

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE A		
Date:	22 nd October 2015	NON-EXEMPT

Application number	P2015/0947/FUL
Application type	Full Planning Application
Ward	St Peters
Listed building	No
Conservation area	Duncan Terrace/Colebrook Row
Development Plan Context	Conservation Area Locally Listed Grade S
Licensing Implications	None
Site Address	25 Danbury Street, London N1 8LE
Proposal	Demolition of existing single storey annex to public house (A4) and erection of three storey single family dwelling comprising lower ground, upper ground and first floors with 2-bedrooms for 3 persons (C3) and the inclusion of private outdoor space.

Case Officer	Joe Aggar
Applicant	Ms Charlotte Harvey-Jones
Agent	Mr Jack Feet

1 RECOMMENDATION

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

- 1 The conditions set out in Appendix 1;
2. The prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET

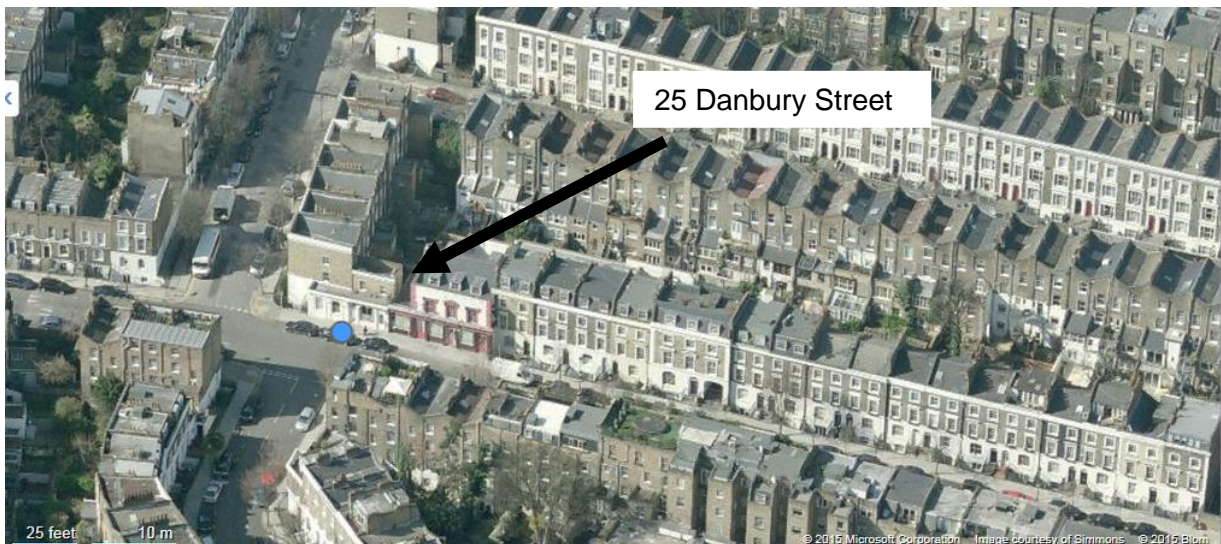


Image 1: Aerial photograph showing the front of 25 Danbury Street.

25 Danbury Street



Image 2: Aerial photograph showing the rear of 25 Danbury Street and Gerrard Road.



Image 3: view looking at the front façade of 25 Danbury Street



Image 4: view looking to the rear of 25 Danbury Street

4. SUMMARY

- 4.1 The application seeks permission for the demolition of single storey annexe to a public house (A4) and the erection of a family dwelling house comprising 2-bedrooms for 3 persons (C3). The proposal would include lowering the ground floor to incorporate a lower ground floor, upper ground floor and first floor. The proposal would read as two storeys from Danbury Street. The proposal has been revised during the course of the application to include the provision of private outdoor amenity space and a reduction in the depth of the master bedroom at upper ground floor level.
- 4.2 The area is residential in character and the site is located within a Conservation Area.
- 4.3 The design, layout scale and massing of the proposed development is considered acceptable. The external appearance of the property is considered acceptable and results in a compact development that sits comfortably without detracting significantly from the character and appearance of the conservation area.
- 4.4 The quality and sustainability of the resulting scheme is acceptable, complying with the minimum internal space standards required by the London Plan (2015) for a two bed dwelling.
- 4.5 The proposal is considered not to prejudice the residential amenity of neighbouring properties insofar as loss of light, outlook, sense of enclosure and disturbance in line with policy DM2.1 of the Islington Development Management Policies June 2013 and the proposal is car free.
- 4.6 The proposal is considered to be acceptable and is in accordance with the Development Plan policies and planning permission subject to conditions is recommended.

