



AGENDA FOR THE PLANNING SUB COMMITTEE A

Members of the Planning Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **31 October 2017 at 7.30 pm.**

Yinka Owa
Director – Law and Governance

Enquiries to : Ola Adeoye
Tel : 020 7527 3044
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Despatched : 20 October 2017

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

<u>Committee Membership</u>	<u>Wards</u>	<u>Substitute Members</u>	
Councillor Picknell (Chair)	- St Mary's;	Councillor Donovan-Hart	- Clerkenwell;
Councillor Nicholls	- Junction;	Councillor Khan	- Bunhill;
Councillor Gantly	- Highbury	Councillor Court	- Clerkenwell;
East;		Councillor Kay	- Mildmay;
Councillor Ward	- St George's;	Councillor Fletcher	- St George's;
		Councillor Chowdhury	- Barnsbury;
		Councillor Convery	- Caledonian;
		Councillor A Clarke-Perry	- St Peter's;
		Councillor Williamson	- Tollington;
		Councillor Gill	- St George's;
		Councillor Wayne	- Canonbury;
		Councillor Poyser	- Hillrise;
		Councillor Webbe	- Bunhill;
		Councillor O'Halloran	- Caledonian;
		Councillor Turan	- St Mary's;

Quorum: 3 councillors



A. Formal Matters	Page
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

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7.	CLYRO COURT, TOLLINGTON PARK, LONDON, N4 3AQ	229 - 258

C. Consideration of other planning matters **Page**

D. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

E. Exclusion of press and public

To consider whether, in view of the nature of the remaining item on the agenda, it is likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

F. Confidential/exempt items **Page**

G. Urgent exempt items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Sub Committee A, 12 December 2017

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING SUB-COMMITTEES

Planning Sub-Committee Membership

Each Planning Sub-Committee consists of five locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Sub-Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Sub-Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Sub-Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Sub-Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Sub-Committee operates and how to put your views to the Planning Sub-Committee please call Zoe Lewis/Jackie Tunstall on 020 7527 3044/3068. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

COMMITTEE AGENDA

1 10 - 11 Clerkenwell Green
Islington
LONDON
EC1R 0DP

2 112 - 114 Islington High Street
London
N1 8EG

3 146 Seven Sisters Road
London
N7 7PL

4 24 - 137 Elia Street, London, N1 8DF

5 30 - 32 Dresden Road
Islington
LONDON
N19 3BD

6 44 Pear Tree Street
London
EC1V 3SB

7 Clyro Court
Tollington Park
Islington
LONDON
N4 3AQ

1 10 - 11 Clerkenwell Green
Islington
LONDON
EC1R 0DP

Ward: Clerkenwell

Proposed Development: RECONSULTATION: Revised drawings and revised Daylight and Sunlight Report

Erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations, to create additional B1 office floorspace and roof terraces, planted screen and installation of plant equipment to rear of rooftop.

Application Number: P2016/4972/FUL

Application Type: Full Planning Application

Case Officer: Thomas Broomhall

Name of Applicant: .

Recommendation:

2 112 - 114 Islington High Street

London

N1 8EG

Ward: St. Peters

Proposed Development: Demolition of existing furniture store and erection of new 2-storey building containing 2 x 1-bedroom apartments in yard space behind 112-114 Islington High Street. Construction of new furniture store in rear garden. Associated external alterations including alterations of accesses and provision of bicycle and bin storage.

Application Number: P2017/2382/FUL

Application Type: Full Planning Application

Case Officer: Daniel Jeffries

Name of Applicant: Segal

Recommendation:

3 146 Seven Sisters Road

London

N7 7PL

Ward: Finsbury Park

Proposed Development: Demolition of existing commercial unit (B2). Construction of building over basement and four upper storeys to provide three storeys of B1(a) commercial space on the basement, ground and first floors and two storeys of residential (C3) accommodation comprising three x 2-bedroom 3 person flats and two x 1-bedroom.2 person flats. Provision of cycle storage and refuse facilities.

Application Number: P2017/1889/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr & Mrs Vinod Taank

Recommendation:

4 24 - 137 Elia Street, London, N1 8DF

Ward: St. Peters

Proposed Development: RECONSULTATION: Corrected wording and additional drawings:
Retention of 38 front and rear replacement steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system to the residential properties at 24-137 Elia Street

Application Number: P2017/2409/FUL

Application Type: Full Planning (Council's Own)

Case Officer: Thomas Broomhall

Name of Applicant: c/o Agent

Recommendation:

5 30 - 32 Dresden Road
Islington
LONDON
N19 3BD

Ward: Hillrise

Proposed Development: Section 73 application to remove condition 5 (Code for Sustainable Homes) and condition 7 (screening measures) in relation to planning permission P2013/4213/FUL dated 28/08/2014 for the erection of a two storey dwelling (at lower ground and ground floor level) to the rear of 30 - 32 Dresden Road

The reasoning for their removal is that Code of Sustainable Homes is no longer implemented through planning conditions. The screening measures of ground floor will be replaced with 3 new trees (silver birch) along the southern boundary which will provide natural screening to the neighbours and improved outlook to the new dwelling.

(RECONSULTATION - 14 days)

AMENDED PLANS - revised landscaping plan received drawing No 242.(1).4.001 Rev D

Application Number: P2017/1056/S73

Application Type: Removal/Variation of Condition (Section 73)

Case Officer: Eoin Concannon

Name of Applicant: N/A

Recommendation:

6 44 Pear Tree Street
London
EC1V 3SB

Ward: Bunhill

Proposed Development: Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations. (AMENDED PLANS: Amendments include alterations to the screening and relationship with the Pietra Lara Building (Flats 1 and 4) and alterations to the layout of units 7 and 8 at the fifth floor level).

Application Number: P2017/0865/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: c/o Agent

Recommendation:

7 Clyro Court
Tollington Park
Islington
LONDON
N4 3AQ

Ward: Tollington

Proposed Development: Proposed roof extensions to Blocks A,B and C to provide 2no 2 bed flats and 2no 1 bed flat. Proposed infill rear extension to enlarge 4no. existing studio flats into 4no. 1 bedroom flats. Proposed elevational improvements to street elevations of all blocks.

Application Number: P2017/0209/FUL

Application Type: Full Planning Application

Case Officer: Emily Benedek

Name of Applicant: Mr Laurie Pearson

Recommendation:

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London Borough of Islington

Planning Sub Committee A - 4 September 2017

Minutes of the meeting of the Planning Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 4 September 2017 at 7.30 pm.

Present: **Councillors:** Picknell, Gantly and O'Halloran

Councillor Angela Picknell in the Chair

18 INTRODUCTIONS (Item A1)

Councillor Angela Picknell welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

19 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Nicholls and Ward.

20 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor O'Halloran substituted for Councillor Nicholls.

21 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

22 ORDER OF BUSINESS (Item A5)

The order of business would be B1,B3,B2,B16, B4, B17 and B5-B15.

23 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 3 July 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

24 10-11 CLERKENWELL GREEN, ISLINGON, LONDON, EC1R 0DP (Item B1)

Erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations including new shopfront, to create

Planning Sub Committee A - 4 September 2017

an additional 555 square metres of B1 office floorspace, creation of roof terraces at first and fourth floor front elevation and on the rooftop at fifth floor level, installation of planted screen and installation of plant equipment to rear of rooftop.

(Planning application number: P2016/4972/FUL)

In the discussion the following points were made:

- Planning Officer advised that scheme had been revised with regards to its design, its extent, scale, bulk, the massing of the rear extensions and the extent of the rooftop roof terrace.
- Issues of excessive over development, out of scale and character with the conservation area were raised by the objectors. Also issues about impact on neighbouring amenity, loss of light, overlooking, overbearing and noise disturbance arising from roof terrace were raised by neighbouring residents.
- In response to concerns of objectors, the architect informed the meeting that the proposed rear extensions would not be visible from the public as it had now been reduced in height and also set back from the boundary.
- In response to Members concern about the bulk, scale and massing, Officer advised that this scheme was considered sufficient so as to retain the proportions of the building given its dense central and urban location.
- On the issue of its impact of the proposal within a conservation area, the Architect informed Members that the proposals were policy compliant.
- The Architect highlighted the benefits of the scheme, and that the proposal was in line with adjoining and consented schemes, an improved larger entrance which would result in the removal of street parking. He also mentioned that the scheme would result in an increase in B1 office floor space which is required, that could be easily designed for start ups and creative type of businesses.
- Members were concerned that an updated sunlight and daylight test report had not been submitted with the application as this would provide Committee more information regarding the neighbouring amenity of residents and the loss of light especially with the rear buildings.

Councillor Picknell proposed a motion to defer pending the submission of an updated sunlight and daylight test report. This was seconded by Councillor Gantly and carried.

RESOLVED:

That consideration of the application be deferred for the reasons outlined above.

Erection of a single storey roof extension to create additional 350 square metres of office floorspace (B1), and over-cladding of the building facades. Associated external alterations to the building's facade; and the removal and replacement of the existing ramp together with the installation of plant equipment at lower ground and fifth floor level. Removal of existing two cores, replacing with a more compact and efficient single core. Removal of car access way and installation of new ground floor glazed shopfront.

(Planning application number: P2016/3455/FUL)

In the discussion the following points were made:

- The Planning Officer informed Members that the initial proposal had been revised from the two storey roof extension to a flat roofed single storey roof extension.
- The Planning Officer recommended that if minded to grant planning permission a condition be attached requiring details and samples of the materials to be used for internal and external alterations be submitted and approved prior to commencement of works.
- Issues of loss of privacy and sunlight daylight were raised by neighbouring residents.
- There were also concerns that the proposed materials being used would have an impact on the character and appearance of the area and that the roof extension would add to the dominance of the building and out of keeping with other buildings in height, massing and scale.
- Members were concerned with changes to the access cores from two to one as this meant that escape access at floors 4 and 5 could be compromised especially if blocked.

Councillor Gantly proposed a motion to grant subject to a pre commencement condition regarding a fire escape strategy to be submitted to Planning Officers.

This was seconded by Councillor O'Halloran and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report and an additional pre-commencement condition regarding a fire escape strategy be submitted and approved by planning officers.

26 FLAT 1, 126 ST GEORGE'S AVENUE, ISLINGTON, LONDON, N7 0AH (Item B3)

Erection of single storey rear extension at lower ground level with rear roof terrace above, railings and glazed screen, repositioning of external stairs along the eastern boundary. RECONSULTATION 14 Days; (Amended description and amended plans uploaded on public website dated 05/04/2017) – repositioning of rear stairs and reduction of depth of rear extension to three metres.

(Planning application number: P2016/4990/FUL)

In the discussion the following points were made:

- The Planning Officer advised Members that drawing plans had been amended during the processing of the application with regards to the overall size of the scheme and its design.
- In response to questions about loss of privacy, Members were informed that the proposed roof terrace would include an associated opaque glass screen .
- In response to questions about the impact of the scheme on neighbour's amenity, the Planning Officer advised that the development would not result in any additional overlooking and that there would be no loss of daylight, sunlight or sense of enclosure.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report

**27 MCDONALD'S RESTAURANT, 23 HIGHGATE HILL, ISLINGTON, LONDON, N19 5LP
(Item B4)**

Section 73 application pursuant to vary condition 4 (opening hours) and condition 5 (delivery hours) of planning permission Ref. P110841 dated 27 June 2011 for the variation of the wording of condition 5 (hours of operation) of planning permission ref: P012475 dated 04/04/2002 for change of use from banking hall and offices to restaurant. The variation of the current section s73 relate to permanently change opening hours from 05:00am – 01:00am (every day) to 05:00am and 01:00am Sunday, 05.00am and 02.00am Monday to Wednesday and 05:00am and 03.00am Thursday to Saturday' and change of condition 05 (delivery hours) from approved 07:00am – 23:00pm on any day to 06:00am and 01:00am on any day.

(Planning application number: P2016/3808/S73)

In the discussion the following points were made:

- Members were advised that the application follows a previous S73 application which was approved in November 2015 with a condition restricting the extension of opening and delivery hours to a temporary period of 1 year until 12 November 2016.
- The Planning Officer informed Members that the proposed variation of conditions would result in an extension of opening hours and delivery hours which was acceptable at this location within a town centre.
- Members welcomed the revised gyratory road scheme as an improvement in terms of noise generation especially as it simplified and restricted the movements of HGV's in the local area.
- Members acknowledged the concerns raised by ward councillors, however noted that no objections had been submitted by Transport for London, the Police and

public.

- Members acknowledged that considering the residential properties in the vicinity of the restaurant was sufficiently set away any changes to the opening and delivery hours would not have any impact on the amenity of resident's.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

28 PAVEMENT ADJACENT RAILWAY BRIDGE AND 351 CALEDONIAN ROAD, LONDON, N1 (Item B5)

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0903/ADV)

The Chair informed the meeting that although items B5-B15 were similar applications and had matters common to all the applications, each would be considered on its individual merits.

In the discussion the following points were made:

- The Planning Officer informed Members that item was deferred at the last meeting as it was considered that a visit to Camden to view the actual appearance of the link units in an urban setting would be more informative for Committee Members rather than the submitted drawings.
- Meeting was advised that of the 63 applications submitted for Advertisement Consent for the internet/wifi/telephones structures called 'link units' only 11 had been recommended for approval and 52 had been withdrawn on grounds of those site locations being within a conservation area or within the setting of a listed building or other important heritage asset.
- Planning Officer advised Members that the current application was only seeking advertisement consent for use on the approved BT phone link unit and that no further objections had been received since the previous report was published.
- The Planning Officer advised that applications for Advertisement Consent are to be assessed in terms of amenity and highways safety and that having taken into consideration the setting of the internally illuminated advertisement screens, its relationship to surrounding properties, proposed luminance levels and distance from existing heritage assets and impact on highway safety, the proposal was considered acceptable.
- Members agreed that in assessing each application, it was important to ensure that the siting of the link units should not lead to an increase in street clutter.

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- A Member welcomed the visit arranged by Officers to view the units sited in Camden High Street and did not consider the advertisements on the link unit intrusive.
- Members were concerned that prior approval should be determined before the advertisement is considered as the concerns related to procedural order being a crucial issue.

RESOLVED:

That Advertisement Consent be granted subject to the conditions set out in Appendix 1 of the officer report.

29 PAVEMENT OPPOSITE 120 CENTRAL STREET (Item B6)

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0697/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

30 PAVEMENT OPPOSITE 152A SEVEN SISTERS ROAD, LONDON, N7 (Item B7)

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0698/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

31 PAVEMENT OUTSIDE 117-119 FONTHILL ROAD, LONDON, N4 (Item B8)

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0949/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

32 **PAVEMENT OUTSIDE 169-173 OLD STREET, LONDON, EC1V (Item B9)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0922/ADV)

In the discussion the following points were made:

- Members were concerned with the siting of the link unit in this location as it was too close to a set of traffic lights which could be an additional distraction to drivers especially at night.
- In response to concerns about the impact of the illumination from the advertisement on drivers, Members were advised that the levels of lighting would be varied between dusk and dawn and during the day in line with TFL guidance.
- Members were advised that with regard to this location, highways who had been consulted had not raised any highways concerns.

Councillor Angela Picknell proposed a motion to refuse on grounds of highway safety. This was seconded by Councillor O'Halloran and carried.

RESOLVED:

That advertisement consent be refused for the reasons set out above, the wording of which was delegated to officers.

33 **PAVEMENT OUTSIDE 174 CALEDONIAN ROAD, LONDON, N1 (Item B10)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0573/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

34 **PAVEMENT OUTSIDE 268-270 SEVEN SISTERS ROAD, LONDON, N4 (Item B11)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0605/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

35 **PAVEMENT OUTSIDE 379 HOLLOWAY ROAD, LONDON, N7 (Item B12)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0553/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

36 **PAVEMENT OUTSIDE Highbury Vale Police Station, 211 Blackstock Road, London, N5 (Item B13)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0900/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

37 **PAVEMENT OUTSIDE ROYAL BANK OF SCOTLAND, Regent's House, 42 Islington High Street, London, N1 (Item B14)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0599/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

38 **PAVEMENT OUTSIDE THE Graduate Centre, 166-220 Holloway Road, London, N7 (Item B15)**

Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

(Planning application number: P2017/0550/ADV)

RESOLVED:

That advertisement consent be granted subject to the conditions set out in Appendix 1 of the officer report.

39

VENTILATION SHAFT, ADJACENT TO KESTREL HOUSE, 191 CENTRAL STREET & LAND NEAR CITY ROAD BRIDGE, CITY ROAD, LONDON, EC1 (Item B16)

Application for variation of condition 2 (drawings) of P2015/1008/FUL dated 14/07/2015. The amendments include:

- Replacement of previously approved copper cladding with anodised aluminium cladding;
- Enlarged footprint and height of UKPN substation building to accommodate double substation;
- External alterations including alterations to louvred doors on City Road elevation;
- Alterations to louvred doors and steel door on rear elevation;
- Alterations to walkway and safety railing at first floor level over the UKPN Substation;
- Installation of recessed Vitreous Enamel panel on Moreland Street elevation;
- Addition of drawings relating to detailed design of the perforated and engraved panels;

Variation of wording of condition 8 (Pedestrian crossing) to refer to revised drawing MMD-329567_12-C-DR-00-XX-001 indicating revised design of pedestrian crossing.

(Planning application number: P2017/0764/S73)

In the discussion the following points were made:

- The Planning Officer advised Members that the application would not require any changes to the use but issues raised by both the local highways authority and UK Power Networks.
- Members were advised that condition 12(e) to be removed as it related to a change in the sample of the material, that the approved copper cladding for use on the façade had been identified as no longer fit for purpose as the material would likely corrode leading to a discolouring of the copper thereby leading to a weakening of the façade over time.
- Condition 12 (d) to be amended to 8 weeks instead of the 6 weeks.
- An objector was concerned that the health implications of using anodised aluminium cladding had not been taken into consideration especially as aluminium was known to be a dangerous material.
- In response to fire safety concerns raised, the Council Energy Services Manager informed Members that the material being proposed was a façade of solid aluminium and that nothing existed behind the aluminium that was combustible.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report

40 **WILLIAM TYNDALE PRIMARY SCHOOL, UPPER STREET, ISLINGTON, LONDON, N1 2GG (Item B17)**

Erection of a two storey side extension and single storey front extension, with associated canopy, to existing Morris Building to accommodate WC (toilet) block and meeting room, and to accommodate playground store and disabled WC (toilet) facility. Alteration of internal entrance gate to allow for an enlarged playground towards the school's main entrance on Upper Street

(Planning application number: P2017/1568/FUL)

In the discussion the following points were made:

- The Planning Officer advised that no updates since publication of the agenda and no objections had been received. The Officer advised that the amenity of the neighbouring amendments would not be materially harmed due to appropriate siting, scale and separation distances.
- Members welcomed the proposal as the changes would not result in any further increase in the student numbers in the school but an improvement in the facilities available for the school.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report.

The meeting ended at 10.30 pm

CHAIR

ADDENDUM TO PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B1
Date:	31 October 2017	NON-EXEMPT

Application numbers	P2016/4972/FUL
Application types	Full Planning
Ward	Clerkenwell Ward
Listed building	Not listed but adjacent to listed buildings at 12, 14 and 14a Clerkenwell Green
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Employment Priority Area (General) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Area 1 - Bunhill & Clerkenwell Clerkenwell Green Conservation Area Central Activities Zone Archaeological Priority Area Local view from Archway Road LV4 Local view from Archway Bridge LV5 Local view from Amwell Street LV6
Licensing Implications	None relevant
Site Address	10 - 11 Clerkenwell Green, Islington, LONDON, EC1R 0DP
Proposals	Erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations including new shopfront, to create an additional 555 square metres of B1 office floorspace, creation of roof terraces at first and fourth floor front elevation and on the rooftop at fifth floor level, installation of planted screen and installation of plant equipment to rear of rooftop.

Case Officer	Tom Broomhall
Applicant	10-11 Clekenwell Green Limited
Agent	Mr Chris Deeks - DP9

1 RECOMMENDATION

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

- subject to the conditions and heads of terms (to be secured by S106 Legal Agreement) set out in Appendix 1 to the original report attached;

2 REASON FOR DEFERAL

2.1 This application was previously discussed at the Planning Sub-Committee on 4 September 2017. The draft meeting minutes state that in the discussion the following points were made:

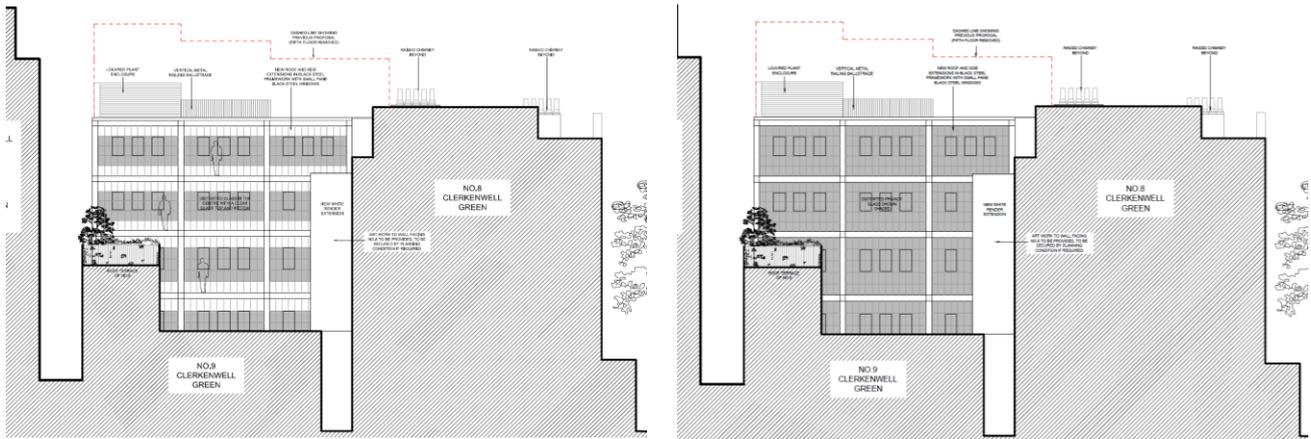
- Planning Officer advised that scheme had been revised with regards to its design, its extent, scale, bulk, the massing of the rear extensions and the extent of the rooftop terrace.
- Issues of excessive over development, out of scale and character with the conservation area were raised by the objectors. Also issues about impact on neighbouring amenity, loss of light, overlooking, overbearing and noise disturbance arising from roof terrace were raised by neighbouring residents.
- In response to concerns of objectors, the architect informed the meeting that the proposed rear extensions would not be visible from the public as it had now been reduced in height and also set back from the boundary.
- In response to Members concern about the bulk, scale and massing, officers advised that this scheme was considered sufficient so as to retain the proportions of the building given its dense central and urban location.
- On the issue of the impact of the proposal within a conservation area, the Architect informed Members that the proposals was policy compliant.
- The Architect highlighted the benefits of the scheme, and that the proposal was in line with adjoining and consented schemes, an improved larger entrance which would result in the removal of street parking. He also mentioned that the scheme would result in an increase in B1 office floor space which is required, that could be easily designed for start-ups and creative type of businesses.
- Members were concerned that an updated sunlight and daylight test report had not been submitted with the application as this would provide Committee more information regarding the neighbouring amenity of residents and the loss of light especially with the rear buildings.

