

ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB-COMMITTEE A

AGENDA ITEM: B1

Date: 1 February 2018

NON-EXEMPT

Application numbers	P2015/5085/FUL
Application types	Full Planning Application
Ward	St Peters
Listed building	Opposite Grade II Listed Building to west side of Rheidol Terrace (Mural at City of London Academy)
Conservation area	Duncan Terrace/Colebrook Row Conservation Area
Development Plan Context	Duncan Terrace/Colebrook Row Conservation Area Article 4 Direction – office to residential Article 4 Direction – conservation Local Cycle routes Major Cycle routes
Licensing Implications	Yes, but in use as existing public house
Site Address	125 Packington Street London N1 7EA
Proposal	Proposed change of use of the first and second floors and roofspace of the existing ancillary accommodation of the public house (A4 use) to create 3 self-contained residential flats (C3 use), being a 1 x 3 bedroom unit and 2 x 1 bedroom units. Erection of first floor side/ rear extensions, roof terraces at first floor, raising of the roof by 0.3m and front, and rear dormer windows. Installation of 1 x air condenser unit to the rear yard at ground floor level to serve the public house, adjacent to proposed refuse and cycle storage area.

Case Officer	Daniel Jeffries
Applicant	Friends Life Ltd
Agent	Rolfe Judd Planning

1 RECOMMENDATION

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

- Subject to the conditions and legal agreement set out in Appendix 1 to the original report attached;

2. REASON FOR DEFERAL

- 2.1 This application was previously discussed at the Planning Sub-Committee A on 12th December 2017 when objectors were given the opportunity to speak.
- 2.2 At the Planning Sub-Committee meeting the following points were made:
- The Members were advised that the proposed change of use of the upper floors of the public house to self-contained residential units was considered acceptable in terms of its impact in land use terms on the surrounding area and the retained public house
 - The objector at 4 Prebend Street was concerned that she had not been included in the assessment of the proposal by Planning Officers considering that it would result in loss of natural light to her child's bedroom window. Other concerns included the overdevelopment of the site resulting in a sense of enclosure and the suggestion that an office development rather than public house would be more preferable in the area. In addition she was concerned with the potential noise pollution from the proposed siting of the air conditioning unit and that the location of the refuse bins adjacent to her wall would result in an increase in vermin due to overfull bins.
 - The applicant advised Members that most of the objections had been addressed in the report and that the benefit of restoring the public house that had remained vacant for over 3 years outweighed any harm to the amenity of the neighbouring residents.
 - Members queried the methodology employed to assess the loss of light to the neighbouring resident. In response the Planning Officer acknowledged that in this instance due to the separation distance, and given that the application site was located north-east from the north-west facing window, the BRE test that requires a 25-degree angle drawn from the centre line of the affected window would not be obstructed. In this case because that angle would not be breached, no further testing would be required and no unacceptable impact, in the professional opinion of the officer was likely.
 - A suggestion to defer the item so that an assessment could be undertaken on the impact of the proposal on the loss of light to neighbouring residents was noted.

- 2.3 Members proposed to defer the item for further consideration on the amenity impact, in terms loss of daylight/sunlight to neighbouring properties in order that the Sub-Committee could be satisfied that it would not have a significant impact.

3. ASSESSMENT OF DAYLIGHT/SUNLIGHT

- 3.1 Further information has been submitted by the applicant seeking to clarify the positioning of No. 4 Prebend Street in relation to the application site. This additional information includes a revised Block Plan (ref. 1499/EX00/Rev.A) and a First Floor Plan (ref. 1499/PP10/Rev.A) showing the relationship of the application site building, (including the proposed extensions), with the immediate adjoining properties along Packington Street and Prebend Street including the positioning of the objector's windows. A section drawing has also been submitted (see images) showing the neighbours first floor window in the context of the application development proposed.



Image 1: Aerial photo showing nearest opening in context of application site



Image 2: Photograph (no zoom) taken from existing first floor double doors at no. 4 Prebend Street facing towards the rear elevation of application site with dashed line showing extent of extension.



Image 3: Photograph taken along Prebend Street showing relationship of application site with no's 2 and 4 Prebend Street and the adjacent properties along Packington Street.

- 3.2 A further consultation of neighbouring properties took place from the 15th January 2018 with no additional objections received at the time of the writing of this report (the consultation period ends on 31st January 2018). A site visit to no. 4 Prebend Street was carried out by Officers on 17th January 2018 to assess the impact of the proposal on this neighbouring property. The positioning of this neighbours windows were noted on site.
- 3.3 As stated within the original committee report, (attached at Appendix 1) Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 3.4 As per the minutes of the Planning Sub-Committee A, consideration of the potential amenity impact caused by the development has been carried out, in terms of loss of daylight/sunlight on neighbouring properties. In making this assessment it is important to consider the methodology outlined in the Building Research Establishment (BRE) Guide 'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice (2011)' and the British Standard BS8206-2:2008 Lighting for buildings – Part 2: Code of practice for daylighting.
- 3.5 The BRE Guidelines gives advice on site layout to achieve good provision of daylight and sunlight both within buildings and in the open spaces between them. The BRE guide aims to aid designers in considering the relationship between new and existing buildings to ensure that each retains the potential to achieve good day lighting and sunlight levels.

Sunlight

- 3.6 Part 3.2 of the BRE guidance outlines the sunlight requirements in relation to the existing residential buildings around a development. The reference point for sunlight calculation is the centre of each window facing south, measured on the inside face of the window wall. The BRE methodology quantifies the amount of APSH (Annual Probable Sunlight Hours) on the main window of each habitable room (principally main living rooms) which face within 90° of due south. Windows facing north need not be assessed as they do not have a particular requirement for sunlight, given their orientation. Sunlight levels are assessed for both summer and winter months.
- 3.7 It should be noted that the windows at no.4 Prebend Street face almost directly north and therefore require no sunlight testing.

Daylight

- 3.8 The design of the proposal including the proposed extensions should safeguard potential for daylight to nearby buildings. BRE guidelines are intended for use for living areas in adjoining dwellings where daylight is required. The methodology is based on guidelines set out in the 2011 BRE Handbook. Paragraph 2.2.4 states the following:

'Loss of light to existing windows need not to be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases, the loss of light will be small. Thus if the new development were 10m tall, and a typical existing ground floor window would be 1.5m above the ground, the effect on existing buildings more than $3 \times (10 - 1.5) = 25.5m$ away need not to be analysed'.

- 3.9 No. 4 Prebend Street does not directly face the application site but runs parallel with Prebend Street. The nearest first floor window serving no. 4 Prebend Street, is a set of glazed double doors, which provides light to the existing living room, with the main front door directly below. The other windows on this elevation are in a recessed area at both ground and first floor level. These openings face in a north westerly direction toward the public highway and not directly onto the application site, which also provide light to living areas. The glazed doors, at first floor, open out on to a small balcony. The occupier of this property has confirmed on site that this first floor room, with the set of double doors, will be altered to be used as a bedroom in the future. However, in terms of the assessment of this application it is considered to be a habitable room, being a living room or a bedroom. This existing opening at first floor is set back from the public highway and has a courtyard providing access to no. 4 Prebend Street at ground level.
- 3.10 These openings (double doors) at first floor level are approximately 12.5 metres away from the nearest edge of the proposed first floor extension. Having regard to paragraph 2.2.4 of the BRE Guidelines, the centre of the closest window serving 4 Prebend Street window is 4m in height above ground floor level. The closest point of the first floor extension is 12.5m away and it would be 7.6m tall. In this regard (applying para 2.2.4 of the BRE guidelines), extensions more than 10.8m away from that window would ensure the loss of light would be small. This is shown with the following calculation $3 \times (7.6 - 4) = 3 \times 3.6 = 10.8m$. The extension is more than 3 or more times away as the height above the window and therefore the impact would be less that "small" in this instance.

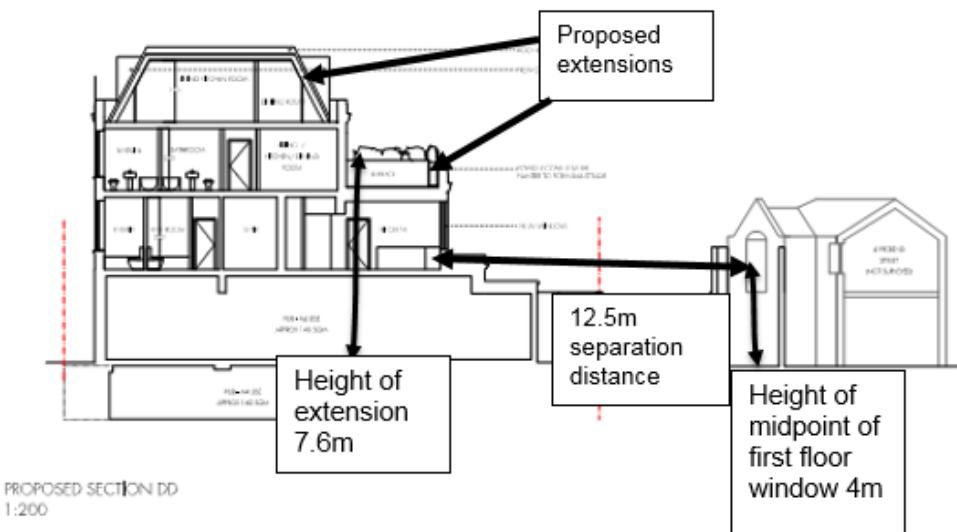


Image 4: Section drawing showing application site and no. 4 Prebend Street

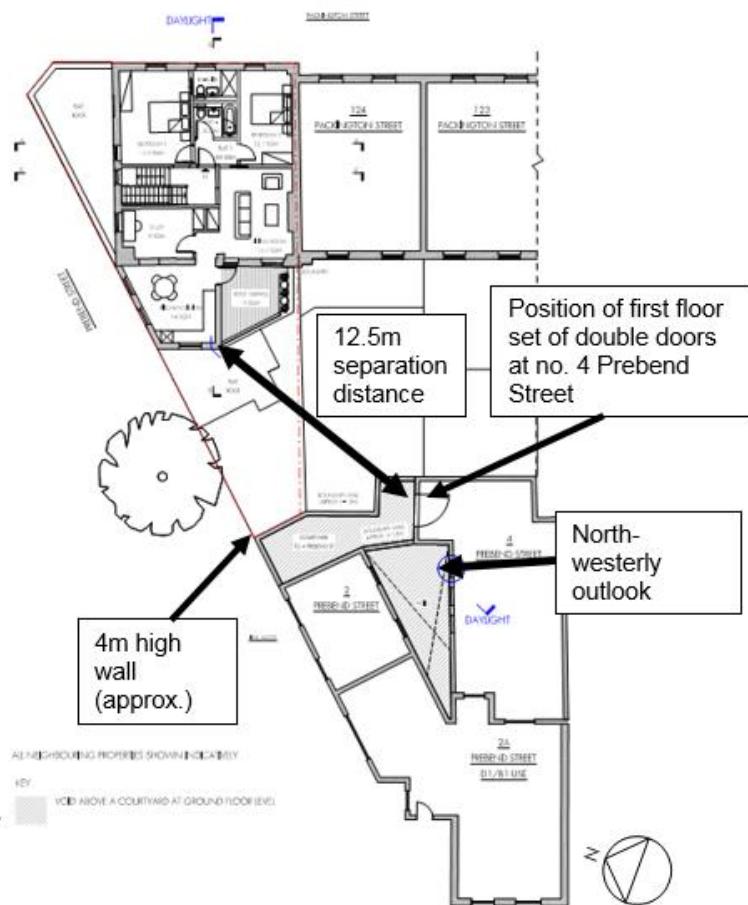


Image 5: First Floor Layout Plan showing application site and adjoining properties

