

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

PLANNING SUB- COMMITTEE B	AGENDA ITEM NO:	
Date: 18 th December 2014	NON-EXEMPT	

Application number	P2014/4049/FUL
Application type	Full Planning (Council's Own)
Ward	Caledonian
Listed building	Unlisted
Conservation area	No
Development Plan Context	Kings Cross and Pentonville Road Core Strategy Area and Site allocation KC4.
Licensing Implications	None
Site Address	21-36 Outram Place and playground at rear, Islington, London N1 0UX
Proposal	Retrospective application for the construction and conversion of undercroft car parking area into offices, locker rooms, storage and kitchen facilities and the use of the playground, to the north of Bingfield Street for the parking for service vehicles.

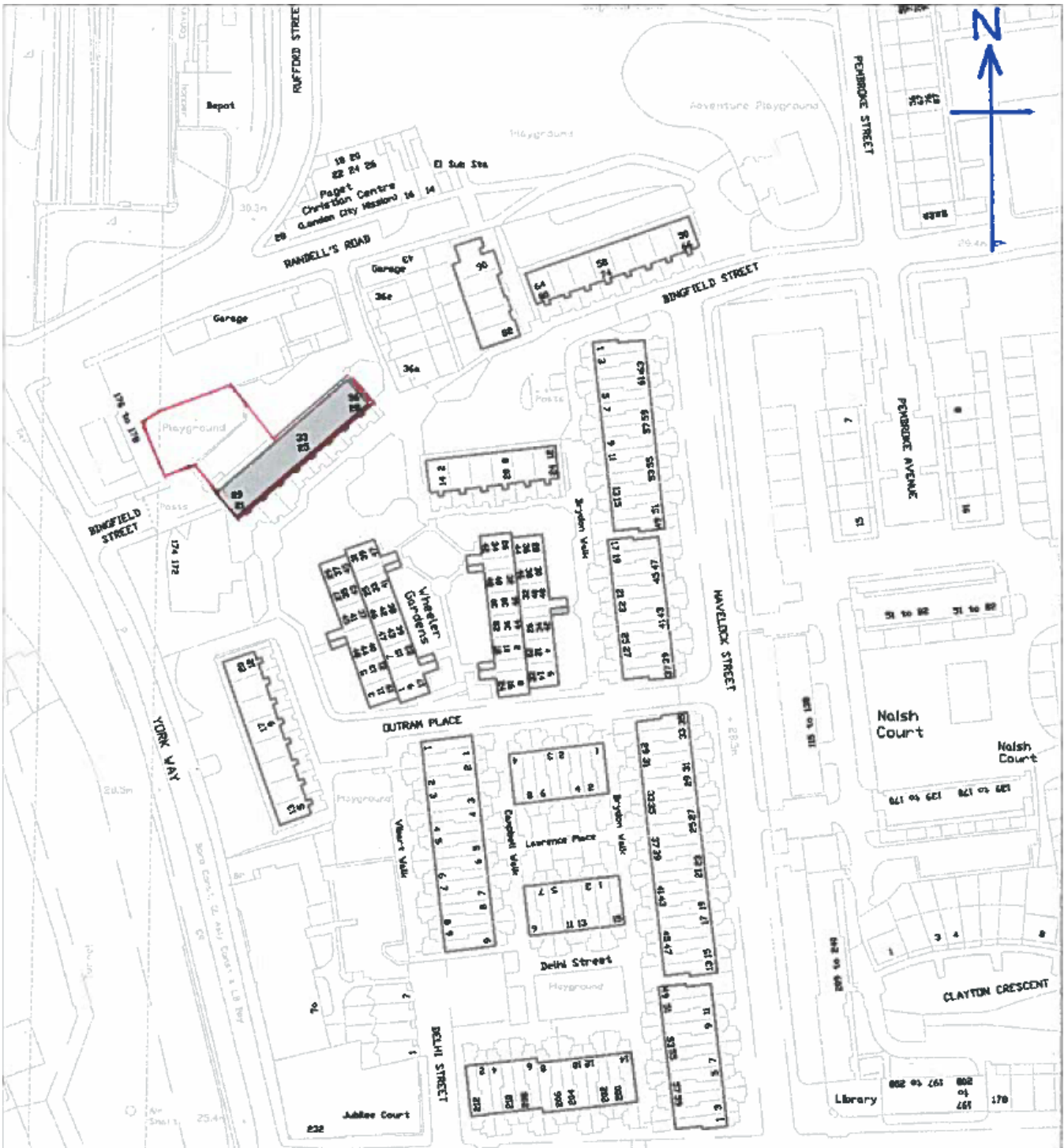
Case Officer	Raymond Yeung
Applicant	London Borough of Islington, Mechanised Services Department
Agent	N/A