5. SITE AND SURROUNDING

- 5.1 The site is located on the west side of Danbury Street. The site comprises a single storey side addition to the 'Earl of Essex' public house (a locally listed shopfront) and has a large glazed front window. Visually, it appears as part of the continuous ground floor tiled frontage of the public house. The public house, dating from the Victorian era, is an attractive, recently refurbished and extended building. It has features typical of its period, including large timber sash windows surrounded by decorative architraves. The recent additions at upper level have been carried out to a high standard and blend well with the original building.
- 5.2 The surrounding area is residential in character and appearance with the immediate vicinity being predominantly residential. The existing building at the site is not statutorily listed; however the shopfront is locally listed. The site is also located within the Duncan Terrace Colebrook Row conservation area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks permission for the demolition of the single storey annexe to the public house and the erection of a single family dwelling comprising 2-bedrooms (1 double, 1 single) for 3 persons (C3). The proposal would read as two storeys from Danbury Street but by excavating the ground floor results in a three storey property.
- 6.2 The proposal would infill the gap between the public house and the adjacent property at 23 Danbury Street at the same height as number 23. The design would be of traditional appearance. There would be a stepped appearance to the rear faced.
- 6.3 Revisions have been received which include the provision of a private outdoor amenity space and reduction in the depth of the master bedroom at upper ground floor level.
- 6.4 The application has been referred to the planning sub-committee due to the level of objections received.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Planning application re: P112487 for the '*Demolition of the existing side extension to 25 Danbury Street and the erection of a three bedroomed single family dwelling house. (Conservation Area Consent application reference P112488 also submitted*' was REFUSED. Dismissed at APPEAL.

REASON: The proposed development would be harmful to the character and appearance of the Duncan Terrace Colebrooke Row Conservation Area by virtue of its inappropriate height, massing and the loss of open views between the Earl of Essex and 23 Danbury Street. This openness is an important component of the character and appearance of this Conservation Area. The proposal would therefore conflict with the National Planning Policy Framework, policy 7.6 of the London Plan, policy 9 of Islington's Core Strategy 2011, policies D4, D5, D11 and D22 of the Islington Unitary Development Plan (2002) and Islington's Urban Design Guidance 2006.

REASON: The proposed creation of a three storey new dwelling house is considered to have a material adverse impact on adjoining resident's amenity levels in and real and perceived incidences of overlooking to the rear elevation of the adjoining dwellings at Gerrard Road and Grantbridge Street. The proposed development is therefore considered to be contrary to the National Planning Policy Framework, policy CS 9 of the Core Strategy policy D3 of the Islington Unitary Development Plan 2002 and the Planning Standards Guidelines 2002.

REASON: The proposed creation of a three storey new dwelling house, by reason of its height, form and proximity to habitable room windows at 21 and 23 Danbury Street would result in an unacceptable loss of outlook and increased sense of enclosure that would be harmful to the amenities of present and future occupiers, contrary to the National Planning Policy Framework, policy CS 9 of the Core Strategy policy D3 of the Islington Unitary Development Plan 2002 and the Planning Standards Guidelines 2002.

- 7.2 Planning application re: P112488 for the '*Conservation Area Consent application in connection with the demolition of the existing side extension to 25 Danbury Street and the erection of a three bedroomed single family dwelling house.*' was REFUSED. Dismissed at APPEAL.

REASON: In the absence of an acceptable replacement, the demolition of the single storey annexe would be detrimental to the character and appearance of the building and the Duncan Terrace / Colebrook Row Conservation Area, contrary to the National Planning Policy Framework, policy D21 of the Islington Unitary Development Plan (2002), policy CS9 of the Islington Core Strategy (2011), policies 7.4 and 7.8 of the London Plan 2011 and the Duncan Terrace / Colebrook Row Conservation Area Design Guidelines.

Appeal attached as Appendix 3

ENFORCEMENT:

- 7.3 None

PRE-APPLICATION ADVICE

- 7.4 Q2014/2524/MIN for the 'proposed partial demolition of existing building and construction of 2-bedroom, 4-person self-contained family dwelling comprising lower ground floor, upper ground floor and first floor accommodation.'

