



PLANNING COMMITTEE REPORT

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

PLANNING SUB COMMITTEE B		
Date:	29 th November 2016	NON EXEMPT

Application number	P2016/1209/FUL
Application type	Full Planning Application
Ward	Tollington
Listed building	Not Listed
Conservation area	Tollington Park Conservation Area
Development Plan Context	Mayors Protected Vista
Licensing Implications	none
Site Address	8 Wray Crescent, Islington, N4 3LP
Proposal	Change of use of single family dwelling (Use Class C3) to incorporate commercial filming venue use (Sui Generis). The proposed Sui Generis Use would not last longer than 4 consecutive days (including setting up and taking down of associated equipment) resulting in no more use than 40 days per calendar year.

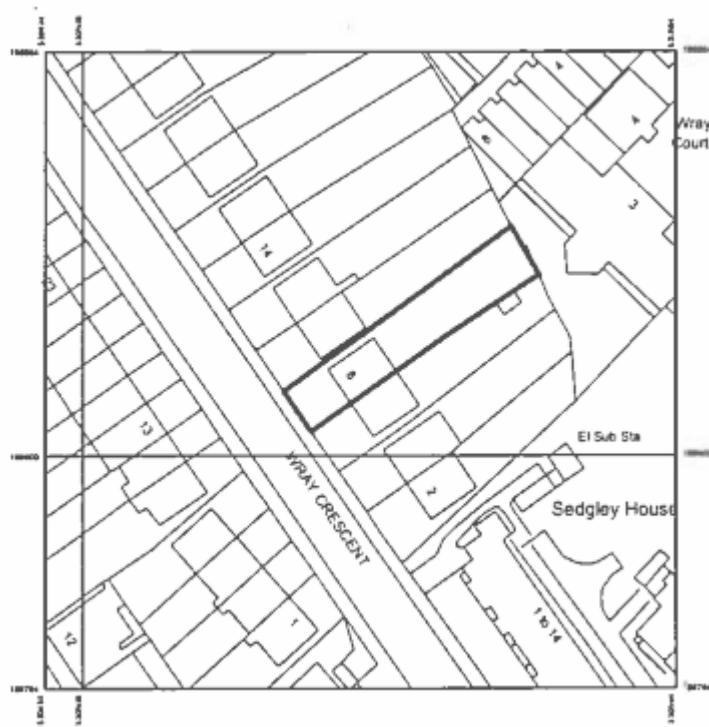
Case Officer	Joe Aggar
Applicant	Miss Louisa Grey

1. RECOMMENDATION

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

- subject to the conditions set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of 8 Wray Crescent



Image 2: Front elevation of 8 Wray Crescent



Image 3: View looking north towards Wray Crescent Park

4. SUMMARY:

- 4.1 The application seeks permission for the change of use of the property from a single residential dwelling house to a mixed use comprising C3 residential use and commercial filming (sui generis use). The proposed use is proposed to last no more than 4 consecutive days (including setting up and taking down associated equipment) and would be carried out no more than 40 days in a calendar year.
- 4.2 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013.
- 4.1 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

5. SITE AND SURROUNDINGS:

- 5.1 The application property is a three-storey over basement semi-detached dwelling house, located on the east side of Wray Crescent, near the junction with Tollington Park. This stretch along this side of the street is formed by uniform pairs of semi-detached properties that contain rear gardens that have a considerable depth.
- 5.2 The surrounding area is residential in character. Although the building is not listed, the property lies within the Tollington Park Conservation Area.

6. PROPOSAL (IN DETAIL):

- 6.1 The application involves the change of use of the property from a single residential dwelling (C3 Use Class) into a mixed use (Sui Generis Use) as a single dwelling and commercial filming venue. The proposed use would last no longer than four consecutive days (including setting up and taking down associated equipment and structures), resulting in no more than 40 days per calendar year.
- 6.2 The application site requires servicing from the public highway with suspension of adjacent parking bays. The maximum number of people entering and the site on any one day is proposed to be 35.
- 6.3 The application is likely to involve temporary structures including lights, gazebos in the rear garden and props. These therefore will be temporary and erected and deconstructed sporadically in line with the parameters of the permission in that they shall be in situ no longer than 4 days consecutively and no in position for more than 40 days in a calendar year.
- 6.4 Permission is only required because the dwellinghouse is situated within a conservation area and therefore does not have any permitted development rights for filming under Schedule 2, Part 4, Class E, E.1(d) of the General Permitted Development Order 2015.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2014/2064** - Erection of a timber framed, timber clad garden outbuilding (studio with ancillary storage) in rear garden. Refused on the 08th October 2014.
- 7.2 **P2014/0853** - Erection of a full-width single storey rear extension; installation of replacement timber sash window to the front and rear elevations at first floor level and

lowering of capped chimney to below roof level and reinstatement of roof slates including re-cladding of front steps. Approved on the 28th April 2014.

