



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 A		
Date:	30 January 2017	NON-EXEMPT

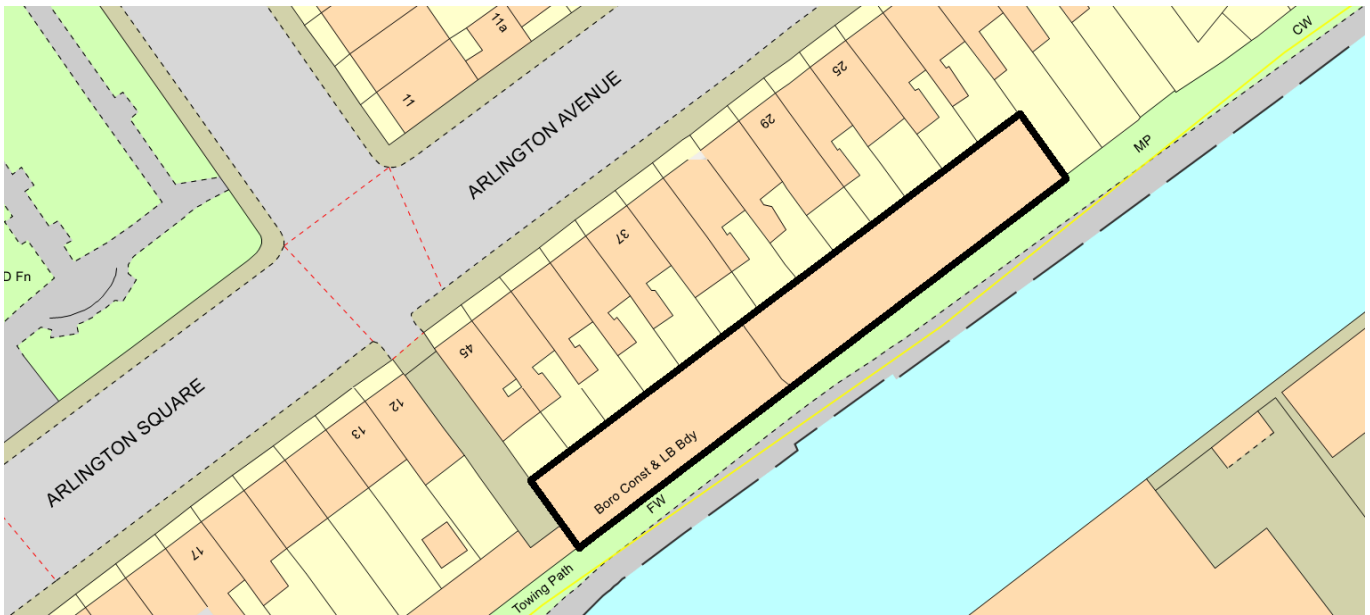
Application number	P2016/3563/FUL
Application type	Full Planning Application
Ward	St. Peter's
Listed building	Not listed
Conservation Area	Arlington Square Conservation Area
Development Plan Context	Arlington Square Conservation Area Within 100m of a SRN road
Licensing Implications	None
Site Address	Land Rear of 21-45 Arlington Avenue, London, N1 7BE.
Proposal	Retention of external alterations to form new window and doors in the first floor south west elevation.

Case Officer	Nathan Stringer
Applicant	Mr Edward Ledwidge on behalf of Porterway Ltd
Agent	Montagu Evans