The principle of the development was considered acceptable subject to overcoming concerns raised regarding the application at pre-application stage. These related to the retention and operation of the public house, the potential for disharmony between the public house and the new residential unit and noise impacts between the two uses. Also, the first floor rear extension of the proposed dwelling was considered excessive and there was concern over the suitability of subterranean development and the associated quality of accommodation at basement level.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 61 adjoining and nearby properties at Danbury Street, Burgh Street, Gerrard Road and Grantbridge Street.
- 8.2 A site notice and press advert was also displayed. Consultation expired on the 28th July 2015 however it is the Council's practice to continue to consider representations made up until the date of a decision. A further period of consultation was carried out which commenced on the 24/08/2015 due to revisions to the proposed scheme. This consultation period expired on the 15/09/2015. Members will be updated at committee of any additional responses received.
- 8.3 At the time of writing this report 11 objections have been received from the public with regard to the application. The issues raised so far can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets).
- Plans inaccurate (10.57)
 - Increased sense of enclosure (10.25-10.31)
 - Loss of privacy (10.34)
 - Overlooking to windows and garden (10.34)
 - Block view (10.58)
 - Roof extends above the height of 23 Danbury Street (10.18- 10.21)
 - Loss of light (10.32-10.33)
 - Loss of sunlight (10.32-10.33)
 - Loss of reflected light (10.59)
 - Use of flat roof as a terrace (10.63)
 - Adverse impact on the character and appearance of the conservation area (10.14-10.23)
 - Loss of protected shopfront (10.5)
 - Change of use to residential (10.12-10.13)
 - Demolition and building works (10.20 and 10.60)
 - Loss of ventilation (10.61)
 - Increased noise (10.35)

Internal Consultees

- 8.4 **Design and Conservation:** principle of development to infill up to first floor level is considered acceptable in terms of mass and bulk and would not have an adverse impact on the terrace or wider conservation area.
- 8.5 **Planning Policy:** satisfied that the annexe has not been operational for a sufficient period of time and would justify its loss with the non-provision of marketing evidence. Raised some concern over the proposed residential units close proximity to the pub.
- 8.6 **Environmental Health Officer:** Raised concerns over the activity at the adjacent pub and the relationship between the proposed residential use and the existing adjacent pub.
- 8.7 **Access Officer:** concerns over the level of inclusive and accessible design.

External Consultees

8.8 None

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 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.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.3 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document (2013) and Finsbury Local Plan (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 9.4 The site has is located in the Duncan Terrace/Colebrook Row Conservation Area. The adjoining public house has a locally listed shopfront.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.5 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:
- Appeal (reference P112487 and P112488)
 - Land Use
 - Design and Appearance
 - Neighbouring Amenity
 - Quality of Accommodation
 - Accessibility
 - Small Site Contribution and Carbon Offsetting
 - Highways
 - Other Matters
 - CIL

Appeal

- 10.2 An appeal (planning references P112487 and P112488) were determined and dismissed on 18/09/2013. These sought planning permission and conservation area consent for the 'Demolition of the existing side extension to 25 Danbury Street and the erection of a three bedroomed single family dwelling house'.
- 10.3 The issues raised by the Planning Inspectorate relating to the previous scheme were the proposals impact on the character and appearance of the conservation area, the acceptability of the demolition and the impact on neighbouring occupier's amenity.
- 10.4 The Planning Inspector concluded *'the Framework is clear that it is proper to promote or reinforce local distinctiveness, and to take into account the desirability of sustaining and enhancing the significance of heritage assets, including Conservation Areas. Furthermore, one of its core principles is the achievement of a good standard of amenity for all existing and future occupiers. I find that this proposal would fail to achieve those objectives.'*
- 10.5 The scheme was dismissed based on harmful impact on the conservation area and adverse impact on neighbouring amenity. The principle however over the loss of the gap was not considered contentious and therefore the principle of an infill here is acceptable if the development relates to the adjoining public house and terrace. The loss of the shopfront was not previously raised as an issue by the Planning Inspectorate nor do the Council object to its loss.
- 10.6 The demolition was considered premature in the absence of an acceptable replacement scheme (P112488).
- 10.7 In the Planning Inspectors assessment of the previous scheme (P112487) he upheld objections in respect of the loss of amenity, related to outlook and a greater sense of enclosure, but did not raise objection in respect of loss of daylight or sunlight or overlooking.
- 10.8 The merits of the current scheme (P2015/0947/FUL) are seen to overcome the concerns raised previously by the Inspector in terms of the impact on the character and appearance of the conservation area, the acceptability of the demolition and the effects of the proposal on neighbouring occupier's amenity.
- 10.9 The scheme has been reduced in height, mass and bulk. The previous scheme (P112487) was three storeys in height (with the inclusion of a roof terrace) which extended up to the line of the parapet of the public house. The proposed dwelling, at all three levels also came in line with the rear of the public house. The current proposal (P2015/0947/FUL) is a storey lower and is considered to relate in a meaningful way to the rest of the terrace and to the adjoining property at no.23 Danbury Street which is two storeys in height and therefore is considered to overcome the Planning Inspectors concerns.
- 10.10 Given the previous appeal decision is a material consideration; no objection is raised to the loss of the gap between the public house and no. 23 Danbury Street. It is considered the loss of the gap would not be harmful in townscape terms or harm the character and appearance of the conservation area based on the infill at two storeys in height relating to the adjoining properties and the terrace.
- 10.11 This proposal (P2015/0947/FUL) whilst incorporating three floors, is a storey lower, with the upper ground floor set in 0.8m from the rear of the public house and the first floor set in 2.7m from the rear of the public house. The side elevation would appear stepped and overall the proposed scheme has been significantly reduced in height,