ENFORCEMENT:

- 7.3 **E/2015/0420** – Planning Enforcement Investigation with reference to an unauthorised change of use from a residential house to a mixed use comprising residential and sui generis use for a filming venue. Enforcement Notice issued on the 20th November 2015. The enforcement notice has been withdrawn.

PRE-APPLICATION ADVICE:

- 7.4 None

8. CONSULTATION

Public Consultation:

- 8.1 Letters were sent to occupants of 71 adjoining and nearby properties at Pavillion Mews, Wray Crescent, Tollington Place, and Wray Crescent open space, Wray Crescent.
- 8.2 A site notice and press advert was also published and distributed. Consultation expired on the 22nd July 2016 however it is the Council's practice to continue to consider representations made up until the date of a decision. A further period of consultation was carried out which commenced on the 21/09/2016. This consultation period expired on the 05/10/2016. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- 8.3 At the time of writing this report 16 representations have been received from the public with regard to the application. 6 letters of objection have been received. 10 letters of support were received. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).

Comments Against:

- Reduction in parking (10.19)
- Increased noise, including from generators (10.15)
- Lighting in the evening (10.15)
- Times of filming too frequent (10.7)
- Wray Crescent not wide enough to allow large vehicles (10.16)
- Servicing vehicles block the road (10.16-10.17)

Comments in Support:

- Property has been renovated to a high standard
- Previous filming was not intrusive
- No change to the fabric of the building
- Professionally run filming
- Reduce anti-social behaviour
- No undue noise or congestion
- Positive effect on regeneration
- Ample turning space for vehicles

Internal Consultees:

- 8.4 **Policy Officer:** No objections if the existing C3 residential use is kept as the primary use for the property and the proposed sui generis use is limited and conditioned. A condition that restricts the permission for a limited period of 12 months would be recommended.

- 8.5 **Design & Conservation Officer:** No objections, by virtue of the absence of external alterations to the property.
- 8.6 **Acoustic Officer:** No objections subject to conditions restricting hours of operation and condition to limit the number of days and consecutive days.
- 8.7 **Highways Officer:** objection subject to emergency services observations. The road is narrow and there is insufficient space for commercial vehicles to park and have parking on the other side.

External Consultees:

- 8.8 **London Fire and Emergency Planning Authority:** There should be fire brigade vehicle access to the perimeter of the building which should comply with Approved Document – B, B5 and maintained at all times.

9. RELEVANT POLICIES

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

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.3 The relevant SPGs and/or SPDs are listed in Appendix 2.

10. ASSESSMENT:

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

- Land Use
- Design and Conservation
- Neighbouring Amenity
- Highways

Land Use

- 10.2 The applicant has previously been using the residence as a location house for photographing and filming. This application seeks to formalise the change of use for up to 40 days a year and no more than 4 consecutive days of filming (including setting up and taking down). As an average this would occur on 10 occasions in a calendar year. The introduction of commercial filming and photography within the residential property is not considered incidental by virtue of Section 55 of the Town and County Planning Act to the residential use (Use Class C3) by reason of the frequency, scale, duration and intensity, based within the description of development.