1.0 RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1;

2.0 SITE PLAN (Site outlined in black)



3.0 PHOTOS OF SITE/STREET



Photo 1: View of office space (previous undercroft)



Photo 2: View of storage space (previous undercroft)



Photo 3: View of parking area (former playground)



Photo 4: Improvement of play area at Dehli Outram Estate following previous permission



Photo 5 : Improvement of play area at Delhi Outram Estate being made ready for new turfing in September 2014.

4.0 SUMMARY

- 4.1 This application is a re-submission of the previous planning permission sought for the permanent retention of office space and the change of use of the former playground to provide parking for service vehicles used by the Council's Mechanised Services Department. The site has been operating in this use since 2009 and the application seeks to continue the use.
- 4.2 The previous permission was initially submitted for a permanent retention, however a 1 year permission was granted following the resolution at Planning sub-committee B in January 2014. This required removal of the temporary use and structures prior to 7/1/15.
- 4.3 The previous approval was restricted to 1 year only to allow for an assessment as to whether the site could be used for housing. This study explains there is limited scope for use of this site in isolation.
- 4.4 The applicant has submitted a feasibility study exploring the alternative use of the sites as housing. The study explains there is limited scope for the use of this site in isolation.
- 4.5 The loss of the open space would be off-set by the extension and improvement of other play facilities within the Estate. The loss of the residential car parking in the undercroft area and the use of the site for the parking of the Council's vehicles would be in accordance with the Council's car free policy.
- 4.6 Like the previous permission, the hours of operation proposed are 0800 to 1600 hours, and there would be a limited number of both employees and vehicles at any one time at the site. The works to the undercroft and CCTV column are acceptable and the physical works to the parking area fall within permitted development.
- 4.7 The Directors' Agreement associated with the previous planning permission requiring an improvement and extension of the playground at Delhi Outram Estate opposite 9-15 Delhi Street from the previous permission is not required with this application as the works are now complete.
- 4.8 The proposal is recommended for approval with conditions on a permanent basis.

5.0 SITE AND SURROUNDING

- 5.1 The site previously consisted of a rear undercroft below flats No. 29 to 36 Outram Place and a former playground area to the north of the undercroft, all set within the Council owned Dehli Outram Estate. The proposed works have been undertaken, with Mechanised Services occupying the site from 2009. The works enclosed the undercroft area to provide office space and the playground area had a vehicular access created, a surrounding fence erected and a light and CCTV camera on a pole erected. The current parking area was previously in use as a playground, but is anecdotally understood to have not been used as a play space since 2004. The vehicular parking area also includes a number of temporary container structures.
- 5.2 No. 2136 Outram Place consist of a four storey residential block incorporating an undercroft to the north. The playground is set to the south of a former petrol station, which is currently in use as a car sales outlet, and a two storey warehouse/office building. The site is accessed from a driveway leading onto Randell's Road to the north.
- 5.3 The site falls within the Kings Cross and Pentonville Road Core Strategy Area and the former playground area falls within site KC4 of the Site Allocations (June 2004).