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



Image 1: Aerial of site from the west

Site

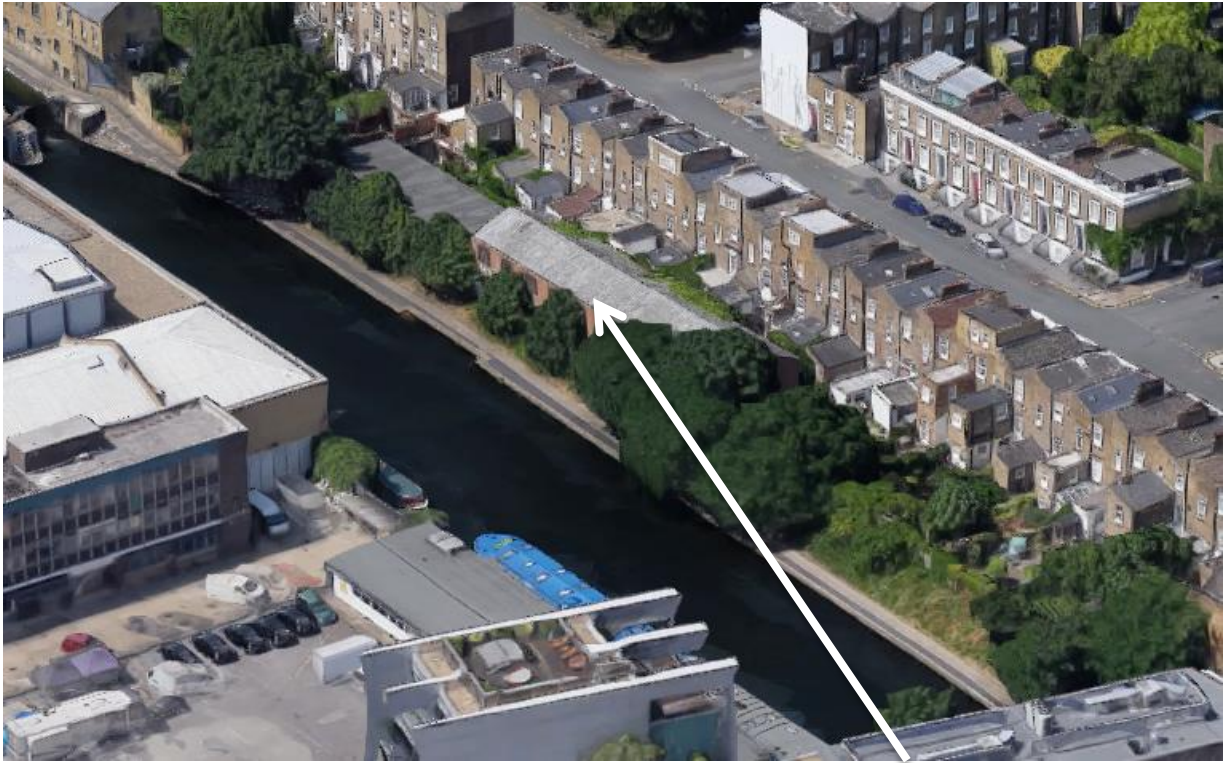


Image 2: Aerial view of site from the east

Site



Image 3: Photo of the site

4. SUMMARY

- 4.1 Planning permission is sought for the removal of the existing opening on the first floor of the south west elevation of the building and the retention of new windows and patio doors. External vertical louvres are proposed for the standalone window to the north, and for one of the windows adjacent to the patio doors. A balustrade would be fixed to the internal window cill at a height of 1100mm above the internal finished floor level.
- 4.2 The proposed alterations to the buildings are considered to have a neutral impact on the character and appearance of the surrounding streets. The proposals would not give rise to any adverse impact on the amenity of neighbouring properties.

5. SITE AND SURROUNDINGS

- 5.1 The application site is a two storey office building fronting the Regents Canal. The gardens of the properties at 21-45 Arlington Avenue lie immediately to the north of the building.
- 5.2 The building is not listed, however it is located within the Arlington Square Conservation Area. The surrounding area is predominantly residential in character. A number of light industrial uses exist on the opposite side of the Regent's Canal.

6. PROPOSAL (IN DETAIL)

- 6.1 Planning permission is sought for the removal of the existing opening on the first floor of the south west elevation of the building and the retention of new windows and patio doors. External vertical louvres are proposed for the standalone window to the north, and for one of the windows adjacent to the patio doors. A balustrade would be fixed to the internal window cill at a height of 1100mm above the internal finished floor level.
- 6.2 The application originally included a 1.8 metre trellis on the flat roof adjacent to the new fenestration. However, following concern raised by Council regarding the amenity impact of the trellis on the rear gardens of the adjacent properties at Arlington Avenue, the application revised the application to remove the proposed trellis. The application was further updated to include the proposed external vertical louvres and the internal balustrading following officer concerns.

7. RELEVANT HISTORY

PLANNING APPLICATIONS:

- 7.1 P2015/1444/FUL: Use of premises for Class B1 offices. Approved with conditions 02/06/2015.
- 7.2 P2014/4237/COL: Certificate of Lawfulness (Existing) to confirm that the lawful use of the building falls within Use Class B1. Refusal of permission 15/12/2014.
- 7.3 P2014/4237/PRA: Prior approval application for proposed change of use of the building to create nine residential units (C3), comprising five x two-bedroom terraced houses and four x studio flats. Prior approval required – refused 15/12/2014.
- 7.4 P2013/5101/PRA: Prior approval application for proposed change of use to nine residential units comprising five x two-bedroom duplex flats and four x studio flats. Prior approval required – approved 07/02/2014.

- 7.5 P2013/2048/COL: Certificate of Lawfulness (existing) in connection with the use of the premises on the land rear of nos. 21-45 Arlington Avenue as office use (B1 Use Class). Refusal of permission 13/08/2013.

ENFORCEMENT:

- 7.6 None.

PRE-APPLICATION ADVICE:

- 7.7 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 19 adjoining and nearby properties at Arlington Avenue and Arlington Square on 6th October 2016. A site notice and press advert were displayed on 6th October 2016. The public consultation of the application therefore expired on 3rd November 2016, 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 the writing of this report six objections had been received from the public with regard to the application. The issues raised can be summarised as follows (and the paragraph numbers responding to the issues included in brackets):
- Impact to neighbouring amenity, including loss of access to sunlight/daylight, reduced privacy, increased noise pollution (10.9 and 10.10)
 - Increased access to light within the building is not necessary (not a material planning consideration)
 - Concern that the roof would be used as a terrace by office tenants (10.10)
 - Removal of trees at the towpath along the Regents Canal side of the building (10.14)
 - Applicant has not demonstrated what maintenance on the roof is required, and therefore has not justified why access is necessary (10.13).

