crime Officer.
- Members heard objections from one resident, who told the Sub Committee that in 2017, the leaseholders of Flats 1-16, (alternatively known as Blocks A and B), purchased the freehold, and that their representation was on behalf of all of them. The objections included, that the materials were not in keeping with the other blocks at the location, that there was a general dislike appearance of the new buildings, that the proposed landscaping was not in keeping with garden, that there was a lack of current adequate bin facilities and that there was no consultation from the applicant.
- Additionally, members heard from the objector that if the bin storage was not closed and/or sufficiently managed it could again be a source of anti-social behaviour and vandalism.
- Members heard that the Planning Officer assessment on the bin storage had included Block C residents as well as the new residents, and given the new unit was a single dwelling, two-bedroom unit, it wouldn't consider that to have significant detriment on bin storage.
- Members were advised that conditions regarding overall green space provision could be reviewed later in the process. Members were also advised that they were in a position to put forward a motion to impose an amendment to condition six, with wording delegated to officers, on the inclusion of a waste management plan to be submitted on the start of the scheme, that would include details of how the bin store would be secured.

Councillor Convery proposed a motion for deferring consideration of the application, citing the ambiguity from the absence of a detailed waste management plan and landscaping arrangements. This was seconded by Councillor Hamdache and carried.

**RESOLVED:**

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

24

**HIGHBURY FIELDS CAFE CATERING KIOSK, THE OLD BANDSTAND, THE BUNGALOW- 153 HIGHBURY GROVE, LONDON, N5 (Item B3)**

Demolition of the existing café, park keeper's bungalow, bandstand, and associated ancillary structures; construction of new café, with public toilets and changing places toilet, and a new teaching shelter with associated wildlife garden.

This application involves development on Metropolitan Open Land (DEPARTURE FROM THE DEVELOPMENT PLAN).

(Planning application number: P2023/1388/FUL)

In the discussion the following points were made:

- Members heard two updates from the Planning Officer. The first update was that there was an error in the report where it states that the proposals would result in the loss of metropolitan open land, which was inaccurate and should instead have stated that the proposals would result in the loss of openness within Metropolitan Open Land, as the land's MOL status would not be affected. The second update

## Planning Sub Committee A - 11 July 2023

was that Bright Start – the service that would operate the teaching shelter - had reviewed the proposals, giving their full support for the wildlife garden, pond, and teaching shelter.

- Members were shown that the site was within the Highbury conservation area which had high levels of architecture, and had well-used, but poorly sited single storey facilities. Members were also shown site photographs, the site wide layout, proposed elevations, proposed teaching shelters, the design, café space and biodiversity measures to be implemented, in which there would be a net biodiversity gain.
- Members heard that the proposals were considered to meet national and local policy on open land, and that while it was a departure from policy on building on open public land, it had to be weighed up against the public benefit. The existing bandstand would be replaced by teaching shelter. Water drainage would be required by condition and details of wayfinding signage would also be necessary.
- Members heard two objections, which highlighted concerns with the internal layout of the café, security, access, optimisation of the space for customers, but which also praised the engagement levels and the current layout of the café.
- The applicant is encouraged to continue engaging with the community throughout the development and also through the tendering process.
- The applicant noted that they had conducted an extensive consultation in which they changed the design considerably, and that their proposals had worked within the constraints, to create a more accessible space for the park; and the staff office opened onto the space that the staff were expected to supervise.
- Members heard that the internal layout of the café was limited in terms of space, but not fixed, and both the layout and proportion of space given to catering rather customer would be a matter for fit out by operator. The Design Officer had raised no objections to the café layout.
- Members heard that there would be a tendering process for the procurement of the café operator, in which engagement with community and social value will be a focus, but there was no current plan to engage with stakeholders.
- It was suggested that given the level of interest in visual design, there could be a condition imposed around operational management plans, which can be used. The applicant also pledged to do everything to minimise visual impact.
- Members heard that the toilets were classified as universal toilets because they don't have shared spaces, and were designed in accordance with the latest, national guidance on unisex toilets. The national guidance specified universal toilets in buildings going forward, and each toilet had their own facilities. The toilet 'breezeway' had support during public engagement for having two entrances and no enclosed spaces.
- A meeting took place between the applicant and the Council's tree team concerning the memorial tree. The tree was specified as being in poor condition and that if it was better specimen, the applicant would consider relocation, but the tree's ill-health prevented this. Additionally, extensive enquiries were conducted, both in Islington and neighbouring boroughs, to establish the tree's ownership and purpose, without success.
- Members agreed to delegate to officers, the inclusion of an additional section (g) to Condition 12 securing pond provision and safety and access needs, which reads: details of proposed pond, including details of how the pond has been designed to ensure the safety of service users whilst maintaining an appropriate level of access.
- Members agreed to revise to Condition 17, to read/include: Details of all outdoor furniture including any parasols or shading mechanisms whether they be fixed or moveable.

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Councillor Hamdache proposed a motion to grant planning permission. This was seconded by Councillor McHugh 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 revised 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.

The meeting ended at 9.00 pm

**CHAIR**

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### PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Community Wealth Building Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	01 February 2024		

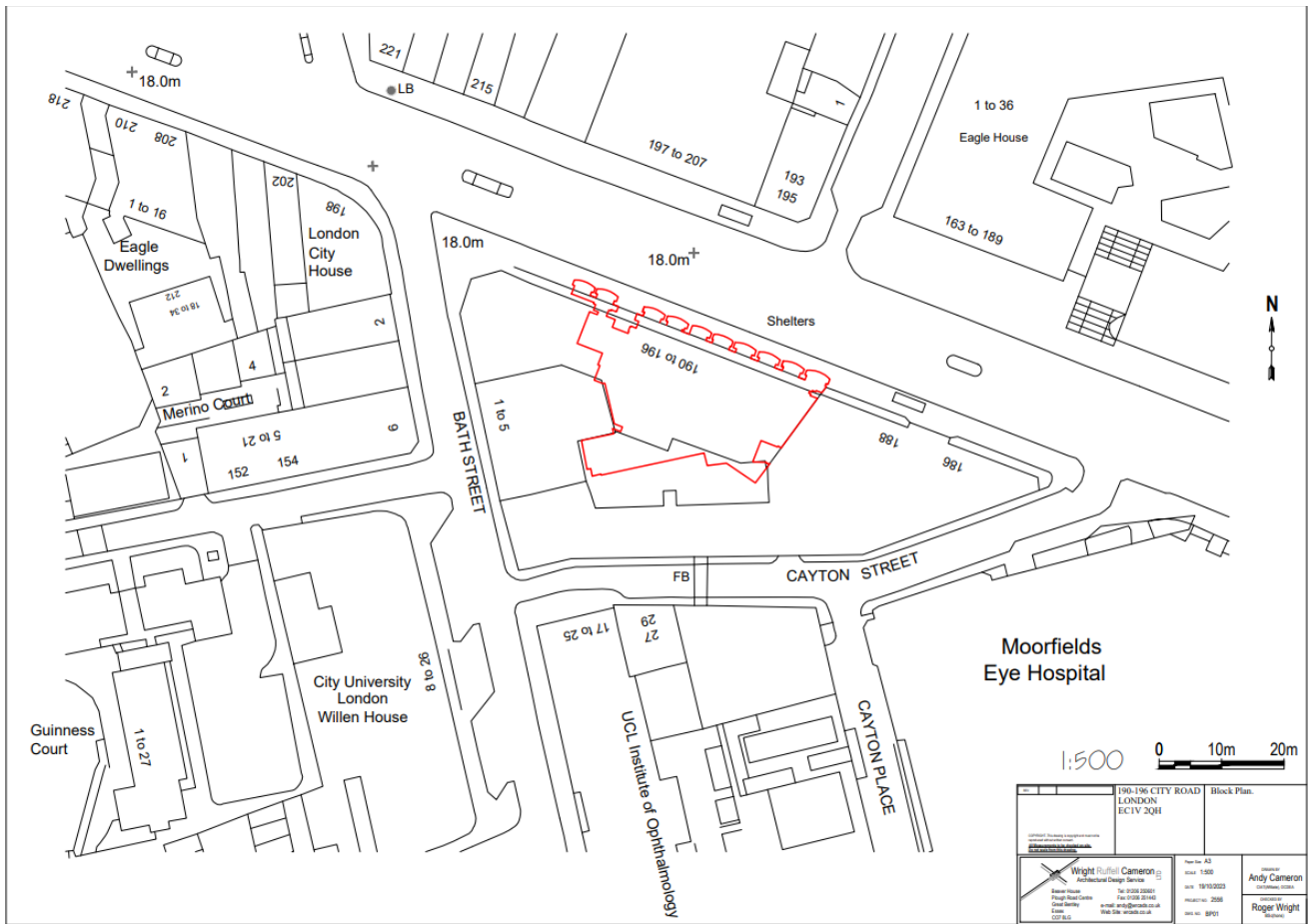
Application number	P2023/2844/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	Bunhill
Listed building	N/A
Conservation area	Moorfields
Development Plan Context	Moorfields Conservation Area Central Activity Zone Local cycle route Major cycle route Site within 100m of TLRN Road Rail Land Ownership – TfL Tunnels London Underground Zones of interest Heathrow Safeguarding Area Art4 - Withdraw Permitted Dev for c.E to c.MA APAs City Fringe Opportunity Area
Licensing Implications	Yes, there is currently an extant premises license in place under the landlord's name Monopro Limited. Changes to the premises may require a variation application.
Site Address	Part Basement (Restaurant), 190 City Approach, City Road, London, EC1V 2QH
Proposal	Section 73 Application to vary Condition 2 of Planning Permission 841340 dated 15 June 1984 to amend the hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.