mass and bulk. It is therefore considered such there would be no undue harm in terms of increased sense of enclosure or loss of outlook.

Land Use

- 10.12 The proposal includes the demolition of an unused annex of the Earl of Essex public house (A4 use). The loss of the annexe to the public house was not raised as an issue by the Local Planning Authority previously or by the Planning Inspector in the appeal.
- 10.13 The proposal for change of use needs to meet the policy criteria set out in Development Management Policy DM4.7 Part B. Part B(i) requires two years marketing and vacancy evidence to demonstrate that there is no realistic prospect of continued Public House use. The Design and Access Statement provides history of the annex space. Based on the information within this, the space is not considered to be operational Public House floorspace, nor does it provide any current ancillary function. As a result, it is accepted that there are exceptional circumstances which justify non-provision of marketing and vacancy evidence and as such the loss of the A4 use is considered to comply with adopted policies.

Design and Appearance

- 10.14 The Duncan Terrace / Colebrooke Row Conservation Area is predominantly residential and largely made up of late Georgian and early Victorian terraces. There are also important commercial uses in the area which contribute to its character.
- 10.15 Policy CS9 of Islington's Core Strategy, 2011 and Policies DM2.1 and DM2.3 of Islington's Development Management Policies, 2013, accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance the significance of heritage assets, which include Conservation Areas (CA), through development which makes a positive contribution to local character and distinctiveness. Taken together, they seek to ensure that heritage assets are conserved and enhanced through development which, amongst other things, respects and responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development. In particular the Islington Urban Design Guide, 2006, states, new buildings should reinforce this character by creating an appropriate and durable fit that harmonise with their setting. They should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area.
- 10.16 Islington's Conservation Area Design Guidelines, 2002, which sets out specific guidance on new or extended buildings within the Duncan Terrace/Colebrook Row, in particular, new buildings, should conform to the height, scale and proportions of the existing buildings in the immediate area. Also, the scale and bulk of any new building and extensions should conform with the prevailing heights in the vicinity, and to use vernacular materials, such as brick, stone, render and slate roofs.
- 10.17 In terms of conservation areas, policy DM2.3 requires new development within them to be of high-quality contextual design that conserves or enhances significance. Harm to the significance of a conservation area will not be permitted without clear and convincing justification and substantial harm to the significance of a conservation area is strongly resisted

- 10.18 The Planning Inspector stated in the dismissal of planning *application P112488* stated, *'Although I agree with the Council that the gap provides a clear break, or punctuation point, between the corner property at the junction of Danbury Street / Gerrard Road and the more prominent pub, I am not convinced that this gap provides particularly important views or glimpses into the rear gardens beyond. Nor am I persuaded that its loss would be intrinsically harmful in townscape terms to the character of the Conservation Area. I consider, therefore, that this is not a valid reason for the appeal to fail.'*
- 10.19 Given the previous appeal decision is a material consideration, no objection is raised to the loss of the gap between the public house and no. 23 Danbury Street. It is considered the loss of the gap would not be harmful in townscape terms or harm the character and appearance of the conservation area.
- 10.20 The demolition of the annexe is acceptable in principle because the replacement scheme is considered to be an acceptable development within the conservation area. A condition dealing with the timing of the demolition and replacement scheme is recommended at Condition 10 to avoid an unsightly gap being left in the conservation area as a result of the demolition.
- 10.21 The proposal would be of a traditional design and materials, as such it would be contextual and relate to the existing buildings within the terrace. The height of the building would be lower than that of the adjacent public house, so as to appear subordinate to it, but the same height as the adjacent property no.23. The upper floors of the proposal would be recessed behind the main frontage of the public house, and would have a window alignment similar to match those found at the terraced properties at No 27 Danbury Street onwards to the north. This proposal is considered to relate to the adjacent property at no.23 Danbury Street which is two storeys in height and therefore is considered to overcome the Planning Inspectors concerns. Overall the scale, form, massing and height when read from Danbury Street is not considered to cause harm to the character and appearance of the conservation area and the scheme has been redesigned to overcome the previous objection.
- 10.22 To the rear the dwelling is of a traditional basic form with an alternate domestic design and appearance to those present the adjoining terraces. However, the stepping appearance results in an overall subservient building in relation to the pub and those adjoining residential properties nearby and is designed in a way to mitigate impacts on neighbouring occupiers.
- 10.23 For the reasons above, it is considered that the proposed design and materials would not have a harmful impact upon the character and appearance of the CA (designated heritage asset). This would comply with policy 7.8 of the London Plan, policies CS8 and CS9 of the Core Strategy, policies DM2.1 and DM2.3 of the Development Management Policies 2013 and guidance in the CADG and IUDG.

