

PLANNING COMMITTEE REPORT

Committee Report Update

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING COMMITTEE		AGENDA ITEM NO: B1
Date:	8 th November 2018	

Application number	P2017/3081/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	opposite Grade II* and II listed buildings
Conservation area	opposite Canonbury Conservation Area
Development Plan Context	Site Allocation OIS3 Employment Growth Area
Licensing Implications	Premises license may be required for ancillary cafe
Site Address	Leroy House, 436 Essex Road, London, N1 3QP
Proposal	Extensions to the existing building, including an additional storey above existing building and part 4-, part 5-storey extension over car park, to provide 1,888sqm of office, workshop and studio space with an ancillary cafe, together with hard and soft landscaping

Case Officer	Stefan Kukula
Applicant	Workspace 14 Ltd
Agent	Lichfields

1.1 This addendum report seeks to provide a number of corrections, clarifications and additions to the original report which appears as Item B1 on the Committee Agenda.

Consideration of the Human Rights Act

1.2 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.

1.3 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.

1.4 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

1.5 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.

1.6 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.

Clarification on impact on heritage assets – Additional comments from the Design and Conservation Officer

1.7 In terms of the height, scale and massing of the proposed building, it is my opinion that the amendments have assisted in minimising the impact on the setting of the nearby heritage assets generally.

Grade II* listed St Paul's Church

1.8 In my opinion, the strong verticality of the elevation fronting Essex Road may compete with the presence of St Paul's Church and its spire slightly, therefore, there is some impact on the setting of the grade II* listed building. Having said that, a minor amendment to the design of this elevation has introduced the perception of a more generous base with a combined ground and first floor which in turn helps to provide this elevation with a better sense of proportion. As recommended in my original comments, it will be important that the horizontal lines between each floor level above is appropriately/sufficiently read in order to introduce some horizontality to break the strong vertical emphasis of this

element of the scheme – this can be secured by condition. In conclusion, subject to appropriate materials and detailing, it is my opinion that there would be some marginal impact on the setting of the Grade II* listed St Paul's Church which would lead to the lower end of the scale of less than substantial harm to its significance. This needs to be weighed in relation to any public benefits of the scheme.

Grade II listed 178-190 Balls Pond Road

1.9 Before it was amended, officers considered that the then sizeable additional storey to what is an already notably large building would cause some harm to the setting of the Grade II listed properties at 178-190 Balls Pond Road. The roof extension was very prominent and dominant and significantly increased the perception of bulk. The scheme has since been amended to reduce the prominence of the proposed roof extension. In my opinion, the current relationship between the two sides of the road is already not ideal, with the existing massing of Leroy House not being particularly respectful of the setting of the smaller scale terrace opposite. However, this is an established relationship. Also, the setting around this listed terrace, which is at the edge of the conservation area, is already altered and fragmented to some degree. The terrace is already seen in the context of other modern development of larger scale in the area such as Threadgold House for example, which at 10 storeys is visible from quite a distance. Currently there isn't a balance in terms of the heights on each side of the road on this section of Balls Pond Road, with existing development on the south part of the road being more fragmented and of larger scale/grain. In my opinion, an increase on the height of Leroy House is perhaps undesirable in terms of its relationship with the opposite side of the road, only because it is already taller. However, the amended roof extension has been designed to reduce its perceived bulk (in relation to its previous iteration) and would not alter the current relationship. Therefore, in my opinion, there would not be additional harm as a result of the proposed development as the proposed roof extension would have a negligible impact on the setting of the listed terrace.

The setting of the Canonbury Conservation Area

1.10 The Canonbury Conservation Area is one of the largest conservation areas in Islington, comprising a series of smaller sub-character areas including, for example, the listed Georgian terraced houses around Canonbury Square and the semi-detached villas found on Canonbury Park North/South, Alwyne Villas/ Road, some high quality post-war development such as the Louis de Soissons houses on Canonbury Park North/South as well as verdant spaces around some of the houses and along the New River Walk. It is predominantly residential but it also includes some commercial properties along Canonbury Place and St Paul's Road. Construction in the area is mostly in traditional masonry and heights vary although the area is relatively low rise.

1.11 The part of the conservation area which is in close proximity to the proposed development encompasses the Grade II* listed St Paul's church on the opposite side of Essex Road, and mostly some Victorian properties along Balls Pond Road which range from 3 to 4 storeys, including the Grade II listed 178-190 Balls Pond Road mentioned above. Being the edge of the conservation area, this is a slightly fragmented part of the conservation area but not without merit as the age, character and palette of materials/historic features

of the properties make a positive contribution to the significance of the wider conservation area.

1.12 The impact on the setting of the listed church and listed terraced houses has been outlined above. In relation to the church, the impact stems from the strong verticality of the proposed elevation fronting Essex Road which may compete with the presence of St Paul's Church. In relation to the impact on the setting of the conservation area, as stated above, the existing building on the site is already quite imposing particularly in relation to the height of the properties opposite the site on Balls Pond Road. However, as stated above in relation to the listed terrace, this edge of the conservation area is already seen in the context of other modern development of larger scale in the area such as Threadgold House for example, which at 10 storeys is visible from quite a distance. Currently the southern side of the road is of larger grain and height and more fragmented. Therefore, there isn't consistency of height between the two sides. The proposed development would not be disrupting the relationship between the two sides of the road in terms of massing when compared with the existing situation. Previously (in the refused scheme) the proposed roof extension was much more prominent and visually dominant which was considered harmful. However, the scheme has been amended with a series of setbacks being proposed in order to reduce the massing of the rooftop pavilion and its impact when viewed from street level. A significant setback has been introduced on the eastern end on the Balls Pond Road elevation which has simplified the form of the rooftop pavilion and significantly reduced its visibility. For these reasons, it is considered that the additional massing would have a negligible impact on the setting of the conservation area properties along Balls Pond Road particularly when compared with the existing massing. The proposals would not disrupt any views from or into the conservation area either. Therefore, for these reasons, apart from the marginal impact identified in relation to setting of St Paul's Church, I do not consider the proposed scheme would have a harmful impact on the setting of the Canonbury Conservation Area.