Case Officer	Sandra Chivero
Applicant	Mr Graeme Hawkins
Agent	Reeve Brown

### 1. RECOMMENDATION

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

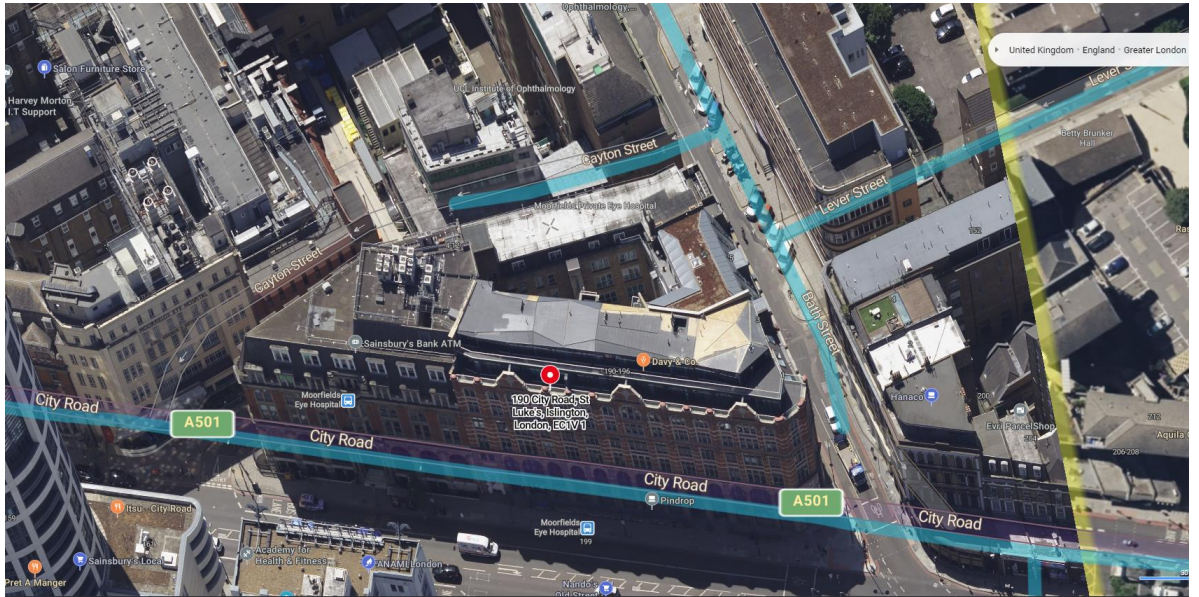
**2. SITE PLAN (site outlined in red)**



**Image 1:** Site Plan



### 3. PHOTOS OF SITE/STREET



**Image 2:** Aerial View



**Image 3:** View of application site from Westland Place



**Image 4:** View from City Road at the corner with Bath Street

#### **4. SUMMARY**

- 4.1 This is an application seeking to vary Condition 2 of Planning Permission 841340 dated 15 June 1984 to amend the hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday. The premises at basement level would remain as a drinking establishment.
- 4.2 Concerns have been raised by residents relating to disturbance, noise, and antisocial behaviour. The change to the hours of operation is by 1 additional hour Monday to Thursday and 2 ½ hours on Saturdays. The premises licence relating to the previous operator, the Bavarian Beerhouse, has permitted opening hours in line with the current proposal.
- 4.3 The Environmental Pollution, Policy & Projects Team (EPPP Team) do not object to the proposed extension of operation hours. The Acoustic Officer highlighted that the bar is in the basement with an entrance at ground floor level, with doors at the entrance and at the bottom of the staircase to form a lobby to reduce noise breakout. Due to the ambient nature of the music, it is expected to be inaudible outside the premises, and would not have enough energy to transmit between floors up the building. A condition has also been attached to this current application stipulating that no music or other amplified noise arising from the operation of the part basement unit shall be audible outside the premises, nor transmit between floors up the building and for a sound limiter to be fitted. A further condition has been attached to this current application requiring the applicant to follow the guidance of the submitted noise management plan to minimise disturbance, antisocial behaviour and noise impacts from patrons' access and egress as well as a compliant procedure.
- 4.4 The management plan sets out that mitigation measures would involve responsibility for the management controls assumed by the manager, trained staff and event organisers. The external door to the premises will be kept closed during the evening, except when being used for immediate access and egress, in order to minimise noise break-out from the premises. Signs would be prominently displayed by the door and there would be polite notices from staff reminding patrons and smokers of the proximity of neighbours and encouraging them to keep their voices down. Taxis will be encouraged to turn off their engines while waiting and not sound their horns. A phone number and an email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance.
- 4.5 The Designing Out Crime Officer also did not raise any objection. It is stated that in principle, the proposal does not appear to be contentious from a crime prevention perspective, with various measures proposed by the applicant in the noise impact assessment that will be taken to minimise any adverse impact.
- 4.6 Subject to the conditions relating to the limitations for music levels at this site and stipulation to follow the submitted noise management plan, the proposal would not prejudice the residential amenity of the neighbouring properties and would comply with Policy D14 of the London 2021 and Policies Plan PLAN1 and DH5 of the Islington Strategic Development Management Policies (2023).

- 4.7 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the S73 application be approved.

## 5. SITE AND SURROUNDING

- 5.1 The application site comprises a basement unit located within a prominent corner building at the junction of City Road, Bath Street and Shepherdess Walk. The building is six stories high on the City Road frontage and drops to five stories with a setback sixth floor to the Bath Street frontage. An additional two stories have been recently constructed above the existing building. The building is not statutory nor locally listed but it is located within the Moorfields Conservation Area.
- 5.2 This section of City Road is predominantly commercial in character with residential accommodation on the upper levels. Moorfields Eye Hospital and Old Street roundabout are located to the east.
- 5.3 The site also falls within the designated Central Activity Zone, City Fringe Opportunity Area, Archaeological Priority Area and the Licensing Bunhill Cumulative Area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 Section 73 Application to vary Condition 2 (Hours of operation) of Planning Permission 841340 dated 15 June 1984 for the following: Retention of use of part of basement as an ale and port house serving hot food without complying with Condition 2 of the permission of 15 June 1984 (Ref. 840049 for Change of use of disused basement staff canteen to an ale and port house serving hot food).
- 6.2 Condition 2 (Hours of operation) of Planning Permission 841340 dated 15 June 1984 reads as follows:
- The use shall not operate except between the hours of 11.00 and 23.00 on any weekdays, and 12.00 to 22.30 on Sundays and Bank Holidays.*
- 6.3 The amendments include the extension of hours of operation to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday (Increase of 1 extra hour Monday to Thursday and 2 ½ hours on Saturday).
- 6.4 It is noted that Condition 2 (Hours of operation) of Planning Permission 841340 dated 15 June 1984 erroneously missed mentioning Saturdays. The proposed amendments to the hours of operation would therefore also gives an opportunity to clarify the opening hours for Saturdays.

## 7. RELEVANT HISTORY:

### *Planning Applications*

- 7.1 **P2021/1176/S73** Section 73 application comprising the variation of Condition 2 (approved plans) pursuant to planning permission ref: P2015/3665/FUL (Appeal decision APP/V5507/W/16/3141792) which was granted on 14th July 2016. Amendments proposed include seeking retrospective permission for: Omission of previously approved metal roof screens that would fold onto the balconies of the new sixth and seventh floors – **Granted 24 February 2022.**

- 7.2 P2021/1970/FUL Relocation of existing 3 no. fan units from the rear lightwell into the basement plant room with installation of new associated acoustic enclosure and silencers; installation of new connection link (to rear lightwell) from existing 3 no. plant room outlets to existing ducting; extension of existing boiler flue and a consolidating stainless steel extension to existing ducting along the rear of the new 6th and 7th floor levels with associated support screens incorporating anchors – **Granted 08 October 2021.**
- 7.3 P2021/0131/NMA Non-Material amendment to Planning Permission Ref: P2015/3665/FUL (Appeal Decision APP/V5507/W/16/3141792) dated 14 July 2016 for the: 'Erection of a roof extension to create 4 x 3-bedroom residential flats and associated roof terraces.' Amendments sought include: Omission of previously approved metal roof screens that would fold onto the balconies of the new sixth and seventh floors; and Inclusion of brickwork to sections of the glazed rear elevation – **Refused 09 February 2021.**
- REASON:** The proposed omission of the previously approved metal roof screens that would fold onto the balconies of the new sixth and seventh floors and inclusion of brickwork to sections of the glazed rear elevation would represent material alterations to the previously approved scheme. The alterations may therefore give rise to design, standard of accommodation and amenity implications which would need to be fully assessed within a Section 73 or Full Planning application. Therefore, the proposed amendment would constitute a material amendment to the approved scheme and the non-material amendments proposed within this application are not agreed.
- 7.4 **P2018/1007/S73** Section 73 application to vary condition 2 (drawing numbers) of planning application P2015/3665/FUL (appeal ref: APP/V5570/W/16/3141792). The proposed changes regard alterations to the mechanical equipment/plant and external ducting of the approved scheme – **Refused 11 June 2018.**
- REASON:** The mechanical equipment including ducting due to inappropriate siting would have a harmful impact upon the character and appearance of the existing building and Moorfields Conservation Area. The development fails to comply with policies CS8 and CS9 of the Core Strategy (2011), policies DM2.1 and DM2.3 of the Development Management Policies (2013) and the relevant sections of Urban Design Guide (2017) as well as Moorfields Conservation Area Guidelines 2002.
- REASON:** The proposed mechanical equipment and its associated ducting would cause unacceptable noise impacts and disturbance to neighbours. It would therefore be contrary to policy DM2.1 of the Development Management Policies (2013).
- 7.5 **P2017/4919/FUL** Installation of mechanical plant equipment including the introduction of 2no. louvres above the entrances to Units 1 and 5 Bath Street to provide heating and cooling to these properties – **Granted 08 August 2018.**
- 7.6 December 2015: **P2015/3665/FUL** Erection of a roof extension to create 4 x 3-bedroom residential flats and associated roof terraces – **Refused 01 December 2015.** Subsequent Appeal Decision Ref. **APP/V5507/W/16/3141792 Allowed on 14 July 2016.**
- 7.7 P2013/2065/FUL Erection of a roof extension to the building to create 3 self-contained residential units (1 x 2 bed & 2 x 3 bed) and improvements to the forecourt and communal areas **Refused 16 December 2013.**

**REASON:** The proposed roof extension by reason of its design, excessive scale, bulk, height, massing and finishing materials is considered to form an overdominant and discordant development which would detract from the character and appearance of the of the host building and wider conservation area setting. The development would visually dominate the host building and would be readily visible from short and long views from the public realm along City Road. The proposed development is therefore considered contrary to policy CS9 of the Core Strategy 2011, policies DM2.1 & 2.3 of the Development Management Policies 2013, Conservation Guidance note 31, Islington's Urban Design Guide 2006 and the NPPF 2012.

**REASON:** The applicant has failed to provide adequate provision for affordable housing contrary to the Islington Affordable Housing Small Sites Contributions SPD. The council and the applicants have failed to come to any agreement that the full contribution is not viable and/or that instead a lesser contribution should be made. Therefore, the proposal is contrary to policies CS10 Part A and CS12 Part G of the Islington Core Strategy 2011, the Islington Affordable Housing Small Sites Contributions SPD, and Environmental Design SPD.

- 7.8 972047 Change of use of ground floor to Health Centre and associated alterations  
Granted 22 January 1998.
- 7.9 961576 Change of use of ground floor to retail units and first to fifth to 35 residential units (14 two bed flats and 21 one bed flats) Granted 19 September 1997.
- 7.10 841340 Retention of use of part of basement as an ale and port house serving hot food without complying with condition 02 of the permission of 15th June 1984 Granted 08 January 1985.
- 7.11 840049 Change of use of disused basement staff canteen to an ale and port house serving hot food Granted 15 June 1984.

#### **ENFORCEMENT:**

- 7.12 None related to the Part Basement Unit.

### **8. CONSULTATION**

#### **Public Consultation**

- 8.1 Letters were sent to occupants of 636 adjoining and nearby properties on Paul Street, Cayton Street, Bath Street, City Road, and Lever Street, on 26 October 2023. A site notice and press advert were also displayed on 26 October 2023. The public consultation of the application therefore expired on 19 November 2023, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report a total of **14** responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- Inappropriate location of venue (para.10.13)
  - Disturbance, Noise and Antisocial behaviour (paras. 10.14-10.29)
  - Noise from relocated air filtration units (para. 10.29)
  - Consultation letters not received by all residents (para. 10.32-10.34)
  - Issues with applicant's other venue (para. 10.32-10.34)
  - The planning statement has incorrect details of floor uses (para.10.34)

### **Internal Consultees**

- 8.3 **Public Protection Division (Noise Team)** The Acoustic Officer read all objections received. It was noted that the proposed change is 1 additional hour Monday to Thursday and 2 ½ hours on Saturday. It was advised that the premises licence for the previous operator here, the Bavarian Beerhouse, has permitted opening hours in line with this. It was further advised that there were previous complaints and a notice served upon the premises for noise from the extraction system back in 2018. There were extensive works to abate the nuisance and no complaints have been received since 2018.
- 8.4 It was advised to follow the guidance of the noise management plan to minimise noise impacts from patrons' access and egress and the complaints procedure. It was further advised that whoever is the operator should be aware of the limitations for music levels at the site. Overall, the EPPP team raised no objections to the proposed extension of operating hours.
- 8.5 **Public Protection Division (Licensing)** advised that the holder such as the landlord can remain the licence holder and appoint someone to run the venue on their behalf. Premises licenses are permanent, but the holder can consent to transfer to someone else at any point. However, if the layout plan has changed, the Licence would still be in place, but the licence holder may not be able to use it as it currently stands.
- 8.6 It was also noted that the only time a license can cease is when:
- Licence is Surrendered by the licence holder
  - Licence holder goes into a form of insolvency while technically the licence holder and no one takes the licence (consent at this point is not needed)
  - The Licence holder if a person becomes mentally incapacitated
  - Its revoked through a review and or through the court after an appeal

### **External Consultees**

- 8.7 **Metropolitan Crime Prevention** The Designing Out Crime Officer commented that in principle, the proposal does not appear to be contentious from a crime prevention perspective, with various measures proposed by the applicant in the noise impact assessment that will be taken to minimise any adverse impact.
- 8.8 It was also advised that the Metropolitan Police licencing department and local Safer Neighbourhood Team had also been contacted to ascertain if they have any comments in respect of the application. At the time of writing this report no further comments had been received.
- 9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**
- 9.1 Islington Council (Planning Sub Committee), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990).



- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance).
- 9.2 National Planning Policy Framework 2021 (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 must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.9 The Development Plan is comprised of the London Plan 2021, Islington Strategic and Development Management Policies (SDMP) 2023, Bunhill and Clerkenwell AAP 2023 and Site Allocations 2023. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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

### **Designations**

9.11 The site has the following designations under the Islington Strategic and Development Management Policies (SDMP) 2023:

- Moorfields Conservation Area
- Central Activity Zone
- Local cycle route
- Major cycle route
- Site within 100m of TLRN Road
- Rail Land Ownership – TfL Tunnels
- London Underground Zones of interest
- Heathrow Safeguarding Area
- Art4 - Withdraw Permitted Dev for c.E to c.MA
- APAs
- City Fringe Opportunity Area

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbour Amenities

### **Scope of the Consideration of this Case Under Section 73 of the T&CPA**

10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of applications to develop land without compliance with conditions previously attached.' It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the notice shall list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

10.3 It is important to note that when assessing S73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

10.4 In this case, the applicant could develop the site in accordance with the 1985 permission, and this fall-back position is a material consideration to which significant weight must be given.