- 3.11 There are no windows which face directly towards the proposed extension to the south along Prebend Street. The two nearest properties to the south of the site nos. 2 and 4 Prebend Street. No. 2 Prebend has a flank elevation facing north towards the rear elevation of the host building which has no windows. The windows associated with no. 2 and 4 Prebend Street face towards the public highway in a westerly direction. The windows in relation to no. 4 Prebend Road are positioned at first and ground floor levels.
- 3.12 The proposal would also increase the main roof height by 300mm, including the provision of two front and rear dormer windows. Whilst it is acknowledged that this would increase the height of the application property, the separation distance between the nearest first floor opening at no. 4 Prebend Street, and the main roof is 14m. As noted, the first floor openings are facing Prebend Street and not directly towards the development. Officers consider that the impact on light from this part of the extension to be minimal and a refusal on loss of daylight in this instance given the distance (14 m) and orientation of the windows towards the street would not be justified.
- 3.13 Whilst the rear elevation of the application site is visible from this window at no. 4 Prebend Street and from the balcony there would not be an unacceptable impact on this neighbours amenity. Given the orientation of no. 4 Prebend Street, (with the extension located to the north west of this window and north west of the application site) and separation distance, of 12.5m, at the nearest point of the first floor extension, it is considered that any loss of daylight would be small (as per BRE guidance) and not warrant a refusal. In addition, due to the orientation and separation distance of 14m between these existing windows the proposal is not considered to result in any significant overlooking over and above the existing situation. It should also be noted that a condition has been recommended in relation to details of the screening to the first floor roof terrace prior to its first use.
- 3.14 Overall, it is therefore considered given the separation distances between the adjoining properties, together with the position of the extensions, located to the western half at first floor level, and at roof level, the proposal would not result in any significant loss of daylight to the north/north west facing no. 4 Prebend Street windows, having regard to paragraph 2.2.4 of the BRE Guide.
- 3.15 The revised wording of the proposed conditions is set out as follows:

Condition 2:

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: Environmental Noise Survey and NPPF Assessment Report (Author: Hann Tucker Associates 18/8/2015), 22166/NPPF1, Supporting Statement, Design and Access Statement Rev.A (Dated 7/11/2016), PP01/Rev.A, PP02/Rev.A, PP03/Rev.A, PP04/Rev.A, PP05/Rev.A, PP06/Rev.A, PP07/Rev.A, PP08/Rev.A, PP09/Rev.B, EX00/Rev.A, EX01, EX02, EX03, EX04, EX05, EX08, EX06, EX07, EX09 1499/PP10/Rev.A.

REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning

4. CONCLUSION

- 4.1 The proposal is for the change of use of the first and second floors and roofspace of the existing ancillary accommodation of the public house (A4 use) to create 3 self-contained residential flats (C3 use), being a 1 x 3-bedroom unit and 2 x 1 bedroom units. Erection of first floor side/ rear extensions, roof terraces at first floor, raising of the roof by 0.3m and front, and rear dormer windows. Installation of 1 x air condenser unit to the rear yard at ground floor level to serve the public house, adjacent to proposed refuse and cycle storage area.
- 4.2 As considered with the original report (Appended), the provision of new self-contained residential units on the upper floors, and reinstatement of the ground and basement levels as a public house at the host building is considered acceptable. The 3 no. proposed residential units are considered to provide a good standard of accommodation, with dual aspect and access to sunlight/daylight and would be subject to noise mitigation measures secured by condition.
- 4.3 The proposed external alterations are considered to be compliant with the design guidance found within both the Urban Design Guide 2017 and Duncan Terrace/Colebrook Row Conservation Area Design Guidelines. It is considered the statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in terms of preserving the visual appearance and historic character of the host building and wider Conservation Area and the setting of the Grade II Listed Building are met by these proposals.
- 4.4 The proposal is considered not to result in any significant amenity issues in terms of loss of daylight/sunlight, outlook, privacy or a sense of enclosure to neighbouring properties, due to their scale, position and setbacks from neighbouring properties.
- 4.5 The proposal is considered compliant with the requirements of financial contributions in relation to small sites affordable housing, and being a car-free, which would be secured by way of a Unilateral Undertaking.
- 4.6 The development is considered to be compliant with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for approval.
- 4.7 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

Appendix 1
PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department



PLANNING SUB-COMMITTEE A		
Date:	12 December 2017	NON-EXEMPT

Application number	P2015/5085/FUL
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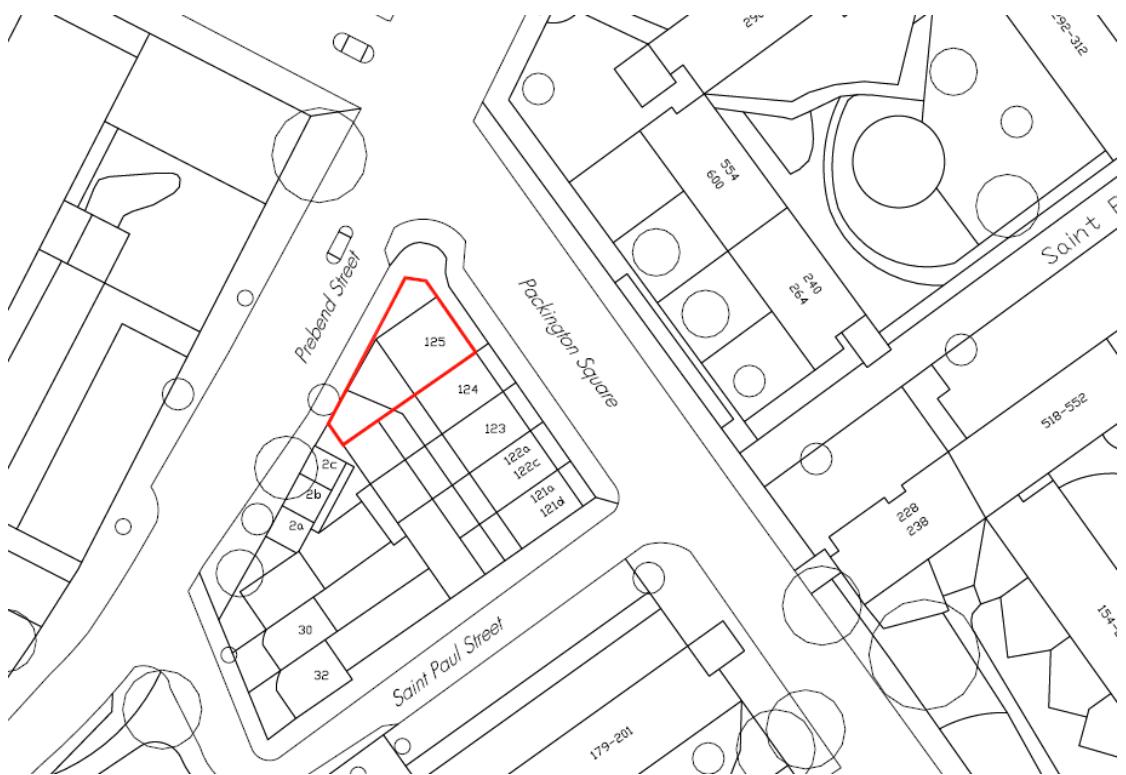
Case Officer	Daniel Jeffries
Applicant	Friends Life Ltd
Agent	Rolfe Judd Planning

1. RECOMMENDATION

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

1. Subject to the conditions and a Section 106 legal agreement to secure the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in black)



2. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site

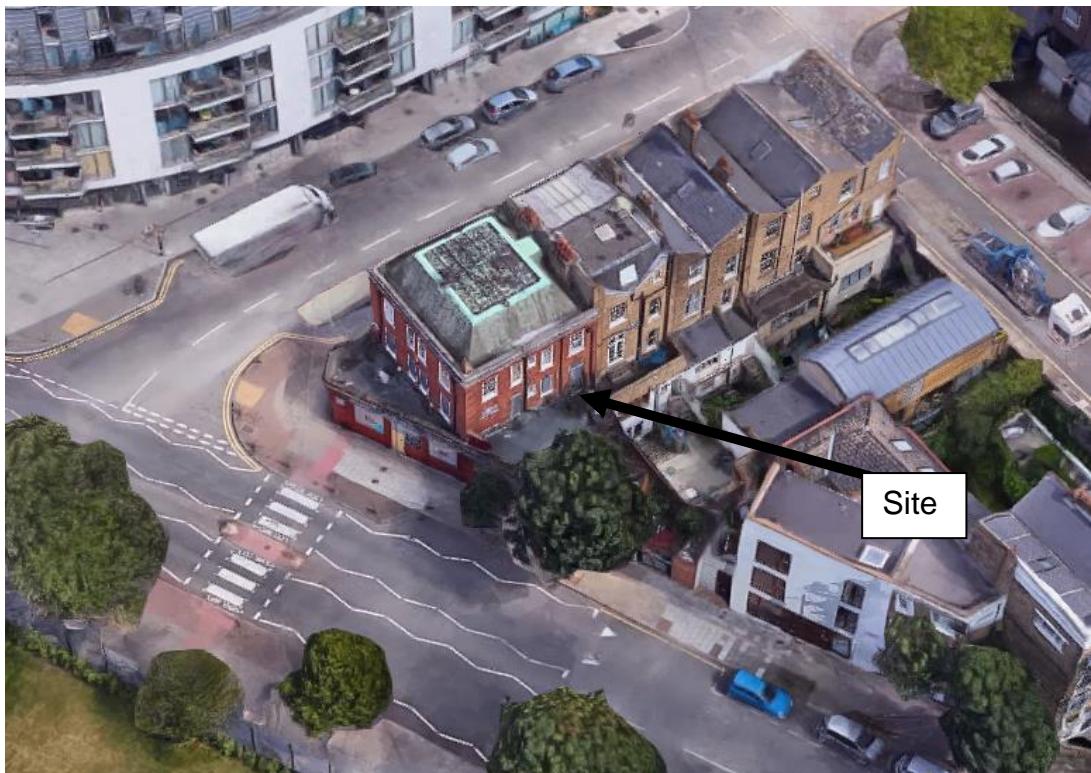


Image 2: Aerial view in easternly direction



Image 3: View of front elevation of host building facing north west towards junction with Prebend Street (taken standing on Packington Street)



Image 4: View of side and front corner elevations facing south towards the junction of Packington Street and Prebend Street (taken standing on Prebend Street)



Image 5: View of rear and side elevations of the host property, facing north east (taken from Prebend Street outside entrance to City of London Academy).