2.2 Councillor Picknell proposed a motion to defer pending the submission of an updated sunlight and daylight test report. This was seconded by Councillor Gantly and carried.

3. ASSESSMENT OF REVISED SCHEME AND UPDATED DAYLIGHT AND SUNLIGHT REPORT

3.1 On 11 September 2017 the applicant submitted an updated Daylight and Sunlight Report dated 11/09/2017 and a revised proposed East Elevation drawing ref: 51516-P-62 Rev J.

3.2 The amendments increase the extent of the proposed distorted glazing on the eastern elevation of the proposed rear extension to be floor to ceiling in height on each of the first to fourth floor levels. The amendments result in the removal of the originally proposed clear glazed panels at the top and bottom of the distorted glazing on each floor. The images below indicate the revisions to the extent of distorted glazing on the proposed and revised eastern elevation drawings.



Images 1 and 2 - Proposed and revised eastern elevation drawings

- 3.3 The updated Daylight and Sunlight report provides details of the impact of the proposed scheme on levels of daylight and sunlight to the neighbouring properties. This is required as the previously submitted Daylight and Sunlight report had not been updated following revisions to reduce the height of the proposed roof extension from two storeys to a single storey.
- 3.4 Letters were sent to neighbouring properties on the 14 September 2017 following the submission of the revised drawing and updated Daylight and Sunlight report by the applicant. The reconsultation period expired on the 29 September 2017. Six objections have been received from neighbouring properties during this time, from residents in the residential properties at 8 Clerkenwell Green.
- 3.5 The issues raised can be summarised as follows (including the corresponding paragraphs in this addendum report addressing the issues in brackets):
- Conclusions of updated daylight report are unreliable and it's not possible to relate to any particular windows (**See paragraphs 3.11 to 3.13**).
 - Impact on 8/9 Clerkenwell Green remains unchanged as no reduction in massing or volume so issues of loss of light, privacy, enclosure, noise disturbance, overlooking and overshadowing all remain (**See paragraph 3.12**).
 - Updated report show significant loss of light and transgressions from BRE guidelines (**See paragraphs 3.14 to 3.20**).
 - Updated report's reference to London Housing SPG is inappropriate (**See paragraph 3.21**).
 - Light pollution/spillage from entirely glazed eastern elevation (**See paragraph 3.22**).

Design and Conservation

- 3.6 The application presented to planning sub-committee included the use of a centrally placed panel of distorted glazing on the eastern elevation on each floor at first to fourth floor levels with clear glazed panels above and below the distorted glazing. Following the committee meeting the applicant was advised to explore reductions in the solid to void ratio to reduce the impact on 8 Clerkenwell Green.

- 3.7 The revisions to the glazing on the eastern elevation result in the replacement of the clear glazed panels which had previously been proposed adjacent to the floor and the ceiling of each floor at first to fourth floors with distorted glazing (from floor to ceiling) at each level on the eastern elevation. The revisions to the scheme reduce overlooking towards the rear of 8 Clerkenwell Green by removing the clear glazing.
- 3.8 The effect of the proposed distorted glass is considered to prevent a harmful increase in overlooking towards the rear elevations of 8 and 9 Clerkenwell Green whilst maintaining levels of daylight in the extended office building. As a result of the design and materials of the extension, the proposal would not result in an increase in overlooking towards the residential properties nor loss of privacy and are acceptable in this regard subject to condition.
- 3.9 The scale, bulk, massing, design and appearance of the proposed extensions remains otherwise unaltered from the scheme presented to the Planning Sub-Committee meeting on 4 September 2017 and would not harm the character and appearance of the conservation area.
- 3.10 Therefore, the revised proposals accord with the aims of policies CS7 and CS9 of the Islington Core Strategy (2011) and policies DM2.1 and DM2.3 of the Islington Development Management Policies (2013) and guidance contained within the NPPF, and Islington Urban Design Guide 2017.

Neighbouring Amenity

- 3.11 The updated Daylight and Sunlight report has been revised to reflect the impact of the proposed single storey roof extension. The windows referred to in the report can be identified in the submitted Daylight and Sunlight Report ref: 7767 dated 21/04/2017.

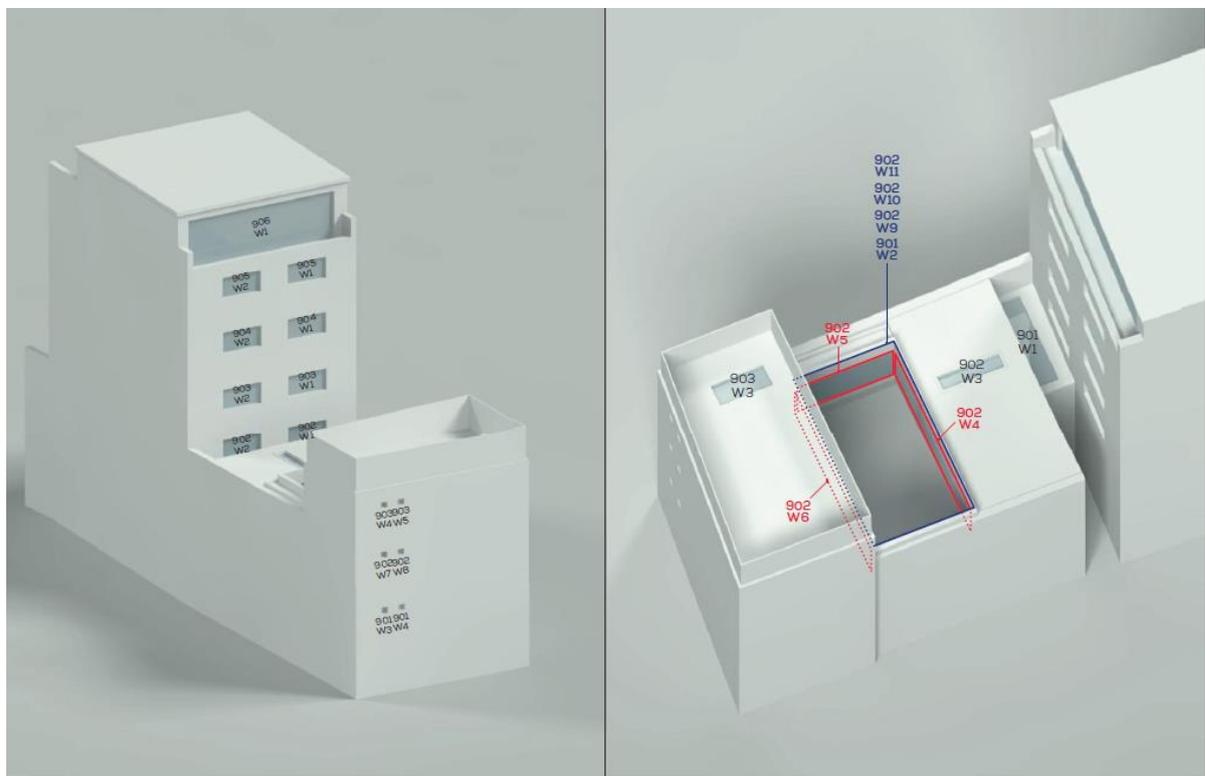


Image 3 – Rear Windows of 8 Clerkenwell Green

- 3.12 No change has been made to the form or volume of the proposed extensions from that presented to the Planning Sub-Committee meeting. At paragraphs 10.34 to 10.37 of the original report, consideration has been given to the position and proximity of the proposed extensions in relation to the adjacent residential properties on 8 Clerkenwell Green and the existing relationship and structures on site. There is not considered to be a significantly harmful impact in terms of overbearing impact, loss of outlook or increased sense of enclosure to these properties having regard to the characteristics of the central London location as to justify refusal on this basis.
- 3.13 Details of the Building Research Establishment (BRE) guidelines have been set out in paragraph 10.40 of the original report to the Planning Sub-Committee which is attached to this addendum. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Analysis of Daylight Losses for Affected Properties

- 3.14 Residential dwellings at the following properties listed below have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:
- 3.15 8 and 9 Clerkenwell Green: The report dated 11/09/2017 sets out that no windows located at the residential properties at 8 and 9 Clerkenwell Green would fail the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test.
- 3.16 The BRE guide explains that the daylight distribution of a neighbouring property may be adversely affected if, after the development, the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value. The September 2017 updated daylight and sunlight report confirms that three rooms at 8 and 9 Clerkenwell Green would see a reduction in daylight distribution to less than 0.8 times its former value. These are rooms 902/R3 at a 25.16% loss, 902/R5 sees a 24.84% loss and 903/R3 sees a 29.52% loss. It is important to note that these rooms are served by narrow existing windows and serve rear bedrooms. Bearing in mind the site specifics and dense central urban location the proposed losses while noticeable are not considered to be significantly above the threshold of the BRE Test and are considered to be acceptable in this case.
- 3.17 102-108 Clerkenwell Road, 14A Clerkenwell Green and 14 Clerkenwell Green: The report sets out that three windows fail the VSC test at 102-108 Clerkenwell Road, one window at 14A Clerkenwell Green, eight windows fail at 14 Clerkenwell Green. However, there are no registered residential properties at these addresses. These properties are commercial office uses and given the central, urban and dense location, the target values suggested by BRE should be applied more flexibly in consideration of these buildings. As a result there is not considered to be a sufficiently harmful impact on the operation of these offices as to sustain the refusal of the application on this basis.

Analysis of Sunlight Losses for Affected Properties

- 3.18 The BRE guide explains that sunlight availability may be adversely affected if the centre of the window:
- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March and;
 - receives less than 0.8 times its former sunlight hours during either period and;
 - has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

3.19 8 and 9 Clerkenwell Green The updated daylight and sunlight report confirms that 7 windows at 8 and 9 Clerkenwell Green would see a reduction in levels of sunlight which fail the BRE requirements for Average Probable Sunlight Hours (APSH) or Winter Probable Sunlight Hours (WPSH) as follows:

Window ref:	Existing APSH	Proposed APSH	Percentage Loss of APSH (Annual)	Existing WPSH	Proposed WPSH	Percentage Loss of WPSH (Winter)
902/W3 - Bedroom	16	4	68.42%	0	0	0
903/W1 – Kitchen (smaller than 13 sqm)	24	19	20.83%	2	0	100%
903/W2 – Bedroom	22	13	40.91%	0	0	0
903/W3 - Bedroom	1	0	100%	0	0	0
904/W1 – Kitchen (Small than 13 sqm)	35	32	NA >25%	5	2	60%
904/W2 – Bedroom	35	26	NA >25%	4	0	100%
905/W2 - Bedroom	49	44	NA >25%	9	4	55.56%

3.20 The Daylight and Sunlight report concluded that those rooms which experience transgressions in the BRE guidelines for APSH are located predominantly on the lower floors of the building, where values are low in the existing situation and so small changes in value create a higher percentage change, which can be misleading in terms of the true impact. The sunlight losses are within the parameters of acceptability given that they are largely bedrooms and that some levels are already very low so that a small impact would appear proportionately greater. In addition, the advice set out in the London Housing SPG must be taken into account, the retained levels of both daylight and sunlight will be contextually consistent to this close knit urban environment. Therefore, in this instance the impact of the proposals on the levels of daylight and sunlight of the neighbouring residential properties is considered to be acceptable within this dense and highly urban location.

- 3.21 14A Clerkenwell Green, 14 Clerkenwell Green and 49-53 Clerkenwell Road: For these properties, the report sets out that one window fails the APSH test at 14A Clerkenwell Green due to a reduction from 27 hours existing to 20 hours as proposed, resulting in a 22 percent loss. However as set out in the assessment of levels of daylight, there are no registered residential properties at these addresses. These properties are commercial office uses and given the central, urban and dense location, the target values suggested by BRE should be applied more flexibly in consideration of these buildings. As a result there is not considered to be a sufficiently harmful impact on the operation of these offices in terms of loss of sunlight hours as to sustain the refusal of the application on this basis.
- 3.22 Objections have been received concerning the reference in the updated Daylight and Sunlight Report to the London Housing SPG (2016). However as can be seen from the assessment of the report's findings earlier in this section, the Local Planning Authority has considered the outcomes of the updated report against the BRE guidelines rather than the interpretation set out by the Daylight and Sunlight consultants.
- 3.23 An objection has been received concerning the impact of light spillage on 8 and 9 Clerkenwell Green from the proposed distorted glazing on the eastern elevation. However, the proposed distorted glass is considered to offer sufficient protection to neighbouring amenity. Consideration has been given to the separation distances, setbacks proposed from the common boundary at upper floor side levels, the office use proposed and likely operation and intensity of the use, the size and proportions of the adjoining residential windows, the angle between the glazing and the rear windows of 8 Clerkenwell Green and the central urban location such that it is considered that the development would not exert a materially harmful impact in terms of light pollution/spillage overall in this case. Therefore the development is considered to accord policy DM2.1 of the DM policies.
- 3.24 Therefore, the works proposed by the application are acceptable subject to the recommended conditions at Appendix 1 at the end of this report.

4. CONCLUSION

- 4.1 The proposal is for the erection of a single storey roof extension at fourth floor level and four storey side and rear extensions to the existing rear building at first to fourth floor levels and creation of a roof top terrace, installation of plant equipment and basement excavation to lower the floor level by 1 metre and excavate the full extent of the site.
- 4.2 The provision of an additional 555 square metres of B1 floorspace and its design and layout is considered to meet policy requirements and is acceptable. The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the host building, Clerkenwell Green Conservation Area and setting of adjoining listed buildings.
- 4.3 The statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met. The proposals remain subordinate to the host building and would not harm the character and appearance of the conservation area or the setting of the listed buildings. In addition, the scheme provides a number of public benefits including a large uplift in office floorspace and improvements to the building's façades and upgrading the shopfront.
- 4.4 During the course of the application the scheme has been amended to reduce the impact on neighbouring properties through lowering the height and setting the rear extension away from the boundary with neighbouring properties. Whilst the proposal would have an impact on the amenity of the neighbouring properties in terms of some minor losses of sunlight/daylight and dominance, having regard to the dense central urban location of the site, the impact of the additional bulk, height and massing on the existing building is considered to be acceptable and would not warrant the refusal of the proposal on this basis. The impact of the proposal in

terms of overlooking, sense of enclosure and noise is considered to be acceptable subject to conditions. The extent and depth of the proposed excavation is acceptable. The proposals result in an accessible and sustainable development.

- 4.5 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for approval subject to appropriate conditions.
- 4.6 The approved plans list contained within appendix 1 has been updated to include the revised eastern elevation drawing number 51516-P-62 J and the latest September Sunlight/Daylight report for clarity.
- 4.7 Therefore, subject to conditions and legal agreement, the proposal is considered to accord with relevant policies.
- 4.8 It is recommended that planning permission be granted subject to conditions and S106 legal agreement as set out in Appendix 1 - RECOMMENDATION.



PLANNING SUB-COMMITTEE A		
Date:	4 September 2017	NON-EXEMPT

Application number	P2016/4972/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Not listed but adjacent to listed buildings at 12, 14 and 14a Clerkenwell Green
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Employment Priority Area (General) Bunhill & Clerkenwell Core Strategy Key Area Finsbury Local Plan Area 1 - Bunhill & Clerkenwell Clerkenwell Green Conservation Area Central Activities Zone Archaeological Priority Area Local view from Archway Road LV4 Local view from Archway Bridge LV5 Local view from Amwell Street LV6 Local cycle routes
Licensing Implications	None
Site Address	10 - 11 Clerkenwell Green, Islington, LONDON, EC1R 0DP
Proposal	Erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations including new shopfront, to create an additional 555 square metres of B1 office floorspace, creation of roof terraces at first and fourth floor front elevation and on the rooftop at fifth floor level, installation of planted screen and installation of plant equipment to rear of rooftop.

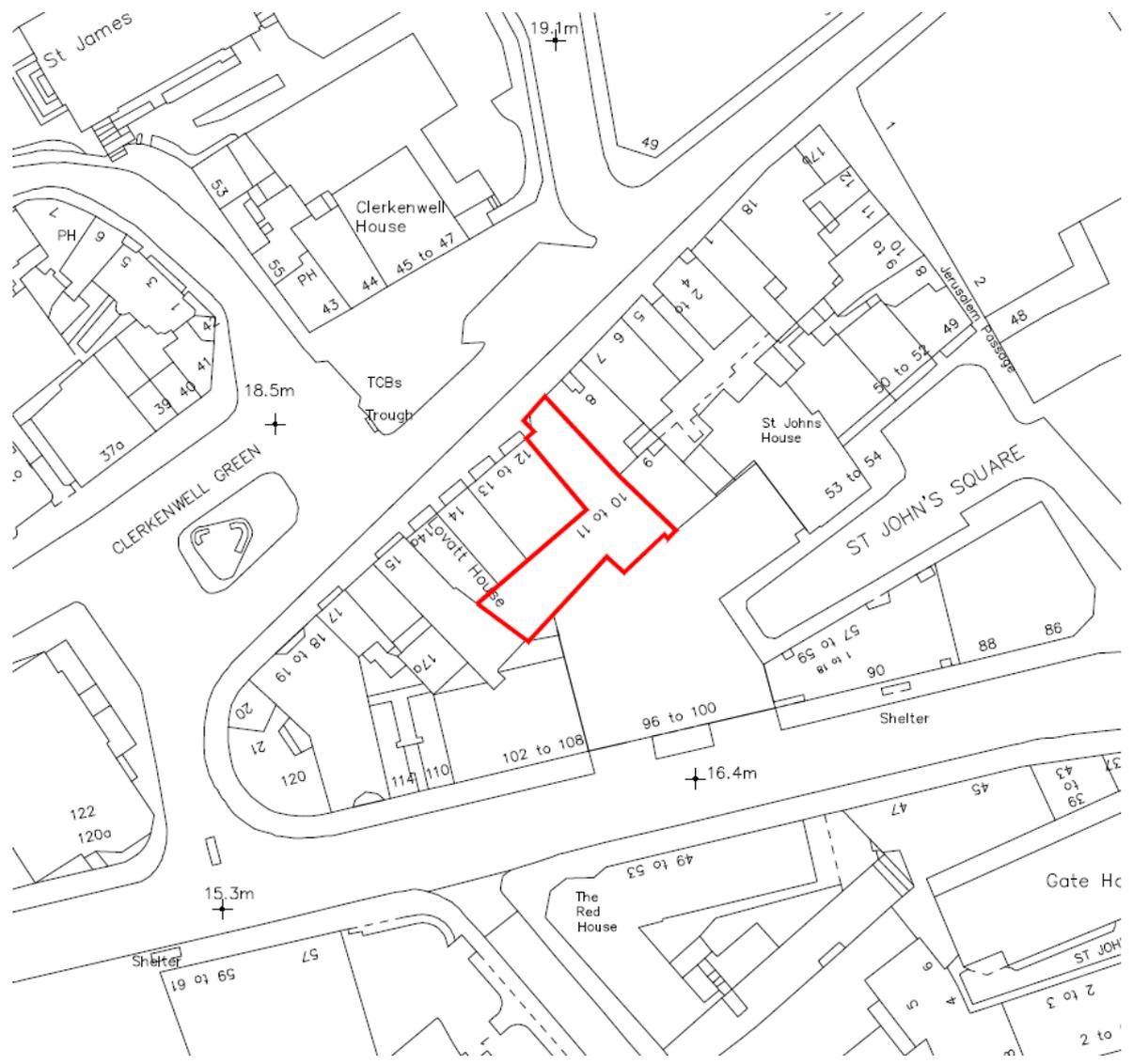
Case Officer	Thomas Broomhall
Applicant	10-11 Clekenwell Green Limited
Agent	Mr Chris Deeks - DP9

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1;

2. SITE PLAN (site outlined in black)



2. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in north-westerly direction



Image 3: Aerial view in a south easterly direction



Image 4: View from Clerkenwell Green



Image 6: View of existing ground floor of front elevation



Image 7: View of existing flat roof at fourth floor level



Image 8: View in north-easterly direction from existing flat roof at fourth floor level towards 8 and 9 Clerkenwell Green

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations including new shopfront, to create an additional 555 square metres of B1 office floorspace, creation of roof terraces at first and fourth floor front elevation and on the rooftop at fifth floor level, installation of planted screen and plant equipment to rear of rooftop.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the principle of additional office floorspace, the impact on the character and appearance of the host building, Clerkenwell Green Conservation Area and the setting of adjoining listed buildings at 12, 14 and 14a Clerkenwell Green, as well as the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The design of the proposed extensions, roof terraces and external alterations remain subservient to, and in keeping with, the original building and are considered to be acceptable and would not detract from the character and appearance of the host building, surrounding conservation area and setting of adjoining listed buildings. The principle of the creation of additional office floorspace is considered to be acceptable and supports the strategic priority of the Central Activities Zone to maximise office delivery. The amended

proposal would not detrimentally impact on the amenity of the neighbouring properties due to the design, position, use of materials and scale of the proposed works, subject to conditions.

4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

5. SITE AND SURROUNDINGS

5.1 The site is an existing four storey overbasement commercial property fronting onto Clerkenwell Green. The footprint of the site occupies an L-shape comprising two buildings, both four storeys over basement level, linked by external foot bridges. The rear of the property extends to the rear of the adjoining properties at 12-15 Clerkenwell Green. The site adjoins the side and rear elevation to the Grade II listed building at 12-14a Clerkenwell Green and is within the Clerkenwell Green Conservation Area. On the site adjoining the rear boundary of the site, at 96-100 Clerkenwell Road, planning permission has been granted for an eight storey hotel.

5.2 The surrounding area has a mix of commercial and residential uses including a large amount of office and light industrial floorspace, often comprising commercial uses on ground floors and residential uses on upper levels. The character of the area also depends on its great variety of uses including specialist manufacturing, workshops, wholesaling and retailing activities. There are also retail, showroom, eating and drinking, residential, educational, community and museum uses.

