

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department



<b>PLANNING SUB COMMITTEE B</b>		
<b>Date:</b>	30 <sup>th</sup> April 2018	<b>NON-EXEMPT</b>

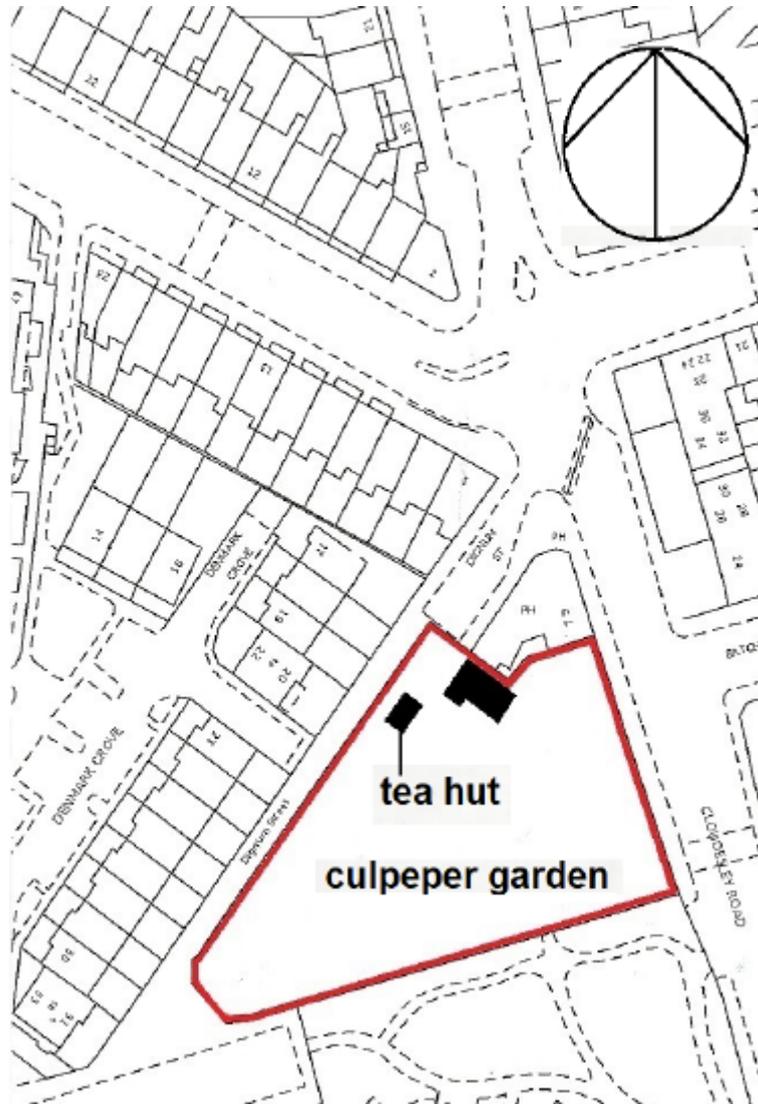
Application number	P2017/3427/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	No
Conservation area	Adjacent to Barnsbury Conservation Area
Development Plan Context	Culpeper Community Garden SINC (Site of Importance for Nature Conservation) (SINC 16) Culpeper Street (OS 46) and Culpeper Street Community Garden (OS 45) designated Open Spaces Adjacent to Barnsbury Conservation Area
Licensing Implications	No
Site Address	Culpeper Community Garden, 2 Dignum Street Islington LONDON N1 0FJ
Proposal	Erection of a single storey glazed extension (greenhouse) to the existing outbuilding (tea hut) (following removal of existing greenhouse)

Case Officer	Daniel Jeffries
Applicant	Culpeper Community Garden Association
Agent	Mr Stephen Mullin

### 1. RECOMMENDATION

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

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



3. PHOTOS OF SITE/STREET



**Image 1:** Aerial view of the site arrow pointing at location of existing building to be extended



**Image 2:** View of existing pedestrian access along western boundary connecting Dignum Street to the north and Dewey Road (arrow pointing to proposal area)