4. SUMMARY

- 4.1 Planning permission is sought for the change of use of the upper floors of the existing public house (A4 use) to 3 no. self-contained residential units (C3 use). Extensions are also proposed to the host building, being a single storey extension to the rear elevation at first floor level and the creation of two roof terraces above and adjacent to this rear extension, alterations at roof level including the raising of the ridge height. The proposal would use the existing courtyard to the rear of the host building to house the refuse and cycle storage for both the residential and public house, and a condenser for an air-conditioning unit is proposed to be located to the existing rear court yard, also.
- 4.2 The application is brought to committee as a result of five objections received.
- 4.3 The issues arising from the application are the principle of the loss of the ancillary accommodation of the upper floors of the existing public house, the compatibility of the proposed residential units with the retention of the public house, the quality of accommodation of the proposed residential units, the amenity impact on neighboring residential properties, and the visual appearance of the extensions.
- 4.4 Whilst there are concerns in relation to the lack of marketing evidence submitted in relation to loss of the upper floors, being ancillary accommodation of the public house, to residential use (C3) and the proposals general compliance with policy DM4.10. However, notwithstanding this lack of marketing information, the loss is considered acceptable given the existing vacant situation of the public house for over 3 years. The proposed use of the upper floors as a residential use is considered to be compatible with the public house, subject to noise mitigation measures. These residential units are considered to provide satisfactory living conditions to future occupiers to meet the requirements of policy DM3.4.
- 4.5 The design of the proposed extensions, including the roof terraces, are considered acceptable, subordinate to the host building and would pay special regard to preserving the heritage assets of the surrounding Duncan Terrace/Colebrook Row Conservation Area and the nearby Grade II Listed Building, being the mural on the opposite side of Prebend Street, and along Packington Street. It is therefore compliant with Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1 and DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and Conservation Area Design Guidelines.
- 4.6 In addition, the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure, nor loss of privacy and is compliant with policy DM2.1 in this regard.
- 4.7 The applicant has confirmed agreement to the payment of financial contributions for affordable housing, being £150,000 (full amount). This would be secured by way of a Section 106 legal agreement.
- 4.8 The proposal is therefore considered to be acceptable and it is recommended that the application be approved, subject to conditions and legal agreement.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located to the corner of the Packington Street, located to the north east, and Prebend Street to the north west. The site is located in a mainly residential area, characterised by two and three storey residential properties along both Packington Street and Prebend Street. To the north of the public highway of Packington Street, there is a four storey building with a setback fifth storey as part of the Packington Estate redevelopment consisting of residential units on the upper floors and retail units on the ground floor. To the west of Prebend Street, there is the City of London Campus Islington, which consists of a large three storey building set away from Prebend Street.
- 5.2 The host building compromises the public house (A4 use) building formerly known as Packington Arms, which is a part three storey, part single storey building, with a pitched roof. The vacant public house comprises a ground floor bar area and an associated basement with ancillary residential accommodation on the upper floors.
- 5.3 The application building is not listed but the site is located within the Colebrook Row/Duncan Terrace Conservation Area. The site is also located within an area with both Local and Major Cycles routes. A Grade II Listed Building is located to the opposite side of Prebend Street, which is a mural at the City of London Academy. The mural is a rare-surviving work of 1960s public art produced by one of two London County Council in-house artists, measuring 10.4m by 4.3m and is located on the outward side of the wall of the former gymnasium to the school. It is a semi-abstract mosaic with tile, broken china, glass and tesserae on concrete backing. The design comprises a large pair of compasses with a circular hinge which bears the image of a face.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the change of use of the upper floors of the ancillary accommodation of the public house (A4 use) to create 3 no. self-contained residential flats (C3 use), at first, second and third floor levels. The proposal would also include the erection of a single storey extension to the rear, at first floor of the host building, with associated roof terraces at first floor and second floor level, above and adjacent to this extension. Also the proposal would raise the ridge of the main roof by 0.3m and incorporate 2 no. dormer windows on both the front and rear roof slopes. The other changes would include 1 no. air-condenser unit to the rear yard to serve the public house, which would also house the proposed refuse and cycle storage areas for both uses.
- 6.2 The proposed residential units would include 1 no. three-bedroom self-contained residential unit (Flat 1), with an internal area of 83 sqm, and 2 no. one-bedroom self-contained residential units, with an internal area of 50 sqm (Flat 2) and 56 sqm (Flat 3). The extensions at first floor would be erected over the single storey flat roofed element of the host building, and across half side elevation of the host building. There would be a roof terrace associated with the Flat 1 (9 sqm), positioned immediately adjacent to the extension, and on the roof of this first floor extension to the side/rear of the host building associated with Flat 2 (14 sqm). The dormer extensions at roof level are associated with Flat 3. No outdoor amenity space will be provided for Flat 3.
- 6.3 The proposed single storey rear extension at first floor level would measure a maximum of 4.1m in depth, following the shape of the roof below, at width of 5.3m, at a height of 3.3m. The balustrades for the two roof terraces would measure 1.1m above the flat roof of the proposed extension, consisting of powder coated metal planters, and the flat roof of the single storey addition, consisting of a parapet wall and metal railings. The two dormers to the rear elevation would project 1.2m, and the two dormers to the front elevation by 0.5m, from the existing roofslope, at a width of 1.4m and a height of

1.7m. The proposal would also involve changes to the windows to the rear elevation associated with the roof terraces and the reinstatement of the windows and doors associated with the public house at ground floor level.

- 6.4 The proposal has been amended since the time of the original proposal which previously sought to change the use of the ground and basement levels of the public house (A4 use) to a flexible A1(retail), A2 (professional and financial services), A3(restaurant/café), A4(public house) or B1(business) use. The change of use has been removed from the proposal and the application now proposes to retain A4 use at basement and ground floor levels. The proposed extensions at first and roof (third floor) levels have also been reduced in size.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

125 Packington Street

- 7.1 P121156 – Planning permission refused, and take enforcement action, for retrospective application for change of use basement, first and second floors of building from ancillary accommodation associated with ground floor public house (use class a4) to youth hostel (Sui generis) on 12-08-2013. Reasons:

- 1) The change of use to a youth hostel is unacceptable due to the site's inappropriate location outside the CAZ and designated Town Centre. The site is situated in a predominantly residential neighbourhood and does not benefit from excellent access to a range of public transport modes.
- 2) The change of use to a youth hostel would have an unacceptable impact on residential amenity, in light of its potential to generate noise and anti-social behaviour.
- 3) The development has failed to provide 105 of rooms that are wheelchair accessible.

- 7.2 P021183 – Planning Permission granted for elevational alterations to Public House on 12/11/2002.

- 7.3 971416 – Planning Permission granted for Alterations to elevations on 23/09/1997.

Recent Appeal Decision

57 St John Street

- 7.4 Planning Permission and Listed Building (refs. P2016/4585/FUL and P2016/4661/LBC) Refurbishment and internal reconfiguration of existing public house (A4) and change of use and subdivision of the upper floors (first, second, third and fourth) into four self-contained flats, with associated creation of separate access, formation of a roof terrace to the fourth floor and at roof level and other associated works. Appeal for non-determination Allowed on 14/09/2017 (refs. APP/V5570/W/17/3169148 and APP/V5570/W/17/3169153) as it was considered that the loss of the first and ancillary accommodation of the public house would not harm the future viability of the business, works would preserve the special architectural and historic interest of the grade II listed building and the character and appearance of the Clerkenwell Green Conservation Area, and the would have an acceptable effect of development upon the living conditions of future and neighbouring occupants in respect of noise and disturbance.

ENFORCEMENT

- 7.5 E12/06118 - Unauthorised hostel. Without planning permission, the change of use of the basement, first and second floors of the property to a youth hostel. Enforcement

Notice Issued on 19/08/2013. The case was subsequently closed on 26th January 2017.

PRE-APPLICATION ADVICE:

7.6 None

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 13 occupants of adjoining and nearby properties at Packington Street, and Prebend Street on 19th February 2016, and site and press adverts were displayed. The original public consultation of the application expired on 11 March 2016. Subsequent to this original consultation period, the proposal has been amended to alter the design of the extensions, the internal layout, to alter the change of use of the basement and ground floor to be retained as a public house and the number of residential units. As such additional 14-day consultation has been carried out, on 30th November 2016 and 31st October 2017. The consultation period has expired on 14th November 2017.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 5 no. objections in total 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 in brackets):

- Design and visual appearance of the extensions, to rear elevation and at roof level, including roof terraces, to the host building (Paragraphs 10.22 to 10.25 and 10.28 to 10.33)
- Sense of enclosure to residential properties along Rheidol Terrace and Prebend Street (Paragraph 10.46)
- Loss of privacy to neighbouring properties including rear garden (Paragraphs 10.49)
- Anti-social behaviour as a result of the public house (Paragraph 10.67-10.70)
- Noise impact from air condenser unit to neighbouring properties along Prebend Street (Paragraph 10.52)
- Increased vermin as a result of the refuse area (Paragraph 10.74)
- Object to the principle of the use of the building a public house (Paragraphs 10.2 to 10.6)

Internal Consultees

8.3 **Design and Conservation Officer:** Objected to the original proposal. However, they have confirmed that the amendments have addressed their concerns and the proposed design is now acceptable.

8.4 **Highways:** No comments received.

8.5 **Sustainability:** No comments received.

8.6 **Noise and Pollution Officer:** Raised no objections to the proposal subject to conditions.

- 8.7 **Refuse and recycling:** No comments received.
- 8.8 **Accessibility:** Raised concerns in relation to the lack of level access.
- 8.9 **Policy:** Confirmed that they have no objections to the given the existing vacant situation, for over 3 years, and that the upper floors have not been used in relation to the pub (it does not involve the loss of operational pub floorspace such as a bar area or dining room). However, they have raised concerns in terms of the lack of marketing information and would expect some evidence to demonstrate compliance with policy. They have also raised no particular concerns in relation to compliance with the criterions of DM4.10 (ii to iv).
- 8.10 **Secured by Design:** Raised no objections and considers that the reinstated pub and residential use above would improve the existing situation in terms of crime, but raised a few concerns in relation to first floor roof and access arrangements.

