

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM: B3</b>	
<b>Date:</b>	03 September 2019	<b>NON-EXEMPT</b>	

Application number	P2018/1453/FUL
Application type	Full Planning
Ward	Holloway
Listed building	Grade II Listed
Conservation area	St Mary Magdalene
Development Plan Context	Article 4 Direction A1 to A2
Licensing Implications	None
Site Address	Catholic Church of the Sacred Heart of Jesus, 64 Eden Grove, London, N7 8EN
Proposal	Construction of a tower over the existing listed church and associated alterations.

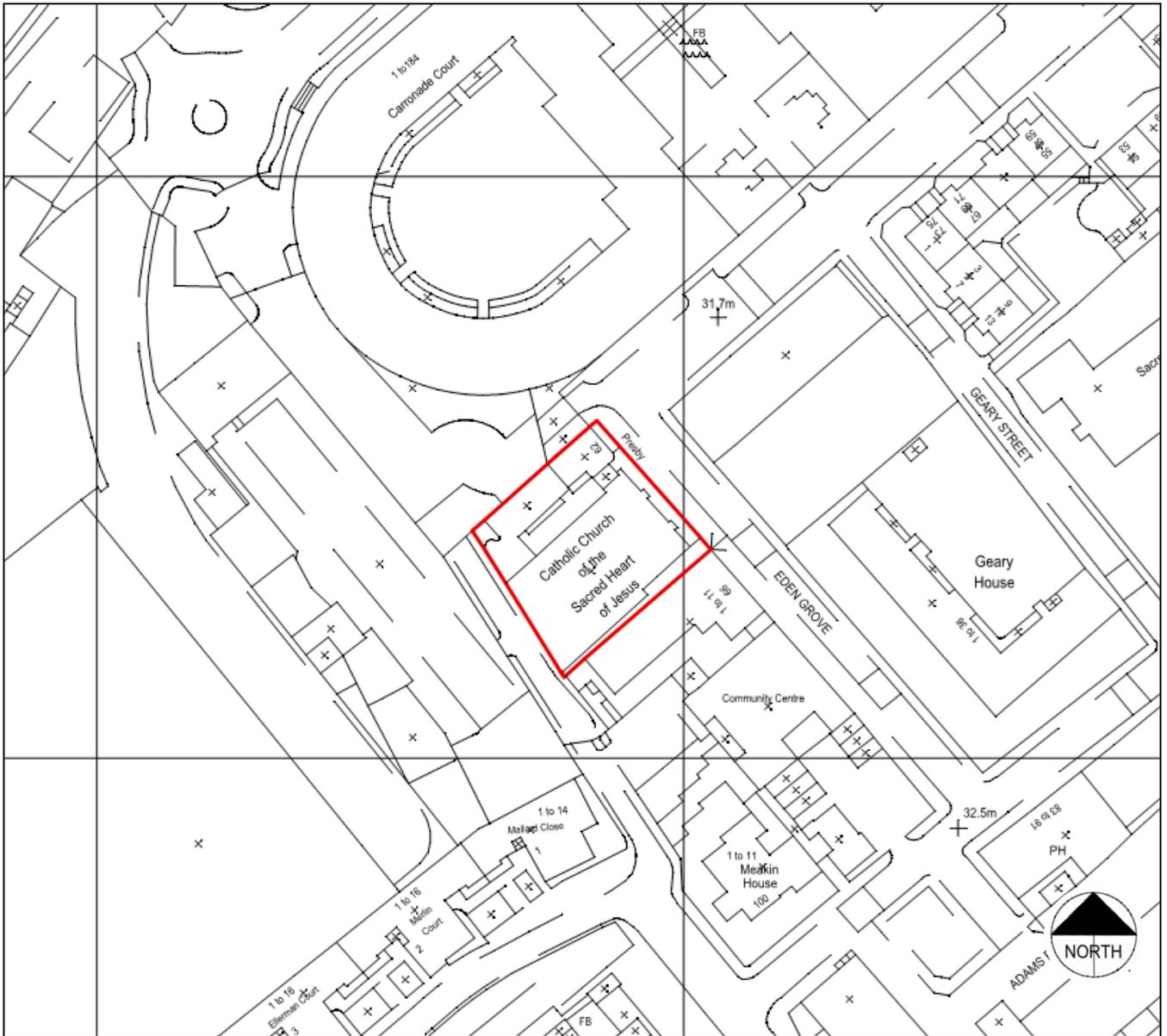
Case Officer	Rebecca Neil
Applicant	Westminster RC Diocese Trust
Agent	John Willcock Architects

## 1.0 RECOMMENDATION

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

- the conditions set out in Appendix 1; and
- no objection or direction being received from the Greater London Authority (GLA) raising new issues not considered in this report.