- 10.5 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and also need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the applicant's ability to complete the originally approved development.
- 10.6 A recent Court of Appeal decision (5 November 2019 - Case No: C1/2018/2922) which concerned the limits of the power under section 73 of the Town and Country Planning Act 1990 to grant planning permission for development without complying with conditions subject to which a previous planning permission was granted. This Court of Appeal decision rules (inter alia) that the alteration of a condition should not lead to a necessity to alter the application description and any such proposals that require the original description of development to be changed sits outside of the power conferred by section 73.
- 10.7 The proposed amendments to the original planning permission are not considered to result in the change to the description of the main application (841340) as the proposal remains essentially the same.

### **Land-use**

- 10.8 Policy R1 Part M states that *Islington has a varied night-time economy which the Council will seek to protect and enhance where appropriate.*
- 10.9 Policy R1 Part O states that *Pubs are part of Islington's social fabric, and they contribute positively to Islington's culture, character and economy. The loss of pubs will be resisted, and new pubs encouraged where appropriate.*
- 10.10 Policy R10 Part C, seeks to protect cultural uses and Part D stipulates that *Proposals for new night-time economy uses (including redevelopment/intensification of existing night-time economy uses) will only be acceptable within the CAZ or in Town Centres.*
- 10.11 Policy R11 (Public Houses) *The Council will resist the redevelopment, demolition, and Change of Use of any Public House.*
- 10.12 The current application relates to the basement unit which has a lawful use as a drinking establishment and this use would remain. It is stated that the proposed occupant of the premises is London Shuffle, a bar operator who specialises in establishments that provide table shuffleboard and lane shuffle, both of which involve sliding a disc along a surface to score points. This proposed operation of premises would be consistent with the extant permission for use of the premises as a drinking establishment. In addition, given the location of the unit within the CAZ, it is well served by safe, convenient, and sustainable night-time transport.
- 10.13 Concerns have been raised regarding the proposed venue being inappropriate within a residential building. The lawful planning use of the basement as a drinking establishment has already been established and land use is not being assessed under the current application. As noted above, this a Section 73 Application to vary Condition 2 of Planning Permission 841340 dated 15 June 1984 to amend the hours of operation. The application, therefore cannot be refused for land-use reasons or concerns as the land-use has lawful permission to operate.

## **Neighbouring Amenity**

### Licensing

- 10.14 There is currently an extant premises licence in place under the landlord's name Monopro Limited. The Council's Licensing Officer stated that the licence holders such as a landlord can remain as the licence holder and appoint someone to run the venue on their behalf. Premises licenses are permanent, but the holder can consent to transfer to someone else at any point, the new people just need to make an application accompanied with the consent they do not need to apply for a new licence.
- 10.15 However, if the layout plan has changed, the Licence would still be in place, but the licence holder may not be able to use it as it currently stands until a) the layout plans are updated either through a minor or full variation b) revert the premises back to how the licence had it, this is possible even if the premises were demolished.
- 10.16 In view of the above, an informative has been attached to the application advising that a license variation application may be required for the operation of the site and any alcohol sales.

### Late-Night Levy

- 10.17 All licensed premises in Islington authorised to sell alcohol between 00:01 and 06:00 hours have to pay an annual levy of between £299 and £4,400, depending on their rateable value and whether the premises are primarily or exclusively used to sell alcohol for consumption on the premises. The Council agreed with the Mayor's Police and Crime Commissioner that the proceeds of the levy will be used in Islington and that they will work together with the Metropolitan Police to devise a joint scheme for the use of the proceeds.
- 10.18 The current proposal resulting in the operation of hours extending to 01:30 (the following day) Friday and Saturday, would require that a Late-Night levy is paid along with the annual premises licence fee.

### Amenity

- 10.19 Policy PLAN1 Part B (i) of Islington's SDMP (2023) states that developments must be "contextual" and provide a good level of amenity with due consideration of noise and the impact of disturbance, hours of operation, vibration, pollution (such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.20 Policy DH5 (Agent-of-change, noise, and vibration) part D All development proposals which have the potential to cause or exacerbate unacceptable noise and vibration impacts on land uses and occupiers in the locality must fully assess such impacts, with reference to relevant noise thresholds set out in Appendix 2.
- 10.21 As noted above, the application is for an extension of the current conditioned opening hours 11.00 and 23.00 on any weekdays, and 12.00 to 22.30 on Sundays and Bank Holidays to 11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday. The premises at basement level would remain as a drinking establishment. It is also noted that the entrance is at ground floor onto City Road, where there is also the City Road Medical Centre at ground floor level with residential accommodation on the upper floors.

- 10.22 As previously noted, the proposed change is for 1 additional hour Monday to Thursday and 2 ½ hours on Saturday taking the hours of operation to 23.00 on any weekdays, and 22.30 on Sundays and Bank Holidays to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 01:30 (the following day) Friday and Saturday, which is in line with the current premises licence at the site that applied to the previous operator, the Bavarian Beerhouse.
- 10.23 There were previous noise complaints and a notice served upon the premises for noise from the extraction system in 2018. The Council's Acoustic Officer advised that there were extensive works carried out to abate the nuisance and no complaints have been received since 2018. It is also noted that basement bar has doors at the entrance at ground floor and at the bottom of the staircase to form a lobby to reduce noise breakout.
- 10.24 The submission also includes a noise management plan with guidance on minimising disturbance, antisocial behaviour and noise impacts from patrons' access and egress as well as a compliant procedure. The management plan sets out that mitigation measures would involve responsibility for the management controls assumed by the manager, trained staff and event organisers. The external door to the premises will be kept closed during the evening, except when being used for immediate access and egress, in order to minimise noise break-out from the premises. Signs would be prominently displayed by the door and there would be polite notices from staff reminding patrons and smokers of the proximity of neighbours and encouraging them to keep their voices down. Taxis will be encouraged to turn off their engines while waiting and not sound their horns. A phone number and an email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance.
- 10.25 The mitigation measures noted above are set out to address noise sources identified in the noise report submitted with this application in relation to the proposed operation of the premises, namely noise from patrons outside the building smoking (shouting, laughing, etc.) and patrons leaving the bar throughout and at the end of the night, including taxis, thus mitigate impact on the residential amenity to neighbouring properties. A condition has been attached to the application (Condition 4) to follow the guidance contained within the noise management plan.
- 10.26 Previous premises had a sound limiter fitted which was calibrated at 85.2dBA in the main bar area (along with settings for linear sound levels and low frequency bands at 63 and 125Hz), set for where *"music played from within the venue spaces was barely audible at the listening position, and would therefore be considered inaudible within the residences of the closest noise sensitive receivers."* The submitted noise report notes that the proposed operator is London Shuffle and that the *"operator only intends to have background, ambient music in the premises, with no loud or live music."* Due to its ambient nature, the music would be inaudible outside the premises and would not have enough energy to transmit between floors up the building. A further condition has been attached to the application (Condition 5) stipulating that no music or other amplified noise arising from the operation of the part basement unit shall be audible outside the premises, nor transmit between floors up the building and for a sound limiter to be fitted. In view of this the Council's EPPP Team have no objections to the proposed change of hours. This is also taking into account that there is currently a premises licence with a number of related licensing management controls on the license holder.

- 10.27 The Designing Out Crime Officer also did not raise any objection. It is stated that in principle, the proposal does not appear to be contentious from a crime prevention perspective, with various measures proposed by the applicant in the noise impact assessment that will be taken to minimise any adverse impact. It was also advised that the Metropolitan Police licencing department and local Safer Neighbourhood Team had also been contacted to ascertain if they have any comments in respect of the application. At the time of writing this report no further comments had been received.
- 10.28 Given the above assessment and subject to the recommended conditions, it is considered that there would not be unacceptable harm to neighbouring occupiers, and it is considered that the proposal would comply with Policy D14 of the London 2021 and Policies Plan PLAN1 and DH5 of the Islington Strategic Development Management Policies (2023).
- 10.29 Further concerns raised to noise from relocated air filtration units require to be passed on EPPP Team to investigate further.

### **Sustainability**

- 10.30 It is noted that the council has adopted the Strategic and Development Management Policies (SDMP) (2023) in the time since the current application was first submitted. Policy S2 of the SDMP requires all development proposals to submit a Sustainable Design and Construction Statement which must demonstrate that the proposal meets all relevant sustainable design policies. The Sustainability Policies also require the level of detail within the Sustainable Design and Construction Statement to be proportionate and relate to scope and scale of the development.
- 10.31 The applicant has not submitted a Sustainable Design and Construction Statement as a part of the submission documents. However, no physical works are proposed, the proposal is only to increase hours of operation by 1 extra hour Monday to Thursday and 2 ½ hours on Saturday of an extant permission. In view of this and the fact that the extant permission predates the adoption of the Islington's Strategic and Development Management Policies 2023 and it is not considered to be proportionate to the scale of this development to require the submission of a SDCS retrospectively, in this instance.

### **Other Matters**

- 10.32 Concerns have been raised in representations regarding consultation letters not having been received by all residents. The Council's records show that the consultation letters were sent to all relevant neighbouring and adjoining properties. In addition, site and press notices were also displayed.
- 10.33 The concerns raised in representations regarding the issues with the applicant's other venue in a different location are not a material planning consideration.
- 10.34 It is highlighted in a representation that the submitted Planning Statement incorrectly states that the NHS medical centre is on the ground and first floors and that the residential units are situated from the second floor upwards. The Council acknowledges this inaccuracy in the Planning Statement. However, it is noted that in the noise impact assessment report the site description correctly states that above the premises is an NHS medical centre at ground floor level, with apartments from first floor level upwards. The Council is satisfied that the Noise Assessment was carried

out accurately on this basis. The above assessment is also based on the correct uses and neighbouring context.

## 11. SUMMARY AND CONCLUSION

- 11.1 The proposal is considered acceptable subject to suitable conditions as set out in Appendix 2 and it is recommended that the application be approved.
- 11.2 Whilst the residents' concerns relating to disturbance, noise and antisocial behaviour are acknowledged, the proposed change of the hours of operation is by 1 extra hour Monday to Thursday and 2 ½ hours on Saturday and the EPPP TEAM have no objections. This is also taking into account that there is currently a premises licence with a number of related licensing management controls on the license holder.
- 11.3 Overall, the proposal is considered acceptable, subject to conditions relating the limitations for music levels at this site and stipulation to follow the noise management plan as set out in Appendix 2, the proposal would not prejudice the residential amenity of the neighbouring amenity and would comply with Policy D14 of the London 2021 and Policies Plan PLAN1 and DH5 of the Islington Strategic Development Management Policies (2023).
- 11.4 Given the above assessment, it is recommended that the S73 application be approved.

## APPENDIX 1

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>COMMENCEMENT (3 YEAR CONSENT 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 (COMPLIANCE)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Block Plan – BP01, PL12223-01Rev.A, Planning Statement dated September 2023, Noise Impact Assessment (Venta Acoustics) dated 25 September 2023.</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>HOURS OF OPERATION (COMPLIANCE)</b>
	<p>CONDITION: The unit shall not operate outside the hours of:</p> <p>11:00 to 00:00 Monday to Thursday, Sunday, and Bank Holidays and 11:00 to 01:30 (the following day) Friday and Saturday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<b>4</b>	<b>OPERATIONAL MANAGEMENT PLAN (COMPLIANCE)</b>
	<p>CONDITION: The part basement unit shall be managed and operated in accordance with details as described in the Noise Management Plan within the Noise Impact Assessment Report dated 25 September 2023 hereby approved and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the operation of the development does not impact on residential amenity.</p>
<b>5</b>	<b>AMPLIFIED NOISE (COMPLIANCE)</b>
	<p>CONDITION: No music or other amplified noise arising from the operation of the part basement unit shall be audible outside the premises, nor transmit between floors up the building. A sound limiter shall be fitted calibrated at 85.2dBA in the main bar area (along with settings for linear sound levels and low frequency bands at 63 and 125Hz) and maintained as such thereafter into perpetuity.</p> <p>REASON: To ensure that the operation of the development does not impact on residential amenity.</p>

**List of Informatives:**

1	INFORMATIVE: You are reminded of the need to comply with legislation outside the realms of the planning legislation including Building Regulations, Environmental Regulations (including noise and litter), Inclusive Design etc.
2	INFORMATIVE: You are reminded that a license variation application may be required for the operation of the site and any alcohol sales.