**Image 3:** View of proposal area from pedestrian access facing northeast



**Image 4:** View of existing greenhouse (within site) to be removed and location of proposed greenhouse



**Image 5:** View facing west within site where greenhouse would be located showing proposal area and the rear of nearest residential properties along Denmark Grove

#### **4. SUMMARY**

- 4.1 The application relates to improved and enlarged facilities for Culpeper Community Garden. The buildings on site consist of 3 no. single storey buildings, being a brick (main building), a prefabricated (tea hut) and adjacent to the tea hut, lies an existing greenhouse, approximately 8.36 sqm in area. The site is designated as SINC (Site of Importance for Nature Conservation) and open space, and is adjacent to the Barnsbury Conservation Area along the west and north boundaries.
- 4.2 This application seeks planning permission to replace the existing greenhouse, with an elite Kensington greenhouse measuring 4.432m x 1.915m in a similar location adjacent to the tea hut. This would be positioned adjacent to the western boundary which is shared with the existing pedestrian access which connects Dignum Street and Dewey Road. The existing greenhouse to be removed measures 1.9m x 1.9m in area.
- 4.3 The applicant has confirmed that the proposal is required for the improvement and enlargement of the existing community garden facilities, which would be used to grow plants and vegetables, and would also include provision for the use by schools and local community groups.
- 4.4 In land use terms, development in designated open space is contrary to the Council's policies which states that planning permission would not be granted. It is acknowledged that the planning history does not indicate that the existing greenhouse to be removed benefits from planning permission. However, historical aerial photographs show that this structure has been in-situ in this location for over 4 years and therefore immune from enforcement action. In this instance, the proposal would only result in a relatively modest increase in area, in comparison to the existing greenhouse to be removed, from 3.61 sqm to 8.36 sqm. It is considered that given

its position, scale and that it would enlarge the existing community facilities together with policy DM4.12 which encourages the expansion of social infrastructure to support the needs of communities, on balance, the principle is considered acceptable.

- 4.5 Whilst not within a conservation area, the site is bounded by Barnsbury Conservation Area which shares the north and western boundaries of the site. It is therefore important that the proposal, which would be partially visible from the public realm (from pedestrian alleyway) and private views, preserves the visual appearance and historic character of these designated heritage assets. However, given the existing boundary treatment and planting, views would be somewhat obscured from the adjacent conservation area. Furthermore, the translucent nature of the proposed greenhouse would be in keeping with the leafy environment it would be situated on, thereby reducing its visual impact. In this regard, the design of the proposal is considered to be of an acceptable scale and in keeping with the existing buildings within the application site and similar to the design of the greenhouse to be removed, in terms of its materials. The proposal is therefore considered acceptable in design terms.
- 4.6 Overall, the proposed development is not considered to have any material adverse impacts on adjoining residents' amenity levels in terms of noise disturbance, overlooking or loss of light. Also the proposal is considered not to result in a detrimental impact on the sites designation as Site of Importance for Nature Conservation and its biodiversity value from present owing to its minimal footprint increase.
- 4.7 The application is presented to committee because the proposal is contrary to policy as it would be development on designated Open Space and Site for Nature Conservation (SINC). However, this slight increase in size of the greenhouse from the existing, would provide benefits to the local community and surrounding schools which outweighs the small loss in Open Space and SINC, which is also positioned on an existing area of hardstanding. It is therefore recommended for approval subject to conditions.