2. SITE PLAN (site outlined in black)



### 3. SITE PHOTOS



*Image 2: Sacred Heart Church, looking west*



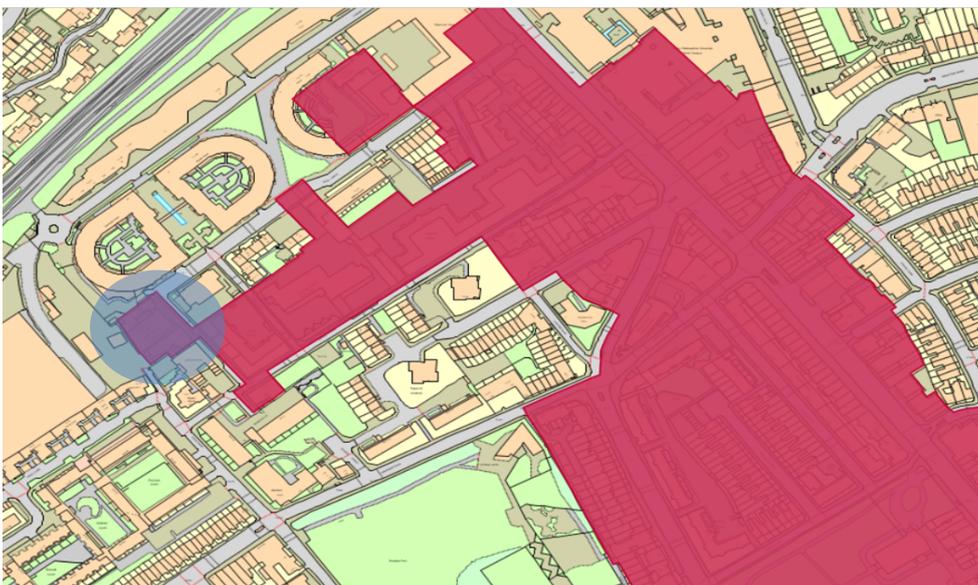
*Image 3: East elevation of the church, taken from Eden Grove (presbytery on right)*

## 4.0 SUMMARY

- 4.1 The application site is a Grade II listed Roman Catholic church located on the south western side of Eden Grove, within the St Mary Magdalene Conservation Area. The building was designed by Frederick Hyde Pownall, a notable Victorian architect, and constructed circa 1870. The church was originally designed to have a tall, central tower, but the tower was never constructed because the Parish ran out of funds. This application seeks to complete the tower in line with the architect's original design.
- 4.2 The application is for planning permission only. Under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010, a listed Roman Catholic church is exempt from the control of a local planning authority in respect of listed building consent. The process is explained in further detail in para. 6.3, below.
- 4.3 The application is being brought to Committee because 21 objections have been received from 16 different local residents. The local planning authority has also received 2 letters of support.
- 4.4 The construction of the tower is considered to represent a considerable heritage benefit which enhances the significance of the Grade II listed building and the St Mary Magdalene Conservation Area. The tower would have no unacceptable impacts upon the amenity of surrounding residential properties in terms of loss of daylight, sunlight or privacy.
- 4.5 The proposal complies with the National Planning Policy Framework 2019, the London Plan 2016, the Islington Core Strategy 2011 and the Islington Development Management Policies 2013. It is therefore recommended that planning permission is granted subject to conditions outlined in Appendix 1 to this report.

## 5. SITE AND SURROUNDINGS

- 5.1 The application site is a Roman Catholic church located on the south western side of Eden Grove. The building was designed by Frederick Hyde Pownall, a notable Victorian architect, and constructed circa 1870. The church lies at the very edge of the St Mary Magdalene Conservation Area, which extends to the east and south of the site (see Image 4 below). However, the church's immediate setting is characterised by more modern development, most of which lies *outside* the Conservation Area. This includes the horseshoe-shaped blocks of flats at Carronade Court (to the north), the Sacred Heart Community Centre and Primary School (to the east) and the residential dwellings in Piper Close (to the South). To the west of the site are several contemporary industrial buildings, including the Islington Waste and Recycling Centre.