External Consultees

- 8.11 **None**

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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have 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 2016, Islington Core Strategy 2011, Development Management Policies 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

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:

- Land Use
- Design and Conservation
- Quality of accommodation
- Neighbouring Amenity including sunlight/daylight
- Accessibility
- Highways and Transportation
- Trees

- Refuse
- Sustainability
- Anti-social behaviour
- Affordable Housing
- Other Matters

Land Use

- 10.2 The proposal seeks to change the use of the upper floors of the host property which are ancillary accommodation to a public house (A4 use) in order to create 3 no. self-contained residential flats. In terms of assessing the loss of this ancillary A4 accommodation, policy DM4.10 is most relevant.
- 10.3 DM4.10 'supports the retention of Public Houses, and opposes their redevelopment, demolition and Change of Use'. Part B provides advice in relation to the information required for applications for the Change of Use, redevelopment and/or demolition of a Public House. It states that they must demonstrate that they meet the following points:
- i) the Public House has been vacant for a continuous period of 2 years or more and continuous marketing evidence has been provided for the vacant 2-year period to demonstrate there is no realistic prospect of the unit being used as a Public House in the foreseeable future;
 - ii) the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene;
 - iii) the proposal does not constitute the loss of a service of particular value to the local community; and
 - iv) significant features of historic or character value are retained.
- 10.4 In addition to policy DM4.10, paragraphs 4.52 to 4.54 of the Development Management Policies (2013) provide supporting text stating 'Islington's Public Houses form an integral part of the urban fabric and many are closely associated with the life and identity of local communities. Public Houses therefore play an important role in the historic character and community function of Islington's neighbourhoods'. Furthermore, it states 'the council will resist proposals that result in the removal of a public house or a change of use away from the A4 Use Class, particularly where these would detrimentally affect the street scene, result in loss of historic or character value, and/or constitute the loss of a function of particular value to the local community'. Also that 'continuous marketing evidence will be required demonstrating lack of demand for the Public House'.
- 10.5 The land use advice in the Duncan Terrace/Colebrook Row Conservation Design Guidelines (2002) is also relevant. Paragraph 3.3 states that 'the Council will operate its land use policies so as to enhance the character and vitality of the area. Planning permission will not be granted to change, expand or intensify uses which would harm the character of the conservation area'. Paragraph 3.4 also states 'the predominant character of the area is residential, although permission will not be granted for the over intensification of residential use in conversion schemes. There are commercial frontages, for example, on Essex Road, Danbury Street, St Peter's Street and City Road which provide local services and are an important contribution to the character of the area. Generally, the Council recognises that often the best use for a building is that which it was designed for and will seek to retain public houses, shops and workshops in appropriate uses which will not diminish their special interest. The removal of individual established uses within the conservation area will not be permitted where they contribute to its character'.

Loss of A4 use

- 10.6 The retention of both the ground floor and basement levels as a public house (A4 use) is welcomed. The upper floors form part of the public house use, albeit ancillary, as residential accommodation, and therefore should be assessed against the above policy advice.
- 10.7 The applicant has provided a supporting statement to address the requirements of policy DM4.10. It confirms that the public house on the ground and basement floors and ancillary uses on the upper floors have been vacant for over 3 years. The applicant has confirmed that the property has remained vacant for a long period of time while the owner reviewed options to redevelop. The applicant has also confirmed that the upper floors have not been marketed, either separately or as part of the public house as a whole.
- 10.8 However, in support of the application the applicant has confirmed that the upper floors have not been used in association with any pub use on the site for a considerable length of time, being over 3 years. In 2013, a retrospective application was made for the use of the basement, first and second floor as a hostel. The application was refused and an enforcement case was opened. The hostel use ceased at basement, first and second floor levels and the lawful A4 use, to the public house, albeit vacant. The applicant has confirmed that the upper floors have not been used by the pub tenant for at least 4 years. Based on the business rates and historical photographs the host property has not been used as a public house since at least October 2009. The upper floors also have independent access. The future success and use of the public house is therefore not affected or determined by the change of use or loss of the upper floors. The pub has been closed for several years, being at least 8 no. years, with the building being temporarily being used on the upper floors by a live-in security guard. The building is boarded up with metal grills on the lower floors and all windows are boarded up.
- 10.9 The applicant considers that the existing building arguably has a detrimental impact on the vitality and character of the area by remaining boarded up and vacant for such a long time and seeks planning permission to bring the property into use. The quality of the accommodation is extremely poor. There are currently 9 rooms on the upper floors and would not likely be required for a future modern day pub tenant. The upper floors require complete refurbishment. The electrical infrastructure is dated and requires repair, windows need replacing, plumbing is basic and requires upgrading, and the roof requires replacing. The applicant advises that the cost of these works as a refurbishment of the existing floors for a commercial use which would remain vacant would not lead to development, although no evidence has been submitted in support of this. The level of works would be viable for a residential conversion which would bring the property back into use and pay small sites contribution.
- 10.10 The supporting statement also confirms that given the vacancy of the public house it has not been a service to the local community for years, and the host building has not been designated as an Asset of Community Value.
- 10.11 In terms of assessing the loss of the upper floors of the public house (ancillary accommodation), it is acknowledged that the information does not strictly accord with the requirements of policy DM4.10. However, the only ground floor elements of the proposal, apart from those relating refuse and cycle storage to the external courtyard, relate to the existing independent access to the upper floors and the associated internal staircase. However, this access is considered not to interfere or prejudice the use or operation of the public house on the ground floor.
- 10.12 Whilst there are some differences to this proposal, a recent Appeal Decision (refs. APP/V5570/W/17/3169148 and APP/V5570/W/17/3169153) at no. 57 St John Street,

for the redevelopment of a public house is considered relevant in the assessment of this application. This application, which the site is also in conservation area, being the Clerkenwell Green Conservation Area, included the retention of the ground floor and basement levels as a public house, with the change of use of the upper floors to provide new self-contained residential units, including one which would be occupied by a future landlord. In land use terms, the main differences are that the public house was currently in operation, but also included the loss of operational areas to the public house at first floor, in the form of a dining room, in addition to the loss of ancillary residential accommodation.

- 10.13 The Appeal Decision concluded that the proposal would be acceptable in land use terms as it would not cause harm to the viability of the use of the public house, even though no marketing evidence was provided to demonstrate compliance with Policy DM4.10. Paragraph 19 the Appeal Decision states 'requirements of Policy DM4.10 relates to the total loss as it only requires evidence to demonstrate that the Public House has been vacant for a continuous period and that it has been continuously marketed to demonstrate there is no realistic prospect of the unit being used as a Public House'. Given that the lack of marketing evidence within this application therefore is considered not to be constraint in terms of the acceptability of the proposal, given that there be no loss of operational floorspace, and it would retain and reinstate the use of the operational areas of the public house at basement and ground floor levels.

Principle of residential accommodation

- 10.14 In terms of the proposed use of the upper floors for residential accommodation, given the site is within a residential area, the principle of providing additional residential accommodation is considered acceptable. This is supported by Policy 3.3 of the London Plan 2016 which recognises the pressing need for more homes in London, and paragraph 3.2 of Development Management Policies (2013) stating 'high density development is needed to accommodate the projected population growth within the borough'.
- 10.15 Notwithstanding the acceptability of the residential accommodation in this location, it is important that it would be compatible with the existing use of the public house, and would not prejudice its long term viability or result in poor living conditions for future occupiers of the self-contained residential units. These matters have also been addressed in the body of the report below. It is therefore considered that overall, the change of use of the existing ancillary residential accommodation of the public house to self-contained residential flats is considered acceptable in land use terms.

Design and Conservation

- 10.16 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.17 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 10.18 Policy DM2.3 of the Development Management Policies requires the significance of Islington's conservation areas to be conserved or enhanced. New developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance.
- 10.19 The Duncan Terrace/Colebrook Row Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces. There are also important commercial uses in the area which contribute to its character. The Regent's Canal and City Road Basin are also important features, the former emerging from the Islington Tunnel at Vincent Terrace. A small section of the New River Walk also runs through the area. Overall the area has a remarkable architectural consistency, homogeneity and historic interest, which gives the area its special character and appearance.
- 10.20 The host property is located on the corner of Packington Street and Prebend Street, and consists of three storeys with roof level above. Whilst the host building is not statutory or locally listed, it is a visually prominent building with views possible from a number of vantage points including along Prebend Street, from the north and south, and along Packington Street, to the east and west. In addition, the Grade II Listed Building mural at the City of London located to the south of Packington Street on the opposite corner with Prebend Street to the west.
- 10.21 The Islington Urban Design Guide 2017 provides advice in relation to acceptable forms of design of development within the Borough. Whilst it is acknowledged that the existing use is not residential, paragraphs 5.131 to 5.137 are considered relevant, which provide general advice in relation to residential extensions and alterations. It advises that 'all proposals for residential extensions and alterations should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement'.

First Floor extension

- 10.22 Paragraph 5.139 of the UDG provides advice in relation to the upper floor extensions, stating 'on the upper floors, the materials, detailing and form of the extension should normally be sympathetic to the terrace. Single half-width upper floor extensions above existing extensions are often acceptable providing there is a punctuating gap between the eaves height and the top of the extension'.
- 10.23 The Conservation Design Guidelines is also relevant. Paragraph 3.21 provides general advice stating that 'extensions are subordinate to the mass and height of the main building, and extensions and refurbishment in conservation areas, the Council will normally require the use of traditional materials, stated within paragraph 3.11. Also paragraph 3.20 states 'half width rear extensions higher than two storeys, will not normally be permitted in this conservation area, unless it can be shown that no harm will be caused to the character of the area'.
- 10.24 The proposed upper floor extension would be positioned above the existing single storey element of the host building, to the north of the site, between the both Packington Street and Prebend Street, resulting in a two storey addition to the rear elevation of the host building. The extension would be restricted to half the width of this elevation, which is considered to be compliant with the above advice, in terms of its bulk and massing. It would also provide the required punctuating gap between the roof of the extension and the eaves of the main roof. It is acknowledged that this extension,

would be a prominent addition and visible from the public realm, but it is considered given its compliance with the above advice and that it is considered to be subordinate to the host building its height, scale, bulk and massing would be acceptable.



Image 6: Existing and Proposed Rear Elevation of proposed extension and roof terraces

- 10.25 The design of this element of the proposal would project so that it would match the side elevation of the host building, following the existing building line along Prebend Street, and restricted to half width of this rear elevation, with a flat roof, and is considered to be consistent with the visual appearance of the host building. The proposed fenestration details and materials are considered to be in keeping with the visual appearance of the host building and the surrounding area.

Roof terraces

- 10.26 Two roof terraces, with associated balustrades, are proposed to be positioned above and adjacent to this extension, at second and first floor levels. Paragraphs 5.171 to 5.173 of the Urban Design Guide 2017 provide advice in relation to design considerations of roof terraces. It states 'introduction of a roof terrace or balcony, the main considerations should be:

- The scale and visual prominence.
- The impact on the established townscape and architectural style.
- The impact on neighbouring properties (overlooking and visual amenity)'.

Paragraph 5.73 states ‘where roof terraces are acceptable, care should be taken to minimise the visual clutter created by balustrades and privacy screening’.

- 10.27 The design of the proposed roof terraces would include a combination of metal balustrades, raised parapet walls and metal railings around the perimeter, measuring a height of 1.1m above the flat roof. It is acknowledged that this would result in additional bulk to the host property, especially combined with the proposed extension, and would be visible from the public realm. However, the balustrades would be restricted in height, with those to the first floor being relatively lightweight, with the use metal railings, which would allow light to pass, and metal planters at second floor which would be positioned behind a parapet wall. Given this situation it is considered that these proposed roof terraces would be acceptable in design terms.