## **5. SITE AND SURROUNDING**

- 5.1 The application site is located between the public highways of Cludesley Road, to the east, Tolpuddle Street to the south, and the pedestrian access connecting Dignum Street and Dewey Road along the western boundary. The residential block of flats along Denmark Grove are immediately to the west of the pedestrian access. In addition there is a four storey residential building to the corner of Cludesley Road and Dignum Street to the north of the site, and a block of flats to the south east corner along Tolpuddle Street.
- 5.2 The site itself consists of the Culpeper Community Garden, which is community run and funded areas of open space. The community group, which is a registered charity, was set up in 1982 by local people near the Angel, Islington. The site is a Site of Importance for Nature Conservation (SINC 16) and Culpeper Street (OS46) and Culpeper Street Community Garden (OS45) designated Open Spaces. It is also adjacent to the Barnsbury Conservation Area, which runs along the western and northern boundaries. The existing buildings within the site include a brick built single storey building which is attached to the four storey building on the corner of Dignum Street and Cludesley Road, and two smaller detached single storey buildings along the western boundary, being prefabricated building and a greenhouse, which has aged overtime .

## 6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks planning permission to replace the existing greenhouse which would be removed with a larger greenhouse attached to the existing tea hut. The proposal would also include the repositioning of the existing 2m internal fence located immediately to the south of the proposal.
- 6.2 The applicant has confirmed that the increasing emphasis on environmental education for local schools and community groups has placed demands on the existing greenhouse which it is now struggling to fulfil, due to its age and restricted size and headroom. The proposal to demolish the existing greenhouse and construct a larger one in its place, according to the applicant, will allow sufficient space for expansion of these activities, and present an opportunity to expand plant propagation to supply the bi-annual plant sales which form a significant source of the Trust's annual income.

## 7. RELEVANT HISTORY:

### PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
830022	Erection of 1.8m. high timber boundary fence and gates and various garden structures.	Approved with conditions	17/05/1983
831849	Use as public open space.	Approved with conditions	29/03/1984
891167	Construction of new hut for meetings and resiting of existing storage hut.	Approved with conditions	11/12/1989
P041093	Construction of replacement single storey building for use as office, meeting space and store in connection with the Community Garden.	Approved with conditions	02/07/2004
P071874	Construction of replacement garden office and store in connection with the existing community garden.	Approved with conditions	17/09/2007
P071874(MA01)	Minor amendment to siting of previously approved scheme for construction of replacement garden office and store in connection with the existing community garden approved on 17th September 2007.	Approved with no conditions	22/02/2008

### ENFORCEMENT:

- 7.1 None

### PRE-APPLICATION ADVICE

- 7.2 None

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 53 adjoining and nearby properties at Denmark Grove, Dewey Road, Batcelor Street and Cloudesley Road on 4<sup>th</sup> October 2017. Further reconsultation letters were sent on 8<sup>th</sup> November 2017, informing neighbours that proposal includes development on land designated as Site of Importance for Nature Conservation (SINC) and Open Space (Culpeper Street Open Space and Culpeper Street Community Garden). The public consultation of the application therefore expired on the 27<sup>th</sup> November 2017, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of writing this report one response, supporting the application, had been received from the public with regard to the application.

### External Consultees

- 8.3 **None**

### Internal Consultees

- 8.4 **Design and Conservation Officer** raised no objections to the proposal.
- 8.5 **Biodiversity Conservation Officer** confirmed that they can't foresee any impact on the SINC designation.

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

- 9.1 Islington Council (Planning Sub-Committee B), in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)
  - As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).
- 9.2 National Planning Policy Framework (NPPF): Paragraph 14 states: "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..."

- 9.3 At paragraph 7 the NPPF states: “that sustainable development has an economic, social and environmental role”.
- 9.4 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.5 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.6 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
- 9.7 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:
- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  - Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 9.8 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 9.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.10 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**

### **Development Plan**

- 9.11 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011 and 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.

### **Designations**

- 9.12 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Culpeper Community Garden SINC16 (Site of Importance for Nature Conservation)
  - Culpeper Street (OS46) and Culpeper Street Community Garden (OS45) designated Open Space
  - Adjacent to Barnsbury Conservation Area

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

- 9.13 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 & impact on adjacent Conservation Areas
- Amenity Impact
- Highways and Transportation
- Impact on SINC designation and biodiversity

### **Land-use**

- 10.2 The site to which the application relates is located on the designated open space, being Culpeper Street Open Space (OS46) and Culpeper Street Community Garden (OS45) and is a designated SINC16 (Site of Importance for Nature Conservation). As the proposal seeks to replace a greenhouse, with a similar greenhouse fit for modern standards, to the north west of the site policy DM6.3 is most relevant in terms of protecting open space.
- 10.3 Paragraph 6.26 of the Development Management Policies (2013) states that *due to the dense urban nature of the borough, high population density, and open space deficiencies, public open spaces in the borough will be strongly protected*. Part A of Policy DM6.3 states *Development is not permitted on any public open space and significant private open spaces*. Whilst the impact on biodiversity is discussed later in this report the site also has a SINC designation which protects against development.