**Image 5: Boundaries of the St Mary Magdalene Conservation Area**

5.2 The church and adjoining presbytery (at No.62) are statutorily listed (Grade II). The listing reads as follows:

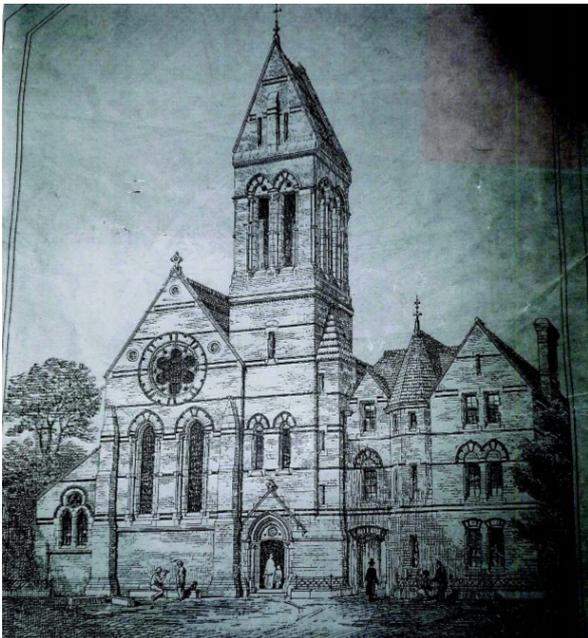
*Church and presbytery. 1869-70. Founded by Canon Cornelius Keens, designed by F.H. Pownall. Yellow stock brick with white and black brick banding, some stone dressing. Slate roofs. Early English style. High gabled west front with low north aisle abuts large square tower. Linked to presbytery through archway with 4/4 sashes over. Stair turret with steep roof. Narrow gabled wing three storeys plus basement, two-window-range of 4/4 sashes. Church interior faced with red brick and black banding, stone dressings including carved stiff leaf capitals to nave arcades by Farmer and Brindley. Tall nave with clerestory and hammerbeam roof. Stations of the cross, painted carved oak in high relief by Anton Drape, 1909. Sanctuary with green and white marble altar, side altars and gallery remodelled 1960-1 by A.H. Archard. (RCHM: Islington Chapels: 1992-).*

5.3 The church was originally designed to have a tall, central tower, as per Pownall's other ecclesiastical works (see historic perspective sketch in Image 6, below). However, due to funding limitations, the church was never completed as originally envisaged; instead, the lower section of the tower was 'capped off', resulting in a squat, truncated tower on the Eden Grove side of the church. The building has remained as such for nearly 150 years.

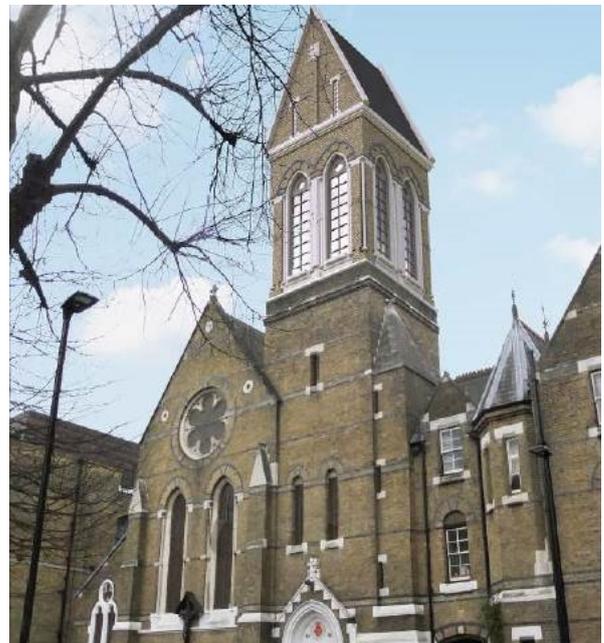
5.4 The public entrance to the church is on Eden Grove. Adjoining the presbytery is 60 Eden Grove, a former electricity generation station constructed circa 1896, and a locally listed building.

## 6.0 PROPOSAL (IN DETAIL)

6.1 Planning permission is sought for an upward extension of the tower with a saddleback roof. The rationale behind the application is to complete the architectural design of the church in line with the original intentions for the building, as illustrated in the architect's original perspective sketch (see Image 6, below). The tower is proposed to be constructed in yellow stock brick with black brick banding and dressings in Portland stone, and the roof will be covered in Welsh slates to match the existing building. The new tower contains two lancets (arched windows) on each of its four elevations.