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

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

### **1 National Guidance**

#### **National and Regional 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.

- NPPF (2021)

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2021, Islington Strategic and Development Management Policies (SDMP) 2023, Bunhill and Clerkenwell AAP 2023 and Site Allocations 2023. 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 D14 (Noise)

#### **B) Islington's Strategic and Development Management Policies (SDMP) (2023)**

Policy PLAN1 (Site appraisal, design principles and process)

Policy SP1 (Bunhill and Clerkenwell)

Policy R1 (Retail, leisure, and services, culture, and visitor accommodation)

Policy R10 (Culture and the Night-Time Economy)

Policy R11 (Public Houses)

Policy DH5 (Agent-of-change, noise, and vibration)

Policy S1 (Delivering sustainable design)

Policy S2 (Sustainable design and construction)

#### **Islington Local Plan Bunhill and Clerkenwell Area Action Plan (2023)**

Policy BC2: Culture, retail and leisure uses

Policy BC3: City Fringe Opportunity Area

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

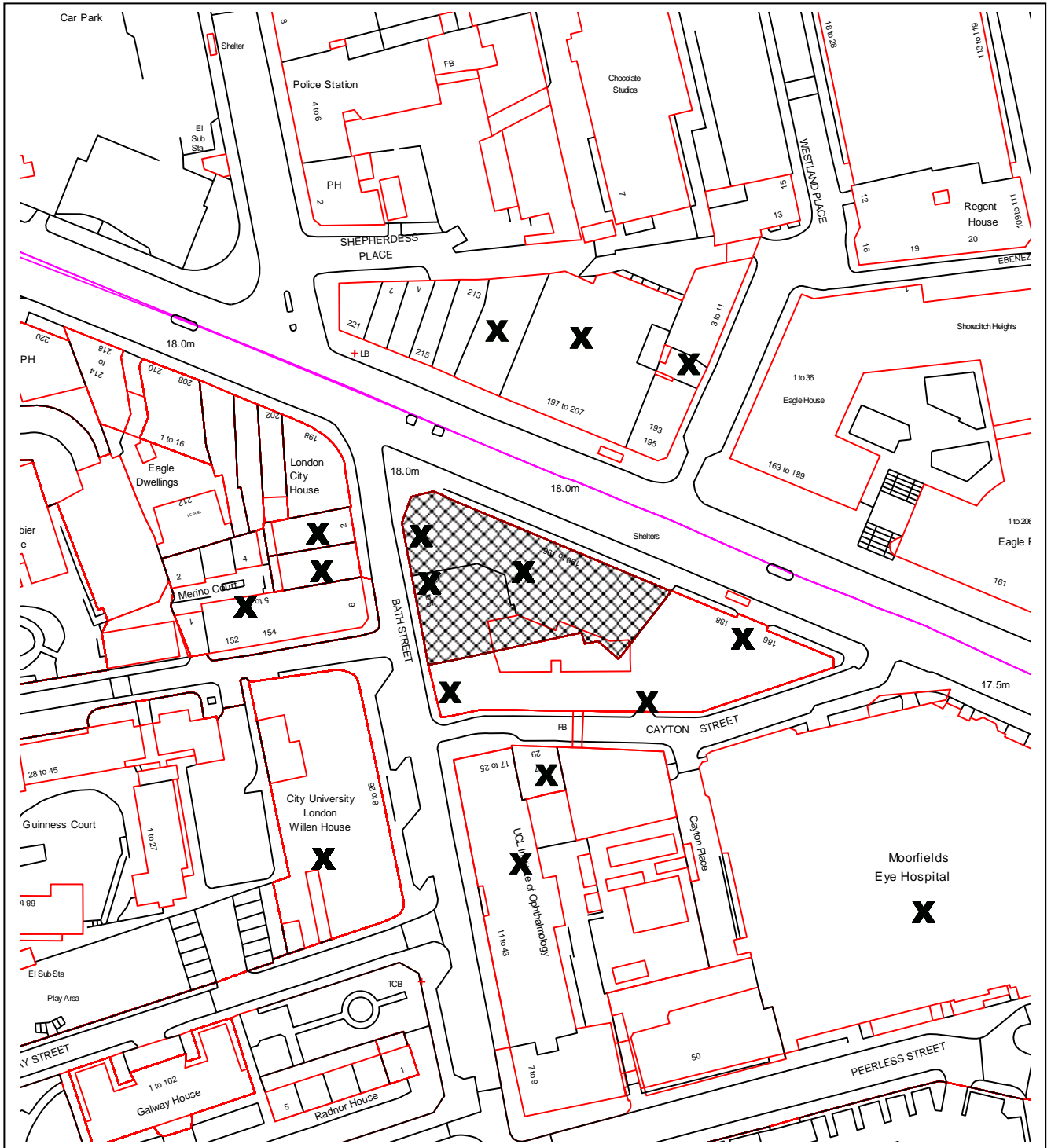
The following SPGs and/or SPDs are relevant:

None

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# Islington SE GIS Print Template



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P2023/2844/S73

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**PLANNING COMMITTEE REPORT**

 Development Management Services  
 Planning and Development Division  
 Community Wealth Buildings

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	1 <sup>st</sup> February 2024	<b>NON-EXEMPT</b>

Application number	P2023/2863/FUL
Application type	Full Planning (Council's Own)
Ward	St Mary's & St James' Ward
Listed building	N/A
Conservation area	Adjacent to Duncan Terrace/Colebrooke Row Conservation Area (CA03)
Development Plan Context	Angel and Upper Street Spatial Strategy Area CAZ Fringe Site Allocation AUS15: Windsor Street Car Park Within 100m of Strategic Road Network Within 50m of Conservation Area (Duncan Terrace/Colebrooke Row) Islington Village and Manor House Archaeology Priority Area Article 4 Direction – Flexible Uses
Licensing Implications	N/A
Site Address	Land adjoining Turnbull House, Windsor Street, London, N1 8QG
Proposal	Installation of a new generator and erection of associated enclosure with surrounding landscaping to support the operation of the Supported Living Accommodation building approved via planning permission ref: P2017/3493/FUL.

Case Officer	Joseph Hennessy
Applicant	Islington New Build
Agent	Studio Partington

**1. RECOMMENDATION**

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

**2. SITE PLAN**

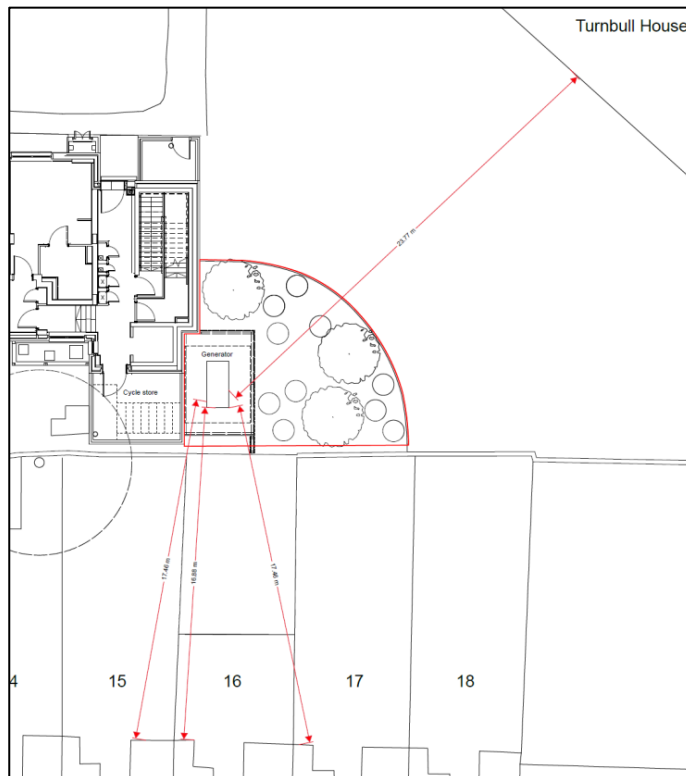


Image 1 - Site Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial view from North



#### **4. SUMMARY**

- 4.1 Planning permission is sought for the installation of a generator enclosure within the Turnbull House estate open space, adjacent to the recently built supported living residential accommodation at Windsor Street. Associated landscaping is also proposed to surround the enclosure.
- 4.2 The proposals would result in the net loss of 19sqm of estate open space that currently serves Turnbull House. Whilst estate open space is protected under Local Plan Policy G2, the application proposes planting which would result in a greener, more attractive area of landscaping than was previously provided on the site. The proposals are therefore considered to be consistent with land use policy objectives.
- 4.3 In terms of design and conservation, the proposed generator housing would be timber screening and the structure would largely be obscured by vertical greening and surrounding landscaping. Furthermore, despite the site's adjacency to the Duncan Terrace/Colebrooke Row Conservation Area, it is considered that the proposals would not have a detrimental impact on and would preserve its setting.
- 4.4 In terms of neighbouring amenity, it is considered that the small size of the proposed structure would not result in any unacceptable impacts to daylight and sunlight, overshadowing, overlooking or outlook.
- 4.5 The proposal to introduce a generator in this location presents issues of noise and air pollution. However, given the minimal operating times, and subject to the conditions recommended, it is considered that the proposed generator would not have an unacceptable impact in both respects.
- 4.6 In terms of sustainability, the applicant proposes the use of sustainable materials, and the design maximises opportunities for permeable drainage. Whilst Officers requested that the applicant explore the feasibility of providing a battery powered generator to minimise air quality impacts, the applicant provided satisfactory justification for the use of diesel, in the limited cases where the generator being required to be used.
- 4.7 Although the proposals would result some very minor noise and air pollution impacts, it is considered that these issues can be suitably addressed via conditions. Furthermore, the resulting loss of estate open space is outweighed in the planning balance by the benefits of an enhanced landscaping scheme and the ensured operation of the Windsor Street supported living development fire evacuation lifts in the event of a power cut.
- 4.8 The application is considered to be acceptable and is recommended for approval subject to conditions.

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

6. The site forms part of the Cumming Estate, made up of 3 x 5-storey residential blocks to the east and a 6-storey residential block to the west. To the south of the site is a terrace of locally listed 3-storey Georgian townhouses with basements and with rear gardens. To the north, on the opposite side of Windsor Street, is a 3-storey building in commercial use.
- 6.1 The site, located in St Mary's & St James' Ward, does not lie within a Conservation Area however the southern boundary of the site forms the northern most extent of the Duncan Terrace / Colebrooke Road Conservation Area.

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

- 7.1 Planning permission is sought for the installation of a new generator enclosure within the Turnbull House estate open space, adjacent to the recently built supported living residential accommodation on Windsor Street. Associated landscaping is also proposed to surround the enclosure.
- 7.2 Consent for the supported living residential accommodation on Windsor Street was granted under planning permission ref: P2017/3493/FUL, dated 09/05/2018. The approved fire strategy for this development requires a secondary supply to provide power to the wheelchair evacuation lift in the event of an emergency. Given the nature of the approved development, the necessity of providing a generator for a fire evacuation lift is recognised.
- 7.3 The applicant explored a number of options to provide this generator within the site boundary of the supported living development, which were presented to the Local Planning Authority for review. Due to the minimal amount of external amenity space provided within the supported living development, it was advised that the options presented would not be acceptable due to the impact they would have on the residential amenity of future residents. The application therefore seeks permission to install the generator and associated housing outside of the original site boundary, within the Turnbull House estate open space.
- 7.4 The proposal would install a 19sqm generator enclosure adjacent to the supported living development within the grounds of Turnbull House. This part of the grounds was included within the blue line of the supported living residential development as the site was not large enough for construction site offices to be contained within the red line boundary. There was an agreement in place between Islington's New Build Team and Islington's Estates Services Team that this land could be used to facilitate development. To allow this space to be used for site offices, the removal of three trees and some thick undergrowth was required. The replacement of these trees was required by the Directors' Letter associated with permission ref: P2017/3493/FUL and it was the intention of the New Build Team to provide these alongside new grassland once the site office is removed. A new agreement is in now place between Islington's New Build Team and Islington's Estates Services Team which confirms that this part of the estate open space may be used as the permanent location of the required generator housing.
- 7.5 To mitigate the loss of area to be returned to open space, the application proposes an enhanced landscaping scheme around the generator housing, which incorporates the three trees already approved to be planted in the space.
- 7.6 A separate application (ref: P2023/2924/NMA) for a non-material amendment to planning permission ref: P2021/2035/S73 is sought for the introduction of a door to the supported living development's western elevation to provide internal access to the generator.