6.0 PROPOSAL (in Detail)

- 6.1 The proposal is to permanently retain the works to the site to provide office space and change the use of a former playground to provide parking for service vehicles for the Mechanised Services provided to council estates.
- 6.2 The works to the office space consist of the infilling of 4 bays with facing brickwork, metal grill covered windows and steel doors; the infill of two bays with steel grilles/chequer plates and the partial infill of one bay with a secure weldmesh screen.
- 6.3 The works to create the parking area consist of the erection of a 2.8 metre high black painted metal fence around the south and east extent of the former playground, the creation of a vehicular crossover on the east side and the erection of a CCTV camera post and a security light on the eastern side of the site.

7.0 RELEVANT HISTORY:

Planning Applications

- 7.1 **P091512** - Construction of a service depot for central estate services - Withdrawn (20/03/2013).
- 7.2 **P2013/3432/FUL** - Provision of office space and parking for service vehicles for mechanised services provided to council estates. Approved with conditions (07/01/2014)

Enforcement:

- 7.3 **E/2013/0473** – Unauthorised change of use and erection of fencing – Invite application (22/11/2013).

Pre-application Advice:

- 7.4 No formal pre application advice has been sought.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to 34 occupants of adjoining and nearby properties on 28th October 2014. A site notice was displayed on 28th October 2014. The public consultation of the application therefore expired on 18th November 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report, no responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Internal Consultees

- 8.3 **Planning Policy** – No response received
- 8.4 **Public Protection Division** – No objections to the CCTV, it is only focused on the site and no control by conditions you need to attach. Similarly with lighting, it is already in place and no complaints have been received to date. From a noise perspective there should be no issue subject to hours of operation restricted as per Planning Officer suggested times.
- 8.5 **Parks and Open Space** – No response received.
- 8.6 **Access and Inclusive Design Officer** – No response received.
- 8.7 **Spatial Planning and Transport (Transport Officer)** – No response received.
- 8.8 **Highways** – No response received.
- 8.9 **Housing Department** – No response received, however it is noted that the housing feasibility study was undertaken by Housing Officers

External Consultees

- 8.10 **London Borough of Camden** – No response received
- 8.11 **Thornhill Square Association** – No response received

9.0 RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

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

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Designations

9.4 The relevant designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013 are listed in Appendix 2:

Islington Local Plan – Core Strategy

- Kings Cross and Pentonville Road Core Strategy Area
- Site allocation KC4 (Playground area only)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Land Use
- Neighbour Amenity
- Highways and Transportation
- Design

Land-use

10.2 There are two distinct areas to the planning application that of the former playground open space and that of the undercroft works.

10.3 The service vehicle parking area replaces a previous playground open space within Dehli Outram Estate Management to No.176-178 York Way. DM6.3 of the Development Management Policies sets out that development is not permitted on semi-private amenity spaces, including open space within housing estates, unless the loss of amenity space is compensated and the development has overriding planning benefits.

10.4 This open space has been in use as a service vehicle parking area since at least 2009 and the applicant has detailed that prior to this, the site was fenced off, secured and overgrown for a period of approximately six years. Funding has been secured to improve an existing play area to the south of 9-15 Dehli Street which will serve the local community significantly better than the previously vacant open space.

10.5 The provision of essential maintenance services is an ancillary function to the housing estates. In light of the fact that the playground has not been used since 2004 and an alternative located has been improved within close proximity, and furthermore, the previous play space falls within Site KC4 of Islington's Local Plan: Site Allocations (2013), where it is stated as being disused and is designated to be redeveloped, the loss of this open space is considered acceptable.

10.6 The office/storage space within the undercroft replaces a previous parking area. The loss of parking spaces is not resisted by the Council and it would be in accordance with the Council's car free policy DM8.5. Furthermore, prior to its conversion in 2009 it was a known location for anti-social behaviour.

10.7 The previous permission was subject to a Directors' Agreement to secure the improvement of the play area located to the south of 9-15 Delhi Street, as a benefit for the community. This work has now been carried out and therefore another Directors' Agreement is not required this time as the policy has been satisfied.