**Image 6:** Sketch by FH Pownall (circa 1869)



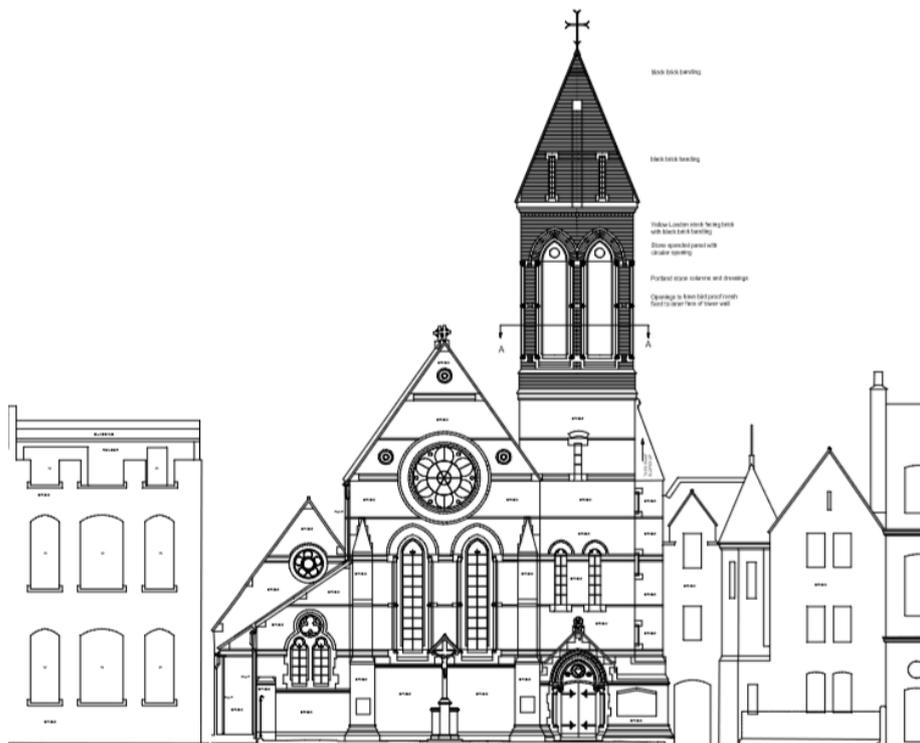
**Image 7:** Computer generated image of proposal (though note that lancets are now proposed to be left open, rather than glazed)

6.2 The extension is 14 metres in height from the top of the existing tower to the apex of the new saddleback roof and would be capped with an ornamental wrought iron cross of 1.5 metres in height, taking the total height to 15.5 metres. It should be noted that the tower is purely decorative and does not create any useable floor space. There is no public access to the tower; it will be accessed by church personnel only for the purposes of maintenance.

6.3 This application is for planning permission only. Under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010, a listed Roman Catholic church is exempt from the control of a local planning authority in respect of listed building consent. Alterations which would usually require such consent - if being carried out to a church - are dealt with by the church authorities under their Faculty system, which is broadly analogous to an application for listed building consent. However, any alterations which amount to development (and are not *permitted* development) still require planning permission, which is why this application still falls to be considered by the Council.

#### *Drawing revisions*

6.4 Three sets of revised drawings have been received since the application was first submitted in April 2018. The first revisions (Rev C, dated 02 July 2018) showed the removal of glazing from the lancet windows and amendments to the stonework. The second revisions (Rev D, dated 03 September 2018) showed the use of Portland stone, rather than Bath stone. The final and current revisions (Rev E, dated 6 November 2018) showed the removal of the ferramenta framework, originally intended to support the bird-proof mesh. All amendments were made as a result of ongoing dialogue with Islington's Design and Conservation team.



**Image 7: Proposed elevation to Eden Grove**

## **7. RELEVANT PLANNING HISTORY**

7.1 There has been no relevant planning or enforcement history in relation to the site, and no pre-application advice has been sought.

## 8.0 CONSULTATION

### Public consultation

8.1 Letters were sent to occupants of 269 adjoining and nearby properties in Eden Grove, Piper Close, Georges Road, Hornsey Street and Lough Road on 09 May 2018. A notice was displayed outside the site on the same date and a press notice published in the Islington Gazette. Re-consultation took place on the 11 April 2019 following the submission of revised plans. A notice was displayed outside the site and a press notice published in the Islington Gazette on 18 April 2019. The public consultation period expired on 09 May 2019, however it is the Council's practice to consider representations made up until the date of a decision.