- 10.3 It is noted within the application details, the applicant refers to '48 days' for commercial filming and photography. However, based on the details provided on the application form within Section 3. and the subsequent consultation of the application of the single family dwelling house being used for no more than 40 days in a calendar year, with each 'shoot' lasting no more than 4 consecutive days (including setting up and taking down) the application is assessed on this basis as agreed with the applicant.
- 10.4 Overall, the use of the single family dwelling or other land within the curtilage of the dwellings house for commercial shoots for up to 40 days per year is not considered for any purpose incidental to the enjoyment of the dwelling house and as such a material change of use is considered to have occurred. The General Permitted Development Order Schedule 2, Part 4, Class E (temporary use of buildings or land for film-making purposes) allows for the temporary use of any land or buildings without the need for applying for planning permission. In this instance, for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.
- 10.5 The site is located within a conservation area, as such the proposed development, would require planning permission.
- 10.6 The proposed activity would represent a material change in the use of the planning unit from C3 to Sui Generis. Policy DM3.2 of the Development Management Policies seeks to protect the loss of the existing self-contained housing. The level of filming activity proposed at the planning unit would cover 40 days and no more than 4 consecutive days. The unit would still comprise a family dwelling albeit with an increased material activity in photographing and filming. As such, the proposal for commercial filming/shooting for on average 3 days per month would not result in the loss of a family dwelling. Nor would it change expand or unacceptably intensify a use which would harm the area.
- 10.7 Due to the nature of the proposed use a limited consent would be appropriate (1 year), in order to provide a limited period for this type of activity within the residential dwelling house (Condition 4) and for the full effects to be monitored given the mixed support from the local residents. Given that the residential use would remain as the primary use of the property, the introduction of a sporadic use for filming activity would be considered acceptable.

Design and Conservation

- 10.8 The property is a 3-storey plus basement semi-detached building located on the east side of Wray Crescent, near the junction with Tollington Park. The street is in a predominantly residential area. The property is not listed, but is located within the Tollington Park Conservation Area.
- 10.9 Tollington Park was one of the earliest residential streets to be laid out in the northern part of the Borough, and was lined with grand semi-detached villas in the 1830's and 40's, many of which survive. Together with the two fine Victorian Churches of St Mellitus and St Mark in their contrasting styles, and the many mature trees, Tollington Park has an unusually spacious quality and an above average standard of architectural design.
- 10.10 Section 72(1) of the Act sets out the general duty as regards conservation areas in exercise of planning functions: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.11 Information provided with the application states that the majority of the photographing and filming occurs internally. However, reference is made on the application form to temporary external lighting, cameras, props and gazebos in the rear garden. No other information has been given regarding the proposed external alterations. Given their temporary nature and subject to condition on hours of operation, the structures used in association with 'shooting' are not considered to cause undue harm to the character and appearance of the Tollington Park Conservation Area.

Neighbouring Amenity

- 10.12 The property is located on a residential street and any impact on amenity should be assessed in terms of potential noise, lighting and general disturbance. London Plan Policy 7.6 requires buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, in particular. DMP Policy 2.1 requires development to provide a good level of amenity including consideration of overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook. One of the core principles is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM3.7 also seeks to ensure no adverse impacts on neighbouring occupiers in terms of noise and vibration.
- 10.13 Paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 Filming activities involve personnel and equipment being brought to and from the site, the presence of additional people (approximately 35 people on main 'shooting' days) in the property (for four consecutive days only, including setting up and taking down). The application has been reviewed by the Public Protection Team who have raised no concerns subject to limiting the number of days and the hours of operation, it is considered the operations would not cause sufficient disturbance to neighbouring residents living conditions. The filming activity is considered a low-key activity that would not generate unacceptable levels of noise and disturbance in this instance subject to appropriate conditions to control the levels of activity.
- 10.15 Any concern over noise or disturbance can be addressed by a planning condition restricting hours and days of operation. In light of the above, there are 10 letters of representation supporting the application, advising that the restricted use of the site as a filming venue would not represent an over-intensification of use and causes no unreasonable harm on residential amenity. The development would therefore be considered on balance consistent with policies DM2.1 and DM3.7 of the Islington's DMP (2013).

Highways

- 10.16 Wray Crescent is a cul-de-sac accessed from the junction with Tolling Park. Wray Crescent has parking bays on both sides of the road that are used by residents in the main. The Council's Highways Officer has raised concern that service vehicles may block the highway and possibly impede emergency service vehicles that may need to access to properties located beyond the subject site. The Fire Service has been consulted and advised that the applicant must comply with Approved Document – B, B5 of the Building Regulations. This requires a minimum distance of 3.7m is required to allow emergency vehicles to pass. This specific advice does not fall within the remit of the planning regime. Nonetheless, highway matters, highway safety and parking are material considerations within the assessment of an application. Whilst the applicant would still be required to comply with the Building Regulation Standards, under the assessment of this application, the applicant has not provided adequate information based on serving arrangements including the size, number and position of the vehicles to evidence there would be no adverse impact on the highway.
- 10.17 DM8.6 B of the Development Management Policies states where on-street servicing is proposed as in this instance, details must be submitted to demonstrate that arrangements will be safe and will not cause obstruction or nuisance. Para 8.41 states the council will, where appropriate, control servicing by condition and/or planning obligation. A condition (Condition 5) is therefore recommended that prior to the implementation of the proposed use; details are submitted relating to the delivery hours, delivery frequency, service location, size of vehicles and auto tracking for turning circles of the largest proposed vehicles to ensure the proposed change of use does not adversely impact on the Wray Crescent highway, safety or parking.
- 10.18 The property has one parking permit for the residential personal use of the dwelling house. Any additional parking would require a visitor parking permit. Parking activities for the property were reviewed during the enforcement investigation and it was noted that seven vouchers were obtained during one specific day of commercial activity. The planning statement mentions that *"appropriate notification will be given after the application to the Council by the production*