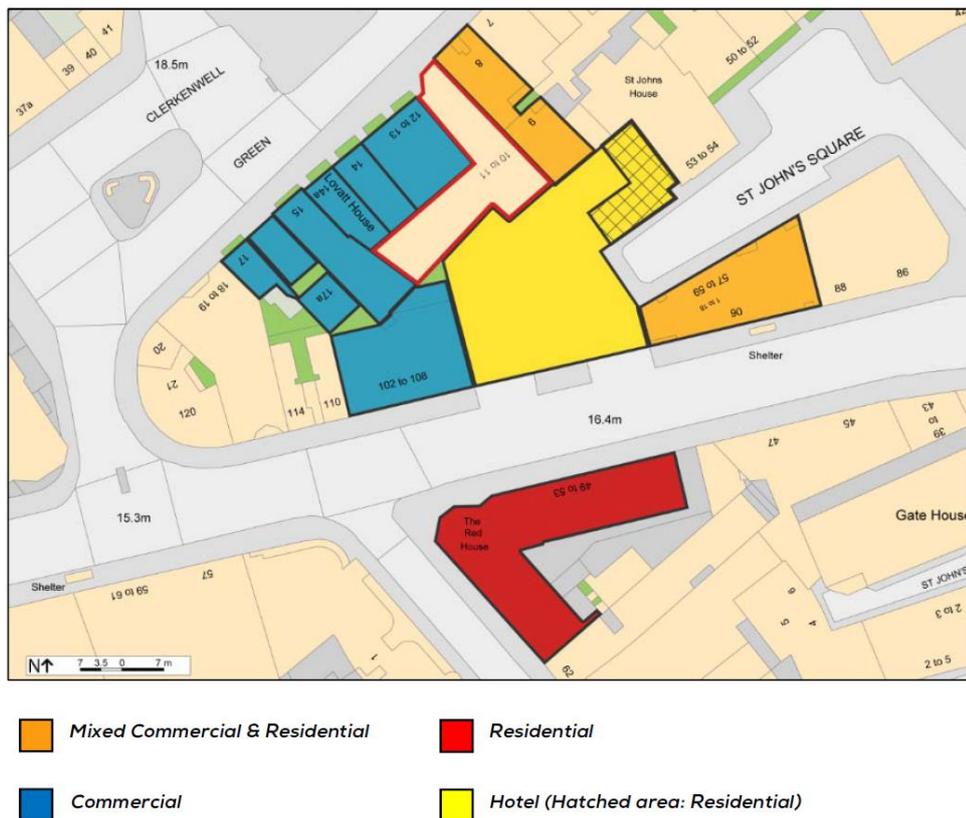


Image 9 – Map of land uses in surrounding area

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the erection of a single storey roof extension, part four storey rear extension, excavation at lower ground floor and internal and external alterations including new shopfront, to create an additional 555 square metres of B1 office floorspace, creation of roof terraces at first and fourth floor front elevation and on the rooftop at fifth floor level, installation of planted screen and plant equipment to rear of rooftop.
- 6.2 The proposal includes a set-back single storey roof extension at fourth floor level to both buildings and a four storey side and rear extension at first to fourth floor levels resulting in a five storey extension in this position. The roof extension would be set back by 2 metres from the principal front elevation and 3.8 metres from the front boundary of the site at ground level. The four storey side extension to the rear building would see additional massing on the eastern elevation of the rear building, set away from the boundary with no's 8 and 9 Clerkenwell Green by 2.6 metres. The rear four storey extension to the rear building would see additional massing, at first to fourth floor levels, infilling to the rear boundary of the site shared with 96 to 100 Clerkenwell Road. The proposed works include connecting the front and rear buildings on the site through infilling the gap between the buildings from first to fourth floor levels.
- 6.3 The proposals include the replacement of the existing roof at first floor level on the rear part of the site and the creation of a fifth floor roof terrace with metal balustrade and external staircase and associated glass box rooflight. The extent of the proposed roof terrace limited to the extent of the footprint of the existing rear building. The proposals also include the installation of fixed external plant equipment on the rooftop of the proposed rear extension and the provision of 26 cycle parking spaces.
- 6.4 The proposals also include refurbishment and internal reconfiguration to enable subdivision of the existing office building and external alterations to the front façade including replacement shopfront and metal railings and installation of external uplighting. Further external alterations include raising of the existing chimneys on the boundary with no 12-13 Clerkenwell Green.
- 6.5 The proposals also include the installation of plant and equipment at fifth floor rooftop at the rear of the site.
- 6.6 The excavation at lower ground floor level would see the existing internal floor level lowered by a depth of 1 metre and the existing basement footprint extended to the boundary of the site covering an area of 59 square metres in the eastern corner of the site.

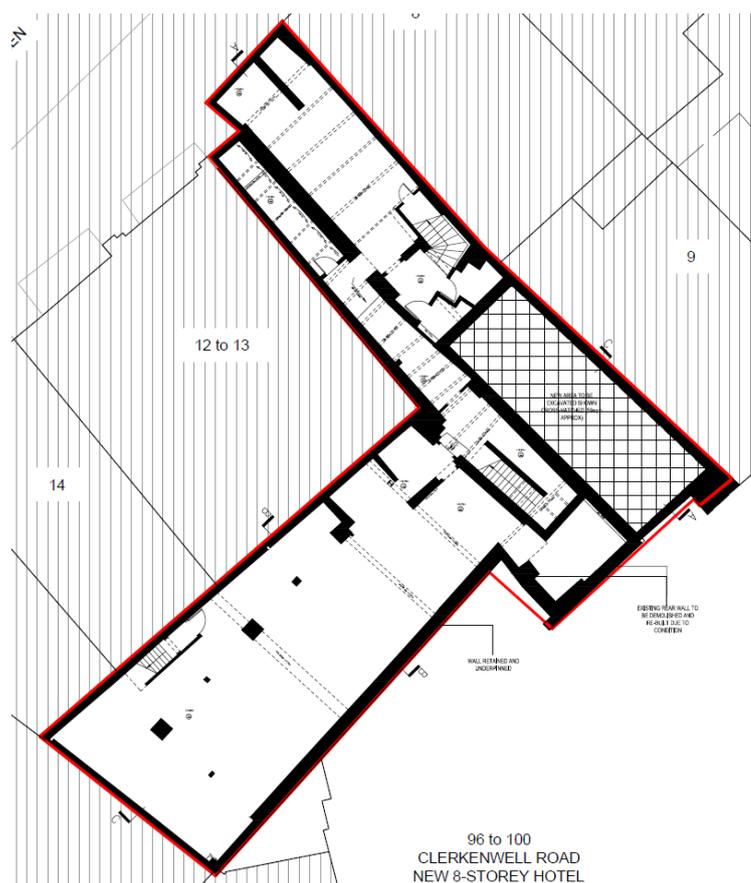


Image 10 – Proposed section drawing showing existing basement floor level to be lowered by 1 metre

6.7 The proposals follow pre-application advice ref: Q2016/1680/MIN provided in October 2016.

6.8 The application initially proposed a part two storey roof extension, five storey rear extension, excavation at lower ground floor and internal and external alterations to create flexible floorspace combining A1, B1a and D1 uses, B1 office floorspace and flexible 1 x 1 bedroom flat / B1a floorspace and roof terraces and balustrades to upper floors. During the course of the application the scheme has been revised to address officer's concerns through removing the proposed flexible uses and residential unit so that the building retains a solely B1 office use. Further revisions have been made to reduce the height of the roof extension from two storeys to a single storey roof extension which aligns with the height of the adjoining buildings. Further revisions have been made to reduce the design, extent, scale, bulk and massing of the rear extensions and the extent of the rooftop roof terrace. Following these amendments which have overcome officers concerns, the proposals are now recommended for approval subject to conditions.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

7.1 23/01/1996 Planning Permission (ref: 951096) granted for *Change of use of ground floor and basement from B1 to restaurant, erection of additional fourth floor for part office and part residential use, rear extension and alteration to ground floor elevation at 10-11, CLERKENWELL GREEN, EC1.*

- 7.2 12/05/2004 Planning Permission (ref: P040608) granted for *Change of use, of rear part of basement and ground floor (section behind 12 -14A Clerkenwell Green) from restaurant to office use with associated small scale buildings works* at 10-11, CLERKENWELL GREEN, EC1.
- 7.3 20/08/2014 Planning Permission (ref: P2014/0015/FUL) granted for *The construction of a roof extension at fourth floor level to the front and rear buildings of 10-11 Clerkenwell Green and the construction of a new lift core/wc core to the side/adjacent rear of 9 Clerkenwell Green, all in connection with an additional 182sqm of office (B1) floorspace* at 10-11 Clerkenwell Green London EC1R 0DP.
- 7.4 28/04/2015 Planning Permission (ref: P2014/0373/FUL) granted for *demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of a 8 storey building plus basement levels comprising of a 212 bedroom hotel (Class C1), 5 self-contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 410 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations* at 96 - 100 Clerkenwell Road London EC1M 5RJ
- 7.5 January 2017 Listed Building Consent Application (ref: P2017/0175/LBC) submitted for *raising of two chimneys by 1m and 1.5m. Details to match existing; pots to be retained and re-used* at 12-13 Clerkenwell Green, LONDON, EC1R 0QJ. Not Determined.

ENFORCEMENT

- 7.6 None.

PRE-APPLICATION ADVICE:

- 7.7 06/10/2016 - Pre-application Advice (ref: Q2016/1680/MIN) provided in relation to *Two storey roof extension, five storey rear extension, excavation at lower ground floor and internal and external alterations to create flexible floorspace combining A, B1a and D uses, B1 office floorspace and a 1x 1 bedroom flat and roof terraces and balustrades across fourth, fifth and sixth floor levels* at 10-11 Clerkenwell Green, London, EC1R 0DP.
- 7.8 Advice was provided that:
- Given the site's position within the Employment Priority Areas (General), policy BC8 resists any net loss in business floorspace unless exceptional circumstances can be demonstrated that there is no demand for the floorspace.
 - A planning consent with an open A and D use would not be acceptable on the site due to the wide range of uses that would be permitted and the need to ensure compliance with the council's policies including impacts on town centres and neighbouring amenity.
 - The proposed roof extension at fifth floor level and balustrade, on the rear part of the site, behind the Listed Buildings at 12-15 Clerkenwell Green would be visible from Clerkenwell Green.
 - There are concerns over the visibility of the fifth floor roof extension from Clerkenwell Green and also from the higher ground on Clerkenwell Close leading up to the Grade II* Listed St James Church and any harm to heritage assets would have to be weighed against any public benefits arising from the proposals.
 - The proposed front roof terrace and balustrade to the residential property at fourth floor level would be highly visible in the streetscene. The prominence and visual clutter associated with the use of the terrace is without precedent on the front elevation, resulting in an inappropriate addition causing unacceptable visual harm to the building and the streetscene.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 110 occupants of adjoining and nearby properties at Clerkenwell Green, Clerkenwell Road, St John's Square and Britton Street on 16 January 2017. The initial public consultation of the application expired on 16 February 2017. A total of 9 objections were received following the first period of public consultation.
- 8.2 A second period of public consultation took place on 30 June 2017 following receipt of revised drawings indicating revisions to remove the change of use, reduce the extent and height of the roof extensions to single storey, reduce the height, extent and depth of the rear extensions, reduce the extent of the rooftop roof terrace and balustrades and internal alterations to retain an office use throughout the building. This consultation period ended on 27 July 2017.
- 8.3 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 13 no. objections in total had been received from the public with regard to the application. However two objections have subsequently been withdrawn. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Excessive over development, out of scale and character with the conservation area (**See paragraph 10.26 to 10.28**)
 - Loss of light, overlooking, overbearing, overshadowing from extensions towards 8 Clerkenwell Green (**See paragraph 10.33 to 10.54**)
 - Overlooking and noise disturbance from roof terrace towards 8 Clerkenwell Green (**See paragraph 10.53**)
 - Distorted glass fascia does not provide adequate privacy to 8 Clerkenwell Green (**See paragraph 10.54**)
 - Noise disturbance from plant equipment (**See paragraph 10.56**)
 - Request for screening to plant equipment to shield 96-100 Clerkenwell Road from noise disturbance (**See paragraph 10.56**)

Internal Consultees

- 8.4 **Design and Conservation Officer:** No objection to the revised proposals subject to conditions.

Earlier assessments of previous proposals for 10-11 Clerkenwell Green prior to substantial amendments being made are set out below. However, in final assessment the proposed single-storey roof extension and rear extension to 10-11 Clerkenwell Green is of high-quality contextual design and for the most part will not be visible from public views. The part that is visible is a well-designed, contextual steel and glass, set-back roof addition to no.10 which is similar in scale to a previously consented scheme and no objection has been raised to this element of the proposals in the discussions concerning the site. Consequently, the proposals would not harm the character and appearance of the conservation area or the setting of the listed buildings. It is considered to comply with national and local design and conservation policies and guidance.

The balustrade to the roof terrace is set back so as to not be visible from public views. The Design and Conservation officer advised that the balustrade should comprise of tensile steel cables (or the delicate steel balustrade devised by the same applicant for the Old Sessions House) and not reflective glass so that it has the least visual impact from any private views.

The improvements to the façade (a limestone render and replacement shopfronts) are welcomed. However, these are considered to be relatively minor public (heritage benefits) that would not have justified the harm to the character and appearance of the conservation area that would have been caused by the roof extension as initially proposed.

On 28 February the following assessment was made of the then proposals:

‘The proposed two-tiered two-storey roof extension to the building fronting Clerkenwell Green is of high quality design and will have limited impact on public views.

However, the upper part of the proposed two storey extension to the building to the rear of the site will be visible from public views from the north of Clerkenwell Green when the substantial trees which otherwise screen the south side of Clerkenwell Green are not in leaf. When this is the case the building will fail to appear appropriately subordinate to the buildings fronting Clerkenwell Green. The negative visual impact is likely to be the greatest from views from the higher ground leading up to the GII* St James Church. This aspect of the proposals will cause less than substantial harm, to the lower end of the scale, to the conservation area and setting of the listed buildings.

While Clerkenwell is characterised by dense urban blocks and the proposed architecture is high quality the extent of massing to the rear part of the site is considered to be unacceptably excessive. As this massing is mostly perceived from private views this aspect of the proposals will cause less than substantial harm, to the lower end of the scale, to the conservation area and setting of the listed buildings.

Any balustrade visible from any public views is considered to be unacceptable visual clutter and this aspect of the proposals will cause less than substantial harm, to the higher end of the scale, to the conservation area and setting of the listed buildings.

Any harm would have to be weighed against any public benefits arising from the proposals.”

On 12th May the following assessment was provided of the then proposals:

‘Further to the case being reviewed with the Team Leader (Design and Conservation) and Deputy Team Leader (PAT) based on the additional information it was decided that the scheme could not be supported as proposed.

The upper part of the proposed two-storey extension to the building to the rear of the site will be visible from public views from the north of Clerkenwell Green as well as private views. It would consequently fail to appear appropriately subordinate to the buildings fronting Clerkenwell Green including a GII listed building. The negative visual impact is greatest from views from the higher ground leading up to the GII* St James Church. While Clerkenwell is characterised by dense urban blocks and the proposed architecture is high quality the extent of massing to the rear part of the site is considered to be unacceptably excessive. While this aspect of the proposals will cause less than substantial harm to the conservation area and setting of the listed buildings it is not considered that it is outweighed by public benefit.

It is, therefore, recommended that the top floor is omitted from the proposals in order for them to be supported.’

- 8.5 **Highways:** No objection received.
- 8.6 **Sustainability:** No comments received.
- 8.7 **Noise and Pollution Officer:** No objection subject to conditions regarding noise levels of plant equipment, submission and approval of a Construction Environmental Management Plan and submission and approval of a Land Contamination Investigation.
- 8.8 **Refuse and recycling:** No comment.

External Consultees

- 8.9 **Greater London Archaeological Advisory Service:** No objection subject to conditions requiring a Written Scheme of Investigation.

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 and Planning Policy Guidance (PPG) seek to secure positive 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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Accessibility
- Neighbouring Amenity including sunlight/daylight
- Noise
- Basement Excavation
- Highways and Transportation
- Delivery and Servicing
- Refuse
- Crossrail CIL
- Other Matters

Land Use

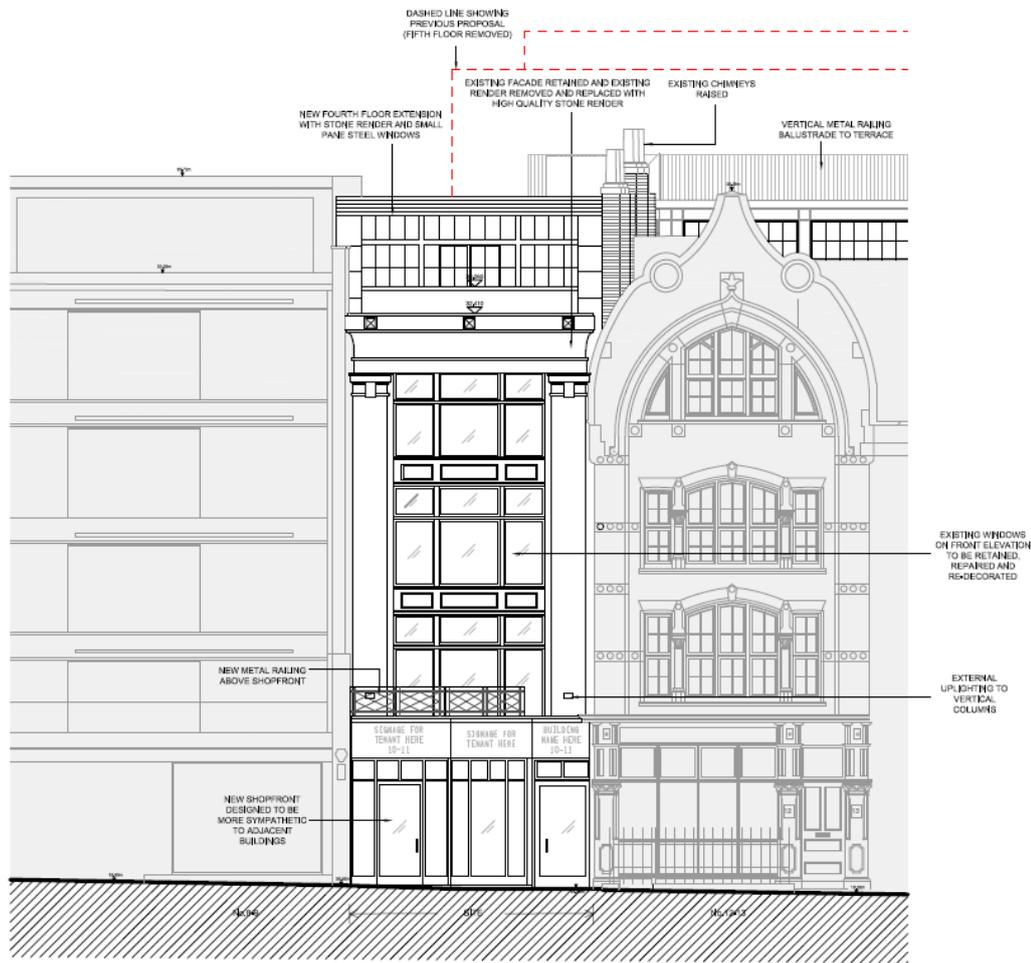
- 10.2 The proposal results in the creation of an additional 555 square metres of B1 Office floorspace to an existing B1 office building. The proposed new B1 office floorspace is within the Central Activities Zone and therefore is policy compliant due to the strategic priority for office floorspace in the area and given the uplift in B1 floorspace. The proposal accords with policy CS 13 of the Core Strategy, as well as London Plan Policies.
- 10.3 The uplift in B1 office floorspace sits above the 500 square metre threshold set out by Mayoral Crossrail CIL where schemes are required to enter into a legal agreement to make a financial contribution. As a result any recommendation for approval would be subject to a legal agreement to secure the required contribution.
- 10.4 The property is within the area designated as Employment Priority Areas (General). Policy BC8 Achieving a Balanced Mix of uses of the Finsbury Local Plan seeks to prevent a net loss of business floorspace and proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.
- 10.5 Policy CS7(A) sets out that employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy. Employment-led development will be largely concentrated south of Old Street and Clerkenwell Road, but also encouraged in other parts of the area particularly along major routes (Farringdon Road, Rosebery Avenue, Goswell Road and City Road). Creative industries and Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Accommodation for small enterprises will be particularly encouraged.
- 10.6 Part F (i) of Policy DM5.1 sets out that new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses. Supporting paragraph 5.10 of the Development Management Policies clarifies what will be expected by policy DM5.1 in terms of flexible design features to help ensure adaptability to changing economic conditions and occupants (including small and medium businesses), this includes:
- adequate floor to ceiling heights (at least 3 metres of free space)
 - Strategic lay-out of entrances, cores, loading facilities and fire escapes to allow a mix of uses
 - Grouping of services, plumbing, electrics, cabling, communications infrastructure and circulation
 - Flexible ground floor access systems, and
 - Good standards of insulation.
- 10.7 The proposed new and reconfigured B1 floorspace across the site has level access on each floor. As a result the proposals will ensure enhanced provision of flexible business floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises. The internal floor to ceiling heights range from 3.6 metres to 2.5 metres, and there is a centrally located entrance core and lift access, located where the front and rear buildings adjoin, allowing sub-division of the building into smaller units on each floor.

- 10.8 As a result the provision of additional B1 floorspace and its design is considered to meet the requirements of policy CS13 of the Core Strategy, policy DM5.1 of the Development Management Policies, and the needs of micro and small enterprises as required by policy BC8 of the Finsbury Local Plan, and is acceptable in this regard.