8.2 At the time of writing of this report, 2 expressions of support and 21 objections have been received. Of those objections, 13 were to the original proposal in May 2018, and 8 to the re-consultation in April 2019 (of which 5 were from previous objectors). In addition, one comment has been received from a resident concerned about the impact of the construction work on their vulnerable parents who live nearby, and one comment has been received from the Islington Swift Group, requesting that swift bricks are installed in the new tower.

8.3 Objections from residents have raised the following issues:

- The tower is unsightly, too large and out of proportion with neighbouring buildings, and is therefore detrimental to the Conservation Area and Grade II listed building (objection addressed in paras. 10.2-10.9 below);
- The fact that the church was never completed is part of its story and that of the area; to complete it now would be detrimental to its character (objection addressed in para. 10.6 below);
- The character of the area has changed; it is inappropriate to construct, in 2019, a tower designed in 1870 (objection addressed in para. 10.5 below);
- The tower would overshadow several flats in Carronade Court and would reduce the amount of daylight and sunlight received by occupiers of surrounding properties (objection addressed in paras. 10.10-10.15 below);
- The tower would overlook surrounding properties and would detrimentally impact upon the privacy of surrounding residents (objection addressed in para. 10.16 below);
- If it is proposed to house bells in the church tower, this would result in noise nuisance for nearby residents (objection addressed in para. 10.17 & 10.18 below);
- The construction process will cause noise, disturbance and traffic problems (objection addressed in para. 10.18 below);
- The tower would block the view of the city, in particular St. Paul's Cathedral, from some flats in Carronade Court (objection addressed in para. 10.16 & 10.19 below)
- The tower serves no purpose and the money could be put to better use in the community (objection addressed in para. 10.20 below).

### Internal consultees

8.4 **Design and Conservation Team** - initially raised concerns about the use of reconstituted stone, the proposal to glaze the window openings, and the use of ferramenta frames to support the bird-proof mesh. The applicant later submitted amended details showing the use of Portland stone and open lancets, and the Conservation team are now in support of the proposal, providing that the tower completion is historically accurate and 'scholarly'. The Conservation Officer has recommended a number of conditions which seek to achieve this aim.

## **External Consultees**

8.5 **Greater London Authority** – were consulted on 11 July 2019 due to the fact that the height of the tower extension exceeds 15 metres. No response received to date.

## **9. RELEVANT STATUTORY DUTIES, DEVELOPMENT PLAN CONSIDERATIONS AND POLICIES**

9.1 Islington Council (Planning Sub Committee A), in determining this 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: the relevant Development Plan is the London Plan and Islington's Local Plan);
- To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1)).

9.2 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.

9.3 Members of the Planning Sub Committee A must be aware of the rights contained in the Convention (particularly those set out above) when making 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.

9.4 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.

9.5 In considering the planning application account must be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. This report considers the proposal against the following documents:

## **National Policy**

- 9.6 The National Planning Policy Framework 2019 (hereafter ‘the NPPF’) contains a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with the development plan without delay. The NPPF also contains guidance on determining planning applications for development affecting designated heritage assets. The NPPF is a material consideration in the determination of this application and has been taken into account during the assessment of these proposals.

## **Development Plan**

- 9.7 The Development Plan is comprised of the London Plan 2016, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 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) / Documents (SPDs)**

- 9.8 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:

- The design of the proposed development and its impact on the Grade II listed building and the St Mary Magdalene Conservation Area; and
- The impact of the proposal on the amenity of neighbours.

## **Design and impact on heritage assets**

- 10.2 Under s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority has a duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 10.3 Paragraph 200 of the NPPF provides that planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets which would enhance or better reveal their significance, and that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. The NPPF also provides, in paragraphs 194-196, that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.
- 10.4 London-wide planning policies relevant to design and conservation are set out in Chapter 7 of the London Plan. The Mayor of London’s Character and Context SPG is also relevant. At the local level, Policy CS9 of the Islington Core Strategy requires new buildings to be sympathetic in scale and appearance and complementary to local identity and provides that the historic significance of Islington’s unique heritage assets and historic environment will be conserved and enhanced. Policy DM2.1 of Islington’s Development Management Policies requires new development, *inter alia*, to respect and respond positively to existing buildings, the streetscape and wider context. Policy DM2.3 further provides that the borough’s heritage assets should be conserved and enhanced in a manner appropriate to their significance and also provides that ‘*proposals to repair, alter or extend a listed building must be justified and appropriate. Consequently, a high level of professional skill and craftsmanship will be required.*’