Extension to the main roof

- 10.28 The other external alterations include those to the main roof, including raising the ridgeline, by 300mm, the removal of a chimney and two proposed dormers positioned both the front and rear elevations. In addition, there would be two rooflights on top of the main roof.
- 10.29 The Conservation Area Design Guidelines has special roof policies with paragraph 3.14 stating the following:
- i) the Council may permit traditional roof extensions on the properties listed in Schedule 3.2. Notwithstanding this schedule, the Council will take into consideration the listed status of any of the properties in Schedule 3.2 when considering appropriate extensions. Special regard must be paid to the retention of historic fabric where it exists and any extension which might be acceptable in townscape terms will still require careful and detailed examination;
 - ii) for all properties not listed in Schedule 3.2, no roof extensions, rooflights or associated party wall alterations, will be permitted which are visible from the street or public area, including long views from side streets, open spaces or the canal and its towpath;
- 10.30 The Conservation Design Guidelines supporting text states ‘the roofline of a street, particularly on terraces, is a major component of its character. The vast majority of properties in this area have hidden valley roofs behind front parapets. The construction of roof extensions which are not in keeping with the terrace can be damaging to its architectural unity, and have a deleterious effect upon the character and appearance of the conservation area’.
- 10.31 Whilst advice is provided within the Urban Design Guide 2017, within paragraphs 5.145 to 5.151, in relation to roof extension this relates to residential properties, particularly in relation to residential terraces, which this building is not. The unique building is a unique building different in design and detailing to the adjacent terrace. In this instance, it is acknowledged that the host building does not fall within Schedule 3.2 of the Conservation Area Design Guidelines detailed above. However, the assessment of the proposed extension at roof level should be taken in light of the existing roof level

addition found at no. 124 Packington Street (ref. 910754), which projects beyond the height of the host building, and the context to which the application site relates.

- 10.32 Whilst it is acknowledged that the proposal would be visible from the public realm, the minimal 300mm height increase is not considered to significantly alter the appearance of the building nor its relationship with adjoining buildings or the wider conservation area character, the proposed dormers would be positioned to the front and rear elevation. They would be positioned so that whilst they would not align with the windows on the floors below they would be centrally located. This position is considered acceptable given the 3 x 2 pattern on the first and second floors, meaning they would be set above the spaces between these windows, and would provide a degree of symmetry when viewed from either the front or rear elevations. The restricted width and height of the dormers, and the use of timber sash windows with the same pattern are considered to help visually integrate them with the appearance of the host building.
- 10.33 The proposed fenestration details are considered to be in keeping with those on the floors below, and subject to the use of matching materials, and notwithstanding the concerns in terms of compliance with the Conservation Area Design Guidelines are therefore considered that this element of the proposal is acceptable in design terms and accords with the guidance on roof extensions generally.

Rooflights

- 10.34 Paragraphs 5.162 and 5.163 of the UDG 2017 provide advice in relation to rooflights, stating they 'should be designed with a slender profile and should, ideally, be flush with the roof covering to minimise their visual impact'. In this instance, whilst it is acknowledged they would not be visible to the roof of the host building, a condition has been attached to ensure they are conservation style, i.e. flush with the roofslope, given is designation within the conservation area.

Chimney removal

- 10.35 It is acknowledged that paragraph 5.158 of the UDG states 'chimney stacks should be retained and only raised where they will not disrupt the rhythm of the terrace'. However, this chimney projects beyond the existing ridge of the host building and would still retain an existing chimney which would be more consistent in height to the terrace.
- 10.36 Overall, whilst the proposed roof extensions would not strictly accord with the advice found within the Duncan Terrace/Colebrook Row Conservation Area Design Guidelines, given the relatively modest addition, and the public benefit of providing 3 no. residential units and the enhancements to the reinstatement of the use of the public house is considered to preserve the visual appearance and historic character of the host building and surrounding Duncan Terrace/Colebrook Row Conservation Area, and the Grade II Listed Building to the west of the site. It is therefore considered that the proposal is acceptable in design terms and compliant with the policies found within policies CS8 and CS9 of the Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management Policies (2013) and guidance found within the Urban Design Guide 2017 and Conservation Area Design Guidelines.

Quality of residential accommodation

- 10.37 The proposed development would result in the creation of three self-contained residential units on upper floors, being the first, second, and third (roof) floor levels.

The proposal would consist of a 2-bedroom unit on the first floor (Flat 1), and 2 x 1 bedroom units on the second and third floor levels. One of these 1 bedroom units would be located entirely at second floor (Flat 2) and one would be split over both second and third floor levels (Flat 3).

- 10.38 Below is the table (Table 1) of required unit sizes and private outdoor space for new residential development:

Flat no.	Unit Size	Required GIA (Gross Internal Area) (sqm)	Total GIA (Gross Internal Area) (sqm)	Required Amenity Space (sqm)	Total Amenity Space (sqm)
1	3bedroom/5 person bed space	86	83	8	9
2	1bedroom/2 person bed space	50	50	5	14
3	1bedroom/2 person bed space	50	50	5	0

Table 1: Showing the required unit sizes and private outdoor space for new residential development

- 10.39 The proposed three-bedroom residential unit at first floor (Flat 1) would have a gross internal area of 83 sqm, which fail below the standards set out in policy DM3.4 of the Development Management (2013), being a 5 person bedspace unit. This is based on the room marked as a study being changed into a single bedroom. As a result, it would be below the required standards by 3 sqm (required 86 sqm). However, this would be a minimal amount below and given it is a conversion, it is acceptable in this instance. At 50 sqm (Flats 2 and 3) the 2 no. one-bedroom/two person bedspace units meet the requirements of this policy. However, it should be noted that the first floor unit (Flat 1) has an area designated as study.
- 10.40 The proposed layout for two of the units (Flats 1 and 3) would have separate living/kitchen areas and dining space, with the other (Flat 2) having a combined space (living/kitchen/ding). The size of these areas are considered to be of adequate and acceptable layout. The first floor flat (Flat 1) at 2.9m would exceed the required (2.6m) floor to ceiling heights found within part C of policy DM3.4. It is acknowledged that the other two flats (Flats 2 and 3) at 2.5m would fail to achieve this required floor to ceiling height. However, given that the application relates to a conversion and that it would meet the requirements of the London Plan Housing SPG (2.5m), this restricted height is considered acceptable in this instance.
- 10.41 In this instance, the two proposed residential units (Flats 1 and 2) would have windows to the north, south and west elevations and the other unit (Flat 3) to the north and south, meaning that they would all benefit direct sunlight/daylight and be dual aspect required by policy.
- 10.42 As stated previously as the new residential units would be located above a public house it is important that the use of the public house would not detrimentally impact the standard of accommodation in terms of noise. An Acoustic Assessment has been submitted as part of the application details. This has concluded subject to the use of sufficient noise mitigation that the continued use of the host building as a public house would not harm the living conditions of future occupiers of the proposed residential

units. The Council's Acoustic Officer has agreed with this assessment. However, he considers that the current vacant situation means that the submitted Acoustic Assessment is not a true reflection of the use of the public house. This is given that the assessment was carried out when the pub was not in use. As such, whilst he has no objections, he has requested a number of conditions in relation to noise be attached to any approval.

- 10.43 It is considered that the proposal would be compliant with the objectives of policies DM3.4, DM3.7 and DM6.1 of the Development Management Policies (2013) subject to conditions of consent.
- 10.44 As shown within Table 1 above, both Flats 1 and 2 have been provided with private outdoor space, being 9 and 14 sqm respectively, whereas Flat 3 has none. As a four person dwelling and two person dwelling, the proposed outdoor space for Flats 1 and 2 is considered acceptable. Whilst Flat 3 has no outdoor space it is considered acceptable in this instance, given that it is a one-bedroom unit and that the site is within walking distance of an area of open space, being Union Square Gardens. It is considered therefore that this provision would be compliant with part C of policy DM3.5.

Neighbouring Amenity including Sunlight and Daylight

- 10.45 Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.46 In terms of the first floor extension to the rear elevation, given it would be positioned to the west half of the host property towards Prebend Street which is set away 3.7m from the shared boundary with no. 124 Packington Street, and 5.2m from the nearest window its height, at 3.3m, (3.8m including balustrades and parapet walls which are set in) above the existing single storey addition, it is not considered to result in a significant loss of daylight/sunlight or outlook to neighbouring properties, or a sense of enclosure to neighbouring properties. The submitted floor plan drawings demonstrate that the proposed rear extension and associated second floor roof terrace, would pass the Building Research Establishment (BRE) 45 degree test outlined within BRE Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice. This test is used as guidance for extensions that are perpendicular to a window in a neighbouring property. A centre line is marked on the plan of the neighbouring window that may be affected. A 45 degree angle is drawn from the outer most part of the extension toward the window.
- 10.47 The 45 degree angle line demonstrates that the proposed first floor extension, together with the balustrades associated with the second floor roof terrace, would pass this test, in terms of its amenity impact and potential loss of daylight/sunlight to the nearest window at the adjacent no. 124 Packington Street. Whilst this 45 degree angle line would cross the proposed first floor roof terrace in plan form, the restricted height of the balustrades, at 1.1m which would consist of metal railings which allow light to pass, and the set back from the middle of this adjacent window, at 2.8m, is considered to ensure that any loss of daylight/sunlight or outlook would not be significant.
- 10.48 The proposed extensions at roof level are not considered to result in any significant loss of daylight/sunlight or outlook to neighbouring properties, given the limited projection, of the raise in the existing ridge line and dormer extensions, from the existing roofslope and distance from neighbouring properties.

- 10.49 Paragraph 2.14 of the Development Management Policies states ‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy’. Therefore, the windows to the north and west elevations associated with the proposed residential units on the upper floors are considered not to result in any privacy issues as the nearest properties are on the opposite side of the public highway. The windows on the south elevation are not considered to result in any significant privacy issues given the properties to the south along Prebend Street, facing the host property has a blank gable elevation without windows. It is considered that there be no loss of privacy to the rear gardens of surrounding properties, over and above the existing situation.
- 10.50 The introduction of roof terraces to the rear of the property, which incorporates the use of balustrades in the form of metal railings and planters around the perimeter are considered to restrict overlooking to neighbouring properties. In addition, any views of the windows of the adjacent property, no. 124, would be restricted due to the limited projection of the roof terrace, from the rear elevation of the host building and the position of the window. However, a condition has been attached to any approval to ensure that further details of the balustrades to the first floor roof terrace are provided to ensure they would not result in any significant overlooking issues.
- 10.51 The potential noise impact to neighbouring properties as a result of the use of these roof terraces is not considered to be significant, given their size at 9 sqm (Flat 1) and 14 sqm (Flat 2), which is considered to restrict the potential for large gatherings using this area.
- 10.52 An air condenser unit is proposed to be located to the courtyard to the rear of the host building. The aforementioned noise assessment submitted has assessed the impact of this air condenser unit, which is considered to have an acceptable noise impact on neighbouring properties subject to conditions. Conditions have been recommended to any approval.
- 10.53 It is acknowledged that the reinstatement of the use of the public house at ground and basement floor levels may result in amenity issues to neighbouring properties. However, given that the host property benefits from this existing lawful A4 use, and does not require planning permission for the change of use of the premises, the potential amenity issues associated cannot be considered within this application.
- 10.54 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington’s Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Accessibility

- 10.55 The proposed residential units would be accessed from a separate entrance to the public house from Packington Street, which provides access to the upper floors by way of a staircase.
- 10.56 Policy DM2.2 seeks to ensure that developments provide for ease of and versatility in use and deliver safe, legible and logical environments. In this instance, the street level entrance would not provide level access for wheelchairs. It is also acknowledged that the Council’s Access and Inclusive Design Officer notes that as these are new dwellings and it is the adopted London Plan Policy that all new homes should be

visitable and adaptable to: facilitate sustainable communities; enable residents to stay put for longer; and reduce premature loss of independence, unwanted moves, unsightly alterations, and loss of dignity. To that end it is expected that all new dwellings meet the standards set out in M4(2). However, given that this application relates to a conversion of the host building rather than a new build, there is some flexibility in terms of meeting the standards of the Inclusive Design SPD. In this regard, it is considered the lack of compliance would not warrant refusal of the application.