Design and Conservation

- 10.9 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.10 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.11 Paragraphs 132 – 134 state that great weight should be given to an asset’s conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.”
- 10.12 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.13 Policy DM2.3 of the Development Management Policies requires the significance of Islington’s listed buildings to be conserved or enhanced. New developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.
- 10.14 The Clerkenwell Green Conservation Area has a varied character comprising a mix of uses including specialist manufacturing, craft and light industrial workshops, wholesaling and retailing activities. The specialist workshop uses are essential to the varied character of Clerkenwell as a cultural quarter. There are also a number of retail, showroom, eating and drinking, residential, educational, community and museum uses. Most buildings in the area are between three and five storeys high. There are very few buildings over five storeys and most of these detract from the appearance of the area.
- 10.15 The adjoining Grade II Listed Buildings at 12 to 14a Clerkenwell Green are significant as a highly characteristic survival of High Victorian commercial premises, erected in an area noted for its metal-working tradition. The fronts are richly eclectic in detail and material, reflecting prevalent tendencies in commercial design.
- 10.16 The scheme proposes the erection of a single storey roof extension at fourth floor level and four storey extensions to the side and rear of the rear building at first to fourth floor levels resulting in a five storey building and creation of fifth floor rear roof terrace. The front elevation to the roof extension would be comprised of stone render and steel windows. The rear part of the roof extension and rear extension would be black steel framework and small window pane black steel windows. A small glazed box roof light is would be positioned on the rear part of the roof extension to enable access to the rear fifth floor roof terrace. External

alterations include replacement of the existing on the front elevation with stone render and the installation of a new timber shopfront and metal railings on the existing flat roof first floor front elevation. New sloping glazed rooflights are proposed on three sides of the rear building at first floor level. The proposals include the installation of new plant equipment at the rear of the roof top at fifth floor level with a louvered plant enclosure. A planted screen is proposed to run along the rear boundary of the roof top roof terrace adjacent to 96-100 Clerkenwell Road and metal railings will form the balustrade around the remaining part of the roof terrace. It is also proposed to raise the chimney stack on the boundary with no. 12 Clerkenwell Green. A separate application for listed building consent ref: P2017/0175/LBC has also been submitted and is awaiting the outcome of this application. It is proposed to use distorted glass on the north eastern elevation between 500mm and 1800mm above finished floor level to prevent a harmful increase in overlooking towards 8 and 9 Clerkenwell Green.



1 - FRONT ELEVATION OF NO.10

Image 12 – Proposed front elevation

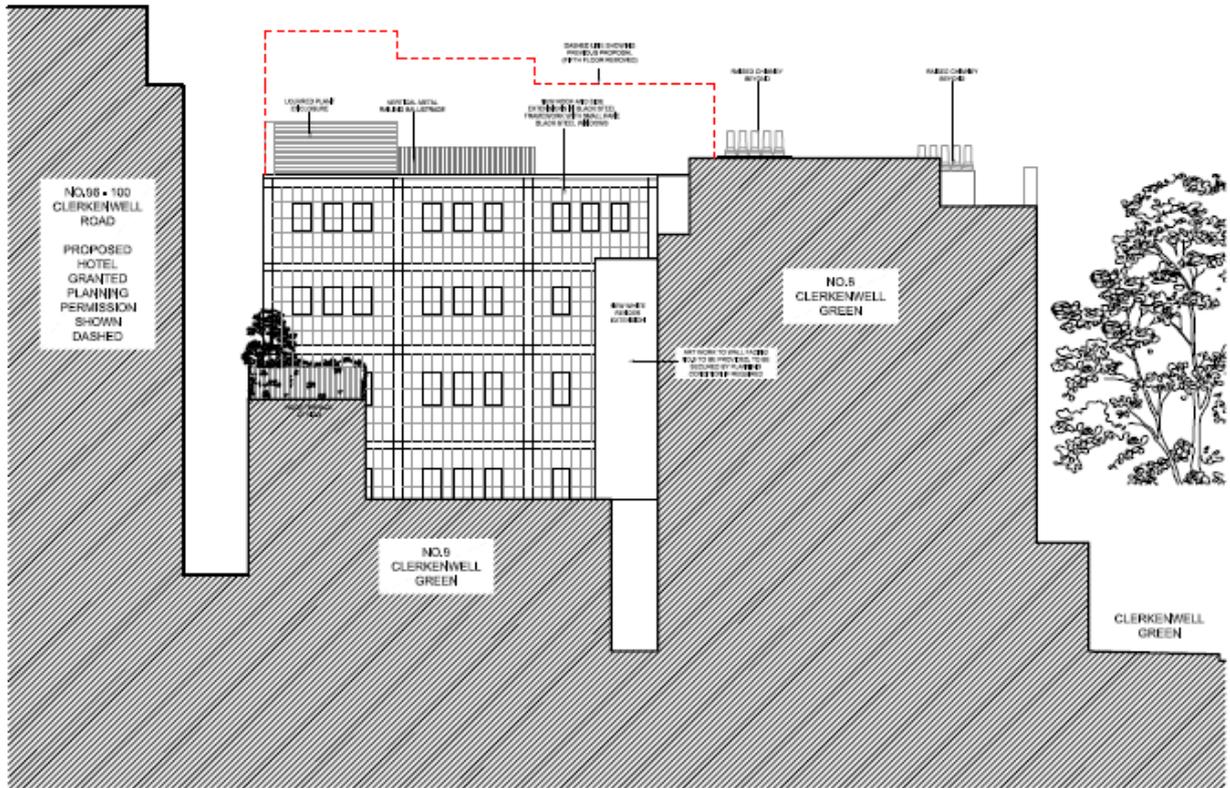


Image 13– View of proposed northeastern elevation



Image 14 – Image of scheme granted consent in 2014 ref: P2014/0015/FUL

- 10.17 Both the Clerkenwell Green Conservation Area Design Guidelines (CADG) and the Urban Design Guide (UDG) 2017 make reference to roof extensions or new dormers however the context for this guidance relates to residential properties rather than commercial properties. A key UDG objective is that development should contribute to the vitality and mix of uses on commercial streets and main roads.
- 10.18 Paragraph 5.86 of the UDG sets out that where there are existing variations in building heights, an alteration to the existing roofline is likely to be unacceptable where:
- It adversely impacts on views and landmarks.
 - It impacts adversely on the topography of the street.
 - It causes a canyon effect and/or unduly overshadows the street.
 - It impacts adversely on the character of an open space or the public realm.
 - The existing street frontages and roof profile have historical and/or architectural importance and/or contribute to an area's individual character. This will include listed buildings, conservation areas and sometimes other buildings that do not have this status.
 - The alteration to a façade or roofline impacts adversely upon the architectural integrity and quality of the existing or neighbouring buildings.
 - A change to the roofline or façade would be out of scale with its neighbours and undermines the rhythm of the street frontage.
 - It creates an imbalance in height between opposite sides of the street. This may not be relevant where there is scope for the redevelopment of the opposite side too, or on wide streets.
 - Large blank flank walls would be created at the junction between buildings.
- 10.19 In considering applications for extensions and refurbishment, the CADG also sets out that the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour, texture and profile. On all redevelopment, extensions and refurbishment schemes the Council expects to see the use of appropriate materials such as stock brick, render, stone, timber windows and slate roofing, which will blend with and reinforce the existing appearance and character of the area.
- 10.20 The proposed works amount to the erection of a single storey roof extension and a four storey rear extension at first to fourth floor levels. The proposed roof extension is of similar height, scale and proportions to the roof extension approved on the site in 2014 ref: P2014/0015/FUL. The height of the proposed roof extension would closely match the height of the adjoining building at no. 8 Clerkenwell Green and also closely match the top of the parapet of the adjoining building at no. 12 Clerkenwell Green. The roof extension approved in 2014 is flush with the principal front façade whereas the proposed roof extension on the latest application is set back two metres from this elevation. Whilst the proposed roof extension is greater in its footprint at the rear of the site, the additional massing is not considered to harm the character nor appearance of the host building, the Clerkenwell Green Conservation Area nor the setting of the adjoining listed buildings.
- 10.21 The proposed works also include the erection of a four storey rear extension from first to fourth floor levels to the rear of the building, and to the side and rear of the rear building. As with the roof extensions, the context for guidance on rear extensions in the Council's CADG and UDG relates to residential properties rather than commercial properties. A key UDG objective is that development should address the qualities of the traditional building hierarchy and respect the established order and local character.

- 10.22 Following consultation with the Design and Conservation Officer, the design, height, scale, bulk, massing and external appearance and use of materials has been revised during the course of the application. The height of the proposed roof extension has been reduced from a two storey roof extension to single storey roof extension and the design, appearance and use of materials have been revised to stone render and black steel windows. The roof extension, rear extension, roof terrace balustrades, and external alterations are considered to result in a proposal that would be sympathetic to, and preserve and enhance the appearance of the host building, setting of adjoining listed buildings and Clerkenwell Green Conservation Area.
- 10.23 The proposed extensions and are not considered to conflict with the aims of the CADG or the Urban Design Guide due to the height of the roof extension matching the existing level of the adjoining properties and the scale of the extensions is in keeping with the scale and proportions of development in the surrounding area.
- 10.24 Whilst these changes are considered to have sufficiently addressed the Design and Conservation Officer's concerns, it is recommended that a condition is attached requiring details of the stone render and black steel windows to be submitted and approved prior to commencement of works.
- 10.25 The site adjoins the rear of Grade II listed buildings at no's 12 and 13 Clerkenwell Green.



Image 15: View of proposed roof extension during winter from Clerkenwell Green



Image 16: View of proposed roof extension from St James Church, Clerkenwell Green

- 10.26 The proposed single-storey roof extension and rear extension to 10-11 Clerkenwell Green is of high-quality contextual design and for the most part will not be visible from public views. Please refer to images 15 and 16. The view from St James Church indicates that the consented hotel scheme at 96-100 Clerkenwell Road can be seen from here, above the listed buildings at 12-14a Clerkenwell Green. The part that is visible is a well-designed, contextual steel and glass, set-back roof addition to no.10 which is similar in scale to a previously consented scheme and no objection has been raised to this element of the proposals in the discussions concerning the site. Consequently, the proposals would not harm the character and appearance of the conservation area or the setting of the listed buildings. In addition, the scheme provides a number of public benefits including a large uplift in office floorspace and improvements to the building's façades including repairing and upgrading the existing render and upgrading the shopfront.
- 10.27 Objections have been received concerned that the proposals result in an excessive over development of the site, out of scale and character with the conservation area. However the height of the revised single storey roof extension is in keeping with the existing heights of the adjoining buildings and the two metre setback minimises its visual impact on the street. The proposed rear extensions would not be visible from the public domain and the additional bulk, scale and massing is considered to sufficiently retain the proportions of the building given its dense central and urban location. The scale of development is in proportion with that in the immediate area and its location within an area identified as requiring proposals to incorporate the maximum amount of business floorspace. Therefore the proposals are considered to be an acceptable response to the site's context subject to condition requiring details of the materials to be formally approved prior to commencement of works and consideration of amenity impacts.

- 10.28 Consideration has been given to the scale of the existing structures on the site, the scale of the extensions and the design, appearance and use of materials. The Design and Conservation Officer concludes that the harm to heritage assets is less than substantial and this is considered to be outweighed by public benefits being improvements to the front façade of the building and uplift and improvement of the office floorspace. Therefore the proposals are considered to accord with policy DM2.3 and guidance contained within the NPPF, the CADG and UDG.

Accessibility

- 10.29 The proposals result in step-free access and lift provision to each floor which is an improvement on the existing situation between the two buildings which sees bridge links adjoining the front and rear parts of the site.
- 10.30 Given the existing physical constraints of the two separate buildings which form the front and rear buildings on the site with linking bridges, the proposed works are considered to generally conform to accessible standards set out within the Inclusive Design In Islington Supplementary Planning Document and conform to Policies DM2.1(Design) and DM2.2 (Inclusive Design) of the Development Management Policies (2013).

Neighbouring Amenity including Sunlight and Daylight

- 10.31 The proposal would create a single storey roof extension to both buildings on the site and a four storey side and rear extension to the rear building. Further elements to the proposals include the creation of a roof terrace at fifth floor level on the footprint of the existing rear building and the installation of new plant equipment on the rear part of the rooftop.
- 10.32 Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.33 The property sits adjacent to the residential properties at 8 and 9 Clerkenwell Green to the east of the site. The rear building on the site adjoins the boundary of the rear of the commercial properties at 12-14a Clerkenwell Green and commercial property at 15 Clerkenwell Green. There is a hotel development granted consent under P2014/0373/FUL currently under construction at 96-100 Clerkenwell Road.

8 and 9 Clerkenwell Green

- 10.34 The eastern boundary of the site adjoins the residential properties at no's 8 and 9 Clerkenwell Green. 8 Clerkenwell Green is a five storey building adjoining the site with residential properties on the upper floors. It is understood that there are windows to habitable rooms on the rear elevation. 9 Clerkenwell Green is a single storey residential property located at the rear of 8 Clerkenwell Green. There is an existing level of overlooking from the existing roof top at fourth floor level and from the bridge walkways linking the existing office buildings on the site, and the rear windows of these residential properties. See images below:



Image 17: View towards fifth floor rear elevation of 8 Clerkenwell Green from application site



Image 18: View towards rear elevation of first to fourth floors of 8 Clerkenwell Green from application site which serve habitable rooms

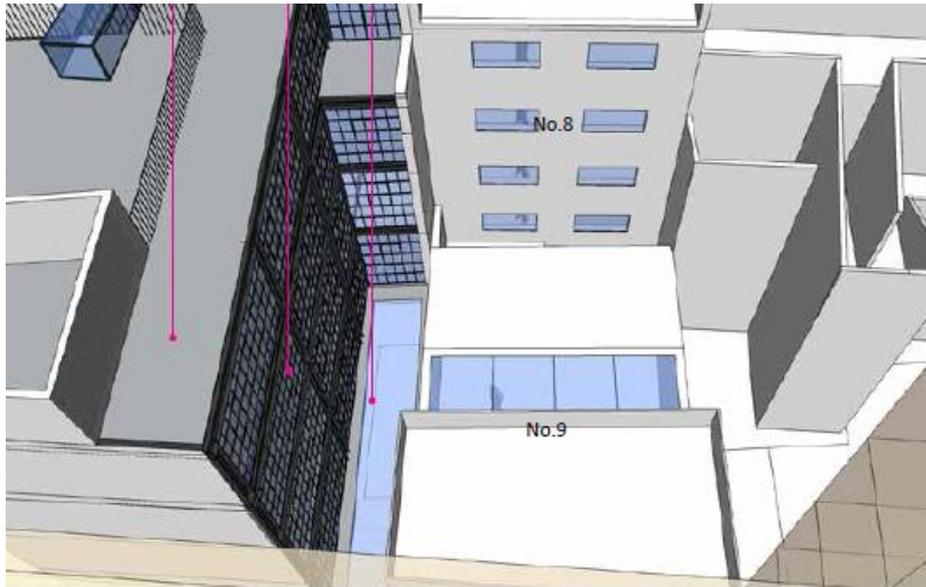


Image 19: Visual image of proposed rear extension adjacent to 8 and 9 Clerkenwell Green

- 10.35 The proposals result in a four storey side and rear extension to the existing rear building on the site at first to fourth floor levels. The extension would run along the side elevation of the building adjacent to the eastern boundary of the site. The majority of the proposed extension is separated from the boundary with these properties by approximately 2.4 metres. The rear elevation of the terrace of properties on Clerkenwell Green has a fairly consistent building line above ground floor level. It is noted that part of the extension would extend at a depth of two metres beyond this rear building line and sit on the boundary adjacent to the rear of 8 Clerkenwell Green. This element of the proposed extension passes the BRE 45-degree rule in plan in relation to the closest windows on 8 Clerkenwell Green. Consideration has been given to the cumulative impact of the increase in height, scale, bulk and massing of the total extension, the separation distance from the rear elevation of 8 Clerkenwell Green and the rooftop of 9 Clerkenwell Green and also the dense central urban location of the site. On balance, the proposed increase in height, bulk and massing would not result in an overbearing impact or any undue nor unacceptable sense of enclosure. The impact of the proposed works is not considered to be so significant as to result in a material loss of amenity to the adjacent residential properties at 8 and 9 Clerkenwell Green in terms of enclosure, dominance or outlook and is therefore acceptable in accordance with policy DM2.1.
- 10.36 The eastern elevation of the proposed side extension would incorporate distorted glass facing towards the neighbouring residential properties. The effect of the proposed distorted glass is considered to prevent a harmful increase in overlooking towards the rear elevations of 8 and 9 Clerkenwell Green whilst maintaining levels of daylight in the extended office building. As a result of the position, design and materials of the extension, the proposals would not result in an increase in overlooking towards the residential properties nor loss of privacy and are acceptable in this regard subject to condition.
- 10.37 The proposed fifth floor roof terrace would be set back from the eastern elevation of the proposed extension by 1.75 metres and from the boundary with 8 and 9 Clerkenwell Green by 4.2 metres. Consideration has been given to the existing levels of overlooking from the rooftop of the existing office building, the set back and oblique angle of view towards the residential properties and, there is not considered to be a significantly harmful increase in overlooking from the proposed roof terrace as to sustain the refusal of the application on this basis.

12-16 Clerkenwell Green

- 10.38 There are existing levels of mutual overlooking between the application site and the rear of the commercial properties at 12-14a and 15 and 16 Clerkenwell Green. Consideration has been given to the additional height, scale, bulk and massing of the single storey roof extension, the existing relationship between the properties, the commercial nature of the uses, the shallow depth of the buildings and the dense central urban location. The impact on the operation of these commercial properties in terms of loss of outlook and enclosure is not considered to be sufficiently harmful as to sustain the refusal of the application on this basis.

96-100 Clerkenwell Road

- 10.39 The proposed four storey rear extension would result in an infilling of the existing space between the existing structures at no's 10-11 Clerkenwell Green and the boundary with 96-100 Clerkenwell Road. This element of the proposals would be set back from the rear elevation of the approved and under construction hotel development by 1.5 metres. Part xi) of policy DM2.1 of the Council's policies seek to ensure development proposals do not unduly prejudice the satisfactory development or operation of adjoining land. Consideration has been given to the extent and width of the additional height, bulk and massing and the layout of the hotel bedrooms on the approved drawings under P2014/0373/FUL, the nature of the use and reasonable expectations of the users in a dense urban and central location. As a result the impact of the proposals on the operation of the approved hotel development in terms of loss of outlook or any undue increase in sense of enclosure, is not considered to be so harmful as to conflict with the aims of policy DM2.1 of the DM policies.
- 10.40 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.
- 10.41 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
- The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);*
- And
- The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.*
- 10.42 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.

- 10.43 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though emphasizes that advice given is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 10.44 The applicants have submitted a Daylight and Sunlight Report dated 22/12/2016, an Addendum Statement dated 13/03/2017 and a Planning Application Addendum Statement dated 21/04/2017. Each report relates to the impact of a proposed two storey roof extension on the neighbouring properties. However, during the course of the application, the proposals have been subsequently revised to a single storey roof extension which is recommended for approval. Therefore, the originally submitted results of sunlight/daylight testing were for a two storey addition so inevitably the reduction of one storey from the proposal will have a significant reduction in the potential loss of sunlight/daylight from the current scheme before members.

Analysis of Daylight Losses for Affected Properties

- 10.45 Residential dwellings at the following properties listed below have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development:
- 10.46 8 and 9 Clerkenwell Green: The initial report dated 22/12/2016 and addendum dated 21/04/2017 set out that windows W6/902 and W2/904 located at the ground floor of 9 Clerkenwell Green would marginally fail the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test with results of 21.3% and 20.5% respectively. These results relate to a proposed two storey roof extension. The daylight and sunlight consultants made the following statement in relation to the revised scheme for a single storey roof extension:

“Given the conclusions of our technical analysis stated that only 8-9 Clerkenwell Green would be impacted by the implementation of the proposed scheme and that this property would still continue to enjoy relatively high compliance rates for both VSC and NSL in the proposed scenario, we do not consider that a further assessment is required for this amended application scheme. The impacts arising from this reduced scheme will clearly be less than the scheme for which the above report was compiled. The impacts therefore, would be further reduced and given the previous conclusions and the very marginal impacts to bedroom accommodation, we would consider it unnecessary to undertake another full technical daylight and sunlight assessment as it is clear that the removal of the entire fifth floor would only improve daylight and bring these marginal impacts below the BRE threshold of noticeability.”

- 10.47 Consideration is given to the conclusions of the assessors, and that the initial transgressions of the 20% VSC failure threshold were minor. As the above figures relate to the impact of a two storey roof extension, the VSC loss for a single storey roof extension is highly likely to be less than 20%. In any event the level of losses in this location, are considered be acceptable given the dense central urban location and therefore the impact on levels of daylight to residential properties is not considered to result in a harmful nor material loss of daylight as to sustain the refusal of the application.

96-100 Clerkenwell Road

- 10.48 The submitted daylight report relates to the proposed two storey roof extension and five storey rear extension. This report confirms that the majority of the bedrooms the first to sixth floors of the hotel would see an ADF below 1.5%. However, as the height, massing and extent of the rear extension has been reduced to four storeys, this would be likely to reduce the impact on ADF to the hotel.
- 10.49 The property is a hotel use and the report concludes that the impact on the ADF levels that would be experienced in rooms within the hotel should the proposed scheme be implemented, are comparable with those experienced in the existing condition with the existing buildings on site. In addition, the hotel development on this site which is currently under construction is located in a dense central and urban location. The floor layouts of the approved scheme indicate the presence of bathrooms at the end of the room in each hotel room. Consideration has also been given to the transient nature of the users of the hotel in such a location, and given the transitory habitable use of the hotel, the target values suggested by BRE should be applied more flexibly in consideration of this building. When these factors are viewed together, the impact on the level of daylight to the hotel rooms based on the revised scheme, is not considered to form grounds to sustain the refusal of the application on this basis.
- 10.50 As a result there is not considered to be a sufficiently harmful impact on the operation of the hotel as to sustain the refusal of the application on this basis. It is noted that the owner of the site has withdrawn their objection to the revised scheme following discussions with the applicant.

Analysis of Sunlight Losses for Affected Properties

- 10.51 8 and 9 Clerkenwell Green The submitted daylight and sunlight report relates to the proposed two storey roof extension. This report confirms that 18 windows at 8 and 9 Clerkenwell Green would see a reduction in levels of sunlight which fail the BRE requirements for Average Probable Sunlight Hours (APSH). However, as the height and massing of the revised single storey roof extension has been halved, this would be likely to reduce the impact on levels of APSH to the neighbouring properties. The Daylight and Sunlight report concluded that those rooms which experience transgressions in the BRE guidelines for APSH are located predominantly on the lower floors of the building, where values are low in the existing situation and so small changes in value create a higher percentage change, which can be misleading in terms of the true impact. In addition, the advice set out in the London Housing SPG must be taken into account, the retained levels of both daylight and sunlight will be contextually consistent to this close knit urban environment. The Daylight and Sunlight consultants conclude that the development complies with the policy set out in the SPG as it is contextual. Therefore, in this instance the impact on the proposals on the levels of daylight and sunlight of the neighbouring residential properties is considered to be acceptable within this dense and highly urban location.