Neighbouring Amenity

- 10.24 The council's planning policies seek to ensure that new development does not harm the amenity of adjacent residents, either from loss of daylight, sunlight, privacy and overlooking, perceived sense of enclosure or noise.

Sense of Enclosure and Loss of Outlook

- 10.25 The densely developed nature of the area and the limited separation between the neighbouring residences and the proposal means that there will be impacts on

neighbouring amenity. It is important to consider if the impact of the proposal are harmful as to refuse the application in terms of outlook, loss of light and sense of enclosure.

- 10.26 The previous appeal scheme was considered to impinge on the living conditions of 21A and 21B Danbury Street and create a hemmed in and oppressive feeling. The previous scheme (P112487) was three storeys in height with the inclusion of a roof terrace which extended up to the line of the parapet of the public house. The proposed dwelling, at all three levels also came in line with the rear of the public house.
- 10.27 This proposal would lower the floor level marginally with the introduction of an upper ground floor and first floor extensions to accommodate two bedrooms and bathrooms.
- 10.28 This proposal whilst incorporating three floors, is a storey lower, with the upper ground floor set in 0.8m from the rear of the public house and the first floor set in 2.7m from the rear of the public house. Overall the proposed scheme is significantly less in height, mass and bulk.
- 10.29 The proposal would potentially impact the residential properties to the south and west in terms of sense of enclosure and loss of outlook. The impacts to these properties would largely relate to the proposed section of the upper ground floor that projects rearwards of the existing building line of no. 23 Danbury Street by 3.9m and has a width of 3.1m. This element has been reduced in depth by 0.8m to further mitigate concerns raised by neighbouring occupiers at 21, 23 Danbury Street and properties on Gerrard Road.
- 10.30 The rear windows of no. 21A and B Danbury Street and 28 Gerrard Road would face directly onto the proposed addition with the three storey public house with mansard roof addition just beyond. Although the upper ground floor element which is the principle change in the mass and bulk in this instance would be brought closer to those windows serving the above properties, the depth of the addition would measure 3.9 metres. There is a limited separation between the properties at present with the rear wall of 23 Danbury Street enclosing the rear of the terrace from the east and the flank wall of the pub rising 9m above the existing annex to the north.
- 10.31 The upper floor addition is considered relatively modest in terms of its proportions. The principal views from the windows at 21A and 21B Danbury Street and Gerrard Road would not fundamentally change with the new built form in place, although the built form is being brought closer, the flank wall of the public house beyond would continue to visually dominate. As a result, the judgement is that the effect of the proposal on these windows to the rear would only slightly diminish the living conditions of the occupiers that adjoin the site in terms of loss of outlook and increased sense of enclosure. The scale and bulk of the proposed dwelling at 25 Danbury Street would not be considered overbearing as the upper ground and first floors are stepped reducing the height and bulk. The first floor would largely be obscured by the flank wall of no. 23 Danbury Street.

Daylight/Sunlight

- 10.32 A Daylight and Sunlight Study dated 09th February 2015 was submitted in support of the application. Relevant windows at Danbury Street and Gerrard Road have been tested. The report identifies that none of the windows would fail in terms of Vertical Sky Component. The results of the daylight and sunlight assessment are accepted and there is no unacceptable impact as to warrant the refusal of this application on such grounds.

10.33 Concerns were raised previously about loss of daylight and sunlight which were dealt with in the Inspectors report. It concluded *'The appellant has submitted evidence on this matter which concludes that the scheme would accord with the relevant Building Research Establishment (BRE) guidance. I have no reason to doubt this would be so.'* The current scheme is much reduced in mass and bulk and based on this scheme, there would be no indication that there would be an adverse loss of sunlight or daylight.