Highways and Transportation

- 10.57 The application site is located within an area with good (PTAL – 4) public transport provision. Policy CS10 of the Islington Core Strategy 2011 stipulates that no car parking provision should be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking need to meet the needs of disabled people. As the new housing development would be car free it is considered that the proposal would not result in increased traffic congestion in the area or parking problems. A Unilateral Undertaking requires that there will be no on-street parking permits for future occupiers of the residential units.
- 10.58 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new residential units. Cycle parking is required to be provided at a rate of one space per every bedroom and needs to be secure, covered, conveniently located and step free. The scheme proposes 5 Cycle parking spaces, positioned to the existing court yard to the south of the host building. This provision is considered to be compliant with the requirements of Policy DM8.4 (Walking and cycling) of the Islington Development Management Policies.
- 10.59 It is acknowledged that the host property has been vacant for a number of years, as described within the land use section above. However, the ground and basement levels benefit from the authorised use as a public house (A4 use). Given that the operational areas of the use of the public house would not enlarged in anyway, and there would be no intensification of the A4 pub use. It is therefore considered that the proposed use as a public house would result in any significant issues in terms of the surrounding highway network.

Refuse Facilities

- 10.60 The submitted drawings show the provision of refuse and recycling for both the residential units and for the public house in the courtyard to the south of the host building. The provision for residential units would be 960 litres, in the form of 480 litres (2 x 240 litre bins) for refuse and 480 (2 x 240 litres) for recycling, whereas the provision for the public house is 2560 litres (2 x 1280 litres).
- 10.61 Paragraph 5.2 of the Islington Street Environment Services 'Recycling and Refuse Storage Requirements' provides advice in relation to acceptable refuse and recycling provision for new residential units, and is shown in the table below:

Size of Unit	Total storage capacity required for Refuse and Recycling
One bedroom	200 litres
Two bedroom or more	A further 140 litres for each additional bedroom
Recycling - At least 50% of total storage capacity (calculated using the table above) must be allocated for recycling.	

Table 2:Recommended refuse and recycling storage provision for new residential units.

- 10.62 In this instance the guidance recommends the provision for the residential units should be a total of 740 litres (2 (1 bedroom) x 200 litres and 1 (2 bedroom) x 340 litres) for refuse and recycling. This provision would exceed the above requirements.
- 10.63 No specific guidance is provided in relation to the provision of refuse and recycling for public houses, in the 'Recycling and Refuse Storage Requirements' document, stating that it is dependent on the nature and operation of the premises. However, the provision of 2560 litres which is significantly larger than the for the residential units is considered to be adequate for the public house.
- 10.64 Whilst a preference would be that the proposed refuse and recycling provision for the residential and public houses would be stored separately, it is considered that this would not warrant refusal of the application, given the constraints of the site and limited space available for this provision. Therefore, the proposed refuse and recycling facilities are considered acceptable.

Sustainability

- 10.65 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.66 In this instance given the proposal relates to the conversion of the existing building rather than a new build, the requirement for financial contribution of carbon off-setting is not applicable nor is a condition required in relation to water efficiency standard for residential developments (95 litres/person/day). Therefore, on balance the proposal would acceptable in terms of complying with the policies in regard to sustainability.

Anti-social behaviour

- 10.67 Concerns have been raised in relation to anti-social behaviour associated with the use of the host building as a public house. As part of this application the Secured by Design Officer has been formally consulted.
- 10.68 The Secured by Design Officer has raised no objections to the scheme, and has confirmed that there are no reports of anti-social behaviour from the location or its vicinity, apart from one relating to the Budgens supermarket immediately to the north of the site. The Officer considered that the redevelopment of the site would benefit the site and the residential use of the flats above would prevent the illegitimate use as a hostel. They have also considered that it would be for the Council's Licencing team to impose conditions for the safe running of the public house. The use of security glazing and doors, including the communal entrance to residential units which should be self-closing and self-locking, particularly concerning the flat roof of the pub, as it may pose a climbing risk. They have advised that the entrances to the public house and residential units remain separate, which is shown within this scheme and welcomed.
- 10.69 Whilst it is acknowledged that the cycle storage would not be located within the building but within a separate court yard and securely fixed, it is considered that given the restrictions of the site, it would not warrant refusal in this instance. In addition, it is considered that future occupiers of the residential units together with the public house could be provided access cards to this courtyard.
- 10.70 Overall, it is considered that the proposal would not result in any significant anti-social behaviour to the host building or surrounding area, given the reinstatement of the

public house at ground and basement levels and the introduction of residential units on the upper floors which would bring the host building back into use and provide the surrounding area with an enhanced degree of natural surveillance.

Affordable Housing

- 10.71 In accordance with the Affordable Housing Small Sites Contributions SPD the Council requires an agreement to pay a contribution towards the costs of providing affordable housing within the Borough. Islington's Core Strategy policy CS12 Part G, which states that schemes below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.72 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough, and £60,000 for sites south of Pentonville Road/City Road'. The proposal would therefore be liable for the payment of £150,000.
- 10.73 In this instance, the applicant has confirmed agreement to pay the full payment for the three residential units. In the event that the application was to be approved the payment would be secured by way of a Unilateral undertaking and therefore this payment/agreement would directly address one of the reasons for refusal of the previous application.

Other Matters

- 10.74 The consultation process resulted in concerns in relation to increased vermin in the surrounding area associated with the use of the host property as public house. It is considered that the proposed storage of refuse within dedicated storage containers is likely to improve the situation, as well as bringing the host building into meaningful use.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposed change of use of the upper floors of the public house to self-contained residential units is considered acceptable, in terms of its impact in land use terms on the surrounding area and the retained public house. Given the proposal would not result in any operational floorspace of the public house, and would result in the creation of new residential units within a residential area. Whilst there are concerns in relation to the proposed roof extension, the proposed first floor extension to the rear elevation is considered to be compliant with the design guidance found within both the Urban Design Guide 2017 and Duncan Terrace/Colebrook Row Conservation Area Design Guidelines. It is considered that given the public benefit of providing 3 no. residential units the statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in terms of preserving the visual appearance and historic character of the host building and wider Conservation Area and the nearby Grade II Listed Building have been met and are acceptable in design terms. Also these extensions are considered not to result in any significant amenity issues in terms of loss of daylight/sunlight, outlook, privacy or a sense of enclosure to neighbouring properties, due to their scale, position and setbacks from neighbouring properties.

- 11.2 The 3 no. proposed residential units are considered to provide a good standard of accommodation, with dual aspect and access to sunlight/daylight and would be subject to noise mitigation measures secured by condition.
- 11.3 The proposal is considered compliant with the requirements of financial contributions in relation to small sites affordable housing, and being a car-free, which would be secured by way of a Unilateral Undertaking.
- 11.4 The development is considered to be compliant with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for approval.

Conclusion

- 11.6 It is recommended that planning permission be approved for the reasons set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

The Heads of Terms are:

- £150,000 contribution towards the provision of off-site affordable housing within the Borough
- Car-free development for the 3no. new residential units

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. 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).
2	Approved plans list
	CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: Environmental Noise Survey and NPPF Assessment Report (Author: Hann Tucker Associates 18/8/2015), 22166/NPPF1, Supporting Statement, Design and Access Statement Rev.A (Dated 7/11/2016), PP01/Rev.A, PP02/Rev.A, PP03/Rev.A, PP04/Rev.A, PP05/Rev.A, PP06/Rev.A, PP07/Rev.A, PP08/Rev.A, PP09/Rev.B, EX00, EX01, EX02, EX03, EX04, EX05, EX06, EX07, EX09. REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
3	Materials (Details)
	CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:

	<p>a) solid brickwork (including brick panels and mortar courses); b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; e) any other materials to be used.</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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p>Cycle Parking Provision Compliance</p> <p>CONDITION: Prior to the first occupation of any of the dwellings hereby permitted at least four secure bicycle storage spaces shall be provided within the site as shown on Drawing No. PP02/Rev.A. These spaces shall be sheltered and secure and used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter into perpetuity.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
5	<p>Refuse and Recycling Provided (Compliance)</p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. PP02/Rev.A shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
6	<p>Sound Insulation</p> <p>CONDITION: Full particulars and details of a scheme for sound insulation between residential floors of the building and the public house shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the public house or residential units, 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: For the protection of neighbouring residential amenity.</p>
7	<p>Verification Report</p> <p>CONDITION: Following completion of the measures identified in condition 6, and prior to the first occupation of the residential units, a verification report, carried out by an appropriately experienced and competent person, that demonstrates the effectiveness of the sound insulation and noise mitigation measures carried out, must be produced which is subject to the approval in writing of the Local Planning Authority. The report must be approved before occupation of the residential units.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>

7	Plant equipment
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq, Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90\ Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
8	Roof terrace
	<p>CONDITION: Prior to the first occupation of the hereby approved development, full details of the balustrades and screening methods to prevent overlooking to the adjoining neighbouring properties for the first floor roof terrace shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the residential units hereby approved and shall be retained as such thereafter.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>

List of Informatives:

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.</p> <p>Whilst no pre-application was submitted the LPA and the applicant have worked positively and proactively in a collaborative manner through the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Unilateral undertaking
	You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
3	Community infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community</p>

	Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/ .
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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 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 3.4 Increasing housing supply
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 5.3 Sustainable design and construction
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.3 Designing out crime
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design
Policy CS12 – Meeting the housing challenge

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 – Housing mix
- Policy DM3.4 – Housing standards
- Policy DM3.5 – Private outdoor space
- Policy DM3.7 – Noise and vibration (residential uses)
- Policy DM4.10 – Public Houses
- Policy DM6.1 – Healthy Developments
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes

- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

3. Designations

Duncan Terrace/Colebrook Row Conservation Area
Article 4 Direction – office to residential
Article 4 Direction – conservation
Local Cycle routes
Major Cycle routes

4. SPD/SPGS

Urban Design Guidelines 2017
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design SPD
Housing SPG
Affordable Housing SPD
Recycling and Refuse Storage Requirements – Street Environment Services

APPENDIX 3: RELEVANT APPEAL DECISION

Below is the appeal decision for no. 57 St John Street for Planning Permission and Listed Building (refs. P2016/4585/FUL and P2016/4661/LBC) for the 'refurbishment and internal reconfiguration of existing public house (A4) and change of use and subdivision of the upper floors (first, second, third and fourth) into four self-contained flats, with associated creation of separate access, formation of a roof terrace to the fourth floor and at roof level and other associated works. Appeal for non-determination Allowed on 14/09/2017 (refs. APP/V5570/W/17/3169148 and APP/V5570/W/17/3169153):