96-100 Clerkenwell Road

- 10.52 No sunlight report has been submitted relating to the impact on the hotel. However given the nature of the use and site circumstances as set out above, there is not considered to be a sufficiently harmful impact on the operation of the hotel which is a transient and non-permanent residential accommodation as to sustain the refusal of the application on this basis

Outlook/Overbearing and privacy

- 10.53 Objections have been received expressing concerned that the proposed extensions would result in overlooking, be overbearing, and generate extensions towards 8 Clerkenwell Green. At paragraphs 10.34 to 10.37 consideration has been given to the position and proximity of the proposed extensions in relation to the adjacent residential properties on 8 Clerkenwell Green and the existing relationship and structures on site. There is not considered to be a significantly harmful impact in terms of overbearing impact, loss of outlook or increase in sense of enclosure of these properties as to justify refusal on this basis.
- 10.54 An objection has been received expressing concern that the proposed distorted glass fascia on the eastern elevation does not provide adequate privacy to 8 Clerkenwell Green. However following sight of the sample, the proposed distorted glass is considered to offer sufficient protection to neighbouring amenity given the separation distances and angle of view as to no conflict with the aims of policy DM2.1 of the DM policies.

Noise

- 10.55 The proposals include the installation of new plant equipment on the roof top at fifth floor level at the rear of the site.
- 10.56 An objection has been received expressing concern over noise disturbance to residential properties at 8 Clerkenwell Green from the proposed plant equipment and a request for an increase to the screening on the rear elevation of the site to prevent noise disturbance towards the approved hotel development at 96-100 Clerkenwell Road. The Council's Acoustic Officer has reviewed the proposals and the submitted noise assessment documents has not raised any objections subject to conditions controlling noise levels.
- 10.57 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Basement Excavation

- 10.58 The proposal results in basement level excavation at lower ground floor level through lowering of the existing internal floor level depth of 1 metre across the site and the extension of the existing basement level to the full boundary in the eastern corner of the site covering an area of 59 square metres.
- 10.59 The Basement Development SPD does not provide specific reference to basement excavation within commercial properties. However section 8 of the SPD makes reference to basement development in conservation areas with the key objective:
- Development should make a positive contribution to Islington's local character and distinctiveness, be of high quality contextual design and conserve and enhance a Conservation Area's significance.*
- 10.60 The extent and depth of the basement excavation on the latest application is considered to remain proportionate, subordinate to the above ground building element, and reflect the character of its surroundings. The extent and depth of the proposed basement excavation accords with the relevant guidelines in the Basement Development SPD and is acceptable in this regard.

Highways and Transportation

- 10.61 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200 square metres gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable. A Transport Assessment and Delivery and Servicing Plan has been submitted.
- 10.62 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80 square metres of new floorspace and needs to be secure, covered, conveniently located and step free. The scheme proposes 22 Cycle parking spaces. The total provision of cycle parking accords with the requirements of Policy DM8.4 (Walking and cycling) of the Islington Development Management Policies. As such, the scheme complies with the Councils transport policies.

Delivery and Servicing

- 10.63 As the development will extend an existing building, with the proposal representing a relatively modest uplift in floor area, the constraints of the site will not allow servicing to take place onsite. A loading area would potentially take up a large proportion of the ground floor area and the site does not have sufficient frontage to the street. It will be necessary for deliveries and servicing to take place on-street as is the case for other properties on the street. The proposals are acceptable in this regard, subject to a condition requiring a Construction Method Statement.

Refuse Facilities

- 10.64 Provision is made for individual refuse and recycling at each level in the building. Refuse collection will be undertaken on street and is appropriate given the nature of the B1 office use. The proposed delivery and servicing arrangements are small scale and are not considered to impact negatively on refuse collection arrangements.

Crossrail CIL

- 10.65 The Crossrail Funding SPG (March 2016) sets out that planning obligations/S.106 contributions should be sought in respect of retail and hotel and office development in central London and the northern part of the Isle of Dogs, which involves a net increase in office floorspace of more than 500 square metres with contributions proportionate to the calculated impact.
- 10.66 The application results in an uplift of 555 square metres of B1 Office floorspace and is located within an area liable from Crossrail CIL at £140 per square metre as set out by the SPG. As a result the applicant is required to enter into a S106 Agreement for a contribution of £77,700 as required by the Mayor of London Crossrail Funding SPG adopted March 2016. Therefore it is recommended that any grant of planning permission is subject to condition and legal agreement.

Other Matters

- 10.67 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.

11. SUMMARY AND CONCLUSION

Summary

- 4.9 The proposal is for the erection of a single storey roof extension at fourth floor level and four storey side and rear extensions to the existing rear building at first to fourth floor levels and creation of a roof top roof terrace, installation of plant equipment and basement excavation to lower the floor level by 1 metre and excavate to the full extent of the site.
- 4.10 The provision of an additional 555 square metres of B1 floorspace and its design and layout is considered to meet policy requirements and is acceptable. The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the host building, Clerkenwell Green Conservation Area and setting of adjoining listed buildings.
- 4.11 The statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met. The proposals remain subordinate to the host building and would not harm the character and appearance of the conservation area or the setting of the listed buildings. In addition, the scheme provides a number of public benefits including a large uplift in office floorspace and improvements to the building's façades including repairing and upgrading the existing render and upgrading the shopfront.
- 4.12 During the course of the application the scheme has been amended to reduce the impact on neighbouring properties through lowering the height and setting the rear extension away from the boundary with neighbouring properties. Whilst the proposal would impact on the amenity of the neighbouring properties, having regard to the dense central urban location of the site, the impact of the additional bulk, height and massing on the existing building is considered to be acceptable. The impact of the proposal in terms of overlooking, sense of enclosure and noise is considered to be acceptable subject to conditions. The extent and depth of the proposed excavation is acceptable. The proposals result in an accessible and sustainable development.
- 11.5 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

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:

£77,700 contribution towards the funding of Crossrail.

RECOMMENDATION B

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

List of Conditions:

1	Commencement
	<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 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>51516-P-01 Rev A; 51516-P-10 Rev F; 51516-P-11 Rev F; 51516-P-12 Rev C; 51516-P-13 Rev D; 51516-P-14 Rev C; 51516-P-15 Rev C; 51516-P-50 Rev C; 51516-P-51 Rev B; 51516-P-52 Rev B; 51516-P-30 Rev C; 51516-P-31 Rev E; 51516-P-32 Rev B; 51516-P-20 Rev L; 51516-P-21 Rev H; 51516-P-22 Rev H; 51516-P-23 Rev I; 51516-P-24 Rev J; 51516-P-25 Rev N; 51516-P-26 Rev O; 51516-P-60 Rev J; 51516-P-61 Rev K; 51516-P-62 Rev J; 51516-P-40 Rev I; 51516-P-41 Rev K; 51516-P-42 Rev I; 51516-P-70 Rev A; Area Schedule – Summary RevR dated 22/07/2017;</p> <p>Design and Access Statement August 2017; Design and Access Statement Addendum including Heritage Statement June 2017; Ventilation Statement dated 23 November 2016 ref: MDSE/714839/JKS; Transport Note November 2016; Transport Note January 2017; Transport Note June 2017; Sustainability Statement Rev01 dated 10.10.2016 ref: MDSE/714836/CKN; Structural Methodology Statement (SMS) for Proposed Basement Extension & Lowering ref:4472 dated September 2016; Pre-determination investigation</p>

	<p>report: archaeological monitoring of geotechnical trial pits September 2016; Site Investigation Report August 2008; Phase I Environmental Assessment ref: 4575-1 dated 7 October 2016; PLANNING COMPLIANCE REPORT 14906.PCR.01 RevC dated 27/06/2017; Historic environment assessment September 2016 MOLA code: P0855; Heritage and Design Report November 2016; Energy Statement For Planning MDSE/714836/CKN dated 28/06/2017; Daylight and Sunlight ref: 7767 dated 22/12/2016; Daylight and Sunlight Addendum Statement ref: 7767 dated 13/03/2017; Daylight and Sunlight Planning Application Addendum Statement ref: 7767 dated 21/04/2017; Daylight and Sunlight ref: 7767 dated 11/09/2017; PLANNING STATEMENT December 2016; Philip Davies Response to Islington Council's comments dated 10 March 2017; Letter from DP9 Ltd dated 23 June 2017 ref: TP/SH/DP3596/009;</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>
3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) render (including colour, texture and method of application); b) window treatment (including sections and reveals); c) roofing materials; d) balustrading treatment (including sections); e) Any other materials to be used. <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	Construction Method Statement
	<p>CONDITION: No development (including demolition works) 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>

5	Plant Equipment Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: For the protection of neighbouring amenity.</p>
6	Construction Environmental Management Plan
	<p>A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, emissions from non-road mobile machinery, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The CEMP shall refer to Islington's Code of Practice for Construction Sites, BS5228:2009 and 2014, the GLA's Control of Dust and Emissions During Construction and Demolition SPG and shall commit the developer to sign up to the Non-Road Mobile Machinery Register.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality</p>
7	Cycle Storage
	<p>CONDITION: The bicycle storage area(s) hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 51516-P-20 RevL and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Land Contamination Investigation
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the</p>

	<p>prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).”</p> <p>REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>
9	Written Scheme of Investigation – Archaeology
	<p>CONDITION: No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and</p> <p>A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</p> <p>B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>REASON: For the protection of heritage assets of archaeological interest.</p>
10	Details of screening to roof terrace
	<p>CONDITION: Details of the visual screens around the roof top roof terrace at fifth floor shown on plan no. 51516-P-26 RevO hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>The screens shall be installed prior to the first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To prevent undue overlooking (oblique, backwards or otherwise) of neighbouring habitable room windows and also to ensure that the resulting visual screen is acceptable in terms of its appearance.</p>
11	Obscure glazing
	<p>CONDITION: Notwithstanding the plans hereby approved the distorted glass shown on eastern elevation drawing 51516-P-62 Rev J shall prior to the first occupation of the development, be altered/treated to prevent the overlooking of neighbouring habitable room windows at 8 and 9 Clerkenwell Green.</p> <p>The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows</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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Community infrastructure Levy (CIL)
	<p>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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Written Scheme of Investigation
	<p>The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</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 2012 and Planning Policy Guidance (PPG) seek to secure positive 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, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character

Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 - Bunhill and Clerkenwell

Policy CS 8 – Enhancing Islington’s character

Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

Policy CS 10 – Sustainable Design

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.1 - New business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM 6.3 - Open Space
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

D) Finsbury Local Plan (June 2013)

- Bunhill & Clerkenwell Key Area
- Policy BC 8 - Achieving a balanced mix of uses

3. Designations

Clerkenwell Green Conservation Area

4. SPD/SPGS

Urban Design Guidelines 2017
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design SPD
Basement Development SPD 2016
Crossrail Funding SPG March 2016

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B2
Date:	31 October 2017	NON-EXEMPT

Application number	P2017/2382/FUL
Application type	Full Planning Application
Ward	St Peters Ward
Listed building	Locally Listed (no. 112 Islington High Street)
Conservation area	The Angel Conservation Area
Development Plan Context	Archaeological Priority Area Core Strategy Key Area – Angel and Upper Street The Angel Conservation Area Central Activities Zone (CAZ) Cycle Routes (Strategic) Angel Town Centre Angel Primary Retail Frontages Crossrail 2 Rail Safeguarding Within 100m of TLRN road Within 50m of Duncan Terrace/Colebrook Row Conservation Area
Licensing Implications	None
Site Address	112 - 114 Islington High Street, London N1 8EG
Proposal	Demolition of existing furniture store and erection of new 2-storey building containing 2 x 1-bedroom apartments in yard space behind 112-114 Islington High Street. Construction of new furniture store in rear garden. Associated external alterations including alterations of accesses and provision of bicycle and bin storage.

Case Officer	Daniel Jeffries
Applicant	Segal - 106 Islington High Street
Agent	Mackenzie Wheeler Architects

1. RECOMMENDATION

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

1. Subject to the reasons for refusal set out in Appendix 1;

2. SITE PLAN (site outlined in black)



2. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in northerly direction



Image 3: View of existing single storey storage building from rear of adjacent restaurant to south



Image 4: View of existing rear additions and terrace associated with nearby restaurant to south.



Image 5: View of rear elevation of the host property, and access door from rear of the host building, and glimpse of existing single storey timber building.



Image 6: View in easterly direction showing rear garden and position of new single storey storage building

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a two storey detached building, to provide 2 x self-contained 1-bedroom residential units, and a single storey outbuilding to replace an existing furniture storage building, positioned to the rear gardens of nos. 112-114 Islington High Street. This would also include the provision of external amenity space and an external staircase associated with the residential units, and would involve the alteration of the existing fire escape.

- 4.2 The application is brought to committee as two Councillors (Councillor Picknell and Councillor Klute) have requested the planning application to be heard at planning committee.
- 4.3 The issues arising from the application are the principle of new residential accommodation, and loss of the existing use of the ancillary garden space to the ground floor retail units, the impact on the character and appearance of the host building, the Angel Conservation Area and the setting of adjoining locally listed buildings at 112 and 106 Islington High Street, as well as the quality of accommodation and impact on future occupiers, access, and the impact to neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The application is a resubmitted scheme of the refused planning application for 'Demolition and re-location of furniture storage shed, and change of use to provide two x 2 storey, 1 bedroom residential units to the rear of 112-114 Islington High Street' (ref. P2016/4824/FUL). The application was considered an unacceptable form of development as was refused, on 10th May 2017, for the following 5 no. reasons:
- 1) REASON: The proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policy DM3.4 (Housing Standards) of the Islington Development Management Policies 2013.
 - 2) REASON: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2016.
 - 3) REASON: The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.
 - 4) REASON: Inadequate details of the impacts upon the trees has been provided and subsequently it is not possible to determine whether the proposed development and its impacts upon the trees are appropriate. Without this detail the impacts and the tree protection cannot not be ensured and as such the application is not acceptable, it is considered contrary to policy DM6.5 (Landscaping, Trees and Biodiversity) of Islington's Development Management Policies 2013.
 - 5) REASON: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013.

- 4.5 This revised application is identical to the previously scheme, in terms of its design, scale and appearance. Following the submission of a tree survey and the agreement to pay the full small sites financial contributions these matters have now been resolved. The main differences between the previously refused application and this revised proposal are as follows:
- The installation of additional windows to the east elevation of the two storey residential units. There would be one additional window to each of the units at lower ground floor level, serving the living room/kitchen. There would be one additional windows to the upper ground floor serving the bathroom.
 - The removal of the window to both the north and south elevations of the two storey building, serving the bathrooms.
 - Alterations to the proposed external staircase and fire escape route for no. 116 Islington High Street.
 - The increase in the private amenity space, to each residential unit, from 12 sqm to 15 sqm.
- 4.6 Whilst the principle of providing additional residential units is acceptable, the design of the proposed two storey building is considered unacceptable, represents an inappropriate form of development and an overdevelopment of the site. The proposed extension would detract from the character and appearance of the application property and the character and appearance of the conservation area and would form a dominant and discordant feature within the surrounding conservation area and wider urban setting, by virtue of its scale, massing, lack of subservience to the host property and inappropriate materials used. It is therefore contrary to Islington Core Strategy (2011) CS8 and CS9 policies, DM2.1 and DM2.3 of the Development Management Policies (2013), the Urban Design Guide (2017) and Conservation Area Design Guidelines.
- 4.7 In addition, whilst the proposal is not considered to prejudice the residential amenity of neighbouring properties insofar of loss of light, outlook or increased sense of enclosure, the proposed two storey building is considered to provide a poor standard of accommodation to future occupiers, by virtue of its proximity to the adjacent restaurant, in terms of potential noise, the lack of sunlight due to its orientation and lack of outlook to the west elevation. It is therefore considered to be contrary to London Plan (2016) policies 3.5 and 3.6, policy CS12 of Islington's Core Strategy (2011) and policies DM3.4 and DM3.7 of Islington's Development Management Policies (2013).
- 4.8 The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DM2.2 (Inclusive Design) of the Islington Development Management policies 2013.
- 4.9 The proposal is therefore considered to be unacceptable and it is recommended that the application be refused.

5. SITE AND SURROUNDINGS

- 5.1 The application site is located to the rear of two mid-terraced three storey properties, with additional roof level accommodation above and basement level below, being nos. 112 and 114 Islington High Street. This section of Islington High Street comprises terraced properties generally incorporating retail uses at ground floor with residential units above, which is found at the two host properties, being a furniture shop and perfume shop. The existing ground retail units and upper floor residential units benefit from separate access made from Islington High Street. The existing layout of the ground floor retail units, have the publicly accessible areas towards the front and storage towards the rear.
- 5.2 The situation at the application property is unusual, insofar as the building located to the rear of 112-114 Islington High Street is in use as storage space ancillary to the restaurant use at No. 106-108 Islington High Street, rather than the retail units at 112 Islington High Street. The supporting documentation states that properties 106 – 112 Islington High Street are owned and managed by the Segal family who operate as Passage Properties Ltd. Within the rear garden there is an external amenity area used by patrons of the restaurant, together with the two storey conservatory extension.
- 5.2 The site is located on the eastern side of Islington High Street, with Camden Passage to the west and bounded to the rear by St John Evangelist RC Primary School.
- 5.3 The application building is not listed but the site is located within the Angel Conservation Area. The site is also located within an Archaeological Priority Area, Central Activities Zone, Angel Town Centre and designated Primary Retail Frontage.

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the erection of a two storey building to accommodate 2 no. self-contained 1 bedroom residential units and a single storey building to be used as a furniture store. The two buildings would be detached from the host property, with the two storey building adjacent to the rear elevation of the host properties and the single storey building located to the north east corner. This is following the demolition of the existing single storey outbuilding positioned to the rear elevation of the host properties.
- 6.2 The proposed two storey building would result in the creation of 2 nos. one-bedroom self-contained residential units, each with an internal area of 50 sqm. It would be a flat roofed building measuring a maximum height of 5.1m, a length of 7.1m, and width 8.9m. The building would be constructed using moss green glazed brick to the upper floor, with London stock brick to the lower level and garden wall, with a sedum roof, including a central area of the roof to be clad in zinc supporting two rooflights. There would be 15sqm of private amenity space positioned to the rear which would be associated with each of the proposed residential units, with new planting proposed around the perimeter.
- 6.3 The two storey building would replace an existing single storey flat roofed building measuring a maximum height of 2.9m, 6m in length and 5m in width. The proposed two storey building would therefore be 2.2m greater in overall height, 1.1m greater in width, and 4.9m greater in length, when compared to the existing single storey building on site to be removed.

- 6.4 The access to the proposed residential units would be via the existing entrance from Islington High Street, to the residential flats on the upper floors of no. 112 Islington High Street, using the existing rear access door. The proposal includes alterations between the rear elevation of the host building and the proposed dwellings, including the installation of a new metal staircase and an area for cycle storage. The proposal would also reroute the existing fire escape from no. 116 Islington High Street to the north of the proposed units.
- 6.5 The proposed single storey outbuilding, to be used for furniture storage, would be positioned to the north east corner of the rear garden of the host properties. It would be a pitched roof building, measuring a maximum height of 3.6m, and 2.5m to the eaves, at a length of 6m and a width of 4.5m, with a set of double doors to the west elevation. It would be constructed using brick and a slate roof.
- 6.6 The proposal is a resubmission of the previously refused application ref: P2016/4824/FUL for the 'Demolition and re-location of furniture storage shed, and change of use to provide two x 2 storey, 1 bedroom residential units to the rear of 112-114 Islington High Street'. The reasons for refusal of the application are set out within paragraph 7.4 of this report, but essentially 3 of the 5 previous reasons for refusal have not been addressed and the scheme is exactly the same design, layout and materials. The reasons regarding tree issues and small sites contribution are the two reasons officers considered to have been addressed within this application.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P042024 (Flat D) Planning Permission granted for Change of use of the first floor ancillary A3 space to provide one No. 1-bed flat (ground floor and basement retail - A3 - to be retained) on 24/02/2005.
- 7.2 P081012 Planning Permission granted for Installation of one air-conditioning condenser unit to rear wall at ground floor level on 25/09/2008.
- 7.3 P081015 Planning Permission granted for Installation of non-illuminated projecting bronze lettering to shop front fascia on 27/06/2008.
- 7.4 P2016/4824/FUL Planning Permission refused for Demolition and re-location of furniture storage shed, and change of use to provide two x 2 storey, 1 bedroom residential units to the rear of 112-114 Islington High Street on 10/05/2017. The reasons for refusal were as follows:
- 1) REASON: The proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policy DM3.4 (Housing Standards) of the Islington Development Management Policies 2013.
 - 2) REASON: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2016.

- 3) REASON: The applicant has failed to submit written confirmation of an agreement to pay the full contribution sought by the Islington Affordable Housing Small Sites Contributions SPD or to submit a viability assessment to demonstrate that the full contribution is not viable and that instead a lesser contribution should be made. Therefore, the proposal is contrary to policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.
- 4) REASON: Inadequate details of the impacts upon the trees has been provided and subsequently it is not possible to determine whether the proposed development and its impacts upon the trees are appropriate. Without this detail the impacts and the tree protection cannot not be ensured and as such the application is not acceptable, it is considered contrary to policy DM6.5 (Landscaping, Trees and Biodiversity) of Islington's Development Management Policies 2013.
- 5) REASON: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013.

7.5 This application is a resubmission of the refused scheme. The main differences to this revised proposal (that do not address all the previous reasons for refusal) are follows:

- The installation of additional windows to the west elevation of the two storey residential units. There would be one additional window to each of the units at lower ground floor level, serving the living room/kitchen. There would be one additional window to the upper ground floor, to each of the residential units, serving the bathroom.
- The removal of the window to both the north and south elevations of the two storey building, serving the bathrooms.
- Alterations to the proposed external staircase and fire escape route for no. 116 Islington High Street.
- The increase in the private amenity space from 12 sqm to 15 sqm.

ENFORCEMENT

7.6 E11/05586 Enforcement investigation into Unauthorised change of use to A3.

PRE-APPLICATION ADVICE:

7.7 Q2015/2645/MIN - Pre-application Advice provided in relation for *erection of a two storey outbuilding sited to the rear of No 112-114 Islington High Street. The outbuilding will provide 3 new residential units comprising of 1 x 1 bed flat and 2 x studio flats, and replace an existing single storey outbuilding used as a chair store for the furniture store shop at No 114.*

7.8 Advice was provided that:

- That the siting and scale of the proposal would have a detrimental impact upon the character and appearance of the terrace and wider Conservation Area, and would not be supported.
- There is also some concern regarding the access arrangements to the residential unit, the impact upon the outlook from the bedroom of No 114 and the standard of accommodation for the units in relation to outlook and noise from the restaurant (as well as studio units being unacceptable).
- It is questioned whether the scheme as it stands represents overdevelopment of the site. Given the site's position within the Employment Priority Areas (General), policy BC8 resists any net loss in business floorspace unless exceptional circumstances can be demonstrated that there is no demand for the floorspace.