Housing feasibility

- 10.8 The applicant has provided a feasibility statement which explored the opportunity to use the site for housing.
- 10.9 The housing statement explains that the undercroft area (21 – 36 Delhi Outram Estate) below existing residential accommodation is too narrow to provide suitable and planning policy compliant living accommodation. It states that the New Build Team has developed other undercroft areas in Islington (e.g. Vulcan Way) but the depth of Delhi Outram is insufficient. In addition to this the heights of this site and single aspect nature would not be compliant with planning standards. Officers concur with this view.
- 10.10 The statement also explains in relation to the 'triangular' service vehicle parking area, there is potential for a small number of housing units (subject to survey and planning), however it is considered that there is more development potential from this site if it was to be included in a larger package of land, for redevelopment. To the north and west sides of the site there are privately owned buildings and a car wash. The potential to deliver a larger scheme providing more housing and more affordable / social housing accommodation on this and the neighbouring sites will be explored in the near future.
- 10.11 The statement also states that if the committee was to approve the current application for the Mechanical Services Depot, the land would still be owned by Islington Council and therefore would not hinder any future housing option for the site when a wider site assembly is explored.
- 10.12 The statement concludes that the site is not on the current programme for development and therefore is unlikely to be considered for 2 years plus. Officers are satisfied that this issue has been addressed.

Neighbouring Amenity

- 10.13 Policies DM2.1, 2.2 and 6.3 of the development plan seek to protect residential amenity when considering development proposals. The office/storage space is created from the infill of the undercroft areas and the works to the playground consist of small scale fences and columns and lights. As such the main amenity consideration relates to potential disturbance from the use.
- 10.14 The site has 18 full time employees, parking for 14 vehicles and the hours of operation are detailed to be between 0800 and 1600 hours Monday to Friday. Due to the limited office space at the site and the nature of mechanised services provision, it is likely that numbers of employees at the site at any one time would be limited. Whilst there would be likely to be a peak of employees at the start and end of the working day, this would be for a limited time and within normal working hours. It is noted that the Public Protection Noise Team have not raised any objection to the use of the site.
- 10.15 It is noted that concern has been raised regarding potential disturbance from vehicle movements and repair works at the site. The number of vehicles at the site is limited to 14 and with regard to repairs being undertaken within the site, the site would be conditioned to be used for parking only.
- 10.16 With regards to use of the external lighting these share the same poles as the CCTV cameras facing onto the parking area within the former playground, this car parking sits adjacent to commercial properties. It is set over 15 metres away and set below the first floor habitable rooms of the residential buildings of 21-36 Outram Place, Public Protection has no objection to the lighting.
- 10.17 Subject to conditions restricting the hours of use, the number of vehicles at the site and the use of the former playground for solely parking use for the mechanised services vehicles and employees, the office and vehicle parking use of the site is considered to be in accordance with policy DM2.1 of the Development Management Policies and policy 7.15 of the London Plan with regard to neighbour amenity.

Highways and Transportation

- 10.18 Policy DM8.5 of the Development Management Policies states that non-residential parking will only be allowed where this is essential for operational requirements and therefore integral to the nature of the business or service. Furthermore, any parking should be off-street and located to be accessible and convenient in relation to the development.
- 10.19 Mechanised Services, by its very nature, requires vehicles for its daily operation. Therefore the parking of these vehicles is integral to operational requirements and service provision. The parking provision is off-street and is located in close proximity to the offices.
- 10.20 With regard to parking and manoeuvring, the site is located within a cul-de-sac with a turning 'T' which previously provided sufficient turning space for vehicles parking within the undercroft area. Furthermore, there is sufficient space within the parking area for the manoeuvring of vehicles, whilst the Junction with Randell's Road is of a sufficient size to allow vehicle to access and egress the site.
- 10.21 The site is located within close proximity to Kings Cross/St Pancras Railway Station and a number of bus routes whilst the store areas would provide sufficient space for cycle parking.
- 10.22 The parking space is considered to be in accordance with Development Management policies DM8.2, DM8.3, DM8.4 and DM8.5.