- 10.5 The significance of the Sacred Heart of Jesus Roman Catholic Church arises from the area's social and economic history and from the notoriety of the architect, in addition to the architectural details it possesses (particularly the interior, which are consistent with Pownall's other Roman Catholic churches). The area in which the church is located was, at the time it was originally constructed, one which suffered from extreme poverty. As a champion of the growing philanthropic movement to improve the physical environment of deprived urban areas, Pownall sought to bring architectural beauty to London's poorer neighbourhoods, and the Sacred Heart – and his other notable works, such as the Grade I listed St Peter's in Wapping – are important surviving examples of this endeavour. The tower was a crucial part of Pownall's original design; its omission constitutes a loss in both aesthetic and heritage terms. The reinstatement of the tower to the original specifications - however belated – provides an opportunity to enhance the significance of the listed building and restore integrity to the church. The proposal is considered to enhance and better reveal the significance of the listed building and, in accordance with para. 200 of the NPPF 2019, is supported.
- 10.6 Some objectors have expressed the view that it is inappropriate to complete the tower now - nearly 150 years after the foundation stone was laid - and the fact the tower is missing is part of the building's story. However, the reason the tower was never built was because the Parish ran out of money; the current form of the building is therefore not the result of a historically significant event. Whilst there is the potential for some loss of legibility of the evolution of the historic building, and therefore authenticity, the aesthetic value (in terms of the integrity of the original design) and symbolic value of the tower (in terms of wealth and piety) are highly important characteristics of the original design, and of Victorian ecclesiastical buildings in general. The construction of the tower would enable a better appreciation of the heritage asset as it was intended to be experienced. Relevant statutory bodies including Historic England, the Victorian Society and Ancient Monuments Society have all expressed support in principle (during the Faculty application process), lauding the tower as a 'brave and commendable' scheme which would enhance the significance of the listed building. A dedicatory plaque has been suggested to deal with the issue of authenticity, giving the date of the tower completion (see Condition 6).
- 10.7 The St Mary Magdalene Conservation Area as a whole, which extends west from the site, contains many historic (predominantly Victorian) buildings and although streets vary in their individual character, the quality of architecture and townscape throughout the area is high. However, it must be noted that the church itself is right at the very edge of the conservation area and its immediate context is characterised by much larger, contemporary buildings. Other than the church itself and the adjoining locally listed building at 6 Eden Grove, there is very little 'true' historic fabric left in the immediate vicinity, which likely explains why the conservation area boundary has been curtailed in the way it has. The church clearly makes a significant and positive contribution to the conservation area; more so than any other building in the vicinity. That being the case, any enhancement of the church also represents a significant enhancement to the conservation area and a reinforcement of its historic character.
- 10.8 The existing church is 15.5 metres in height and the extension to the tower measures another 15.5 metres, taking the total height of the building to 31 metres, which would be considered a 'tall building' within the definition in Islington's local plan. Policy CS9 (Part E) of the Core Strategy and Policy DM2.1 (Part C) of the Islington Development Management Policies set out very specific locations in the south of the Borough where tall buildings may be suitable; this site is not within those areas. However, the application is not for a 'typical' tall building of the kind which Policies CS9 and DM2.1 seek to resist, and should be assessed according to its individual circumstances. The tower would be visible from several locations within the conservation area and from elsewhere within Islington and, most notably, it would be highly prominent in long views looking south west along Eden Grove from Holloway Road. However, it does not lie within any strategic viewing corridors and, due to its shape, is considered to make a unique and positive contribution to the townscape. It is also noted that there are many taller buildings in the area, such as the 9-storey Carronade Court and the recently constructed buildings near Holloway Road station. Some objectors have suggested that a shorter, more proportionate tower may be more appropriate. However, the tower is only a heritage benefit to the extent that it is an accurate representation of Pownall's original design. A tower with more 'squat' proportions would not be an accurate depiction of the original Victorian design and would not be considered acceptable in heritage terms.