- 10.4 Whilst the Act requires decisions to be made in accordance with the development plan (which would suggest refusal is the appropriate decision) there are material planning considerations that should also be considered. These include:
- The scale and position of the proposal
  - The use and function of the development
- 10.5 In this instance, the existing greenhouse to be removed has been in situ for at least 6 years and is no longer fit for purpose given its condition. The existing greenhouse measures an area of approximately 3.61 sqm and situated within 0.5m of the existing tea hut. The replacement tea hut would measure 8.36 sqm and lie directly adjacent to the tea hut.
- 10.6 The increase in overall area is considered to be minor in relation to the overall site which covers 0.58 hectares, and predominately remains green open space. It must also be noted that in addition to the greenhouse being located on an area of hardstanding, the use as a greenhouse for the community would be an appropriate building associated with the green space. Policy DM6.1 seeks to promote healthy development. Paragraph 6.6 states development can improve healthy eating by increasing the availability and access to healthy foods and increase participation in physical activity by improving the built environment and green space. The greenhouse would contribute to healthy living.
- 10.7 Development Management Policy DM4.12 should also be considered in terms of the acceptability of the principle of the proposed development, in relation to community and social facilities. These are defined, within page 206, as *facilities are available to, and serve the needs of, local communities and others and are often funded in some way by a grant or investment from a government department or public body or the voluntary sector*. Given the application relates to organisation which is a registered charity, and its function is an existing community run garden, which is funded through the voluntary sector, it is considered that the existing facilities would fall within this classification. It should also be noted the applicant has stated that the proposal is to allow for providing additional space for the growing of plants and is used for community-led and school projects. Policy DM4.12 is very supportive of new social and community infrastructure provision.
- 10.8 Policy DM4.12C sets out criteria for new social infrastructure, which must:
- be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
  - provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
  - be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
  - complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.*
- 10.9 Whilst it is acknowledged that the proposal is not strictly an educational establishment, the applicant has confirmed that the proposal would expand the facilities, part of which would be used for educational purposes for schools and