Design

- 10.23 The built up wall sections and steel walled bays which create the offices incorporate regular spacing and are of a small scale, facing onto the service vehicle parking area, which forms the end part of a cul-de-sac. The fenced area is set back from the rear elevation of the undercroft area and due to its open nature is not intrusive within the locality. The infilled bays provide an active frontage to a previously open and inactive space. By reason of this, the regular bay spacing and the simple form of the development, the office space is considered to be acceptable.
- 10.24 Whilst the floor plans detail a CCTV column to the east of the former playground, elevational plans have not been submitted as part of the application. However, the CCTV column was viewed at the time of the site visit and a photo with written dimensions has been submitted. The CCTV column is of a typical design and scale and is not overly prominent within the locality.
- 10.25 The 2.8 metre high black painted metal fence, vehicular crossover and security light which were erected at the site would fall within the provisions of Schedule 2, Part 12, Class A of the Town and Country planning (General Permitted Development) Order 1995, as amended by the 2011 Order and would therefore do not require express planning permission.

11.0 SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal provides a suitable parking and office space for Mechanised Services Department would not detrimentally impact upon the amenity of the neighbouring occupiers and has secured improvements to a nearby play space area. The housing feasibility study has been assessed and it is concluded that this proposal would not hinder any future housing option for the site.
- 11.2 As such, the proposed market is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Approved plans list
	<p>CONDITION: The development hereby permitted shall be retained in accordance with the following approved plans: Location plan DO/001/P, Existing plan and elevation to estate with drainage layout, LS006 Rev A, Planning Statement, email dated 12/11/2014, play area improvements statement dated 25/9/14 and New Build feasibility appraisal.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
2	Hours of Operations
	<p>CONDITION: The Office space and service vehicle parking area for services vehicles operating as part of the Mechanised Services Department hereby approved shall only operate between the hours of 0800 and 1600 Monday to Friday and not at all on any other day.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
3	Service Vehicle Parking
	<p>CONDITION: The service vehicle parking area hereby approved shall only be used for the parking of vehicles and shall not be used as an area for repair works to be undertaken.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>
4	Number of Vehicles
	<p>CONDITION: The service vehicle parking area hereby approved shall have a maximum of 14 vehicles parked at any one time.</p> <p>REASON: In the interest of protecting neighbouring residential amenity.</p>

List of Informatives:

1	Positive Statement
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>Verbal pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in a timely manner in accordance with the requirements of the NPPF.</p>

APPENDIX 2: RELEVANT POLICIES

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

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.

Development Plan

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

A) The London Plan 2011 - Spatial Development Strategy for Greater London

3 London's people Policy 3.16 Protection and enhancement of social infrastructure	Policy 6.12 Road network capacity Policy 6.13 Parking
4 London's economy Policy 4.1 Developing London's economy Policy 4.2 Offices	7 London's living places and spaces Policy 7.4 Local character Policy 7.5 Public realm Policy 7.6 Architecture Policy 7.15 Reducing noise and enhancing soundscapes
6 London's transport Policy 6.3 Assessing effects of development on transport capacity	Policy 7.18 Protecting local open space and addressing local deficiency

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS6 (King's Cross)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS13 (Employment Spaces)
Policy CS15 (Open Space and Green Infrastructure)
Policy CS16 (Play Space)
Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation
Policy CS18 (Delivery and Infrastructure)

C) Development Management Policies June 2013

Design and Heritage DM2.1 Design DM2.2 Inclusive Design	Health and Open Space DM6.3 Protecting open space
Shops, culture and services DM4.12 Social and strategic infrastructure and cultural facilities	Transport DM8.2 Managing transport impacts DM8.4 Walking and Cycling DM8.5 Vehicle parking DM8.6 Delivery and servicing for new developments
Employment DM5.1 New business floorspace	

D) Site Allocations June 2013

SA1 Proposals within allocated sites
KC4 176-178 York Way

Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

- Kings Cross and Pentonville Road Core Strategy Area
- Site allocation KC4 (Playground area only)

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Urban Design Guide