The Planning Inspectorate

Appeal Decisions

Hearing Held on 2 August 2017

Site visit made on 2 August 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th September 2017

Appeal A Ref: APP/V5570/W/17/3169148

57 St John Street London EC1M 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D King (Consulco) against London Borough of Islington.
 - The application Ref P2016/4585/FUL, is dated 31 October 2016.
 - The development proposed is the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level.
-

Appeal B Ref: APP/V5570/W/17/3169153

57 St John Street London EC1M 4AN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr D King (Consulco) against London Borough of Islington.
 - The application Ref P2016/4661/LBC is dated 31 October 2016.
 - The works proposed are the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level.
-

Decision

1. **Appeal A** is allowed and planning permission is granted for the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level at 57 St John Street London EC1M 4AN in accordance with the terms of the application, Ref P2016/4661/LBC, dated 31 October 2016, subject to the attached schedule of conditions.
 2. **Appeal B** is allowed and listed building consent is granted for the refurbishment of existing public house (A4) and change of use and subdivision of the upper floors into self-contained flats, with associated creation of separate access and alterations at ground level to the existing public house at ground level at 57 St John Street London EC1M 4AN in accordance with the terms of the application Ref P2016/4661/LBC is dated 31 October 2016, subject to the attached schedule of conditions.
-

Procedural Matters

3. The appeals are against the non-determination of the planning application and listed building consent by London Borough of Islington. The Council have provided putative reasons for refusal for both applications had the applications been determined. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The appellants have submitted amended plans as part of the appeals to address the concerns relating to the effect upon the Grade II Listed Building. The plans omit proposed new rooflights and the creation of a terrace to the roof, the removal of a fireplace and walls at second floor level and the lowering of the basement floor. As per the submitted Statement of Common Ground, dated 31 July 2017 (SOCG), both the Council and the appellant consider that no party would be prejudiced by my determining the appeal on the basis of the amended plans. Having considered this matter further at the Hearing, as the revised drawings reduce the number of physical alterations proposed within the building and there are no new design elements I am satisfied that there would be no prejudice to any party or interested persons and I have therefore determined the appeals on this basis.
5. The Council also confirmed at the Hearing that the amendments address their concerns in respect of the effect of the proposals upon the special architectural and historic interest of the Grade II Listed building. This position is also reflected within the SOCG. It was also clarified that both parties consider that, as the works would relate to the interior, there would be no adverse effect upon the character or appearance of the Clerkenwell Green Conservation Area.
6. However, discussion was held at the Hearing and at the site visit in respect of the proposed noise prevention measures and the implications of these in respect of the listed building as well as the loss of floor space in respect of the character of the area. In respect of the legal duties prescribed under Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I will therefore consider the effects of the proposed development and works, below.
7. A completed legal agreement under s106 of the Planning Act (s106), dated 12 February 2017, was submitted prior to the hearing. As also reflected within the SOCG and confirmed at the Hearing, the Council consider that this satisfactorily addresses their concerns. There was also discussion on an appropriate mechanism to secure car free housing and following the hearing a joint position statement between the appellant and the Council as well as further information on the proposed method to secure this was provided. The provision of affordable housing, carbon offsetting and car free housing and its compliance with the relevant Regulations, the National Planning Policy Framework (the Framework) as well as Planning Practice Guidance (PPG) is considered below.

Main Issues

8. In light of the above, the main issues relate to:
 - (a) Whether the loss of the public house floor space would harm the future viability of the business;

- (b) The effect of the works on the special architectural and historic interest of the grade II listed building and the character and appearance of the Clerkenwell Green Conservation Area, and;
- (c) The effect of the development upon the living conditions of future and neighbouring occupants in respect of noise and disturbance.

Reasons

Loss of Floor Space

9. The White Bear is a purpose built 5-storey public house dating from the 19th century. The pub operates at ground floor and first floor level, and there is a basement which is currently used as storage as part of the business. There is also a commercial kitchen to the first floor and the pub serves meals as part of its offer. The remaining upper floors comprise of ancillary residential accommodation, occupied by the existing tenant landlord.
10. The appeal property is located to the west side of St John's Street, a busy main road which has a mix and variety of uses. The site is located within a Central Activity Zone, and an Employment Priority Area and is close to the landmark Smithfield Market. There are also a number of other public houses in the area.
11. Policy DM4.10 of the Islington Development Management Plan 2013 (DMP) supports the retention of Public Houses and opposes their redevelopment, demolition and change of use. Where applications to redevelop such assets are received, a number of criteria must be met, in respect of viability, marketing, loss of historic character or loss of a function of particular value to the local community. As stated in the supporting text of DMP Policy DM 4.10, Islington's Public Houses form an integral part of the urban fabric and many are closely associated with the life and identity of local communities as well as the historic character of the area and as such it is important to secure their retention.
12. Policy BC7 of the Finsbury Local Plan 2013 (FLP) seeks to protect the historic character of Clerkenwell. It is recognised that fundamental to the areas character is its diverse commercial role and as such the policy seeks to protect that diversity by supporting a range of activities while encouraging residential uses where this would not be detrimental to the areas character.
13. The Clerkenwall Green Conservation Area Guidelines 2002 (CAG) also notes, at paragraph 1.10, that the character of the area depends upon its great variety of uses and permits residential floor space where it is not a ground floor level and where no more than 60% of the total floor space of any building is in residential use.
14. The proposals would not involve the loss of the A4 use, rather the commercial floor space would be reordered with the bar area remaining at ground floor level. Further seating, along with kitchens and toilet facilities would be provided at basement level. The first floor would be converted into a self-contained unit which would be occupied by a future landlord.
15. As evidenced by the volume of responses to the original application, the White Bear is of clear community value. Moreover, its use forms part of the established character of the locality and as part of the Conservation Area. In light of the above policy context, it is thus essential to ensure that the

proposed residential uses of the upper floors of the appeal property would not compromise its use as a public house.

16. The existing offer across the basement, ground floor and first floor levels is around 202 square metres whereas the proposals would result in around 133 square metres of floor space for the reconfigured public house. As per the amended plans, this would now include a kitchen area to ensure that a food offer is retained. The reduction in floor space is not insignificant and it is clear to me that the future operation of the public house would be altered from its current form and business operation.
17. However, I do not consider that such a reduction in floor space would render the public house to be unviable. The proposals would ensure that seating is offered across the ground floor and basement level, and while the basement is currently in need of significant work to bring it up to a suitable standard, I have no reason to consider that this could not be made attractive, in spite of a lack of natural light and ventilation.
18. Furthermore, while the submitted report from AG&G Chartered Surveyors (dated 1 November 2016) is largely theoretical, it does demonstrate the existence of a number of small scale public houses across London. There is no evidence to suggest that a smaller scale enterprise would not be successful in this busy location and I note the cited benefits for future tenants by the way of lower rent and operating costs. No future tenant has currently been identified, nonetheless it was clear from the submissions made at the Hearing that there is interest in a business of this scale.
19. I note the Council's concerns that no marketing of the existing business has been undertaken. However, the requirements of Policy DM4.10 relates to the total loss as it only requires evidence to demonstrate that the Public House has been vacant for a continuous period and that it has been continuously marketed to demonstrate there is no realistic prospect of the unit being used as a Public House.
20. I am also mindful that in there is a pressing need for more homes in London, as stated in Policy 3.3 of the London Plan 2016. The remaining commercial floor space would meet with the 60% threshold as identified within paragraph 1.20 of the CAG and would provide an appropriate balance between the need to protect business uses as well as providing residential development. To me, it would also appear that the proposals would be entirely in line with the FLP Policy BC 7 as well as the CAG, which recognise the diversity and local value provided by the great number of small scale of businesses in the area.
21. Overall I find no conflict with DMD Policy DM4.10, FLP Policy BC7 or the CAG and I conclude that the loss of floor space for the development of residential accommodation would be justified as it would not cause harm to the viability of the use of the White Bear Public House.

Heritage Assets

22. The White Bear is a Grade II listed building which dates from 1899 built by the City of London Brewery Co. It is of red brick and stone construction with decorative terracotta pilasters. To the ground floor is an arched opening with central column and pilasters with decorative fascia and cornice above. The public house frontage is set back under the arches and comprises of a central

bow window flanked by double doors to each side with decorative iron grills above with 'White Bear' lettered in them.

23. Internally, the building is much altered, although some cornicing remains and the historic floor plan is legible. The ground floor is the most complete with cornicing as well as a Corinthian column to the bar. The bar itself appears modern but as established at the Hearing, is likely to be clad and may be historic underneath.
24. The significance of the listed building derives from its historic interest as a 19th century purpose built public house which remains in the same use today. As evidenced by the responses to the proposals, the public house has significant communal value which also contributes to its historic interest. Its significance also relates to its architectural interest; the front façade is particularly decorative and demonstrable of the Victorian architectural fashions of the time in terms of use of materials and styles. Internally there has been some loss of historic fabric, particularly to the upper floors, that said, the original plan form of the building can be still be appreciated.
25. The Council and appellant have reached agreement on a number of matters in respect of the nature and scope of the proposed internal alterations and revised plans omitting the addition of new rooflights, the creation of a roof terrace, opening at second floor level, lowering of basement floor as well as the retention of second floor fireplace. The amendments remove the harmful elements of the proposal and thus I also consider this acceptable in this regard.
26. Having viewed the proposals on site for each room, and as per the findings within the submitted Heritage Statement, I am also satisfied that the majority of the internal alterations to facilitate the conversion of the upper floors into residential accommodation would entail no impact upon significance of the building.
27. The proposal would also entail noise abatement measures. Consideration of the measures set out within the Noise Impact Assessment (NIA) in respect of the impacts upon the significance of the listed building is not given in the Heritage Statement. Such measures would be required to ensure that the public house and residential uses are compatible.
28. Paragraph 6.2 of this statement lists a number of measures. These are illustrated in a diagram in Figure 1 and include an engineered timber floor finish and the installation of wallboards and suspended ceilings between the ground and first floors and between the first and second floors.
29. As proposed within the NIA, it is clear that such works could have an adverse effect upon the architectural interest of the listed building. Many of the rooms have lost their original ceilings and coving, however, these remained in-tact in some places. To the ground floor within the pub itself, the lowering of the ceiling would mask original coving and its interaction with the full height timber bow window to the front and the column at the bar is unclear.
30. Based on my visit to the site and the discussions held at that time, I consider that an appropriate scheme could be achieved which would avoid conflict between the works and the significance of the asset as considered on a room-by-room basis, with the involvement of relevant professionals. While it is unfortunate that the detailed scope of the works was not better considered as

part of the original application, I am satisfied that this could be secured by condition and it would be unreasonable to refuse permission on this basis. I also note that the Council's Conservation Officer indicated on site that they would be content with such an approach and an agreed draft condition was provided during the proceedings.