Overlooking/Loss of Privacy

10.34 Regards overlooking and loss of privacy the Inspector acknowledged *'Privacy will be compromised to some extent at properties in Gerrard Road, and to the west in Grantbridge Street'* The Inspector added *'I accept that a high degree of mutual overlooking is common in densely built-up urban areas such as this. Given the level of mutual overlooking that already currently exists in the area, I am not persuaded that this is a reason for the appeal to fail.'* Based on the similar nature of the scheme with windows in the rear, albeit they are set in from the lower ground floor, would not warrant refusal of the application based on the previous inspectors assessment which weighs as a material consideration. The council does not object on the grounds of overlooking particularly given the smaller scale of the proposal.

Noise

10.35 The proposal is for a single family dwelling. A residential development of this nature is not considered to cause sufficient noise as to warrant refusal of the application and is conducive to the surrounding, largely residential area. In any event, the Council take noise problems seriously, and if there were excess noise levels generated these can be dealt with under noise and environmental health regulations.

Quality of Accommodation

10.36 In terms of new residential development, as well as having concern for the external quality in design terms it is vital that new units are of the highest quality internally, being, amongst other things of sufficient size, functional, accessible, private, offering sufficient storage space and also be dual aspect. London Plan (2015) policy 3.5 requires that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment. Table 3.3 of the London Plan prescribes the minimum space standards for new housing, which is taken directly from the London Housing Design Guide space standards. Islington's Development Management policy DM3.4 also accords with these requirements, with additional requirements for storage space.

10.37 Policies CS9 and CS12 of the Core Strategy, and policy DM3.4 of Islington's Development Management Policies state that new development should provide accommodation of an acceptable standard with satisfactory aspect, daylight and sunlight.

10.38 Policy DM2.1 of the DMP concerns quality of design, including the requirement for development to provide good levels of direct sunlight and daylight.

10.39 The proposed development would consist of 2b3p single self-contained unit. The unit would be 77sqm which is considered to exceed the minimum requirement as set out in Table 3.2 of the DMP and provide a good level of accommodation. The unit would be dual aspect. The internal layouts of the proposed residential unit are considered to be acceptable and a satisfactory unit size has been provided considering the

constrained nature of the site. Provision of a two-bed unit is consistent with DMP policy DM3.1.

- 10.40 The Development Management policy DM3.5 requires the provision of 15 square metres of good quality private outdoor space on ground floors and 5 square metres on upper floors. The proposed development would comprise a lower ground, upper ground and first floor self-contained unit.
- 10.41 The proposed development would fail to comply with Development Management policy DM3.5. However, it is acknowledged that the proposal would provide around 6 square metres of good quality private outdoor space. The amendments have included the provision of a designated private outdoor space. Given nature of the site, the comparative site constraints, and close proximity to Duncan Terrace Gardens consequently, the under-provision of private outdoor space, in terms of policy DM3.5, would not in this case, on its own, provide a reason for refusal.
- 10.42 The proposed residential unit is immediately adjacent to the Earl of Essex pub. Any occupiers would be exposed to noise from amplified music within the pub, noise from patrons coming and going, the pub garden and deliveries.
- 10.43 DMP policy DM6.1 part G states that noise sensitive developments should be adequately separated from major sources of noise. DMP policy DM3.7 part D echoes this and requires mitigation where the noise environment necessitates this. DMP policy DM3.7 also states that, wherever possible, new residential development should be sited away from noise generating uses. DMP policy DM2.1 part A(xi) requires development proposals to not unduly prejudice the satisfactory development or operation of adjoining land.
- 10.44 DMP policy DM3.7 and DMP appendix 10 outline the noise exposure categories which this application should be assessed against. The applicant has provided a sound insulation test report, although this is dated February 2012 and relates to a previous application on the site, the Design and Access Statement notes that a similar assessment will take place as part of this proposed development; this has not yet been provided.
- 10.45 This potential for conflict of uses between the proposed dwelling house and existing public house was not previously raised by the Planning Inspector as an issue. Due to the context of the site and the tight knit nature of the properties and the extant situation whereby and number of residential properties directly adjoin or back onto the pub or the pub garden it is not considered reasonable to withhold planning permission based on this reason alone.
- 10.46 It is considered appropriate to attach a condition (Condition 8) for the full particulars and details of a scheme for sound insulation between the existing ground floor public house and the proposed residential use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. This would allow potential noise impacts to be fully assessed, with reference to the noise exposure categories outlined in DMP policy DM3.7 and DMP Appendix 10 and consistent with DMP policies DM3.7, DM6.1 and DM2.1, in line with the councils acoustic officers comments.

Accessibility

- 10.47 Development Management Policies DM 2.2 specifically relates to Inclusive Design and DM 3.4 relates to housing standards; the latter requires that all new housing is

built to Islington's flexible housing standards. Those standards go beyond Lifetime Homes Standards and were decided on the basis of detailed engagement with users, providers and regulators of the built environment. Policy CS12 also requires that 10% of all new housing is wheelchair accessible.