7.9 Q2015/4784/MIN – Follow up Pre-application Advice for the *erection of Two Storey Building forming three self-contained residential flats.*

7.10 Advice was provided that:

- Whilst the proposed residential use at the site is considered to be acceptable in principle, there are a significant number of issues that would need to be addressed in any future application.
- These include the loss of storage space associated with the restaurant use, the impact on the character of the area, the quality of accommodation proposed the housing mix and unit type and the access into the unit.
- While it is considered that a number of these issues could be addressed through the submission of additional information or amendments, the conservation and design issues may constitute an in principle objection as there are no other examples of residential development to the rear of the properties at Islington High Street.
- There is also some concern regarding the access arrangements to the residential unit, the impact upon the outlook from the bedroom of No 114 and the standard of accommodation for the units in relation to outlook and noise from the restaurant (as well as studio units being unacceptable).

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 18 occupants of adjoining and nearby properties at Islington High Street, Duncan Street and Duncan Terrace on 28 June 2017, and site and press adverts were displayed. The public consultation of the application expired on 26 July 2017.

8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 1 no. objection in total 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 in brackets):

- Loss of daylight/sunlight and overlooking to the rear of the first floor office at nos. 116 and 118 Islington High Street and the existing residential units at ground and first floor level at no. 114 Islington High Street (**See paragraphs 10.46 to 10.52**)
- The impact of the living conditions of future occupiers of residential units given the proximity the existing restaurant in terms of noise and odour (**See paragraphs 10.30 to 10.45**)

- Concerns with means of access shared with the restaurant use and the impact on the fire escape to adjoining properties including redesign of steps (**See paragraphs 10.53 to 10.58**)
- The proposal would represent an inappropriate overdevelopment of the site and would form a dominant discordant form which would be out of keeping with the character of the surrounding conservation area (**See paragraphs 10.13 to 10.29**)

Internal Consultees

- 8.4 **Design and Conservation Officer:** raised objections to the proposal, in terms of the two storey extension as a standalone and its design and materials used, and its impact on the conservation area stating the following:

'As consistently advised the proposed building to the rear of nos. 112-114 is considered unacceptable in principle. Although there are a number of rear extensions to the building within the terrace, of varying sizes, they are all rear extensions attached to the buildings, rather than separate stand-alone buildings within the rear gardens. As such it may be acceptable to extend nos. 112 and 114 out in line with the adjacent extension at no. 110, but a new stand-alone building is considered inappropriate in this location. There is an existing large shed in the position of the proposed new building, but this does not appear to have had consent and is therefore not considered to set precedent for any new, larger development in its place. It is not felt that any of the amendments made have addressed the concerns with the proposed new building, namely the in principle objection which cannot be addressed through minor design changes.

The proposed green glazed tiles for the upper storey of the proposed building are also considered inappropriate and do not relate to the surrounding conservation area context or to the adjacent locally listed buildings'.

- 8.5 **Highways:** No comments received.
- 8.6 **Sustainability:** No comments received.
- 8.7 **Noise and Pollution Officer:** raised objections to the proposal, in respect of noise from adjacent restaurant.
- 8.8 **Refuse and recycling:** No comment.
- 8.9 **Trees:** No objections providing the specified tree protection measures are installed prior to works commencing, and an informative is attached to any permission.
- 8.10 **Accessibility:** raised objections to the proposed access arrangements.
- 8.11 **Odour and Pollution Officer:** No comments.

External Consultees

- 8.12 **Fire Brigade:** raised no objections but recommended the use of sprinklers.

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 and Planning Policy Guidance (PPG) seek to secure positive 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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Conservation
- Quality of accommodation
- Neighbouring Amenity including sunlight/daylight
- Accessibility
- Highways and Transportation
- Trees
- Refuse
- Sustainability
- Affordable Housing
- Other Matters

Land Use

- 10.2 The application site is located within the Angel Town Centre and the frontage buildings and the frontage buildings are within the Primary retail frontage. The site is also within the Angel and Upper Street Key Area, and the Central Activities Zone.
- 10.3 proposal results in the creation of 2 no. 1 bedroom residential units as a result of the erection of a two storey building, and a single storey building used as furniture storage, to the rear garden of nos. 112 and 114 Islington High Street. This is following the demolition of the existing single storey outbuilding.
- 10.4 As stated in paragraph 5.2 above, the situation at the application property is unusual, insofar as the building located to the rear of 112-114 Islington High Street is in use as storage space ancillary to the restaurant use at No. 106-108 Islington High Street, rather than the retail units at 112 Islington High Street. Therefore, whilst the use of this single storey building relates to the restaurant (A3 use) the rear gardens are associated with the

ground floor retail units (A1 use). There is no evidence to confirm planning permission has been sought for the erection of the existing single storey building.

- 10.5 In terms of its Town Centre designation, part D of Islington Core Strategy (2011) CS5 policy, relating to Angel and Upper Street, states 'any significant introduction of residential uses, including student accommodation, within the town centre will be resisted'. Also Policy DM4.4, in relation to Town Centre development, Part C states that proposals are 'required to:
- i) be appropriate to the scale, character and function of the centre;
 - ii) contribute positively to the vitality and viability of the centre;
 - iii) promote a vibrant and attractive place;
 - iv) respect and enhance the heritage, character and local distinctiveness of the centre;
 - v) provide a variety of different sized retail units;
 - vi) meet the council's policies on Inclusive Design; and
 - vii) not cause detrimental disturbance from noise, odour, fumes or other environmental harm'.
- 10.6 Part D of this policy also states 'the Change of Use of ground floor units from main Town Centre uses (e.g. A Use Classes, D2 Use Class and Sui Generis main Town Centre uses) to other uses (particularly residential use) within Town Centres will be generally resisted'.
- 10.7 Part A of Policy DM4.5 sets out the Council's approach to the change of use of existing retail premises (A1 use) within Primary Frontages. It states that they will not be permitted unless all the following criteria are satisfied:
- i) The resulting proportion of retail units in the Primary Frontage would not fall below 70% in Major Town Centres and 60% in District Town Centres;
 - ii) The proposed Change of Use would not result in a break in continuity of retail frontage of more than one non-retail unit in any frontage;
 - iii) The premises has been vacant for a period of at least 2 years and continuous marketing evidence for this 2 year vacancy period is provided and demonstrates that there is no realistic prospect of the unit being used for retail (A1) purposes;
 - iv) Individually or cumulatively the proposed use would not have a harmful effect on the predominantly retail function and character of the Town Centre, and its vitality and viability; and
 - v) All proposed uses at ground floor level would provide an active frontage and would clearly support the retail role of the frontage'
- 10.8 Paragraph 4.25 of the Development Management Policies states that Islington's Town Centres are the primary focus for retailing in the borough. Ensuring that retail and other important facilities (such as GP surgeries, solicitors, post offices, groceries and newsagents) remain readily accessible is essential to the vitality and viability of Town Centres. Focusing these shops and services within Town Centres will contribute to the inclusivity and sustainability of local communities and the local economy, and reduce the number and length of trips undertaken'.
- 10.9 In addition, paragraph 4.31 explains 'Primary Frontages contain the greatest concentration of shops (A1 retail use), attract the greatest number of customers and underpin the vitality and viability of the Town Centre. Retail should remain the principal and dominant land use within these areas. The council will not support uses that do not complement or support the predominantly retail character, and will seek to retain all retail uses (Use Class A1) and maintain a continuous retail frontage wherever possible'. Whilst it is acknowledged that the proposal would not result in the loss of the existing ground floor retail units at the host

properties, the policy advice in relation to proposed residential development is that it should be generally resisted. This is also supported by part G of policy DM6.1 which states 'noise sensitive developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Noise generating uses should, where possible, be sited away from noise sensitive uses. Where noise generating uses are proposed within a residential area, applicants should demonstrate that the use will not give rise to noise nuisance'.

- 10.10 Whilst the issues such as the quality of accommodation for future occupiers is assessed later within this report, the principle of residential is generally not supported in this location. The proposal is considered not to be consistent with the objectives of the retail designations of the Town Centre, Primary Retail Frontage and Central Activities Zone.
- 10.11 In terms of the loss of the existing storage building, it would seem difficult to provide marketing evidence to justify the change of use to accord with part D i) of policy DM4.4 as the area seems to be used in conjunction with no. 106 Islington High Street as storage in association with the restaurant use. The pre-application advice provided in 2015 recommended that details are submitted in support of the application to demonstrate that any loss of the existing storage area in this location would not have an unacceptable impact on the functioning and long term viability of the restaurant use at no. 106 Islington High Street. If this loss cannot be justified or shown to not be required, a replacement storage area would need to be accommodated on the site without adversely affecting the quality and access to the proposed residential units here.
- 10.12 In the documentation of the previously refused application (ref. P2016/4824/FUL) the applicant stated that the evolution of the area for storage and its resulting links with the restaurant were completely random and that the existing quantity of storage space exceeds operational need. The re-provision of storage by way of the proposed single storey outbuilding, the loss of A3 floorspace within the previous application was considered acceptable given that the loss would be minimal at 4.5 sqm. Given that this revised proposal would provide the same amount of A3 floorspace as this previously refused proposal, being 22.5 sqm, which was considered acceptable, the refusal on this basis would not be warranted. It is therefore considered that whilst the provision of residential accommodation in this is generally not supported, the proposal would be acceptable in land use terms in terms of its minimal loss of storage.

Design and Conservation

- 10.13 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses. Section 72 (1) of the Act requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within their area.
- 10.14 Under the National Planning Policy Framework Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.15 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."

- 10.16 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.17 Policy DM2.3 of the Development Management Policies requires the significance of Islington's listed buildings to be conserved or enhanced. New developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.
- 10.18 The Angel Conservation Area has a varied character that derives from incremental development from the 17th, 18th, 19th and 20th centuries. The general grain is of individual buildings with traditionally narrow plot widths and a height of two, three or four storeys. The resulting vertical emphasis is echoed by the original shopfront pilasters and consoles which divide properties. The variety of height and of design at roof and parapet level provides great visual interest. This is punctuated by several important local landmarks. It is a lively commercial area with mainly retail and service uses and featuring the well-known antiques market and associated shops in and around Camden Passage. Most of the passage is a pedestrian only area paved in yorkstone.
- 10.19 One of the host properties, no. 112 Islington High Street, and the nearby property, no. 106 Islington High Street, to the south, are locally listed buildings. There are a number of Grade II Listed buildings further along Islington High Street, to the south, and residential streets of Duncan Terrace and Charlton Place.
- 10.20 The scheme proposes the demolition of an existing single storey building and the erection of a two storey building and a single storey building, in the form of standalone buildings, positioned to the rear gardens of nos. 112-114 Islington High Street.
- 10.21 Whilst it is acknowledged that the proposal does not form an extension to a residential property, the advice provided within the Islington Urban Design (UDG) (2017) is considered relevant in the assessment of this application. Paragraphs 5.132 to 5.137 provide general advice in relation to rear extensions. It states that they 'should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Where the proposal is within a Conservation Area, applicants should have reference to the guidance within the applicable Conservation Area Statement'. It states that they 'must be subordinate to the original building' and that 'the depth of extensions must also be carefully considered, having regard to both the impact on the amenity of neighbouring properties and the host building. This is particularly important for extensions exceeding a single storey. Excessively deep extensions can adversely impact on daylight, sunlight and sense of enclosure'.
- 10.22 Paragraph 5.170 of the UDG is considered relevant which states that 'garden buildings should be designed to be subservient to the main building on the site. They should be as low as possible, with a modest footprint and should be sufficiently set away from boundaries to prevent cumulative impact or a 'terracing' effect arising from similar built form to the end of adjoining gardens. They should normally be of lightweight construction, and will only be acceptable where sufficient garden/open space remains to provide high quality and useable amenity space'.

- 10.23 The Conservation Design Guidelines paragraph 18.8 states 'new buildings should conform to the height, scale and proportions of existing buildings in the immediate area, and should follow the traditional building line'. Paragraph 18.11 states 'In considering applications for extensions, alterations and refurbishment, the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area, in terms of form, colour and texture' and paragraph 18.20 states that it is important that 'rear extensions are subordinate to the mass and height of the main building. Rear extensions will be permitted on their merits and only where the scale, design and materials to be used are in keeping with the existing property and where all other planning standards are met'.

Single storey furniture building

- 10.24 The proposed furniture storage building to be located to the north east corner of the rear garden, its design and relatively modest scale at single storey in height, is considered to be broadly compliant with the above advice. It is acknowledged that this element of the proposal would be positioned immediately adjacent to the boundary of nos. 116 Islington High Street, to the north, which would not be strictly in accordance with the above guidance found within paragraph 5.170. However, its restricted width and length is considered to ensure that it would not result in the potential for 'terracing effect', in the event other outbuildings were proposed. Overall, it is considered that this building would be subordinate to main part of the host property and the surrounding area.

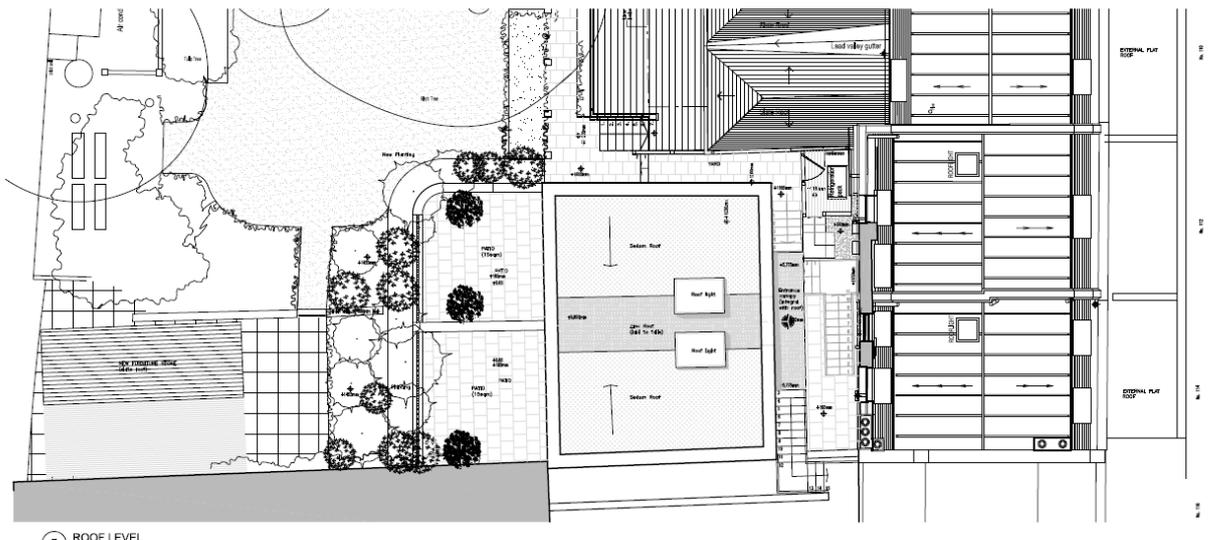


Image 7: View of the proposed buildings relative to the rear of the adjacent properties along Islington High Street.

Two storey residential building

- 10.25 The scale and position of the proposed two storey residential building is considered to be contrary to the above guidance. The previous application was refused on the grounds represents that the two storey building represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. No layout or positioning changes have been made on this revised application.

- 10.26 Whilst it is acknowledged that there are a number of rear extensions to the building within the terrace, of varying sizes, they are all rear extensions attached to the buildings, rather than separate stand-alone buildings within the rear gardens. Whilst this element of the proposal would be in a similar position of the existing single storey shed to be replaced, the existing building does not appear to have benefitted from consent and is therefore not considered to set precedent for any new, larger development in its place. Nevertheless, it's a substantially larger, higher building proposed, therefore it would have a greater visual impact on what currently exists. As such there is no justification for a more dominant building which is even deeper than the neighbouring large extension which are historical.
- 10.27 Notwithstanding the concerns in relation to the principle of a two storey outbuilding in this location, the proposed green glazed tiles for the upper storey of the proposed building are also considered inappropriate and do not relate to the surrounding conservation area context or to the adjacent locally listed buildings. It is acknowledged that the proposal would incorporate a green roof which is supported.

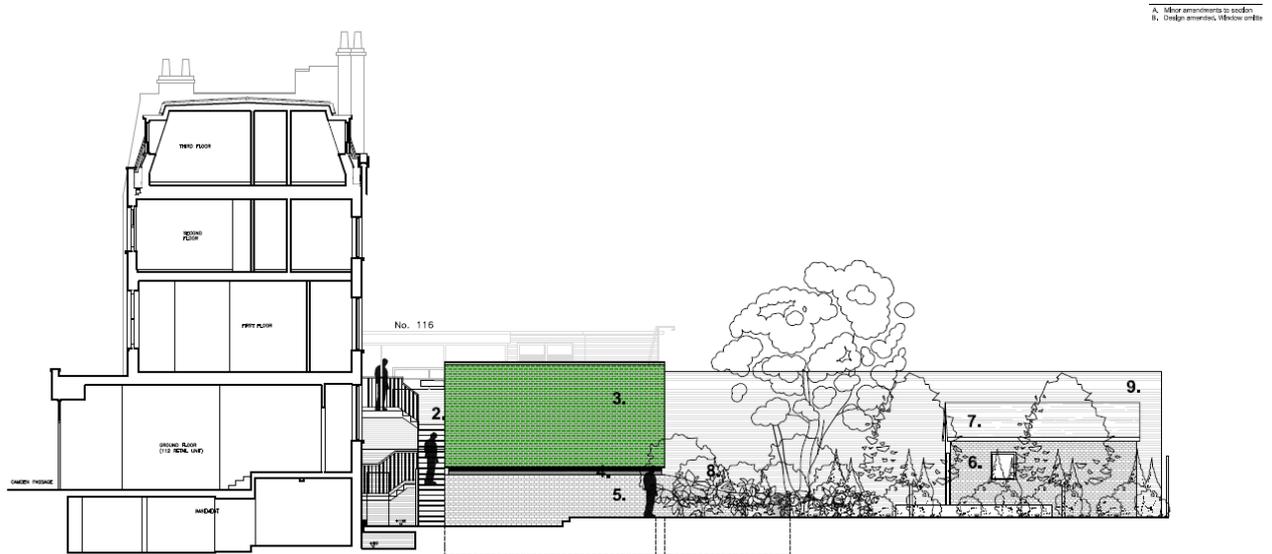


Image 8: View of south elevation of proposed outbuildings

- 10.28 Overall, consideration has been given to the scale of the existing structures on the site, the scale of the extensions and the design, appearance and use of materials. The Design and Conservation Officer concludes that the harm to heritage assets would not outweigh the public benefits of the provision of two additional residential units. Therefore, the proposal is considered to be contrary with policy DM2.3 and guidance contained within the NPPF, the CADG and UDG.
- 10.29 One of the reasons for refusal of the previous application (ref. P2016/4824/FUL) was 'the construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting'. Given the minimal changes to the previous scheme, it is therefore considered no substantive evidence to address these reasons for refusal and it remains applicable within this application. As such the proposal is considered unacceptable in design terms.

Quality of residential accommodation

- 10.30 The proposed development would result in the creation of 2 x one-bedroom self-contained residential units located over two storeys.
- 10.31 Part B of policy DM3.4 of Development Management Policies (2013) states in relation to internal floor area
- i) All new residential developments, conversions and extensions are required to meet or exceed the minimum space standards set out in Table 3.2. For dwellings designed for more than six people, an extra 10m² is required for each additional occupant above the sixth person accommodated.
 - ii) Built-in general internal storage space free of hot water cylinders and other obstructions, with a minimum internal height of 2 metres and a minimum area of 1.5m² must be provided for 1-2 person dwellings, in addition to storage provided by furniture in habitable rooms. For each additional occupant an additional 0.5m² of storage space is required. These requirements are reflected in Table 3.2.
 - iii) Rooms must be designed to function comfortably and efficiently for their intended purpose, including having regard to the size standards set out in Table 3.3.
 - iv) Kitchens/diners should normally be provided as separate from living rooms as set out in the Accessible Housing in Islington SPD.
 - v) At the planning application stage, applicants are required to provide details of proposed overall floorspace and a breakdown of room sizes, including occupancy. This may be provided within the Design and Access Statement or as a separate document.
 - vi) Dwelling plans are required to demonstrate how dwellings will accommodate standard-sized furniture, access and activity space needs related to (a) the declared level of occupancy, and (b) standards required and described in the Accessible Housing SPD for flexible homes and/or wheelchair accessible standards.
 - vii) Those details not evident on the dwelling plan are required to be detailed in the Design and Access Statement and relevant schedule of accommodation (for example, details such as level entry showers and the route for ceiling mounted hoists).
- 10.32 The proposed residential units, with a gross internal area of 50 sqm, would meet the standards set out in policy DM3.4 of the Development Management (2013). Ideally family sized units are sought within the borough, as set out within London Plan 2016 policies 3.5 and 3.6, Islington Core Strategy policy CS12 and policies DM3.1 (mix of housing sizes), DM3.3 (Residential conversions and extensions) and DM3.4 (Housing Standards) of Development Management Policies 2013. However, given the central location of the proposal, within the Central Activities Zone and Town Centre location, and the constraints to the site which make the delivery of two bed units difficult, it is considered that a deviation from the standards would be acceptable in this instance.
- 10.33 The proposed layout would have the combined living space (living/kitchen/ding) on the lower ground floor level and the bedroom accommodation on the upper ground floor. The size of these areas are considered to be of adequate and acceptable layout. Notwithstanding the compliance with the internal space standards, part D of policy DM3.4 states that:

- i) New residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated.
- ii) For sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room. The living space has access to private amenity space to the rear measuring.

10.34 Paragraph 3.47 of the Development Management Policies (2013) states 'Dual aspect design is key to maximising natural light, cross ventilation and access to quiet parts of homes'. The Housing SPG states that 'a dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building'. In this instance, the proposed residential units would have windows to the rear/east elevation and to the front/west elevation.

10.35 In terms of assessing whether they would provide dual aspect it is important to consider what rooms the proposed windows would serve. The upper ground floor would have a large window to the rear elevation, which would serve the bedroom accommodation, whereas the two windows to the front elevation would serve a staircase and a bathroom and an internal staircase. Given the nature of bathroom windows which are usually obscure glazed and non-opening, it is considered that this cannot be considered as providing aspect to the property. The only other window at this level would be to the internal staircase around the around the west elevation doors. The proposed combined living areas at lower ground floor level would benefit from a set of glazed bi-fold doors to rear elevation, and a single window to the front elevation.