31. In respect of the Conservation Area, as stated above, the CAG as well as DMP Policy 4.10 recognise that public houses as part of a diverse commercial offer form an integral part of the significance of the Clerkenwell Green Conservation Area. As I have stated above, I find the continued use of the building as a public house to be consistent with the policy aims and the wider character of the area. Moreover, there would be no physical alterations to the external appearance of the building, visible from the street scene. In this regard, I therefore consider that the character and appearance of the Conservation Area and its significance as a heritage asset would be preserved.
32. The submitted plans also include an annotated list of works, including damp proofing, underfloor heating and other works including services and extraction. At the Hearing it was identified that such measures may not be wholly necessary and may need further consideration in light of other works – for the interaction of underfloor heating with any noise insulation measures. In light of this, it was agreed by parties that such works could be adequately dealt with by condition, and this was reflected by the agreed draft condition. Again I am satisfied that the scope of such would be minimal and that the specific details would be reasonably dealt with by condition.
33. Overall, subject to conditions, the proposed works would preserve the listed building and its features of special architectural and historic interest. The development would also preserve the character and appearance of the Clerkenwell Conservation Area. The proposals would accord with LP Policy 7.8, Policy CS9 of the Islington Core Strategy 2011 (CS) and DMD Policy DM2.3. Together these seek to protect and enhance Islington's built and historic environment through appropriate design and by being sympathetic to their form, scale, materials and architectural detail. There would be no conflict with DMD Policy DM4.10 or the CAG which seek to ensure that the redevelopment of public houses would retain significant features of historic or character value. Finally the development would accord with the National Planning Policy Framework which seeks to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed by this and future generations.

Living Conditions

34. The Council consider that the conversion of the upper floors of the building to residential accommodation would be likely to give rise to noise and disturbance of future occupants. A Noise Impact Assessment (NIA) was submitted and recommends a number of measures.
35. In respect of securing such measures to protect future occupants, in my view, the submitted NIA does demonstrate that abatement measures can be secured. I have, however, discussed the effect of the works upon the listed building fabric above and as stated, the catch all recommendations for insulation as identified in paragraph 6.2 and Figure 1 would not be appropriate in every room due to adverse effects upon the architectural significance of the listed building.

36. However, in respect of physical works, I consider that a bespoke room by room solution could be achieved in order to protect the historic fabric and protect the living conditions of residents. Such measures could be secured by condition.
37. Other mitigation measures as proposed include use of the first floor flat as ancillary residential accommodation for the landlord of the pub and a restriction on recorded and live music playback. In respect of the former, while this would be a self-contained unit, I am satisfied that restricting the occupancy to ancillary accommodation would be necessary and an enforceable means to assist in reducing the effect of noise and disturbance. I therefore consider that there would be sufficient justification to impose a personal condition to secure this.
38. The current licensing arrangements for the existing business allow for live and recorded music. Opening hours are also controlled. Due to the age of the pub, no formal planning controls relating to the hours of operation are currently in place. While I accept that it is important to ensure that the business and use as a public house is not subject to unreasonable restrictions as a result of the proposed residential development, given the scale of the pub and the proposed changes in respect of the form and operation of the existing business, I agree with the appellant that a limit on these matters, secured via condition, as well as through separate licensing arrangements, would be unlikely to impede the future viability of the public house.
39. In respect of wider concern in respect of comings and goings of patrons, the appeal site is located in busy mixed use area, along a main road where ambient noise levels could reasonably be considered to be greater than typical. A total of 4 complaints have been received in the past regarding noise issues, with the most recent occurrence being in May 2017. Of these complaints all of these related to customer noise and one occasion in 2014 related to loud music. There was no evidence presented at the Hearing regarding from whom the complaints were made including whether these were from neighbouring occupants or otherwise. In light of the nature of the area, and the scope and limited number of the complaints, I do not consider that these would be sufficient to justify the dismissal of the appeal. I am also mindful that the proposals could secure greater controls in relation to noise through the imposition of a condition than at present.
40. On balance, on this matter I conclude that the development would not be likely to harm the living conditions of proposed and neighbouring residents in respect of noise and disturbance, subject to the imposition of a suitable condition. The development would accord with DMD Policies DM2.1 and DM3.7 which requires the design of development to provide a good level of amenity including consideration of noise and the impact of disturbance, including sufficient sound insulation with reasonable resistance to airborne sounds and impact sounds.

Planning Obligation – Appeal A

41. As stated above, the appellant has submitted a signed and dated Unilateral Undertaking (UU) which commits to making financial contributions for affordable housing provision and carbon offsetting in the Borough. I shall deal with each obligation within the UU in turn.

Affordable Housing

42. The submitted UU would secure £240,000 towards affordable housing. Policy CS12 of the CS details the Council's position, which is consistent with paragraph 50 of the Framework.
43. While I note that a Written Ministerial Statement (the WMS) dated November 2014 introduced a threshold beneath which planning obligations, affordable housing and tariff style contributions should not be sought, the Council has put forward substantial evidence relating to local problems of housing affordability, reflecting housing costs relative to incomes, and on the relative importance of small site developments and the contributions from these to new affordable housing provision. Consequently, I am satisfied that Policy CS12 of the Core Strategy, and the compelling and substantive evidence produced to support their approach, are material considerations that clearly outweigh the WMS. I also am mindful that a number of other Inspectors have also found that affordable housing contributions are necessary in other such small schemes in the Borough.
44. I have reviewed the UU, and in considering that the planning obligation is necessary to make the development acceptable in planning terms, I am satisfied that the affordable housing element is both directly and reasonably related to the proposal and that it meets the three tests stated in paragraph 204 of the National Planning Policy Framework (the Framework) and Regulations 122 and 123 of the Community Infrastructure Levy (Amendment) Regulations 2015. I give significant weight to this obligation.

Carbon Offsetting

45. Policy CS10 of the CS requires development to offset CO2 emissions associated with their building through a financial contribution to measures that reduce such emissions in the existing building stock. In accordance with the Environmental Design Planning Guidance Supplementary Planning Document (SPD) a contribution of £4000 to secure carbon offsetting measures is specified in the submitted UU. The proposed development would thus meet the requirements of Policy CS10 in this regard, insofar as it seeks to ensure that new development minimises Islington's contribution to climate change.
46. However, as a tariff-based contribution from a small site, again I am mindful of the WMS. I have been supplied with limited evidence in respect of the purpose that such a contribution would be put to and thus I consider that it has not been demonstrated that the contribution would be fairly and reasonably related in scale and kind to the development.
47. Therefore, on the basis of the evidence before me, I consider that the requirement for a planning obligation of this type would thus be at odds with the national policy as expressed in the WMS. Consequently, in this instance, I consider that the policy of the WMS clearly outweighs the development plan requirements.
48. For these reasons this part of the planning obligation would not meet the tests of Regulation 122(2) and 123 (3) (b) of the Community Infrastructure Levy Regulations 2010 or paragraph 204 of the National Planning Policy Framework. Accordingly, it has not been established that the contribution towards carbon offsetting measures would be necessary in this case and I am unable to take it

into account in determining the appeal. Accordingly, I have given this element of the obligation no weight in reaching my decision.

Conditions – Appeals A & B

49. I have had regard to the conditions put forward by the Council, as well as the discussions in respect of the amended plans and submissions made during the Hearing. I have also considered the joint position statement and additional information which was submitted following the close of the Hearing in respect of car free housing.
50. Conditions are needed in both appeals in respect of timescales for the works and compliance with the submitted plans and accompanying information for the avoidance of doubt and in the interests of proper planning. I have however, omitted the reference to the sectional drawing showing noise insulation from the list of approved plans, for the reasons discussed above.
51. Following on from discussion at the hearing, it was considered by parties that the Council's standard suggested materials condition for Appeals A and B would not be appropriate and two redrafted conditions were presented. I have imposed the agreed condition in respect of architectural details relating to plasterwork, joinery, and chimneypieces in respect of Appeal B only, rewording this to avoid repetition.
52. For both appeals, I have also imposed the agreed condition in respect of requiring full details, including method statements where appropriate, in respect of a number of outstanding matters, including sound insulation and other acoustic mitigation. I have omitted reference to matters under the condition on Appeal A where these relate to works relevant only to the listed building itself. For appeal B, I have also added in reference to works to the bar following the detailed discussions at the hearing as this was omitted from the supplied list and the proposed balustrade, omitting the need for a separate condition for this.
53. I have again amended the wording of these conditions also requiring that the development shall be carried out in accordance with the approved details prior to occupation. Both of these conditions are pre-commencement, due to the nature of the works, and are necessary in order to safeguard the special architectural and historic interest of the listed building as well as in respect of preserving living conditions for Appeal A.
54. I have also imposed a condition on Appeal B in respect of the use of a conservation rooflight. Again, this is necessary in order to safeguard the special architectural and historic interest of the listed building.
55. For Appeal A, I have attached a condition in respect of a Construction Method Statement, as this is necessary to protect the living conditions for neighbouring residents. A structural method statement is no longer necessary due to the amendments to the plans omitting the digging out of the basement.
56. I have imposed conditions relating to operating hours, music playback as well as a personal condition in respect of the provision of managers accommodation in order to protect the living conditions of future occupants from noise and disturbance. These are necessary for the reasons discussed in the main decision, above.

57. In respect of Appeal A, Policy CS18 and Policy DM8.5 of the DMP require that new development within the Borough should be car free in order to mitigate the transport impacts of development. The appeal site is highly accessible on foot as well as by bicycle and public transport. It is located in a controlled parking zone where parking stress is evident. In this regard, the need to ensure that the development is car free is necessary.
58. Car free housing is commonly dealt with by means of a planning obligation. However, the Council proposed to deal with this by the imposition of a planning condition. Both parties were given the further opportunity to comment on this approach in light of Planning Practice Guidance¹ (PPG) and in respect of recent case law.²
59. As discussed at the Hearing, and as demonstrated by the agreed position statement and additional information supplied, the Council has an established separate mechanism to secure car free development. Namely, they have a standard condition which is applied to the approval of permission. Such a restriction is then recorded on a local database as 'Permit Free Housing.' Parking terms and conditions are also clearly expressed on the Council's website which clearly states that to be eligible for a resident parking permit you must live in Islington at an address that has no permit restrictions by way of a planning consent.
60. Both parties consider that such an arrangement does not require an obligation or other arrangement and as such the relevant part of the PPG which states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases would not be relevant. The Council has also sought to justify their approach in respect of paragraph 203 of the Framework which states that obligations should only be used where it is not possible to address unacceptable concerns through a planning condition.
61. I have considered the above approach and I have considered the two draft conditions. The second draft condition, which was submitted during the hearing, would not satisfy the requirements of the Framework or PPG as it has been amended to be negatively worded and requiring an arrangement to be agreed. However, the original drafted condition sets out that all future occupiers of the residential units shall not be eligible to obtain a parking permit, subject to a number of exclusions.
62. In respect of the six tests set out in paragraph 206 of the Framework and as demonstrated by the recent case law, the enforceability of car free housing can be difficult. The PPG³ notes that unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control. In light of the Council's processes and database, I am satisfied that the condition attached to the grant of planning permission would pass this test.

¹ PPG Paragraph 010 Reference ID: 21a-010-20140306
² *R (Khodari) v Kensington and Chelsea RBC* [2017] EWCA Civ 333
³ Paragraph: 004 Reference ID: 21a-004-20140306

Conclusion

63. For the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be allowed.

C Searson

INSPECTOR