## **8. RELEVANT PLANNING HISTORY:**

- 8.1 The applications relevant to the application site are as follows:
- 8.2 **P2017/3493/FUL**– Demolition of 12 (twelve) existing garage units and removal of adjacent car parking facilities to facilitate construction of a three storey (plus basement), 11-bedroom (plus staff sleep-in unit) building to accommodate a supported living scheme (use Class C2). The proposal also includes communal kitchen/living/dining facilities, staff offices, laundry, plant room, and accessible bathroom facility. Associated landscaping including courtyard garden areas, refuse and cycle storage provision is also proposed. – *Approved 09/05/2018.*

- 8.3 **P2021/2035/S73** – Application for a minor-material amendment under S73 to vary condition 2 (Approved Drawings) and condition 3 (Materials) following a grant of planning permission Ref: P2017/3493/FUL, dated 09/05/2018, as amended by P2021/2032/NMA, dated 09/08/2022, for the demolition of 12 (twelve) existing garage units and removal of adjacent car parking facilities to facilitate construction of a three storey (plus basement), 11-bedroom (plus staff sleep-in unit) building to accommodate a supported living scheme (use Class C2). The proposal also includes communal kitchen/living/dining facilities, staff offices, laundry, plant room, and accessible bathroom facility. Associated landscaping including courtyard garden areas, refuse and cycle storage provision is also proposed. The applicant seeks to vary the wording of Conditions 2 (Approved Plans) and 3 (Materials) to allow for: - The replacement of timber cladding with non-combustible PPC aluminium panels; - The replacement of all recessed brick details on rear elevation with non-combustible PPC aluminium panels; - Increasing the width of the AOV windows on the rear elevation to comply with the fire strategy; and - Amending the brickwork on the curved wall element of the development to comply with Secure by Design guidance. The applicant also seeks approval of details pursuant to the discharge of Conditions 11 (Drainage and SUDS) and 17 (Biodiversity Roof). – *Approved 18/20/2022.*
- 8.4 **P2023/2924/NMA**– Non-material amendment to planning permission ref: P2021/2035/S73, dated 18/10/2022. The applicant seeks to amend the wording of Condition 2 (Approved Drawings) to allow for the introduction of a new door and a revised landscaping layout. – *Under determination.*

## 9. PRE-APPLICATION ADVICE

- 9.1 Pre-Application discussions were held with the applicant to understand the planning process required to seek the installation of a generator in order to ensure the Windsor Street Car Park development's fire evacuation lift can operate in the event of a power cut.
- 9.2 During pre-application discussions, officers considered the provision of the generator within the existing red line boundary of the Windsor Street Car Park development. The applicant provided drawings showing possible locations for the generator housing unit within the development's rear shared amenity space. These drawings demonstrated that providing the structure within the red line boundary would have an unacceptable impact on the development's resultant amount of amenity space as well as the level of accessibility.
- 9.3 The applicant subsequently proposed installing the generator housing unit immediately adjacent to the Windsor Street Car Park development, within the ground of Turnbull House. Officers noted the relevant land use considerations, advising of the requirements of Local Plan Policy G2 whereby appropriate mitigation for any estate open land lost as a result of the proposals was required.

## 10. CONSULTATION

### Public Consultation

- 10.1 Letters were sent to occupants of 60 adjoining and nearby properties on 27<sup>th</sup> October 2023. A site notice and press advert were displayed on 2<sup>nd</sup> November 2023. The public consultation of the application therefore expired on 26<sup>th</sup> November 2023; however, it is the Council's practice to continue to consider representations made up until the date of a decision.
- 10.2 At the time of the writing of this report one response had been received from the public in response to the consultation on this planning application.



- 10.3 The issues raised can be summarised as follows *(with the paragraphs in brackets indicating where in the report the respective points have been addressed)*:
- Objection to installation of generator close to residential properties (12.46-12.53);
  - Objection to noise and air pollution whilst generator is in operation (12.48-12.53, 12.72-12.79);
  - Objection to development on estate land (12.2-12.8).

#### External Consultees

- 10.4 **Secure by Design - Metropolitan Police:** Advised that the proposals had been developed in response to comments provided by the Designing Out Crime Officer prior to the application being submitted. Raised some concern with the thin strip at the rear of the structure as it could become a potential area of concealment. In response to this comment, the applicant provided additional fencing to ensure this area could not be accessed. No further concerns were raised.

#### Internal Consultees

- 10.5 **Ecology Officer:** No objections.
- 10.6 **EPPP Officer:** Reviewed the proposals and confirmed that given the fact the generator would only operate for twenty minutes twice a year and in the event of a power cut, the proposals would not have an unacceptable impact on local air quality, noise, or neighbouring amenity. Recommended conditions to ensure that testing of the generator takes no longer than twenty minutes and appropriate noise insulation is installed.
- 10.7 **Sustainability Officer:** Initially raised concerns with the submitted sustainability details, lack of justification for the use of a diesel generator, and the impacts on air quality. The applicant provided an updated Sustainable Design and Construction Statement which provided additional circular economy details and an overview of why generators with reduced air quality impacts were not proposed in this instance. The Sustainability Officer accepted this however confirmed that additional information should be required via condition to address Local Plan Policy S7 (Improving Air Quality).

*(Officer Comment: Condition 4 requires the applicant to provide details of how the proposed planting has been selected for its ability to improve air quality)*

- 10.8 **Trees Preservation Officer:** Raised no concerns. Confirmed that proposed planting locations and species are appropriate.
- 10.9 **Urban Design & Conservation Officer:** Advised that the generator would be enclosed by an attractive timber screen which would largely be further obscured by planting. Confirmed that the proposed landscape would improve the quality of planting and provide an enhancement to the existing Turnbull House amenity and visual outlook whilst forming a natural buffer around the enclosure. Initially raised concern regarding proposal to include a door from the generator housing out to the estate open space. The applicant removed this door and the D+C Officer confirmed they raised no further objections.

## 11. RELEVANT POLICIES

- 11.1 Islington Council (Planning Committee), in determining the planning application has the main following statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development is within or adjacent to a conservation area(s), the Council has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area (s72(1)).
- 11.2 National Planning Policy Framework 2023 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.
- 11.3 The National Planning Policy Framework 2023 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
- 11.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 11.5 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.
- 11.6 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.
- 11.7 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 11.8 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.

11.9 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.

11.10 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the adjoining listed buildings, their setting and any of their features of special architectural or historic interest.

### **Development Plan**

11.11 The Development Plan is comprised of the London Plan 2021, Islington's Local Plan: strategic and development management policies 2023, Bunhill and Clerkenwell Area Action Plan 2023, and Site Allocations 2023. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Designations**

11.12 The site has the following designations under the London Plan 2021, Islington's Local Plan: strategic and development management policies 2023, Bunhill and Clerkenwell Area Action Plan 2023, and Site Allocations 2023.:

- Angel and Upper Street Spatial Strategy Area
- CAZ Fringe
- Site Allocation AUS15: Windsor Street Car Park
- Within 100m of Strategic Road Network
- Within 50m of Conservation Area (Duncan Terrace/Colebrooke Row)
- Islington Village and Manor House Archaeology Priority Area
- Article 4 Direction – Flexible Uses

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

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

## **12. ASSESSMENT**

12.1 The main issues arising from this proposal relate to:

- Land Use
- Design, Conservation & Heritage Considerations
- Landscaping and Ecology
- Accessibility and Inclusive Design
- Neighbouring Amenity
- Transport and Highways
- Energy and Sustainability
- Air Quality
- Crime Prevention
- Flood Risk & Sustainable Drainage

## **Land-Use**

- 12.2 The application proposes a new building on semi-private estate open space. It is crucial that any loss of open space is suitably justified as well as adequately compensated with overriding planning benefits to support the proposal. The site, which is 87sqm in area, is currently occupied by the site offices for the Windsor Street Car Park development however, it was previously occupied by soft planting and there was an agreement in place between the New Build Team and Estate Services that this space would be returned to its previous state on completion of neighbouring development works. For the purposes of this assessment, this space is considered to be useable grassland estate open space.
- 12.3 Policy G2 of the Islington Local Plan protects open space on housing estates. Where development is proposed on open spaces on housing estates, on-site re-provision of the same quantum of space of an improved quality is encouraged. Proposals which will lead to a net loss, but which will re-provide a quantum of on-site open space which is both functional and useable may be acceptable in a number of circumstances including if the lesser amount of space is of a higher quality. These policy objectives are discussed in more detail in subsequent sections of the report.
- 12.4 The proposal involves the construction of a 19sqm generator housing unit and the planting of an enhanced landscaping environment around the generator housing to provide a suitable buffer between the generator housing and the open space.
- 12.5 Whilst the proposals would result in a reduction in the total amount of soft landscaping within the Turnbull House estate, the proposed planting would result in a landscaping scheme with a higher biodiversity and urban greening factor than that which would have been provided by the re-planting of grassland. The matters raised in this section will be considered in more detail in the landscape section of this report.
- 12.6 Whilst the loss of 19sqm of estate open space is regrettable, it is considered that the benefits of an enhanced landscaping scheme and the safety of the future residents of the Windsor Street Car Park development is a significant planning benefit that should weigh in favour of the scheme in the planning balance.
- 12.7 Turnbull House and the Windsor Street Car Park development are both on land forming part of the wider Cummings Estate. Under Part 12 of Schedule 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, local authorities may construct small ancillary buildings on land belonging to them required for the purposes of any function exercised by them on that land, provided that the buildings are below 4 meters in height or 200 cubic meters in capacity. Although the applicant has submitted a planning application for this proposal, a significantly sized structure could be erected here under permitted development, without the need for permission.
- 12.8 In land use terms, the proposed development is considered to be acceptable in principle, subject to a further assessment of the other more detailed aspects of the proposal, and thus would be consistent with the development plan.

## **Design, Conservation and Heritage Considerations**

### **Policy Context**

- 12.9 Quality of design lies at the heart of the planning system and is stressed at Chapter 12 of the NPPF (Achieving well-designed places). It states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF requires that developments are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and

landscape setting, while not preventing or discouraging appropriate innovation or change. Further it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 12.10 The London Plan, throughout Chapter 3 (Design) sets out its support for high quality architecture and public realm, which responds to local context by delivering buildings that are positioned and of a scale, appearance, and form that response to the identity and character of the locality.
- 12.11 London Plan Policy D3 sets out the design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure, and amenities by public transport, walking and cycling. Where these locations have existing areas of high-density buildings, expansion of the areas should be positively considered by Boroughs where appropriate.
- 12.12 London Plan Policy D3 also sets out criteria relating to appropriate form, layout, experience, quality, and character which will be addressed in this section.
- 12.13 At the local level, Local Plan Policy PLAN1 states that all forms of development are required to be of a high quality and make a positive contribution to local character, legibility, and distinctiveness, based upon an up-to-date understanding and evaluation of the defining characteristics of an area. This policy outlines the high-quality design expectations which proposals need to meet.
- 12.14 Local Plan Policy DH1 supports innovative approaches to development as a means to increasing development capacity to meet identified needs, while simultaneously addressing any adverse heritage impacts and protecting and enhancing the unique character of the borough. In this context, an innovative approach is one that contributes to the delivery of the Local Plan objectives, including making the borough an inclusive and resilient place by ensuring the design of buildings meets contemporary standards, the needs of all users and mitigates against the impacts of climate change.
- 12.15 Local Plan Policy DH2 notes that proposals that harm the significance of listed buildings or conservation areas must provide clear and convincing justification for the harm. Substantial harm to, or loss of, a listed building will be strongly resisted.
- 12.16 Islington's Urban Design Guide (2017) provides guidelines and principles for good urban design, e.g., how buildings look and fit into their setting, the layout and organisation of public spaces and the appearance of street frontages. Of particular significance is paragraph 5.67 which states that 'new development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses'. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and the Mayor of London's Character and Context SPG are also relevant to the consideration of this application.

#### Site Context

- 12.17 The application site is within the grounds of Turnbull House, which forms part of the wider Cummings Estate. Prior to commencement of the Windsor Street Car Park development, the site was occupied by grassland and three trees, however this landscaping was removed to provide space for site offices.