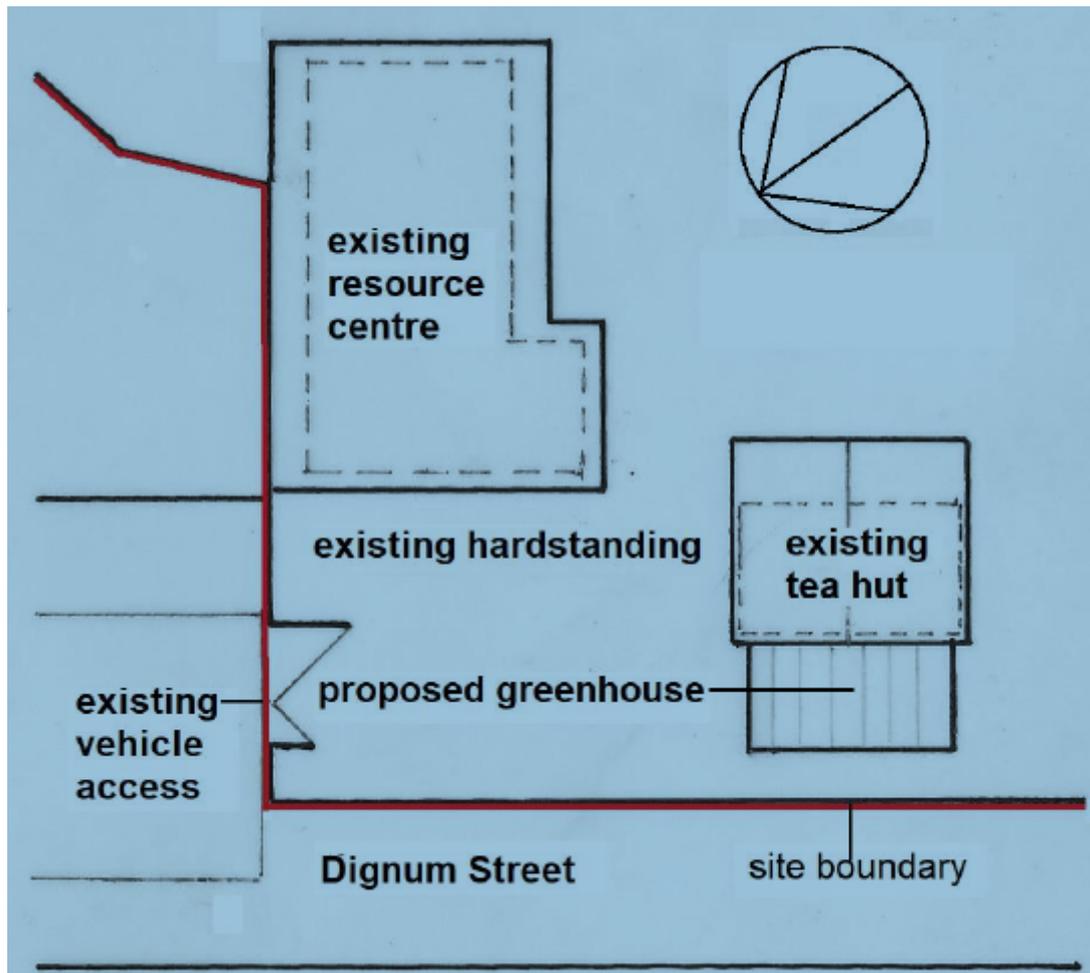
community groups. Policy 3.18 of the London Plan 2016 supports the expansion of education facilities and the enhancement of facilities for educational purposes. The provision of additional facilities and space is classified as provision of new social infrastructure which is supported by policy DM4.12 of the Development Management Policies 2013. Paragraph 4.69 associated with this policy states *'development/redevelopment of social and strategic infrastructure should be designed to meet the needs of their intended occupants, taking into account any appropriate regulations and national design and space standards*. The London Plan is supportive of proposals which enhance education and skills provision, including the expansion of existing facilities. A condition has been recommended (condition 4 in Appendix 1) to secure the submission of a community and schools access management plan, in order to ensure that the proposal is compliant with the above policies.

- 10.10 It is acknowledged that the proposal would be contrary to the Council's policy DM6.3, which prevents any development within a designated open space. However, it is considered that as the proposal would result in the expansion of the existing Culpeper Garden, which is a community funded and run facility, it would be compliant with policy DM4.12 in terms of expanding existing social infrastructure, including being used by local schools and community groups for educational purposes.
- 10.11 It should also be noted that the proposal would result in the demolition of the existing greenhouse. Whilst it is acknowledged that this existing building is slightly smaller and detached, the proposal would retain the existing function and operation of this unit as a greenhouse to produce healthy food.
- 10.12 In conclusion, it is acknowledged that the development within designated open space would not be compliant with the Council's policies which state that permission will not be granted planning permission. However, the following material planning considerations are considered to weigh in favour of this application, the scale of the proposal, its position, adjacent to the western boundary on an area of hard standing and the community and educational function and use of the proposal, which would be secured by way of condition, which would promote healthy eating, it is therefore considered acceptable in this instance in land use terms. It is also considered the proposal would not result in any loss of the open nature or function of the designation as an area of Open Space.
- 10.13 The proposal would also replace an existing smaller greenhouse, which is used for the same function as the proposal. Given these circumstances together with the policy objectives of providing expanded and improved social infrastructure facilities for the existing Culpeper Community Garden, including for educational purposes, which would enhance the existing facilities, as well as the promotion of healthy eating and living, the proposal is considered to be acceptable, in the context of the specific material planning considerations and the wider Development Plan when read as a whole.