- 10.48 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015
- 10.49 Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor wheelchair housing standards.
- 10.50 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements, if they are not conditioned, Building Control will only enforce the basic Category 1 standards.
- 10.51 Given the scale and scope of the development the provision of an inclusive and accessible dwelling is challenging due to the site constraints. Condition 11 is recommended to ensure the property can be visitable and accessible.

Small Sites Contributions and Carbon Offsetting

- 10.52 The Affordable Housing Small Site Contributions document was adopted on the 18th October 2012. This document provides information about the requirements for financial contributions from minor residential planning applications (below 10 units) towards the provision of affordable housing in Islington. As per the Core Strategy policy CS12, part G and the Affordable Housing Small Sites Contributions SPD, we would require a contribution of £50,000 per new residential unit in off-site contributions in lieu of on-site provision.
- 10.53 The applicant submitted a viability report which was independently assessed. Adam Integra concluded the appraisal demonstrates that the scheme can support an affordable housing contribution of £50,000. This will be secured by a Unilateral Undertaking.
- 10.54 The council adopted the Environmental Design Planning Guidance Supplementary Planning Document (SPD) on 25 October 2012. This document is supplementary to Islington's Core Strategy policy CS10 Part A, which requires minor new-build developments of one residential unit or more to offset all regulated CO2 emissions not dealt with by onsite measures through a financial contribution. The cost of the off-set contribution is a flat fee based on the development type as follows: Houses (£1500 per house). The applicant has submitted a draft agreement to pay sum in respect of affordable housing and carbon offsetting with the independent financial viability concluding the respective sums can be paid. If the members grant planning permission no decision would be issued until the Unilateral Undertaking was complete.

Highways

- 10.55 Islington policy identifies that all new development shall be car free. Car free development means no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people. No parking is proposed and this will be ensured by condition.
- 10.56 The provision of secure, sheltered and appropriately located cycle parking facilities (residents) will be expected in accordance with Transport for London's guidance: 'Cycle Parking Standards – TfL Proposed Guidelines'. Subject to there being sufficient capacity, the secure and integrated location of the proposed cycle storage on the ground floor is acceptable. Policy DM8.4 of the Development Management Policies supports sustainable methods of transport and requires the provision of 1 cycle space per bedroom. There is provision for one designated bike parking space at ground floor level is considered suitable given the site constraints, however a condition is recommended at condition 4 for details of two cycle parking spaces.

Other Matters

- 10.57 The plans are accurate, to scale and measurable. This would not withhold the granting of planning permission in this instance.
- 10.58 The loss of view is not a material planning consideration and therefore holds little weight in the assessment of this application.
- 10.59 Loss of reflected light has been raised as a concern. However sufficient light is considered to be maintained to habitable windows and as such this would not warrant refusal of planning permission.
- 10.60 Unfortunately whilst the disruption and possible damage associated with construction works is regrettable, it cannot be considered in the assessment of planning applications. Noise and pollution from demolition and construction works is instead subject to control under the Control of Pollution Act 1974, which states that any building works that can be heard at the boundary of the site may only be carried out between 0800 and 1800 Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays or Public Holidays. The Party Wall Act and Building Control regulations can ensure protection to adjacent properties against potential damage and be used as a mechanism for dealing with any damage.
- 10.61 Loss of ventilation has been raised as an issue. The property affected is assumed to be dual aspect and would benefit from ventilation to the rear and front of the site and would not warrant refusal of the application.
- 10.62 The property is proposed to be residential. By its nature the increased provision of 1 unit is anticipated to not to cause undue harm in terms of activity or noise as to reasonably refuse the application.
- 10.63 A condition (Condition 6) has been recommended to ensure the flat roofed areas cannot be used as an amenity space. Moreover the plans have been revised to incorporate a designated outdoor private amenity space to reduce the need for further amenity areas.
- 10.64 There is the provision of designated refuse and recycling area on the lower ground floor. This will be conditioned (Condition 4) to ensure this is provided prior to first occupation of the premises.

Community Infrastructure Levy

- 10.65 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing.

11 SUMMARY AND CONCLUSION

Summary

- 12.1 In accordance with the above assessment, it is considered that the proposed development is consistent with the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents and should be approved accordingly.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

The Heads of Terms are:

- £50,000 contribution towards affordable housing
- £1,500 towards carbon off-setting.