External Consultees

- 8.3 **Canal & River Trust:** No objection.

Internal Consultees

- 8.4 **Design and Conservation:** No objection.

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, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design
- Neighbouring Amenity

Design

10.2 Islington's Planning Policies and Guidance help encourage high quality design which complements the character of the area. In particular, DM2.1 of Islington's adopted Development Management Policies requires all forms of development to be high quality, incorporating inclusive design principles while making a positive contribution to the local character and distinctiveness of an area based upon an understanding and evaluation of its defining characteristics.

10.3 The fenestration for which permission is sought is not visible from public views from the adjacent canal, or from any other viewpoint within the conservation area.

10.4 It is considered that the changes have a minimal visual impact on the private realm. Whilst the fenestration is visible from the rear gardens of properties along Arlington Avenue, it is not considered to significantly alter the external appearance of the building. As such, it is not considered that these works detrimentally impact upon the character and appearance of the building.

10.5 The windows are powder coated aluminium framed, which is considered appropriate given the style of the building and conservation area context.

10.6 The application originally included the proposed erection of a 1.8 metre high trellis on the boundary with the gardens of properties on Arlington Avenue. This would have increased the visual impact of the proposal. However, this aspect of the application has since been removed.

10.7 Given the above, the proposal is considered to be consistent with the aims of Council objectives on design and in accordance with policies 7.6 (Character) of the London Plan 2015, CS8 (Enhancing Islington's character) of the Core Strategy 2011 and Development Management Policy DM2.1.

Neighbouring Amenity

- 10.8 Policy DM2.1 of the Development Management Policies 2013 requires all new development to protect the amenity of nearby properties in terms of the loss of daylight, sunlight, outlook, privacy and overlooking.
- 10.9 Concern was raised by the Council that the new windows and patio doors may impact upon the privacy at the rear of the adjacent residential dwellings on Arlington Avenue. To minimise the potential impact, the proposal has been revised to provide external vertical louvres for the standalone window to the north, and for one of the windows adjacent to the patio doors. The louvres would be 150mm wide and would be spaced 150mm apart. It is considered that these louvres would minimise the impact of the proposal on adjacent residential amenity.
- 10.10 The applicant has expressed that the patio door would be used to maintain the flat roof only and that the flat roof would not be used for amenity purposes. However, following concern raised by the Council, the proposal has been revised to include a 50mm balustrade fixed to the internal window sill at a height of 1100mm above the finished floor level. It is considered that this balustrade would further impede access onto the roof for amenity purposes by future commercial occupants of the property. Further, a condition has been included requiring the doors be fixed shut at all times and restricting access to the rooftop for maintenance purposes only.
- 10.11 The 1.8 metre trellis originally proposed may have reduced access to sunlight/daylight on the rear gardens of properties on Arlington Avenue. This element of the proposal has since been removed.
- 10.12 The revised proposal is therefore not considered to prejudice the residential amenity of neighbouring properties in line with policy DM2.1 of the Islington's Development Management Policies 2013.

Other Issues

- 10.13 An objector raised concern that the application has not demonstrated why maintenance on the roof is required. The applicant has expressed that the solar panels on the flat roof would require maintenance works. It is considered that periodical maintenance for the solar panels would be required, and a condition has been included requiring the doors be fixed shut at all times except for the purpose of maintenance works.
- 10.14 An objection was received regarding the removal of trees at the towpath along the Regents Canal side of the building. These works do not form part of this application and the matter has been referred to the Planning Enforcement team.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The alterations to the fenestration of the building are considered to be acceptable in terms of design and the impact on the character and appearance of the conservation area. The proposed works would not give rise to any material impact on neighbour amenity, including in terms of the loss of daylight, outlook or privacy.
- 11.2 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Plan and Supplementary Planning Documents and should be approved accordingly.

Conclusion

- 11.3 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	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Design and Access Statement dated September 2016, Location Plan, 12AS/ P/ 011, 12AS/ P/ 012 Rev A and 12AS/ P/ 014 Rev D</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>
2	<p>Materials</p> <p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
3	<p>Installation of louvres/balustrade</p> <p>CONDITION: The external louvres and internal balustrade shall be installed prior to the first occupation of the commercial space and shall be retained thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
4	<p>Flat roof not used as amenity space</p> <p>CONDITION: The flat roof area shown on plan no. 12AS/P/012 Rev A hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever. The patio doors hereby approved shall be locked and shall not be used other than to allow access to the roof for essential maintenance or repair.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</p>

List of Informatives:

1	<p>Positive statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p>
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	<p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>
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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

- 7 London's living places and spaces
 - Policy 7.4 Local character
 - Policy 7.5 Public realm
 - Policy 7.6 Architecture
 - Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.3 Heritage

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

The following SPGs and/or SPDs are relevant:

- Islington Local Development Plan**
 - Urban Design Guide
 - Arlington Square Conservation Area Design Guideline