12.18 The site lies adjacent to the Duncan Terrace / Colebrook Row Conservation Area and abuts locally listed residential buildings at 8-39 Packington Street to the rear (described as 'Late classical, Italian influence'). Other nearby built heritage assets include grade II listed 70 Essex Road, a mural at the City of London Academy and the Old Queens Head public house, amongst other heritage settings.

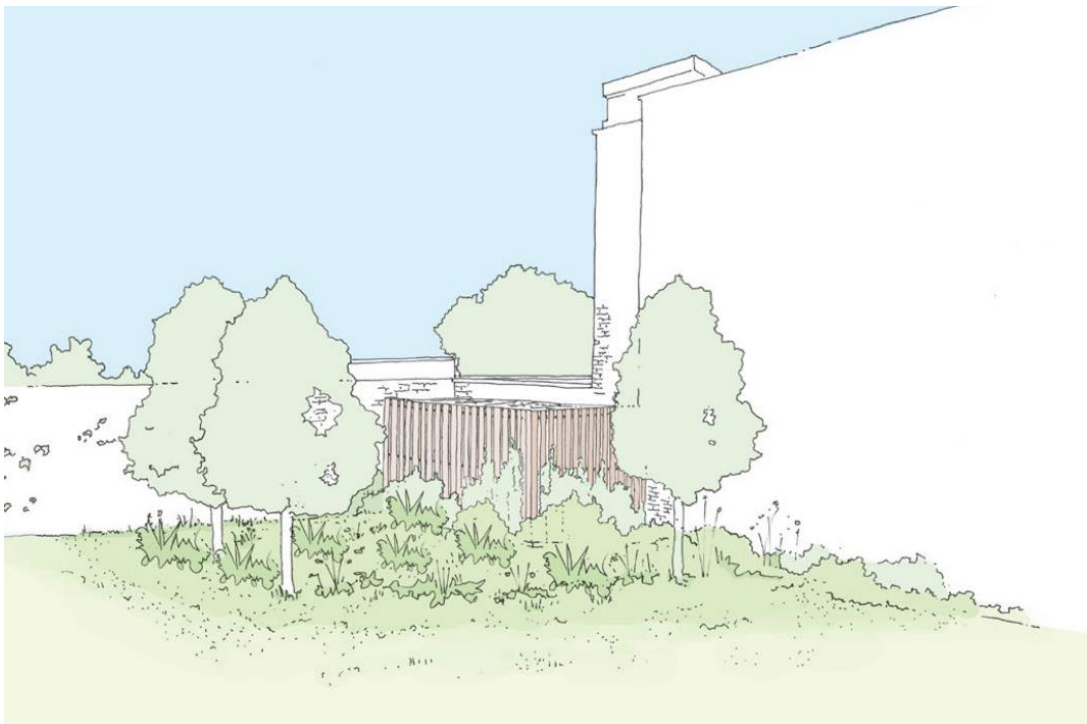
#### Assessment

12.19 In terms of height and massing, the applicant has confirmed that proposed generator housing is the minimum size necessary to provide sufficient circulation space around the generator and that the screening would be no higher than the adjacent 16a Packington Street's rear garden wall. It is therefore considered that the structure would have a minimal visual impact.

12.20 In terms of materiality, the generator would be enclosed in an attractive timber screen, with a grating roof to provide natural ventilation. It is considered that the proposed materiality will ensure that the structure appears discreet in its location and that the visual impact on Turnbull House's open space would be limited

12.21 Furthermore, the generator enclosure would largely be obscured by vertical greening, an area of soft landscaping, and shrub planting. The proposed landscaping would provide an enhancement to the existing Turnbull House amenity and visual outlook whilst forming a natural buffer around the enclosure. This is welcomed and would satisfy Local Plan Policy G2, which requires any loss of open space on estates to be offset by a better-quality offer.

12.22 The application as originally submitted included a proposal to include a door from the generator housing into the estate grounds. Concern was raised by the Design and Conservation Officer that this raised security and safety issues. The applicant updated the proposals to remove this door, confirming that all access would be internally from the Windsor Street supported living development (a new door was added via permission ref: P2023/2924/NMA).



*Image 3 – Proposed Generator Housing and associated landscaping*

### Assessment of Significance to the adjacent Duncan Terrace/Colebrooke Row Conservation Area

- 12.23 The application site is adjacent to the Duncan Terrace/Colebrooke Row Conservation Area. Historic England's guidance on the Setting of Heritage Assets notes that setting may include:
- Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas..... the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.*
- 12.24 The site forms part of the setting of the Duncan Terrace/Colebrooke Row Conservation Area, helping to shape the overall character and appearance of the historic streetscape and townscape hierarchy.
- 12.25 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires decision makers with respect to any buildings or other land in a Conservation Area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.
- 12.26 Given that the generator housing would be no taller than the party wall with 16a Packington Street, it is considered that only limited views of the structure would be afforded from the conservation area. Given this, and its design, it is considered that the proposals would preserve the setting of the neighbouring conservation area.

### Assessment of Significance to the nearby listed buildings

- 12.27 As noted earlier in this section, the application site is near a number of listed buildings and heritage assets.
- 12.28 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires decision makers to give special regard to the desirability of preserving nearby listed buildings, their setting and any of their features of special architectural or historic interest.
- 12.29 Given that the application site is some 80 meters from the nearest listed building, it is not considered that the proposals would impact upon the setting of any statutorily listed buildings.
- 12.30 The application site abuts the locally listed 3-storey Georgian townhouses of Packington Street. The Register of Locally Listed Buildings and Locally Significant Shopfronts (2010) advises that these buildings are locally listed due to their street value. Given that the generator housing would not be visible from Packington Street and would be no taller than the party wall with 16a Packington Street, it is considered that the proposals would not harm the setting of the adjacent locally listed buildings.

### Conclusion

- 12.31 The application proposes the installation of a small and lightweight structure within an area of intensive landscaping. The proposed design is considered to be appropriate for the location and would preserve the setting of the neighbouring conservation area and locally listed buildings. Whilst any development would have an impact on the appearance of the estate open space, it is considered that structure's design and the proposed landscaping would mean that this impact is very limited.

12.32 Therefore, in terms of design and appearance, heritage and conservation, the proposal is considered to be in accordance with London Plan Policies D1, D2, D3, D4 and HC1, Islington Local Plan policies PLAN1, DH1, and DH2 as well as Islington's Urban Design Guide (2017) and Historic England advice GPA3 (The Setting of Heritage Assets).

**Landscaping, Biodiversity and Trees**

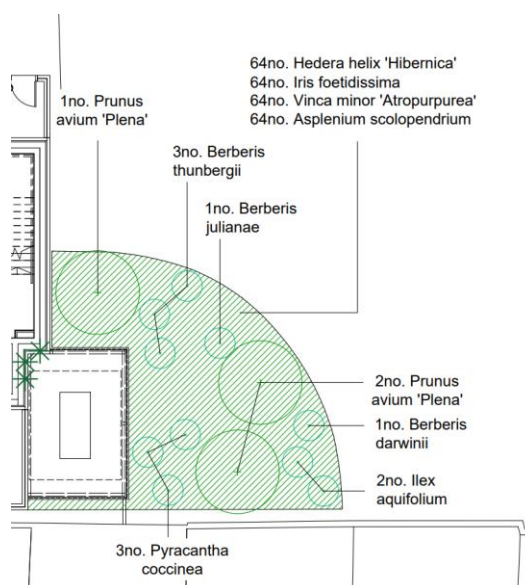
12.33 London Plan policy G1 states that development proposals should incorporate appropriate elements of green infrastructures that are integrated into London's wider green infrastructure network.

12.34 Islington's Local Plan policy G1 states that development proposals must preserve and enhance existing green infrastructure and explore opportunities to provide new green infrastructure. Local Plan policy G4 states that development should protect, contribute to and enhance the landscape, biodiversity and growing conditions of the development site and surrounding areas. Developments are required to maximise provision of soft landscaping, including trees, shrubs and other vegetation. Furthermore, developments are required to minimise any impacts on trees, shrubs and other significant vegetation. At the same time 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.

12.35 This application seeks to intensify the level of landscaping in this part of the Turnbull House open space compared to the previous agreement to return this space to grassland. The proposed generator housing has been designed to allow climbing plants to grow around the structure and dense planting is proposed in the surrounding area. The submitted landscaping details confirm that the proposed planting strategy uses native species and plants identified as pollinators by the Royal Horticultural Society.

12.36 Through the measures set out above, the proposal would achieve a UGF score of 0.37. This score does not take in to account the three trees, as these are already approved and will be planted in this location regardless of the outcome of this planning application. This score is considerably higher than would have been achieved had this space been returned to solely grassland.

12.37 Despite Local Plan policy G5 requiring developments to use all available roof space to incorporate biodiversity-based extensive green roofs, no green roof is proposed for the generator housing. This is because a grating roof is proposed for this structure to provide natural ventilation for the generator. It is recognised that ventilation is an operational requirement for generators and the lack of a green roof is therefore considered acceptable in this instance.





## Trees

- 12.38 Local Plan Policy G4 states any loss of or damage to trees or other significant planting, or adverse effects on their growing conditions or survival, will only be permitted where it is demonstrably unavoidable in order to meet other relevant Local Plan policy requirements (as agreed with the Council). In such circumstances, suitable high-quality re-provision of equal value must be provided on-site. Where on-site re-provision is demonstrably not possible (as agreed with the Council), a financial contribution of the full cost of appropriate re-provision will be required.
- 12.39 Whilst there are no trees currently on the development site, three trees were proposed to be planted in this location in order to replace those felled to facilitate the Windsor Street Car Park development. The applicant still proposes to re-provide these trees within this part of the estate open space, however in slightly different locations than previously approved so to accommodate the generator housing. These three trees, shown on the submitted landscaping strategy, are the same as those previously approved for planting in this location. Whilst they are shown on the submitted documents, they are not considered to form part of the application proposals as their planting is independent of the proposals being assessed within this application.
- 12.40 The proposed tree locations were reviewed by the Council's Tree Officer who confirmed that they are suitable to ensure the healthy growth of the trees.

## Conclusion

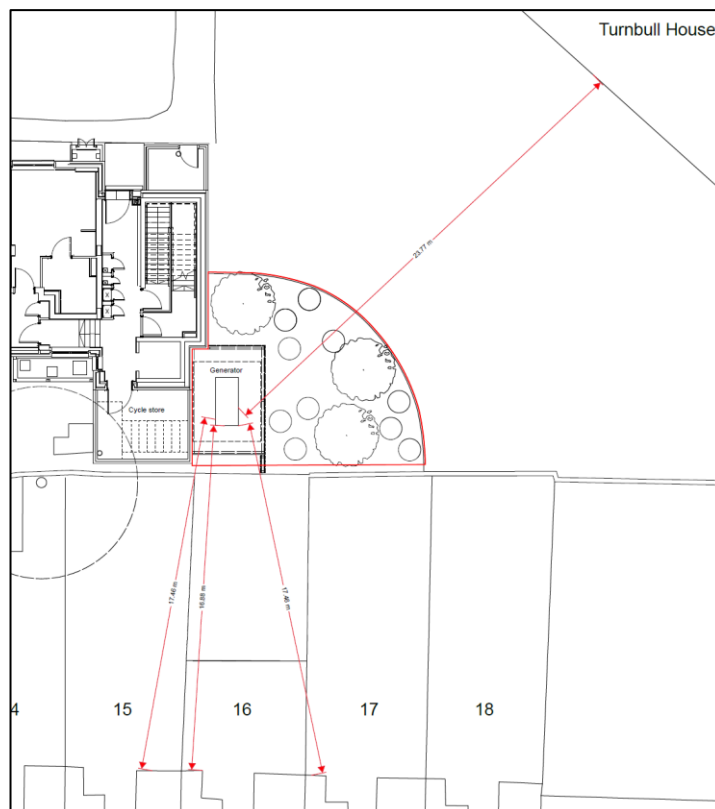
- 12.41 Overall, it is considered that the landscaping proposals would create a greener, more biodiverse space with a higher level of visual amenity for estate residents. It is therefore considered that the proposed landscaping scheme represents an enhancement of the space, helping to justify the loss of estate open space in the planning balance.
- 12.42 While the landscape strategy is supported in principle, further details would be required by condition in the event of permission being granted to ensure that the final design of the landscaping is of the highest quality and properly implemented.