RECOMMENDATION B

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

List of Conditions

1	Commencement
	CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).
2	Approved plans list
	CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 1407-L-001 revision A; 1407-L-002 revision A; 1407-L-017 revision A; 1407-L-011 revision A; Planning Submission dated February 2015; Daylight and Sunlight Report dated 09 February 2015; 1407-L-031 revision F; 1407-L-032 revision F; 1407-L-033 revision F; 1407-L-034 revision E; 1407-L-036 revision F; 1407-L-037 revision F; 1407-L-041 revision C REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
3	Materials
	CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any

	<p>superstructure work commencing on site. The details and samples shall include:</p> <p>a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window treatment (including sections and reveals); d) roofing materials; and e) any other materials to be used.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard</p>
4	Refuse and Storage details
	<p>CONDITION: Notwithstanding the details shown on the approved plans, no occupation of the dwellings hereby permitted shall take place until detailed drawings of the bin and bicycle store for two spaces to serve the residential property have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.</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>
5	Removal of Permitted Development Rights
	<p>CONDITION: Notwithstanding the approved scheme no permitted development rights are allowed under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>REASON: In order to ensure any new development does not harm neighbouring occupiers amenity.</p>
6	No Rear Roof Terrace
	<p>CONDITION: The flat roof area shown on plan no. 1407-L-032 revision F, 1407-L-033 revision F 1407-L-034 revision E hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
7	Sustainable Design and Construction Statement
	<p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010,</p>

	<p>and not exceed water use targets of 95L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
8	Noise Details
	<p>CONDITION: A noise assessment of the impact of the Earl of Essex pub operation upon the residential unit with full particulars and details of a scheme for sound insulation for the residential unit shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest the future occupiers residential amenity.</p>
9	Car Free Development
	<p>CONDITION: All future occupiers of the residential units hereby approved shall not be eligible to obtain an on street residents' parking permit except :</p> <ol style="list-style-type: none"> (1) In the case of disabled persons; (2) In the case of units designated in this planning permission as "non car free"; or (3) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year. <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free housing.</p>
10	Demolition
	<p>CONDITION: No demolition shall take place unless and until a contract for the associated re-development of the site in accordance with planning permission P2015/0947/FUL has been secured and evidence of such contract(s) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent premature demolition in a Conservation Area.</p>
11	Accessible Housing
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, the residential unit shall be constructed to Category 1 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2).</p> <p>Evidence, confirming that the appointed Building Control body has assessed and confirmed that these requirements will be achieved shall be submitted and approved in writing by the LPA prior to any superstructure works beginning on site.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p>

	REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs
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List of Informatives:

1	Positive statement
	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. A pre-application advice service is also offered and encouraged. Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant. 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 accordance with the requirements of the NPPF.
2	Surface Water Drainage
	It is the responsibility of a developer to make proper provision for drainage to ground, water course or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
3	Signage
	Please note that separate advertisement consent application may be required for the display of signage at the site.
4	S106
	Section 106 Agreement: You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
5	CIL
	INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk . The Council will then issue a Liability Notice setting out the amount of CIL that is payable. Pre-Commencement Conditions: These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.

6	Hours of Working
	The applicant is advised that the accepted working hours for development within the borough are: 8:00am-5:00pm on Mondays to Fridays, 9:00am-1:00pm on Saturdays and not at all on Sundays, Bank or Public Holidays.
7	Building Regulations and Party Wall
	You are reminded of the need to comply with other regulations/legislation outside the realms of the planning system - Building Regulations, the Party Wall Act as well as Environment Health Regulations.

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 and NPPG 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 2015, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations Document 2013 and the Finsbury Local Plan 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2015 - Spatial Development Strategy for Greater London

4 London's Economy
Policy 4.8 Supporting a successful and diverse retail sector and related facilities

7 London's living places and spaces
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

B) Islington Core Strategy 2011

Spatial Strategy
Policy CS8 (Enhancing Islington's Character)

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

C) Development Management Policies June 2013

Housing

DM3.4 Housing Standards
DM 3.5 Private Outdoor Space
DM3.7 Noise and Vibration

Shops, Culture and Services

DM4.10 Public Houses

Health and Open Space

DM6.1 Healthy Development

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Energy and Environmental Standards

DM7.2 Energy efficiency and carbon reduction in minor schemes
DM7.4 Sustainable design standards

Transport

DM8.5 Vehicle Parking

5. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Duncan Terrace/Colebrook Row Conservation Area
- Locally Listed Shopfront

6. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

- | | |
|--|-------------------------------------|
| Islington Local Development Plan | London Plan |
| - Conservation Area Design Guidelines (2002) | - Sustainable Design & Construction |
| - Urban Design Guide (2006) | |
| - Affordable Housing Small Sites (2012) | |
| - Environmental Design (2012) | |