company and should parking permission not be provided through the appropriate department, there will be no filming”.

- 10.19 The only way for the parking bays to be utilised is if they were suspended for filming days and get dispensations for visiting vehicles from Highways Department. Any agreement to discharge the condition would have to satisfy the relevant highway officers in the council. As such, based on the attached condition requiring the necessary information to assess highways and parking matters, this would not warrant refusal of the application.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed development is not considered to adversely impact on neighbouring occupiers living conditions in respect of the loss of daylight, sunlight, outlook, privacy noise or disturbance subject to appropriate conditions attached. The proposal is therefore considered to be in accordance with policy DM 2.1 and DM 3.7 of the Development Management Policies 2013.
- 11.2 The proposed development is considered to be acceptable on the grounds of the impact on the character and appearance of the Conservation Area and host building based on the temporary nature of structures associated with the proposed use for photographing and filming. Therefore the proposed development is in accordance with policies DM 2.1 and DM2.3 of the Development Management Policies 2013.
- 11.3 The shortcomings in regards to highways and parking are recommended to be conditioned to ensure no adverse impact on the highway. As such, the proposal is considered to be in accordance with DM8.6 of the Development Management Polices.
- 11.4 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A:

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Documents List: (Compliance)
	<p>The development hereby approved shall be carried out in accordance with the following approved document:</p> <p>Planning Statements dated 25th April 2016 and 08th June 2016.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	Hours of Operation (COMPLIANCE):
	<p>The commercial filming activity hereby approved shall not operate outside the hours of:</p> <p>0700 to 2300 hours Monday to Friday 0800 to 1900 Saturdays and not at all on a Sunday or public holiday.</p> <p>And shall not operate for more than four consecutive days or more than forty days in a calendar year.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
4	Limited Consent Period (Compliance)
	<p>LIMITED CONSENT PERIOD - TEMPORARY USE: The sui generis use as a single family dwelling and commercial filming unit of the planning unit hereby approved is granted only for a limited period, being for one year from the date granted for permission. On or before that date the temporary use shall cease.</p> <p>On the cessation of the temporary use hereby granted the building and land shall revert to the lawful use for which it was normally used prior to the grant of this planning permission.</p> <p>REASON: The temporary use is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the special circumstances of this case and for the impact of adjoining residential amenity to be monitored.</p>
4	Number of days of filming activity (Compliance)
	<p>CONDITION: The sui generis use as a single family dwelling and commercial filming unit hereby approved shall not operate for more than four consecutive days (including setting up and taking down associated equipment) and more than 40 days overall within a calendar year.</p> <p>REASON: To ensure that the proposed development does not have an adverse</p>

	impact on neighbouring residential amenity.
5	Delivery Servicing Plan
	<p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times, size of vehicles, number of bays anticipated to be suspended and frequency of trips shall be submitted to and approved in writing by the Local Planning Authority prior to the hereby approved sui generis use commencing.</p> <p>The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic</p>

Informative:

1	Positive statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p> <p>This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.</p>
2	Signage
	Please note that separate advertisement consent application may be required for the display of signage at the site.

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

The National Planning Policy Framework 2012 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 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

Policy 7.4 Local character

B) Islington Core Strategy 2011

Policy CS8 (Enhancing Islington's Character)

C) Development Management Policies June 2013

DM2.1 Design
DM2.3 Heritage
DM3.7 Noise and Vibration
DM8.2 Managing Transport Impact
DM 8.5 Vehicle Parking
DM8.6 Delivery and Servicing for New Developments

3. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
Hillmarton Conservation Area

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan
- Conservation Area Design Guidelines – Tollington Park
- Mayors Protected Vista