## **Accessibility and Inclusive Design**

- 12.43 Policy D5 of the London Plan 2021 requires 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 PLAN1 of the Local Plan, which requires all development to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of development from the outset and over its lifetime.
- 12.44 Policy D5 of the London Plan requires a minimum of at least one lift per core to be a suitably sized fire safety lift so that all people can evacuate in the event of a fire.
- 12.45 The proposed generator housing would not have step-free access or be provided with wheelchair turning circles. It is therefore not considered that the proposed development would meet the highest standards of inclusive design. Whilst this is regrettable, the generator housing would not be a habitable room and access would be required for maintenance purposes only. Furthermore, the installation of the proposed generator would allow the Windsor Street Car Park development, a supported housing scheme, to ensure compliance with London Plan Policy D5 by ensuring that the wheelchair-evacuation lift can operate in the event of a power cut. The lack of inclusive design measures is therefore considered acceptable in the planning balance.

## Neighbouring Amenity

- 12.46 Chapter 12 of the NPPF details that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. With specific regard to daylight and sunlight, the NPPF states that ‘when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)’.
- 12.47 London Plan Policy D1 states that development design should deliver appropriate outlook, privacy and amenity. London Plan Policy D6 states that the design of development should provide sufficient daylight and sunlight for new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outdoor space. London Plan Policy D13 seeks to reduce, manage and mitigate noise to improve health and quality of life.
- 12.48 The proposed generator housing unit would be small in footprint (19sqm), discreetly located in the corner of the estate open space and would be lower in height than both the Windsor Street Car Park development and neighbouring 16 Packington Street’s rear garden wall. It is therefore not considered that the proposed development would result in any undue daylight and sunlight, overshadowing, overlooking, or outlook impacts.
- 12.49 Image 5, below, shows the distance between the proposed generator and the nearest residential receptors. There is a distance of just under 17 meters between the proposed generator and the nearest habitable room on Packington Street. There is a distance of 23 meters between the proposed generator and nearest habitable room of Turnbull House. Although the generator would directly abut the Windsor Street Car Park development, there are no windows on this elevation and the nearest window serving a habitable room is on the northern elevation, some twenty meters away.



*Image 5: Distance between proposed generator and nearest residential receptors*

### Noise and Disturbance

- 12.50 Local Plan policy DH5 states that all development proposals which have the potential to cause or exacerbate unacceptable noise and vibration impacts on land uses and occupiers in the locality must fully assess such impacts. Where noise and/or vibration impacts are identified suitable mitigation measures must be put in place to reduce these impacts to acceptable levels.
- 12.51 The proposed installation of a generator in this location results in the possibility of increased noise levels whilst it is in use. The submitted operational management plan advises that the maximum noise level for the generator is 70dB(A) and that the proposed enclosure would be supplied with an acoustic canopy to reduce this noise level. The operational management plan also advises that the generator would only operate in the event of a power cut and for twenty minutes twice a year for testing.
- 12.52 The Council's EPPP Officer reviewed the submitted report and confirmed that the proposed generator would not result in unacceptable noise levels subject to appropriate acoustic design and controls over the timing of any required testing. Recommended Condition 5 requires details of the acoustic design and confirmation that the noise level would not exceed 5dB(A) above the existing background noise level. Recommended Condition 6 requires details of potential residential receptors and confirmation of how they would be notified ahead of testing, including the supported living occupiers of Windsor Street. Recommended Condition 7 ensures testing does not take longer than 20 minutes and does not take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.

### Impact on Neighbouring Amenity: Conclusion

- 12.53 The details submitted as part of this application demonstrates that the proposed scheme would not result in an unacceptable impact on the amenity of neighbouring residents in terms of daylight and sunlight, overshadowing, outlook, or overlooking. Whilst the introduction of a generator may result in additional noise being generated, it is considered that this can be appropriately mitigated through appropriate conditions. It is therefore considered that the proposed scheme would not present an unacceptable impact on neighbouring amenity.

### Transport and Highways

- 12.54 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.
- 12.55 London Plan Policies T1, T2, T3, T4, T5, T6 and T6.1 seek for all new development to identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently, and streets are greener and more pleasant. Adding to this, policies also set out requirements for levels of on-site vehicle parking, cycle parking and for servicing.
- 12.56 London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport.

- 12.57 London Plan Policy T7 states that seeks to ensure that development proposals facilitate safe, clean and efficient deliveries and servicing.
- 12.58 Local Plan policy T1 states that applicants must provide appropriate information to allow proper assessment of transport impacts and show how these impacts can be addressed. This policy goes on to state that all new development will be car-free, which will contribute to the strategic aim for a modal shift to sustainable transport modes.
- 12.59 Local Plan policy T2 requires proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.
- 12.60 The application site has a PTAL of 6a, which is considered 'excellent', due to the site's proximity to National Rail, Underground, and Overground stations as well as numerous bus links.

#### Delivery and Servicing Requirements

- 12.61 It is proposed that the twice-yearly servicing of the generator would take place within the generator housing, accessed from within the Windsor Street Car Park development. The planned servicing requirements of the generator would not significantly increase the Windsor Street Car Park development's servicing requirements and it is therefore considered that they can be appropriately accommodated within the development's previously approved delivery and servicing arrangements.

#### Vehicle Parking

- 12.62 No vehicle parking is proposed. The proposal is therefore considered acceptable and in accordance with Local Plan policies T1, T2 and T3.

#### Energy and Sustainability

- 12.63 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.
- 12.64 The Council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions.
- 12.65 Islington's Local Plan policy S1 states that all developments should maximise on-site reduction in total (regulated and unregulated) carbon dioxide emissions. The Local Plan also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity.
- 12.66 Policy S2 of the Emerging Draft Local Plan (2019) requires development proposals to submit a Sustainable Design and Construction Statement which must demonstrate that the proposal meets all relevant sustainable design policies. Part C states that the Sustainable Design and Construction Statement submitted by smaller minor extensions and minor changes of use must demonstrate that all relevant sustainable design requirements have been considered. The level of information provided in the statement must be proportionate to these requirements.

- 12.67 Local Plan policy S4 requires development proposals to integrate best practice sustainable design standards in line with the energy hierarchy and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 12.68 In line with Local Plan policy S2, a Sustainable Design and Construction Statement has been submitted as part of this application. This document confirms how sustainability has informed the design to minimise the embedded carbon emissions including:
- *Lightweight steel construction. Recycled steel members to be used where available;*
  - *Proposed structure to be constructed in timber from sustainable sources;*
  - *Proposed paving and concrete will have high recycled aggregate content;*
- 12.69 As noted in the landscaping section, no green roof is proposed for the generator housing. This is considered acceptable in this instance due to the building's requirement for adequate ventilation necessitating a grating roof. Part G of Local Plan Policy G5 encourages the greening of vertical surfaces. The submitted Design and Access Statement confirms the generator housing has been designed to allow climbing plants to screen the enclosure which is welcomed.
- 12.70 No additional energy efficiency measures are proposed within this application, however given that the proposed generator would serve the Windsor Street Car Park development, the applicant has confirmed in an email dated 12/01/2024 that an updated energy strategy shall be provided in line with Condition 12 of planning permission ref: P2021/2035/S73 in order to demonstrate that the required CO2 reduction shall still be 33.6% compared with a building which complies with Building Regulations 2013.
- 12.71 Overall, the sustainability details are considered satisfactory for the minor development proposed subject to the addition of Condition 8 which secures compliance with the submitted Sustainable Design and Construction Statement.

### **Air Quality**

- 12.72 NPPF Chapter 15 requires that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 12.73 In accordance with Local Plan policy S1, new development must be designed, constructed and operated to limit contribution to air pollution and to improve air quality as far as possible, as well as reducing exposure to poor air quality, especially among vulnerable people.
- 12.74 The whole of the borough of Islington has been designated by the council as an Air Quality Management Area.
- 12.75 The submitted documents include details of the predicted emissions of the proposed generator. These details were reviewed by the Council's Environmental Pollution, Policy and Projects Officer, who advised that although there would be emissions from the diesel generator, these would be limited due to the anticipated duration of the running of the equipment being only twenty minutes every six months. Therefore, the impact to nearby receptors would be minimal and it is unlikely that existing air quality objectives would be exceeded in terms of the annual or hourly mean for NO2 or particulate matter.

- 12.76 Recommended Condition 7 restricts the duration of testing of the generator to no longer than 20 minutes. It is considered that this condition would ensure that air quality is appropriately protected.
- 12.77 Local Plan Policy S7 requires all developments to mitigate or prevent adverse impacts on air quality and investigate and implement all reasonable opportunities to improve air quality. Whilst the proposed generator's impact on emissions and air quality would be at such a level as to be acceptable, given that the borough is in an Air Quality Management Area, Officers requested that the applicant explore the possibility of installing a battery-powered generator. The applicant explored this and advised that a battery powered generator would have higher operational energy usage due to it requiring air conditioning to maintain a constant temperature. A battery powered generator would also present an increased fire risk that would compromise the Windsor Street Car Park development's approved fire strategy. This is considered acceptable justification for the use of a diesel-powered generator in this instance.
- 12.78 Further details of how air quality impacts could be minimised on site as far as possible were provided by the applicant in an email dated 23/01/2024. This email confirmed that alternative fuels had been considered but that a diesel powered generator was required to fulfil the predicted energy demand and that a high-level flue could be installed if required. The applicant's email also confirmed that the proposed landscaping scheme could feature plant species selected for their ability to trap particulates.
- 12.79 The applicant's justification for using a diesel generator is considered acceptable and it is considered that, given the generator's predicted emissions and low usage, the air quality benefits of a flue would not outweigh the negative impacts such a flue would have on visual amenity. Subject to recommended Condition 4 requiring details of how the landscaping strategy incorporates plant species which improve air quality, it is considered that the applicant has provided sufficient details to meet the requirements of Local Plan Policy S7.

### **Flood Risk and Sustainable Drainage**

- 12.80 Local Plan policy S9 is concerned with water management and sustainable drainage and requires that all schemes must be designed to ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy set out in Policy SI13 of the London Plan.
- 12.81 The site sits within Flood Zone 1 and is therefore considered to be at low risk of flooding.
- 12.82 The submitted Design and Access Statement confirms that the proposed generator is required to be installed on concrete paving slabs, however it confirms that a gravel strip would be provided around the concrete slabs within the generator to maximise opportunities for permeable drainage. Furthermore, the proposed landscaping strategy would mean the rest of the site would achieve greenfield runoff rates. The proposed measures follow the sustainable drainage hierarchy, facilitating rainwater infiltration to ground. It is therefore considered that the proposed scheme would not have any undue impacts on the site's flood risk.

### **Crime Prevention**

- 12.83 London Plan Policy D11 state that 'boroughs should work with their local Metropolitan Police Service 'Design Out Crime' officers and planning teams, whilst also working with other agencies such as the London Fire Commissioner, the City of London Police and the British Transport Police to identify the community safety needs, policies and sites required for their area to support provision of necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime.'

- 12.84 Paragraph 1.41 within Objective 3 of the Local Plan states that ‘designing out crime is a key planning principle, which incorporates a number of design techniques to limit incidences of crime; this includes increases in natural surveillance and designing space, so it is conducive to positive behaviour.’
- 12.85 The design and layout of the proposals were reviewed by the Metropolitan Police’s Designing Out Crime Officer who advised that the installation of the generator housing would create a small area between the structure and the boundary wall with Packington Street which could allow for anti-social behaviour. In response, the applicant updated the drawings to confirm how this space would be sealed off to prevent misuse. No further concerns were raised.

### **Planning Balance**

- 12.86 Paragraph 47 of the NPPF dictates that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- 12.87 In reaching a conclusion on the proposal, a balance between these benefits and harms should be undertaken.
- 12.88 The proposal is considered to result in harm in planning terms for the following reasons:
- Loss of 19sqm estate open space;
  - Limited noise and air pollution impacts
- 12.89 The proposal is considered to result in benefits in planning terms for the following reasons:
- Enhanced landscaping and biodiversity value;
  - Ensured ability for Windsor Street Car Park development’s fire evacuation lifts to operate in event of a power cut.
- 12.90 Taking the above into account, it is considered that the public benefits outweigh the harm caused from the development in the overall planning balance.