- 10.9 Given all of the above, it is considered that the proposal represents an enhancement to the significance of both the listed building and the conservation area and is supported. However, it is crucial - given the visibility of the tower and the purpose it seeks to achieve - to ensure that it is constructed in a scholarly fashion and to the highest quality. Three conditions are proposed to achieve this (it is also noted that the Faculty application will look carefully at such details). Condition 3 seeks to ensure that the works carried out to the building match the existing work in terms of material, colour, texture and profile; Condition 4 requires the submission and approval of a detailed design statement including drawings at a scale of 1:10 or 1:20 of all architectural details to the proposed tower, prior to development commencing; and Condition 5 requires the submission and approval of details and samples of all facing materials. Together, these conditions are designed to ensure high quality design and detailing and the safeguarding of the heritage asset in accordance with Policy DM2.3.

### **Impact on neighbouring amenity**

- 10.10 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook.

#### *Daylight and sunlight*

- 10.11 The applicant has submitted a Daylight and Sunlight report prepared by Flow Analysis Limited to test the impacts of the proposed tower on a number of surrounding properties at Carronade Court, Geary House, the adjoining presbytery and the primary school. The applicant's chosen methodology follows guidance provided in the Building Research Establishment's 'Site Planning for Daylight and Sunlight' document, published in 2011. A total of 69 windows of surrounding properties have been identified as potentially affected by daylight and sunlight issues, and these windows have been tested using the Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH)/Winter Probable Sunlight Hours (WSPH) tests.
- 10.12 The BRE guidance advises that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. In this instance, 68 of the 69 windows tested comfortably meets these values. Only a single window would retain less than 0.8 of its former value, which is a third floor window in the adjoining presbytery. However, even then, it retains 0.77 of its former values, a minimal reduction which would generally be considered acceptable in an urban environment such as this. Overall, it is considered that there would be limited and minimal adverse impact on daylight received by surrounding residential properties.
- 10.13 The applicant has identified 62 windows within 90° of due south and therefore potentially affected by the proposed development in terms of sunlight. The applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, as required by the BRE guidance. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants would notice a loss of sunlight. Of the 62 windows tested, all windows either receive greater than 25% APSH and 5% WSPH or retain greater than 0.8 of their former values. Therefore, there will be no noticeable impact in terms of sunlight.
- 10.14 The applicant has not carried out any overshadowing assessment in relation to outdoor amenity spaces in the vicinity of the tower but, given the development's relatively narrow profile, it is considered that overshadowing to any nearby amenity spaces would be minimal. There is a playground associated with the Sacred Heart Primary School directly opposite the site, but this is unlikely to be affected to a significant degree due to its orientation and would only be affected later on in the day. There is a row of garden spaces at Geary House, but again these have a favourable orientation in relation to the tower, and are approximately 50 metres away from the proposed development. There is also what appears to be an amenity space on a flat roof to the rear of Carronade Court, but this is already overshadowed considerably by the building at No. 60 and it is considered that the proposed tower would be unlikely to increase overshadowing of this space to a significant degree.

### *Overlooking/loss of privacy, outlook and enclosure to adjoining properties*

- 10.15 The tower is purely decorative and includes no useable floor space. It is also open to the elements. Access to the tower will be solely for church personnel, and only for the purposes of maintenance, and it is therefore considered likely that the tower will be 'occupied' on a very infrequent basis. In addition, all windows to surrounding residential properties in Carronade Court, Eden Grove and Piper Close are located further than 18 metres from the tower, meeting the general guideline set out in paragraph 2.14 of Islington's Development Management Policies; many of the windows are also at oblique angles so that opportunities for overlooking would be highly limited in any event.
- 10.16 It is noted that the new tower will develop and additional height to the church building where up until present no built form has existed. Therefore, it is inevitable that the development will be noticeable from the rear windows and balconies of adjoining properties and will change the outlook and overall views from these properties over what currently exists on site. However, planning does not protect rights to a view in planning terms but seeks to safeguard any material loss of outlook or increased enclosure from new developments. In this case the new spire would be noticeable from adjoining residential spaces and terraces but the overall separation distances between the site and adjoining properties, the oblique angles of view and the acceptable overall massing and scale of the tower and sloping and diminishing scale as it increases in height is considered to ensure that there would be no material loss of outlook or undue increase in enclosure levels to the habitable room windows and outside spaces of adjoining residential uses in this case such that a refusal of the application on this basis could be reasonably sustained.

### *Noise*

- 10.17 A number of objectors have expressed concern that, should the tower be fitted with church bells, this would cause noise disturbance to surrounding residents. It is confirmed that there are no bells proposed for the tower. Therefore, there will be no noise disturbance caused by the completed development.