### **Design and Conservation**

- 10.14 Given the site is within the setting of Barnsbury Conservation Area the proposal is required to pay special regard to the statutory duty (s72(1)) for the preservation or enhancement of these heritage assets. Therefore, in terms of assessing the acceptability of the design of the proposal, it is important to consider the NPPF, Development Management Policies (2013) DM2.1 and DM2.3, Islington Core Strategy Policies (2011) CS9, and the guidance found within the Urban Design Guide (UDG) 2017, and the associated Conservation Design Guidelines.

- 10.15 Policy DM2.1 states 'All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics'.
- 10.16 In relation to heritage, Policy DM2.3 states 'Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance'.
- 10.17 Core Strategy Policy CS9 states that 'high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive'.
- 10.18 The UDG provides guidance on how urban design principles should be applied to ensure that new development successfully contributes to making the borough a better place. It is applicable to all new developments, including alterations and extensions to existing buildings.
- 10.19 Whilst it is acknowledged that the guidance within paragraphs 5.131 to 5.134 relate to residential extensions and alterations, it is considered that there are elements which are relevant in the assessment of this application and are considered to be consistent with the above policy objectives. The guidance states that extensions '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' and 'the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building'.
- 10.20 In terms of the visual appearance the guidance advises that 'there may be circumstances when extending a building in a way which is a continuation of the existing form, using matching materials and details, is important. In other cases, high quality contemporary contextual design, such as utilising contrasting high quality materials or a lightweight glazed form, may be more appropriate'.
- 10.21 The site is adjacent to a designated Conservation Area, and the Barnsbury Conservation Area Design Guidelines state 'in considering applications for extensions, alterations and refurbishment, the Council will normally require the use of traditional materials'. In terms of modern materials (glass, steel and concrete) it notes that they may be acceptable as long as the design of the building acknowledges the scale and character of the area.
- 10.22 The single storey greenhouse would replace an existing single storey detached greenhouse, would be attached to the west elevation of the existing detached single storey building, known as the tea hut, and adjacent to the western boundary, shared with the pedestrian alleyway, to the south of Dignum Street.



**Image 6:** Block Plan showing existing situation



**Image 7:** Comparison of existing and proposed extensions

- 10.23 The extension would extend 1.9m in depth, and 4.4m across the length of the existing single storey building (approximately 8.36 sqm area). It would have a lean-to roof and would be a predominately glazed structure. Whilst it is acknowledged that the proposal would be larger than the existing greenhouse, particularly in terms of its footprint (3.61 sqm), only extend less than half of the length of this west elevation, it would have a similar maximum height. It is also acknowledged that the eaves of the proposal would be higher than the existing structure to be demolished. However, due its design with a lean-to roof, with the proposal attached to the existing adjacent building (tea hut), it would be set away from the western boundary of the site, thereby reducing the visual impact. It is also considered that the extension would be subordinate to the existing building (tea hut) in terms of scale and massing.
- 10.24 It is acknowledged that the proposal would use modern materials, being fully glazed, they would be the same as the detached greenhouse building to be demolished. Whilst the proposal would likely be visible from the public realm, via the existing pedestrian access, it should be noted that any views from the Barnsbury Conservation Area, from Dignum Street, would be restricted to the side elevation and are likely to be restricted by the existing boundary treatment and planting within the site. It should also be noted to the north and south of the extension there are existing 2m high fences, which would prevent views apart from a small section of the roof. The transparent materials used for the greenhouses also reduces its solid appearances allowing the development to blend in with the green environment.
- 10.25 Overall, the proposal is considered to be in keeping with the visual appearance of the host building to be extended, the other single storey building within the site and is of appropriate siting, massing and detailed design and are not considered to detract from the character and appearance of the abutting Barnsbury Conservation Area. The proposal would therefore accord with policies DM2.1 and DM2.3 of the Development Management Policies (2013) and Islington Core Strategy Policies CS8 and CS9, and the guidance found within the Urban Design Guide 2017 and the Barnsbury Conservation Area Design Guidelines.