10.36 It is acknowledged that the proposal would provide dual aspect in terms of the above definition. However, it is considered that given the orientation of the proposed two storey outbuilding, together with the position of the proposed external staircase, and proximity of the building to the existing terraced properties, the windows to the west elevation at lower ground floor level would result in poor outlook to future occupiers of the proposed units.

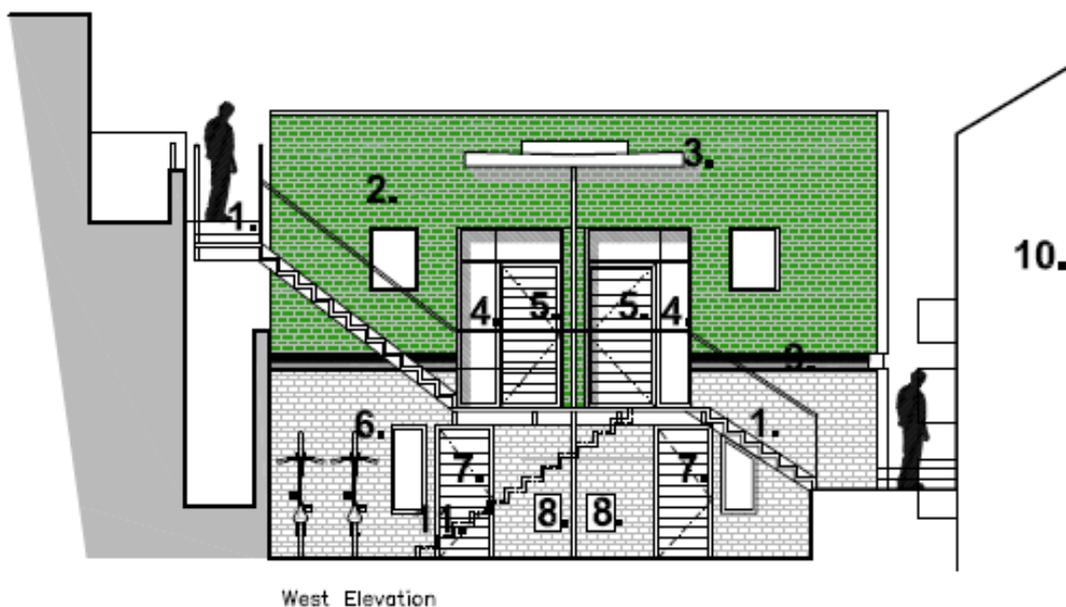


Image 9: View of west elevation of the two storey building

10.37 Part E of DM3.4 states the following in relation to daylight and sunlight:

i) The design of all residential development is required to maximise natural light into the room (subject to passive heating and cooling considerations). The glazing to all habitable rooms should be generous and aim to be not less than 20% of the internal floor area of the room.

ii) All dwellings should provide for direct sunlight to enter the main habitable rooms for a reasonable period of the day. Living areas, kitchen and dining spaces should preferably receive direct sunlight.

10.38 In this instance, the host properties have an east facing rear garden, meaning that only the windows to the rear elevation of the proposed residential units would benefit from any sunlight/daylight. This is due to the height of the existing buildings to the west, and the proximity to these properties, 2.5m. Whilst it is acknowledged that the windows to the rear elevation, on both levels, would be generous in size, and would provide direct sunlight to habitable rooms, this would be restricted to a short period of the day, in the morning.

10.39 In addition, policy DM3.7 provides advice in relation to noise and vibration for residential uses. It states that:

- All residential development proposals shall demonstrate how potential adverse noise impact on and between dwellings will be mitigated by housing layout, design and materials.
- The layout of adjacent dwellings and the location of lifts and circulation spaces is required to limit the transmission of sound to noise sensitive rooms within dwellings.
- Sufficient sound insulation with reasonable resistance to airborne sounds and impact sounds shall be installed in all walls and floors between and within dwellings, and between dwellings and public and/or communal areas.
- Residential developments should be adequately separated from major sources of noise, such as road, rail and certain types of development. Mitigation will be required where the noise environment necessitates this. Noise exposure categories will be used to assess applications. New residential development should wherever possible be sited away from noise generating land uses.
- Proposals for residential development adjacent to railway lines (or other sites that may be subject to vibration) should incorporate adequate mitigation to ensure a good standard of amenity for future occupants.

10.40 The proposed residential units would be located to the rear of nos. 112-114 Islington High Street, which have retail units (A1 use) on the ground floor and flats on the upper floors, which are considered to have an acceptable noise impact on future occupiers. However, as described above the proposal shares the rear garden with the existing restaurant at no. 106 Islington High Street to the south, which has ancillary external areas, which are publicly accessible.

10.41 Concerns were raised in the consultation process from neighbours in relation to the impact on the future occupiers of the residential units, with both odour and noise, from this restaurant. The Council's Pollution Officer raised concerns in relation to the potential noise impact. The Officer confirmed that there have been a number of complaints (6 since May 2017) in relation to loud music and nuisance, and is currently liaising with the licensee to resolve this matter to mitigate these issues. The premises is currently licensed to play live and recorded music until midnight (00:00) Monday to Saturday and 23:30 on Sundays and opening hours until 01:30. The only noise condition requires doors and windows to be

closed during entertainment. The Pollution Officer has confirmed that the existing complainant is considerably further away than the proposed units and not structurally linked.

- 10.42 Positioned to the rear of no. 112 Islington High Street, and adjacent to the proposed residential units, there is also the building services plant for kitchen extraction and air conditioning which serve the restaurant. The Pollution Officer has considered that it is unclear how the sound from these existing air conditioning units would be mitigated for the occupiers of the proposed units. As such, given the proximity to the restaurant and this external plant equipment, the Pollution Officer has objected to the proposal.



Image 10: View of existing plant equipment to rear of no. 112 Islington High Street

- 10.43 Part C of policy DM3.5 states that 'The minimum requirement for private outdoor space is 5m² on upper floors and 15m² on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1m² is required on upper floors and an extra 5m² on ground floors up to a minimum of 30m² for family housing (three bedroom residential units and above)'. The provision of 15 sqm for each of the proposed residential units is considered to be acceptable.
- 10.44 One of the reasons for refusal of the previous application (ref. P2016/4824/FUL) was that 'the proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers'.
- 10.45 It is considered that overall, given its proximity to the adjacent restaurant, the orientation of the site, and the position of the west elevation relative to the external staircase and main building, the proposal would result in poor outlook and a general unacceptable standard of accommodation for future occupiers and its proximity to noise sensitive adjacent Town Centre evening uses and adjacent air conditioning units. As such the proposal is considered to be contrary with the objectives of policies DM3.4, DM3.7 and DM6.1 of the Development Management Policies (2013) and the objectives of the Conservation Design Guidelines.

Neighbouring Amenity including Sunlight and Daylight

- 10.46 The proposal would create a two storey residential building and a single storey outbuilding to the rear of nos. 112 and 114 Islington High Street.
- 10.47 Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.48 The property sits within the shared garden with adjacent restaurant to the south, and to the rear of the ground floor retail units with residential flats on the upper floors of nos. 112-114 Islington High Street. No daylight and sunlight report has been submitted to assess the impact to existing windows within surrounding buildings which face onto the site. The applicant's supporting documentation notes that the windows at no. 112-113 Islington High Street generally serve storage, WC facilities or circulation (staircases) and as such no daylight/sunlight issues are presented as a result of the proposed development.
- 10.49 However, the upper floors at nos. 112-114 Islington High Street serve residential, habitable rooms. Sections have been provided, and as the proposed development is set below the rear first floor window which serves a habitable room, it is considered that there would not be any loss of daylight/sunlight or overshadowing to neighbouring properties.
- 10.50 Mitigation would be required to ensure that the proposal would not result in any significant noise issues to neighbouring properties, and between the proposed residential units. Whilst this detail could be secured by condition (should the application approved) these matters are likely to be considered within the Building Regulation process.
- 10.51 Paragraph 2.14 in the Development Management Policies (2013) states 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy'. In this instance, it is considered that there would be no privacy issues given the rear facing windows on nos. 112 and 114 Islington High Street relate to the ground floor commercial units. The building is so close to the rear of 112-114 Islington High Street views to windows above this level would be so acute as to render overlooking impossible.
- 10.52 In summary the proposal would not conflict with the aims of Policy DM2.1 of the Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Accessibility

- 10.53 The proposal would be accessed from the existing entrance from Islington High Street, which provides access to the upper floor flats at the host properties. The residential units would be accessed via the rear door of the rear elevation of no. 112 Islington High Street and the proposed external staircase, linking the host properties with the new residential buildings.

- 10.54 Policy DM2.2 states 'all developments shall demonstrate that they:
- i) provide for ease of and versatility in use;
 - ii) deliver safe, legible and logical environments;
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
 - iv) bring together the design and management of a development from the outset and over its lifetime'.
- 10.55 In addition, the Inclusive Design SPD and Part F i) of Policy DM3.4 states 'the overall approach to all entrances should be logical, legible and level or gently sloping'. Part F iii) states 'common entrances should:
- be visible from the public realm, clearly identified, illuminated and have weather protection;
 - have a door with 300mm of clear space to the pull side and a clear minimum opening width of 1,000mm.
 - have level access over the threshold and a level external landing in front with space to turn a wheelchair clear of any door swing'.
- 10.56 In this instance, it is acknowledged that the street level entrance is an existing situation and used by the upper floor residential units. However, this approach is a narrow passage from the street incorporating several changes in level. The unit's do not provide living space at entrance level. There is a change in level within the entrance floor of both dwellings. Whilst it is acknowledged that the residential units on the upper floors benefit from the existing access from Islington High Street, there is a difference in need and expectations for level access to a commercial storage and fully self-contained residential units.
- 10.57 The Council's Access and Inclusive Design Officer notes that these are new dwellings and it is the adopted London Plan Policy that all new homes should be visitable and adaptable to: facilitate sustainable communities; enable residents to stay put for longer; and reduce premature loss of independence, unwanted moves, unsightly alterations, and loss of dignity. To that end it is expected that all new dwellings meet the standards set out in M4(2).
- 10.58 It is considered that the proposal would be contrary to policies DM2.2 and part F of DM3.4 and the objectives of the Inclusive Design SPD. It should be noted that one of the reasons for refusal of the previous application (ref. P2016/4824/FUL) was that the access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry. Once again, the assessment of the previous application is still applicable

Highways and Transportation

- 10.59 The application site is located within a highly accessible area with excellent (PTAL – 6b (the best)) public transport provision. Policy CS10 of the Islington Core Strategy 2011 stipulates that no parking provision should be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking need to meet the needs of disabled people. As the new housing development would be car free it is considered that the proposal would not result in increased traffic congestion in the area or parking problems.

- 10.60 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new residential units. Cycle parking is required to be provided at a rate of one space per every bedroom and needs to be secure, covered, conveniently located and step free. The scheme proposes 2 Cycle parking spaces, positioned between the rear elevation of no. 114 Islington High Street and the proposed residential units. Whilst it is acknowledged that this provision would not strictly accord with the requirements, as it would not be covered or step-free, however in this instance it is not considered to warrant refusal, and would generally be compliant with the requirements of Policy DM8.4 (Walking and cycling) of the Islington Development Management Policies. As such, the scheme complies with the Councils transport policies.

Trees

- 10.61 Part B of Policy DM6.5 states ‘trees, shrubs and other vegetation of landscape and/or environmental significance must be considered holistically as part of the landscape plan. The following requirements shall be adhered to:
- i) Developments are required to minimise any impacts on trees, shrubs and other significant vegetation. Any loss of or damage to trees, or adverse effects on their growing conditions, will only be permitted where there are over-riding planning benefits, must be agreed with the council and suitably reprovided. Developments within proximity of existing trees are required to provide protection from any damage during development. Where on-site re-provision is not possible, a financial contribution of the full cost of appropriate re-provision will be required.
 - ii) The council will refuse permission or consent for the removal of protected trees (TPO trees, and trees within a conservation area) and for proposals that would have a detrimental impact on the health of protected trees’.
- 10.62 An Arboricultural Impact Assessment was submitted as part of the application details. This report identified that three trees may be affected by the construction work in terms of root compaction (marked as T1, T2 and T4 on associated site plan). These include a Tulip tree (T1), a Sycamore tree (T2) and a Birch tree (T4). The Tulip (T1) and Birch (T4) are considered to be of a high amenity value (category A trees) and the Sycamore tree (T4) is considered to be of moderate amenity value (category B trees).
- 10.63 Trees are assessed and graded on their value and remaining contribution. Retention categories A (high value) to C (low value) are used with category U denoting trees to be removed.
- 10.64 The report identifies that tree protection fencing is recommended to protect the rooting area of the aforementioned trees. The Council’s Tree Preservation Officer has reviewed the Arboricultural Impact Assessment and agrees with its conclusions. He has recommended that a condition is attached to any approval, requiring these measures to be implemented in full and an informative to contact the Tree Preservation Officer during the construction period.
- 10.65 It is therefore considered that the proposal would address the previous reasons for refusal in regards to trees and be compliant with policy DM6.5 of the Development Management Policies (2013), subject to the above recommendations.

Refuse Facilities

- 10.66 The submitted drawings do not show the provision of refuse and recycling. However, it is considered that this would not warrant refusal of the application and could be conditioned for the submission of further details in the event that the application were in a position to be approved.

Sustainability

- 10.67 Policy DM7.1 provides advice in relation to sustainable design and construction, stating 'Development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development'.
- 10.68 Part B and C of Policy DM7.2 are considered relevant stating 'minor new-build residential developments of one unit or more are required to achieve an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010 (equivalent to Code for Sustainable Homes level 4), unless it can be demonstrated that such provision is not feasible' and 'all remaining regulated emissions from minor new-build residential and non-residential developments of one unit or more, not dealt with by on-site measures, will be offset. Developments will be required to pay the full cost of CO2 offsetting, unless it can be demonstrated that this is not feasible, in which case the maximum feasible payment for offsetting will be required. Such payments will be addressed through a Section 106 legal agreement'.
- 10.69 In addition, the proposal would include the provision of a green roof to the residential properties which is welcome and is considered compliant with policy DM6.5 of the Development Management Policies (2013).
- 10.70 In this instance, in terms of Policy DM7.2 an in accordance with the Environmental Design SPD, the proposal would be liable for the payment of £3,000 for carbon-offsetting. Whilst no information has been provided within the submitted planning application in terms of carbon off-setting and sustainable measures generally, the applicant has agreed to pay the full payment for carbon off-setting. It is considered that the lack of information would not warrant refusal and could be conditioned if all of the other issues were considered acceptable.

Affordable Housing

- 10.71 In accordance with the Affordable Housing Small Sites Contributions SPD the Council requires an agreement to pay a contribution towards the costs of providing affordable housing within the Borough. Islington's Core Strategy policy CS12 Part G, which states that schemes below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.72 Paragraph 3.0.5 of the SPD states 'in line with the evidence base, the council will expect developers to be able to pay a commuted sum of £50,000 per unit for sites delivering fewer than 10 residential units in the north and middle parts of the borough, and £60,000 for sites south of Pentonville Road/City Road'. The proposal would therefore be liable for the payment of £100,000.

- 10.73 In this instance, the applicant has confirmed agreement to pay the full payment for the two residential units. In the event that the application was to be approved the payment would be required to be secured by way of a Unilateral undertaking and therefore this payment/agreement would directly address one of the reasons for refusal of the previous application.

Other Matters

- 10.74 The proposal would alter the existing fire escape used by no. 116 Islington High Street. As part of the application concerns were raised within the consultation period from neighbouring properties. However, the London Fire Brigade confirmed that they were satisfied with the proposal but recommended the use of a sprinkler system. Whilst no sprinkler system is proposed, and would be conditioned if all other aspects of the scheme were considered acceptable.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal is for the erection of a two storey detached building, to provide 2 x 1-bedroom residential units, and a single storey outbuilding to replace an existing furniture storage building, positioned to the rear gardens of nos. 112-114 Islington High Street. This would also include the provision of external amenity space and external staircase associated with the residential units, and would involve the alteration of the existing fire escape to no. 116 Islington High Street.
- 11.2 The principle of the provision of residential accommodation and furniture storage is considered acceptable. This is due to the existing ground floor units not being altered and it would result in a minimal loss of the A3 floorspace on site, at 4.5 sqm, and the refusal of this application on this loss would not be warranted.
- 11.3 Whilst the proposed single storey outbuilding for furniture storage is considered acceptable in design terms, the statutory duties under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not met in relation to the proposed two storey residential building. It is considered that this element of the proposal, by virtue of its excessive scale, its form, position and materials would not be subordinate to the host building and would result harm to the character and appearance of the conservation area and the adjacent locally listed buildings. Whilst it is acknowledged that the scheme would result in less than substantial harm and would provide public benefits through the creation of two residential units (and payment of small sites contribution to affordable housing). It is not considered that these public benefits would outweigh this harm.
- 11.4 Due to the orientation of the proposed two storey building, the position of the windows to the west elevation and the proposed external staircase, its proximity to noise receptors including the existing restaurant to the south, it is considered that the proposal would provide poor living conditions for future occupiers.
- 11.5 The proposed access to the proposed residential units located to the rear of the site fails to deliver a legible and logical approach and entry.
- 11.6 The proposal is considered compliant with the requirements of financial contributions in relation to affordable housing and carbon off-setting, and being a car-free, which the applicant has confirmed their agreement.

- 11.7 The development is considered to be contrary to 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 refusal

Conclusion

- 11.6 It is recommended that planning permission be refused for the reasons set out in Appendix 1 - RECOMMENDATION.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be refused for the following reasons:

REASON 01: The proposed 2 no. 1 bedroom residential units provide a poor standard of internal living accommodation by reason of their single aspect nature resulting in a poor outlook. The units would therefore fail to provide an adequate living environment for prospective occupiers. The proposal is therefore considered contrary to the London Plan 2016 policy 3.5 and 3.6, policy CS12 of Islington's Core Strategy and policies DM3.4 (Housing Standards), DM 6.1 (Healthy Developments) & DM 3.7 (Noise and vibration (residential uses) of the Islington Development Management Policies 2013.

REASON 02: The construction of a two storey standalone building to the rear of the site represents an inappropriate and overdevelopment of the site by reason of the overall scale and massing of the proposed development. The development, by reason of the proposed bulk, scale and massing, would fail to be subordinate to, and would not respect or respond positively to, the existing buildings and would form dominant and discordant feature within the surrounding conservation area and wider urban setting. The proposed development is therefore considered to be contrary to policies DM2.1 and DM2.3 of the Islington Development Management policies 2013 and the Islington Urban Design guidance 2017.

REASON 03: The access to the proposed two residential units located to the rear of the site fails to deliver a legible and logical approach and entry contrary with policy DMP 2.2 (Inclusive Design) of the Islington Development Management policies 2013 and Islington Inclusive SPD.

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 and Planning Policy Guidance (PPG) seek to secure positive 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, Islington Core Strategy 2011, and Development Management Policies 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 5.3 Sustainable design and construction
Policy 5.11 Green roofs and development site environs
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.4 Local Character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 5 – Angel and Upper Street
Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design
Policy CS12 – Meeting the housing challenge
Policy CS14 – Retail and services

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM3.1 – Housing mix
- Policy DM3.3 – Residential conversions and extensions
- Policy DM3.4 – Housing standards
- Policy DM3.5 – Private outdoor space
- Policy DM3.7 – Noise and vibration (residential uses)
- Policy DM4.4 – Promoting Islington's Town Centres

- Policy DM4.5 – Primary and Secondary Frontages
- Policy DM6.1 – Healthy Developments
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

3. Designations

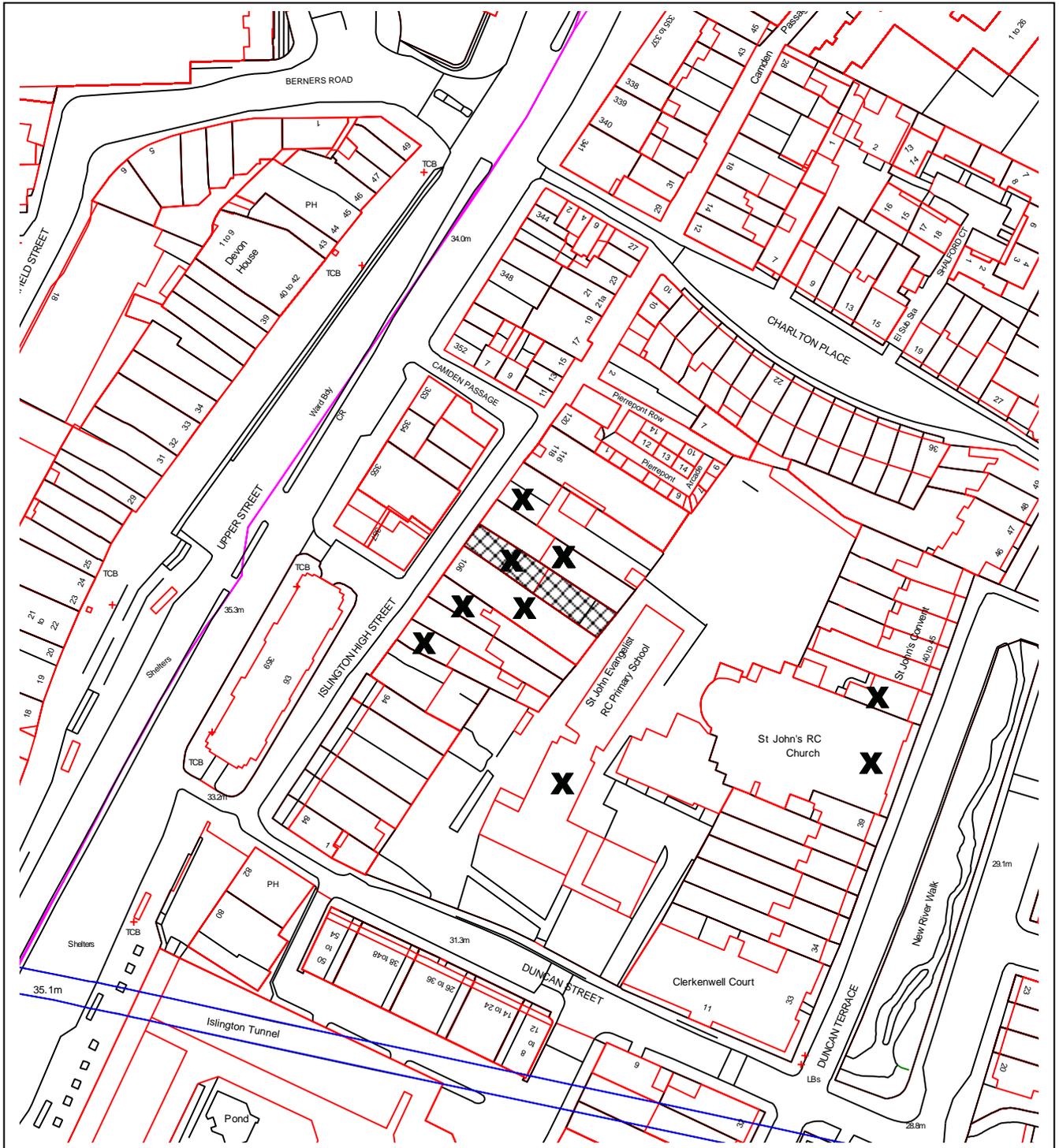
Archaeological Priority Area
Core Strategy Key Area – Angel and Upper Street
The Angel Conservation Area
Central Activities Zone (CAZ)
Cycle Routes (Strategic)
Angel Town Centre
Angel Primary Retail Frontages
Crossrail 2 Rail Safeguarding
Within 100m of TLRN road
Within 50m of Duncan Terrace/Colebrook Row Conservation Area

4. SPD/SPGS

Urban Design Guidelines 2017
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design SPD
Housing SPG
Affordable Housing SPD

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B3
Date:	31 October 2017	NON-EXEMPT

Application number	P2017/1889/FUL
Application type	Full Planning Application
Ward	Finsbury Park Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Article 4 Direction – Office to Residential Mayor Cycle Route Development Management Policies DM5.1, DM5.2 & DM5.4 – Employment Growth Area Seven Sisters Road – Local Shopping Area Within 100m of TLRN Road
Licensing Implications	None
Site Address	146 Seven Sisters Road, London, N7 7PL
Proposal	Demolition of existing commercial unit (B2). Construction of building over basement and four upper storeys to provide three storeys of B1(a) commercial space (490sqm) on the basement, ground and first floors and two storeys of residential (C3) accommodation at the second and third floor levels comprising one x 2-bedroom 4 person flat, two x 2-bedroom 3 person flats and two x 1-bedroom 2 person flats to create 5 self-contained units. Provision of cycle storage and refuse facilities and associated alterations.