### **Other issues raised by residents and consultees**

#### *Noise, disturbance and traffic during construction*

- 10.18 It is accepted that, due to the constrained nature of the site, narrow roadways and proximity to a primary school, the construction process is likely to result in some noise and disturbance to neighbouring properties. It is therefore considered appropriate to attach a condition requiring submission of a construction management plan (see Condition 7).

#### *Loss of private views*

- 10.19 It is well established that the loss of a view is not a material planning consideration and cannot be taken into account during determination of a planning application. Likewise, the fact that a premium was paid by occupiers of private property for such a view is also irrelevant to the determination of a planning application. The exception is where the view from a particular location is also a valued public asset, but this is not the case here (the site lies outside all strategic viewing corridors).

#### *The money could be put to better use*

- 10.20 The local planning authority can only assess the merits of any given proposal before it, having regard to the development plan and other material planning considerations. It is not entitled to question the manner in which the applicant wishes to spend its money.

### *Structural integrity*

- 10.21 Though something which is usually considered when dealing with an application for listed building consent (and will be considered under the Faculty application), the structural impact of the new tower is not a material planning consideration. Notwithstanding this, members may wish to note that the applicants have provided a report from a structural engineer confirming that the structure of the existing church will be adequate to support the load of the completed tower. The report recommends that further investigations are carried out prior to the development commencing, and it is also noted that the development will be subject to approval under the Building Regulations.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 Please see paragraphs 4. To 4.5 within this report.

### **Conclusion**

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

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

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

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
<b>2</b>	<b>Approved plans</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and details:</p> <p style="padding-left: 40px;">Site location plan 01 3100 105 918110 Rev. E 01 3100 103 Rev. E 01 3100 104 Rev. E Design &amp; Access Statement (version 3, 6 November 2018) Heritage Statement (12 November 2018) Historic perspective sketch by F.H. Pownall Email from John Willcock dated 30 August 2018 and attached photographs and architectural detail drawing Daylight and Sunlight Assessment (16 November 2018)</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>Works and finishes to match (compliance)</b>
	<p>CONDITION: All new external works, internal works, finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset and ensure high quality design and detailing.</p>
<b>4</b>	<b>Detailed design statement (details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, a detailed design statement including drawings at a scale of 1:10 or 1:20 (as appropriate) of all architectural details to the proposed tower, shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset and ensure high quality design and detailing.</p>

<b>5</b>	<b>Samples of facing materials (details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials, including a brick sample panel constructed in-situ, shall be submitted to, and approved in writing by, the Local Authority prior to the relevant works commencing.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset and ensure high quality design and detailing.</p>
<b>6</b>	<b>Dedicatory plaque (details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of a dedicatory plaque relating to the completion of the tower, including its proposed location, shall be submitted to, and approved in writing by, the Local Authority prior to completion of the tower.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset and in particular its authenticity.</p>
<b>7</b>	<b>Construction Management Plan (details)</b>
	<p>CONDITION: No development shall take place on site unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide details of:</p> <ul style="list-style-type: none"> <li>a. the parking of vehicles of site operatives and visitors;</li> <li>b. loading and unloading of plant and materials;</li> <li>c. storage of plant and materials used in constructing the development;</li> <li>d. the erection and maintenance of any scaffolding or security hoardings;</li> <li>e. wheel washing facilities; and</li> <li>f. measures to control the emission of dust and dirt during construction.</li> </ul> <p>The development shall be carried out strictly in accordance with the Statement as approved throughout the construction period.</p> <p>REASON: To protect the amenity of neighbouring occupiers.</p>

## **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 2019 and Planning Policy Guidance (PPG) seek to secure 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, the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 2013.

#### **A. The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology

#### **B. Islington Core Strategy 2011**

Policy CS8	Enhancing Islington's character
Policy CS9	Protecting and enhancing Islington's built and historic environment

#### **C. Islington Development Management Policies 2013**

Policy DM2.1	Design
Policy DM2.3	Heritage

### **3. Designations**

Grade II listed building (church and presbytery)  
St Mary Magdalene Conservation Area

### **4. Supplementary Planning Guidance (SPGs) / Documents (SPDs)**

#### **The London Plan**

Character and Context (2014)

#### **Islington Development Plan**

Islington Urban Design Guide (2017)

St Mary Magdalene Conservation Area Design Guidelines (2002)