## **Amenity**

- 10.26 Policy DM2.1(x) seeks to ensure developments 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.
- 10.27 In this instance, the proposal would be located to the west elevation of the existing single storey building, known as the tea hut. As a result, the nearest residential properties to the proposal are to the opposite side of the existing pedestrian access, connecting Dignum Street and Dewey Road. This includes the block of flats along Denmark Grove, with the rear elevation of these properties being located 10m away from the western boundary of the site.
- 10.28 Given the scale of the proposed extension, this separation distance is considered to ensure that no significant amenity issues, in terms of any loss of daylight/sunlight or outlook to these neighbouring properties. In addition, given the proposal is restricted to a single storey in height, it is also considered to be the same for the neighbouring properties located to Copenhagen Street and Dignum Street to the north.
- 10.29 In terms of the privacy impact to neighbouring properties, paragraph 2.14 of the Development Management Policies (2013) seeks to protect privacy for residential developments and existing residential properties, stating there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 10.30 In this respect it is acknowledged that the proposal would be fully glazed and would have a separation distance of less than 18m. However, these windows serve proposed greenhouse and are not considered to be habitable rooms. It should also be noted that the side elevations overlook across a public highway, Dignum Street does not constitute an unacceptable loss of privacy, in the event that it was habitable room. As such, the proposal is considered not to result in any significant overlooking issues associated with the proposal.
- 10.31 The proposal is considered not to result in any significant amount of noise over and above the existing situation, which includes the existing building to be demolished.
- 10.32 Overall, the proposal would accord with policy DM2.1 which requires development to safeguard the residential amenity to neighbouring properties.

## **Highways and Transportation**

- 10.33 Policy DM8.2 seeks to ensure that the *development proposals are required to meet the transport needs of the development and address its transport impacts in a sustainable manner and in accordance with best practice.*
- 10.34 In this instance, there are no proposed alterations to the existing access, which is positioned immediately to the north of the proposal. It is considered that the proposal would not have a significant impact in terms of the existing pedestrian access or the local highway network, given the scale of the development, and is considered acceptable in this regard.

### **Impact on SINC designation and biodiversity**

- 10.35 As stated within the land use assessment above, the application is located with a SINC (Site of Importance for Nature Conservation), in this instance Culpeper Community (SINC16) is a Borough Grade II in terms of its importance.
- 10.36 Paragraph of Development Management Policies (2013) states that the designation of SINC takes into account a number of factors, as defined within Islington's Habitat Survey (2011). Sites of Metropolitan Importance contain the best examples of London's habitats, including particularly rare species, while sites of Borough Grade 1 Importance are of particular significance at the borough level and are of high social value to local communities - these sites are therefore offered the strongest protection. Sites of Borough Grade II and Local Importance are of ecological value, and also of value to local communities, and are therefore afforded strong protection. Proposals on sites of significant biodiversity value will only be considered in wholly exceptional circumstances where high quality re-provision will be required, including at least equal habitat area and value
- 10.37 Part C of Policy DM6.3 states planning permission will not be given for any schemes which adversely affect designated SINC of Metropolitan or Borough Grade 1 Importance. SINC of Borough Grade II and Local Importance, and any other site of significant biodiversity value, will also be strongly protected.
- 10.38 In this instance, whilst it is important that the biodiversity value of the SINC designation is protected, the proposal would be located to the edge of the site, along the western boundary, covering a small footprint (1.9m x 4.4m), part which is already built upon, including an area of hard standing, with the existing greenhouse to be demolished. The Council's Biodiversity Conservation Officer raised no objections to the proposal, and considered that they can foresee no significant impacts on the biodiversity and the sites designation as a SINC. Officers also consider the use associated with the proposal, would be compatible with the SINC increasing interest from community and educational groups, thereby contributing to the long term future of the SINC.
- 10.39 Overall, given its scale and location, and that it would replace an existing building which would be demolished, the proposal is considered to be consistent with the requirements of the Council's policies in terms of protecting existing biodiversity and the sites designation as a SINC.