## **13. SUMMARY AND CONCLUSION**

- 13.1 Whilst the proposals would result in a limited loss of estate open space, the proposed landscaping scheme is considered to result in a higher quality of landscaping than that which it replaces. It is therefore considered that the application is compliant with local land use policy. Furthermore, it is considered that the proposed structure is minimal in size and of an appropriate design, thereby ensuring there is no impact to the visual amenity of Turnbull House.
- 13.2 Due to the proposed use of a diesel-powered generator, it is acknowledged that the proposals would result in extremely limited noise and air pollution impacts. However, given the minimal proposed usage, it is not considered that these impacts would be unacceptable subject to conditions. Sustainable materials are proposed to be used in the construction of the structure and, whilst it has been demonstrated that a battery-powered alternative is not achievable in this instance, it is considered that the submission of an updated energy strategy via the discharge of Condition 12 of planning permission ref: P2021/2035/S73 would ensure that the Windsor Street Car Park’s development would continue to achieve its required overall carbon reductions.
- 13.3 The proposal is considered acceptable in planning terms, and it is recommended that planning permission be granted subject to conditions as set out in **Appendix 1 – RECOMMENDATIONS**.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

<b>1</b>	<p><b>Commencement (Compliance)</b></p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<p><b>Approved plans and documents list (Compliance)</b></p> <p>CONDITION: The following drawings/documents are approved by Planning Permission P2023/2863/FUL:</p> <p>Design and Access Statement Rev.B (Studio Partington, December 2023); Sustainable Design and Construction Statement (Studio Partington, 12/01/2024); 2471_PL_001_A – Location Plan (Studio Partington, 02/10/2023); 2471_PL_100_A – Existing Site Plan (Studio Partington, 02/10/2023); 2471_PL_110_B – Proposed Site Plan (Studio Partington, 05/12/2023); 2471_PL_200_B – Proposed Plans (Studio Partington, 05/12/2023); 2471_PL_400_A – Existing Elevations 01 and 02 (Studio Partington, 02/10/2023); 2471_PL_401_A – Existing Elevation/Section 03 (Studio Partington, 02/10/2023); 2471_PL_410_B – Proposed Elevations 01 and 02 (Studio Partington, 05/12/2023); 2471_PL_411_B – Proposed Elevation/Section 03 (Studio Partington, 05/12/2023); 2471_SK_001_B – Proposed Illustrative View (Studio Partington, 05/12/2023); GEN_0189_001 Rev.P02 – Landscape General Arrangement (ME Landscape Studio, 24/03/2023); GEN_0189_002 Rev.P02 – Landscape Ecological Enhancements (ME Landscape Studio, 24/03/2023); GEN_0189_003 Rev.P02 – Section 278 Tree Enhancements (ME Landscape Studio, 24/03/2023); GEN_0189_100 Rev.P01 – Landscape Hardworks Plan (ME Landscape Studio, 24/03/2023); GEN_0189_101 Rev.P02 – Landscape Softworks Plan (ME Landscape Studio, 24/03/2023); 0189-SH-L-0002 Rev.P02 – Planting Schedule (ME Landscape Studio, 04/12/2023); Urban Greening Factor Assessment (12/12/2023); Health Impact Assessment Screening (26/10/2023); Operation Management Plan Rev.D (05/12/2023); Email (Studio Partington, 12/01/2024).</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>	<p><b>Materials (Compliance)</b></p> <p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall be strictly undertaken in accordance with the materials approved in the hereby approved Design and Access Statement Rev.B (Studio Partington, December 2023).</p> <p>REASON: In the interest of ensuring that the development’s appearance and construction is of a high standard.</p>



<b>4</b>	<b>Landscaping (Details)</b>
	<p>CONDITION: Notwithstanding the submitted detail and the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The scheme shall include the following details:</p> <p>The landscaping scheme shall comprise the following details:</p> <ol style="list-style-type: none"> <li>a) proposed trees: their location, species, size, and section showing rooting area; details of tree pit design and any underground modular systems</li> <li>b) soft planting: including grass and turf areas, vertical greening, shrub and herbaceous areas;</li> <li>c) a statement detailing how the proposed planting has been selected to maximise biodiversity and to improve air quality;</li> <li>d) a landscaping maintenance plan;</li> <li>e) any other landscaping feature(s) forming part of the scheme.</li> </ol> <p>The submitted details shall show that the landscaping scheme will achieve an Urban Greening Factor of at least 0.37.</p> <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 interest of biodiversity, sustainability, playspace and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>5</b>	<b>Acoustic Design (Compliance)</b>
	<p>CONDITION: Prior to the first use of the hereby approved generator, details of a scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The submitted details shall demonstrate that, when operating, the arising noise level of the generator, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of no more than 5dB(A) above the existing background noise level (LAF90). The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014+A1:2019</p> <p>REASON: To protect the amenity of adjoining properties.</p>
<b>6</b>	<b>Residential Receptors (Details)</b>
	<p>CONDITION: Prior to the first operation of the hereby approved generator, a list of all residential receptors that could be affected by the operation of the generator should be shared with and approved in writing by the Local Planning Authority. The submitted details shall include confirmation of how these residences will be given advance written notification of the time and date of planned testing.</p> <p>REASON: To protect the amenity of adjoining properties</p>

<b>7</b>	<b>Testing (Compliance)</b>
	<p>CONDITION: Testing of the hereby approved generator shall not take place between the hours of 1800 and 0800 on any day, and not at any time on Sundays, Bank Holidays or after 1300 on a Saturday.</p> <p>The duration of the testing is to be commensurate with the test requirements and not to exceed 20 minutes and only twice a year if required.</p> <p>REASON: To protect the amenity of adjacent properties.</p>
<b>8</b>	<b>Sustainable Design (Compliance)</b>
	<p>CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, the development shall be strictly undertaken in accordance with the hereby approved Sustainable Design and Construction Statement (Studio Partington, 12/01/2024).</p> <p>REASON: In the interest of ensuring that the development's appearance and construction is of a high standard.</p>

**List of Informatives:**

<b>1</b>	<b>CONSTRUCTION WORKS</b>
	<p>INFORMATIVE: Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a>) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
<b>2</b>	<b>HIGHWAYS REQUIREMENTS</b>
	<p>INFORMATIVE: Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. All agreements relating to the above need to be in place prior to works commencing. Can be gained through <a href="mailto:streetworks@islington.gov.uk">streetworks@islington.gov.uk</a>. Section 50 license must be agreed prior to any works commencing. Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact <a href="mailto:highways.maintenance@islington.gov.uk">highways.maintenance@islington.gov.uk</a>.</p>
<b>3</b>	<b>HIGHWAYS (ADDITIONAL)</b>
	<p>INFORMATIVE: The Public footpath should not be obstructed at site entrance.</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 (2023) 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's Local Plan: strategic and development management policies 2023, the Bunhill and Clerkenwell Area Action Plan 2023 and Site Allocations 2023. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan - Spatial Development Strategy for Greater London (March 2021)**

- Policy GG1 Building strong and inclusive communities
- Policy GG2 Making the best use of land
- Policy GG3 Creating a healthy city
- Policy GG4 Delivering the homes Londoners need
- Policy GG6 Increasing efficiency and resilience
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security, and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H12 Supported and specialised accommodation
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy S11 Improving air quality
- Policy S12 Minimising greenhouse gas emissions
- Policy S13 Sustainable drainage
- Policy T4 Assessing and mitigating transport impacts
- Policy T7 Deliveries, servicing, and construction

#### **B) Islington Local Plan: strategic and development management policies 2023**

- Policy PLAN1: Site appraisal, design principles and process
- Policy H1: Thriving communities
- Policy H9: Supported Housing
- Policy G1: Green Infrastructure
- Policy G2: Protecting open space
- 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 S4: Minimising greenhouse gas emissions
- Policy S7: Improving Air Quality

Policy S9: Integrated Water Management and Sustainable Drainage  
 Policy S10: Circular Economy and Adaptive Design  
 Policy T5: Delivering, servicing and construction  
 Policy DH1: Fostering innovation and conserving and enhancing the historic environment  
 Policy DH2: Heritage assets  
 Policy DH4: Basement development  
 Policy DH5: Agent-of-change, noise, and vibration

## **5. Designations**

The site has the following designations under the London Plan 2021, Islington Local Plan: strategic and development management policies 2023, Bunhill and Clerkenwell Area Action Plan 2023, and Site Allocations 2023:

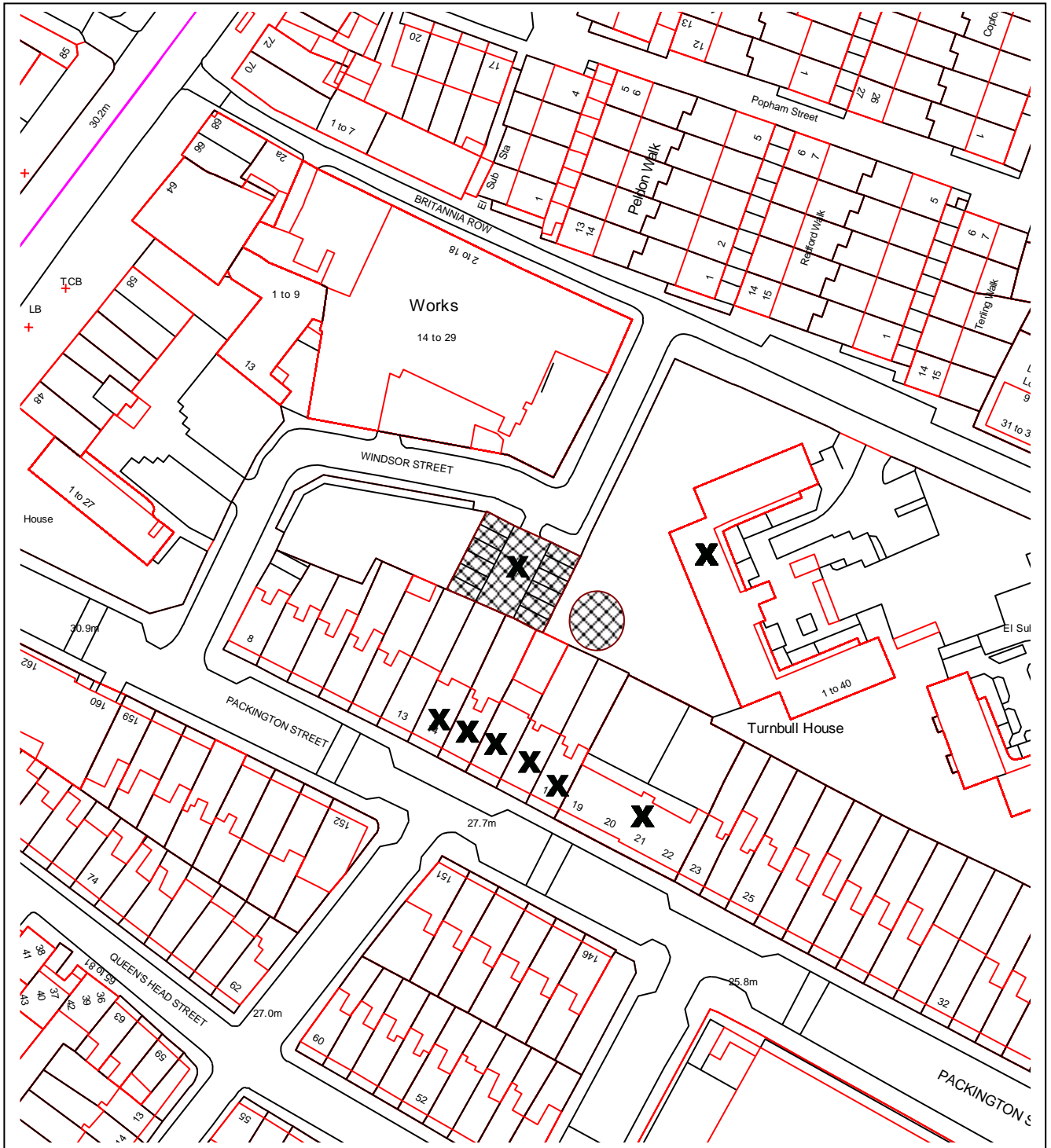
- Angel and Upper Street Spatial Strategy Area
- CAZ Fringe
- Site Allocation AUS15: Windsor Street Car Park
- Within 100m of Strategic Road Network
- Within 50m of Conservation Area (Duncan Terrace/Colebrooke Row)
- Islington Village and Manor House Archaeology Priority Area
- Article 4 Direction – Flexible Uses

## **6. 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 (2012)	Accessible London SPG
Inclusive Design (2014)	Optimising Site Capacity: A Design-Led Approach
Inclusive Landscape Design (2010)	Fire Safety LPG
Urban Design Guide (2017)	Air quality positive LPG
Duncan Terrace/Colebrooke Row	Air quality neutral LPG
Conservation Area Design Guidelines (2002)	

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