### **11. SUMMARY AND CONCLUSION**

- 11.1 The proposed greenhouse extension, is contrary to the Council's policy DM6.3 as it would result in development within a designated area of public open space. However, the following material planning considerations are considered to weigh in favour of this application, being the scale and position of the extension, its community and educational use as part of the Borough's social infrastructure, which would promote healthy living.
- 11.2 The proposal would also result in only a small increase in terms of the greenhouse to be demolished and being predominately glazed would be similar in design, and would provide Culpeper Community Garden, which is community run and funded garden, with improved facilities, which would also include educational purposes for existing schools and community groups, details of which would be secured by condition, and would promote healthy living. This is welcomed and supported by policy DM4.12. It is considered that given these wider material planning

considerations would result in the principle of the development is therefore acceptable.

- 11.3 The proposed greenhouse, which would be set away from the western boundary and between 2m high fencing which would restrict views is considered to be acceptable in design terms and will not have a detrimental impact to the character of the adjacent and nearby heritage asset of Barnsbury Conservation Area and would fulfil the Council's statutory duty requirements (s72(1)) in this regard.
- 11.4 The amenity of neighbouring residents will not be materially harmed due to appropriate siting, scale and separation distances, and restricted scale. The proposal is not considered to result in a detrimental impact to either pedestrians or vehicles using the surrounding local highway network or the existing pedestrian access.
- 11.5 The designation as a Borough Grade II SINC, and its biodiversity value, is not considered to be detrimentally impacted by the proposal, given its position and scale. It is also considered that its function and use would be compatible with the SINC designation, which would promote healthy living.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
<b>2</b>	<b>Approved plans list</b>
	<p>DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p style="padding-left: 40px;">Planning Statement, 193/10, 193/11, 193/07A</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials</b>
	<p>CONDITION: The development shall be constructed in accordance with the schedule of materials noted on the plans and within the application form. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>Community and Educational Access Management Plan</b>
	<p>CONDITION: Prior to the first use of the hereby approved greenhouse extension, a community and educational access management plan shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.</p> <p>REASON: To ensure that the proposal provides improved community and educational facilities.</p>

#### List of Informatives:

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't</p>

	<p>taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</p>
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This resulted in a scheme that accords with policy and guidance as a result of positive, proactive and collaborative working between the applicant, and the LPA during the application stages, with the decision issued in a timely manner in accordance with the NPPF.

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

Since March 2014 Planning Practice Guidance for England has been published online.

### **2. Development Plan**

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

#### **3 London's people**

**Policy 3.16** Protection and enhancement of social infrastructure

**Policy 3.18** Education facilities

#### **6 London's transport**

**Policy 6.3** Assessing effects of development on transport capacity

**Policy 6.9** Cycling

#### **7 London's living places and spaces**

**Policy 7.1** Building London's neighbourhoods and communities

**Policy 7.4** Local character

**Policy 7.5** Public realm

**Policy 7.6** Architecture

**Policy 7.7** Location and design of tall

**Policy 7.8** Heritage assets and archaeology

#### **8 Implementation, monitoring and review**

**Policy 8.1** Implementation

#### **B) Islington Core Strategy 2011**

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

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

**DM2.1** Design

- DM2.3** Heritage
- DM6.1** Healthy development
- DM6.2** New and improved public open spaces
- DM6.3** Protecting open space
- DM6.5** Landscaping, trees and biodiversity
- DM7.1** Sustainable design and construction
- DM8.2** Managing transport impacts
- DM4.12** Social and Strategic infrastructure and cultural facilities

**7. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**Islington Council Guidance**

- Conservation Area Design Guidelines
- Environmental Design SPD
- Urban Design Guide

**London Plan**

- None