Case Officer	Emily Benedek
Applicant	Mr and Mrs Vinod Taank
Agent	Stratagem Planning Consultants Ltd - Dr Mark Matheson

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1; and
2. Subject to 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

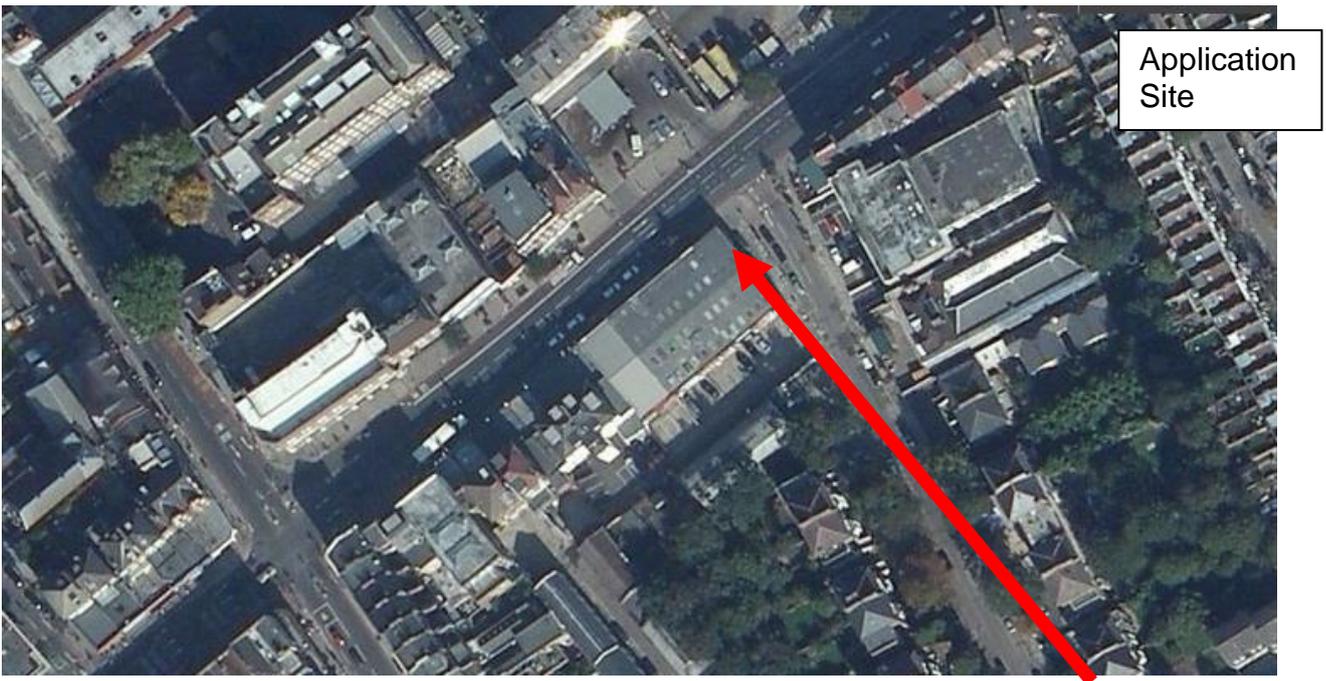


Image 1: Aerial view of the application site



Image 2: Image of the front of the site from 140-146 Seven Sisters Road

Application Site



Image 3: View of the site looking east towards Thane Villas from Seven Sisters Road



Image 4: View of the site looking west towards Hornsey Road



Image 5: View of the rear of the site from Thane Villas

4. SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing commercial unit (B2 Use Class), which is currently vacant but was last used as a print works, and the construction of a four-storey building over basement to provide three storeys of B1(a) commercial space on the basement, ground and first floors and two storeys of residential (C3) accommodation comprising one x 2-bedroom 4 person flat, two x 2-bedroom 3 person flats and two x 1-bedroom 2 person flats. Provision of cycle storage and refuse facilities and associated alterations.
- 4.2 The application is brought to committee because one objection was received and the proposal is providing 5no. residential units.
- 4.3 The issues arising from the application are the principle of new office floorspace and new residential dwellings, the quality of the new residential accommodation, the impact of the development on the character and appearance of the street scene and wider locality, and the impact on the neighbouring amenity of the adjoining and surrounding residential properties.
- 4.4 The design of the proposal is considered to be acceptable, as it is contextually appropriate and would create a new frontage at the junction of Seven Sisters Road and Thane Villas. Whilst the application site is the first property in this row of terraces to be redeveloped and would be taller than the adjoining commercial properties, it does not detract from the character and appearance of the street scene or wider locality. The principle of the creation of new office floorspace is considered to be acceptable, and whilst it would result in the loss of B2 floorspace, the proposal can be justified on the basis that there will be an uplift of 180sqm of business floorspace in a designated Employment Growth Area. The new residential units are considered acceptable in terms of their size and design and would provide an acceptable standard of living space for future occupiers. The proposal would not detrimentally impact on the amenity of the neighbouring properties, due to the

relationship of the proposal with the neighbouring commercial properties and there are no habitable room windows within close proximity of the site.

4.5 The proposal is therefore considered to be acceptable subject to planning conditions and the completion of a legal agreement and it is recommended that the application be approved.

5. SITE AND SURROUNDING

5.1 The site is located on the south side of Seven Sisters Road and forms the end unit within a row of two storey commercial premises and has a flank elevation onto Thane Villas. The site has a rear vehicular access way which serves all of the commercial units and provides informal parking. The unit is currently vacant but was most recently in use as a Mini Cab office (Sui Generis) to the front of the ground floor with a printworks (B2 Use Class) occupying the majority of the ground floor and the whole of the first floor, including ancillary office space and comprising of an area measuring 310sqm.

5.2 This part of Seven Sisters Road is characterised by commercial ground floor units with residential accommodation above. The row in which the site is located forms a two storey row of five commercial premises. To the south west it adjoins a single storey row of shops with residential accommodation up to three storeys in height set behind these. Opposite the site there are two properties at four and five storey height and an ex-car wash/valet forecourt area with a three storey height building to the rear which forms one of the Council's Allocated sites for Student accommodation and retail floor space (Site FP7) and appears to currently be being redeveloped. To the north east of the site on the opposite side of Thane Villas is a part three storey, part four storey residential building with a roof terrace and a front parking area fronting onto Thane Villas. The corner opposite the site consists of a ground floor Public House with external seating area and set back from this a four storey row of terraced properties. Image 6 below highlights the uses of the properties surrounding the application site.



Image 6: Map showing the uses of the properties surrounding the application site

5.3 The site is located within an Employment Growth Area and close to both Nags Head and Finsbury Park Town Centres. The site not located within a conservation area and the building is not listed. Nos 3-5 Thane Villas, to the south-east of the site, is Grade II Listed. The site is located within a local shopping area.

6. PROPOSAL (in Detail)

6.1 The application proposes the demolition of the existing commercial unit (B2) and the construction of a new building over basement with four upper storeys to provide three storeys of B1(a) commercial space over basement, ground and first floors (measuring 490sqm) and two storeys of residential (C3) accommodation comprising 5 self-contained units (one x 2-bedroom 4 person flat, two x 2-bedroom 3 person flats and two x 1-bedroom.2 person flats).

6.2 The proposed building would be larger than the building it is replacing and would measure a maximum of 11 metres in width, 25.5 metres in depth and 14.15 metres in height to the top of the pitched roof. The new building's rear building line would project beyond the neighbouring attached building at No 148 Seven Sisters Road by 4 metres at all levels. The replacement building will follow the existing front building line with Seven Sisters Road and Thane Villas and will have a chamfered frontage at the junction with these two roads. The building will be of traditional design and constructed from a light brick palette, with double glazed aluminium windows and a slate roof. It is proposed that the lift overrun will be incorporated within the main building.

6.3 It is proposed that a total of 490sqm of B1(a) commercial floor space will be provided at the basement, ground and first floor levels which will represent an uplift of 190sqm from the current provision.

6.4 The 5no. residential units will be located at the second and third floor levels and will provide 3no. 2 bedroom units and 2no. 1 bedroom units. With the exception of unit 2, all the self-contained units will be dual aspect whilst only units 4 and 5, located at the third floor level, will benefit from private outdoor amenity space in the form of roof terraces.

6.5 The development will provide 18no. cycle parking spaces for the office accommodation and residential units, which will be provided in one internal storage area. In addition, refuse and recycling facilities will be provided for the commercial and residential uses. These facilities will be located at the ground floor level. A loading bay for servicing and deliveries will also be provided to the rear of the site.

6.6 The application is recommended for approval subject to conditions and the completion of a legal agreement for small sites contributions including £115,000 towards affordable housing and £5,000 towards carbon off-setting.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

7.1 P2015/4146/FUL - Demolition of an existing two storey commercial building (Use Class B1 and Sui generis); and construction of 4 storey over basement building comprising office (Use Class B1) over basement and ground floors and 7 residential units (Use Class C3) at first, second and third floors (1 x 1 bedroom, 4 x 2 bedroom 2 x 3 bedroom flats). Refused (18/12/2015).

Reasons for Refusal:

- 1) *REASON: The application site is located in an Employment Growth Area. Proposals for redevelopment in this location are required to incorporate the maximum amount of business floorspace reasonably possible on site. However, no evidence has been provided to demonstrate that this has been achieved and the application therefore fails to comply with policy DM5.1, part A i. of the Adopted Development Management Policies (2013).*

- 2) *REASON: The proposed development by reason of its inappropriate detailed design, scale, massing, height and proportions fails to form a contextual response which relates poorly to the existing street scene and is considered to have a detrimental impact on the character and appearance of the locality. The proposed building is considered to create a visually dominant and discordant feature when viewed from the public realm. The proposal fails to accord with policies CS8 and CS9 of the Adopted Islington Core Strategy (2011), policy DM2.1 of the Adopted Islington Development Management Policies (2013) and Islington's Urban Design Guide (2006).*



Image 7: Visual image of the previously refused scheme as viewed from the junction of Seven Sisters Road and Thane Villas



Image 8: Visual image of the previously refused scheme as viewed from Thane Villas

- 7.2 P2015/2177/FUL - Demolition of an existing two storey building comprising commercial (Use Class B1) and Sui generis, and construction of a part four/part five storey over basement building comprising retail (Use Class A1) over basement and ground floors and 8 no. residential units (Use Class C3) above (2 x 1 bedroom, 3 x 2 bedroom 3 x 3 bedroom flats). Withdrawn (18/08/2015).
- 7.3 P2014/1896/PRA - Prior Approval application for change of use of the first floor of the building from Use Class B1[a] office to 4 residential units Use Class C3 [comprising of 3 X studios & 1 X 1-bedroom). Prior approval required and refused (08/07/2014).

Reason for Refusal:

REASON: In accordance with The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014, the provisions of (amended) Paragraph N (2A) the Local Planning Authority refuses this application as in its opinion, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with [restrictions J.1.(b) - the building was used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013] specified in this Part as being applicable to the development in question.

- 7.4 P2014/0512/FUL - Demolition of existing building and erection of 4 storey building incorporating B1 use at ground and first floor and creation of four flats (2 x 2 bed, 1 x 1 bed and 1 x studio). Withdrawn (16/09/2014)
- 7.5 P2013/0362/FUL - Two-storey vertical extension, and change of use of first floor from commercial, class B1, to residential, to create 7 new flats above a ground floor printworks in a four-storey building. Withdrawn (27/03/2013)
- 7.6 P101417 - Change of use to a mini-cab office at ground floor level. Approved (28/09/2010).

ENFORCEMENT

- 7.7 E/2016/0196 - Without planning permission, the material change of use of the premises to self-contained flats. The premises were investigated and it was ascertained that the property was not in use as flats. Therefore, there has been no breach of planning and no further action was taken.
- 7.8 E12/061111 - Erection of decking and canopy for smoking shisha. The premises were investigated by the Planning Enforcement Team and no further action was taken. The case was closed on 23/05/13 and this case has not been investigated further.

PRE-APPLICATION ADVICE:

- 7.9 Q2016/2080/MIN - Demolition of an existing two storey commercial building and construction of a 4 storey over basement mixed use building comprising office at basement, ground and first floors and residential at first, second and third floors containing 7 new units. Advice provided 08/07/2016 in relation to the redevelopment of 144 and 146 Seven Sisters Road.
- 7.10 Concerns were raised at the pre-application stage that the proposal was not business led and did not provide an appropriate uplift of business floorspace in an Employment Growth Area. The scheme submitted at the pre-application stage did not maximise the business floorspace possible on either site (Nos 144 & 146) or combined and there was insufficient justification provided to overcome this deficiency. It was considered that individually, schemes of this magnitude would not be required to provide residential uses and therefore development of the sites should seek to be predominantly business/commercial based with only limited residential floorspace included at the top floors where residential amenity would benefit most.
- 7.11 With regards to design the scheme proposed to add two storeys – one full and one slightly recessed storey to this corner site. Concern was raised with regards to the height and prominence of the top floor. It was considered that a three storey building with recessive fourth floor may be acceptable if the fourth storey were recessed on all sides so as to minimise the jump in height between the proposed building and adjacent lower ones. It was acknowledged that the proposed hip roof was designed to use the architectural vocabulary of Thane Villas, however, it further increased the bulk of the building and is of an incongruous shape in relation to the proposed footprint and context. It was recommended that significant redesign is required to address the above matters and should be explored through further pre-application advice.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 170 occupants of adjoining and nearby properties at Seven Sisters Road, Thane Villas and Thane Works, on 26 May 2017. A site notice was displayed outside the site on 21 July 2017. The public consultation of the application expired on 8 August 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of three letters of support and one letter of objection were received in respect of this application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- The plot frontage will appear too tall, crowded and out of scale (**See paragraph 10.12-10.13**);
- Proposed density is excessive and inappropriate for the locale (**See paragraphs 10.7-10.8**)
- Proposal will create an imbalance within the parade and could lead to further infilling (**See paragraphs 10.12**)
- Design will dominate the aspect of the road and compromise the street scene unduly (**See paragraphs 10.10-10.18**)
- Proposal will not add to local amenity (**See paragraphs 10.28-10.32**)
- Increased traffic congestion as a result of the removal of parking space (**See paragraphs 10.38-10.39**).

Internal Consultees

- 8.3 **Planning Policy:** No comment.
- 8.6 **Design and Conservation Officer:** No objection subject to conditions relating to materials.
- 8.7 **Inclusive Design:** Raised concerns over access to the apartments and the bathroom layouts in each of the proposed new flats. Proposal will need to comply with Category 2 Housing.
- 8.8 **Transport Planning Officer:** No comment.
- 8.9 **Sustainability:** No comment.
- 8.10 **Noise Officer:** No objection subject to conditions relating to sound insulation, plant equipment, air quality and the provision of a construction environment management plan.
- 8.11 **Energy and Energy Efficiency:** No comment
- 8.12 **Refuse and recycling:** No comment.

External Consultees

- 8.13 **Transport for London (TfL):** No objections subject to conditions relating to a Construction Logistics Plan and a Deliveries and Servicing Plan
- 8.14 **Metropolitan Police:** Raised concerns about access via the bin store/cycle store
- 8.15 **London Fire and Emergency Planning:** No comment

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 and Planning Policy Guidance (PPG) seek to secure positive 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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Appearance
- Quality of Proposed Residential Accommodation
- Accessibility
- Neighbouring Amenity
- Basement
- Highways and Transportation
- Sustainability
- Refuse
- Small Sites Affordable Housing

Land Use

- 10.2 The proposal results in the creation of 3 no. 2 bedroom and 2 no. 1 bedroom residential units across the second and third floor level and an overall uplift in B1 office floorspace across the site of 180 square metres. This is achieved through the creation of 490 square metres of office floorspace proposed at basement, ground and first floor levels through the redevelopment of the site.
- 10.3 The site is located within an Employment Growth Area. Part A of Policy DM5.1 is clear that proposals for redevelopment are required to incorporate the maximum amount of business floorspace reasonably possible on site. Part F of Policy DM5.1 sets out that new business floorspace must be designed to: i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses, and ii) provide full separation of business and residential floorspace, where forming part of a mixed use residential development. Development

Management policy DM5.4, part B, is clear that within Employment Growth Areas proposals for the redevelopment of existing low value workspace must incorporate an equivalent amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises.

- 10.4 The proposal will be providing three floors of B1 floor space representing a total of 490 square metres. It should be noted that the previously refused applications failed to provide an uplift of B1 floor space and therefore the net gain of 180 square metres of commercial floor space in this location is welcomed. Furthermore, the applicant has indicated on the plans the possibility of the flexible division of the workspace thereby providing suitable accommodation for micro and small enterprises in compliance with policy DM5.4. The uplift in business floorspace is welcomed and directly addresses the previous reason for refusal.
- 10.5 The surrounding area is a mix of commercial and residential and in pure land use terms the uplift of office floorspace and creation of 5 no. residential units is considered to enhance the character and vitality of the local area and appropriately support both employment and residential growth. The proposal represents an appropriate and welcome mix of uses on the site which is supported in policy terms. The proposal will increase the intensity of the site in a central location.
- 10.6 The proposed new B1 floorspace across the site has independent access at each level. The separation of business and residential floorspace is achieved by maintaining one use on each floor. The design of the proposed floorspace is considered to meet the requirements of policy DM5.1 and the needs of small or micro enterprises as required by policy DM5.4.

Density

- 10.7 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 5 new residential dwellings comprised of 13 habitable rooms (hr). Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area.
- 10.8 The site covers an area of approximately 0.02 hectares, has a public transport accessibility level (PTAL) of 6b (Excellent) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 45-185 u/ha or 200-700 hr/ha. The proposed development has a residential density of 650 hr/ha. The provision of residential development is in keeping with the local context and ensures that the proposal is not considered to result in an overly dense development.

Design and Appearance

- 10.9 The scheme proposes the demolition of existing commercial unit (Use Class B2) & mini cab office (Sui Generis) and construction of a new 4 storey building over basement to provide three storeys of B1(a) commercial space on the basement, ground and first floors and two storeys of residential (C3) accommodation above that. It is also proposed that the cycle parking facilities and refuse and recycling facilities will be located internally within the building, at the ground floor level.

10.10 Paragraph 5.67 of the Islington Urban Design Guide (2017) states that,

'New development should create a scale and form of development that relates to the existing built form and provides a consistent and coherent setting for the space or street that it defines or encloses, while also enhancing and complementing the local identity of an area. The nature of the existing street frontage will therefore normally determine the extent of potential development.'

The existing building is low-scale and is considered to be an inefficient use of the land which fails to maximise the full potential of the site and is considered to be visually poor. The application site forms part of a row of two storey terraced properties that are of similar height and design. However, the properties surrounding the site vary in terms of their height, ranging from single storey properties to the rear at 2-4 Thane Villas to five storey residential buildings located on the north side of Seven Sisters Road, immediately opposite the site. It is considered that the application site sits within the transitional stage between the low rise buildings to the south of the site and the higher rise buildings to the north. In addition, the site is a corner property and would be appropriate in this busy main thoroughfare location. It is therefore considered that the creation of a larger scale building is acceptable in this location.

Height, Scale and Massing

- 10.12 The proposed application seeks to project 4 metres beyond the existing rear building line with the neighbouring properties at Nos 140-144 Seven Sisters Road at all levels. The Design and Conservation officer raised no objections to this aspect of the proposal and considered that as this is an important end block it is important to provide definition within the street scape as the application site is located at the end of a terrace and has two frontages on Seven Sisters Road and Thane Villas. However, they did note that the increased height and depth of the building, in comparison to the neighbouring properties, could not be justified on future proposals along this parade and each application would be considered on its own merits.
- 10.13 Concerns have been raised by objectors with regards to the mass and bulk of the proposal. The mass and bulk of the proposal have been reduced compared to the previous refusal scheme (see Image 9 below) which was considered to be chunky in its appearance and of irregular form. The previous application proposed an overhang at the first and second floor levels and a bulky roof design which would look at odds with the surrounding properties and the townscape generally. The previous application measured 11 metres in width and 12 metres in height whilst the current proposal measures 11 metres in width and 14.2 metres in height. Although the height of the building has increased since the previous refusal, this is offset by a more uniform design and the pitched roof which slopes away from the road and neighbouring building reduces the apparent bulk further. As noted in paragraph 10.12 above, the bulk and massing of the proposal is considered appropriate in this location given that it relates to a corner property and provides a suitable transition between the larger scale buildings to the north of the site and the smaller buildings to the south.



Image 9: Comparative drawings of the previously refused and proposed schemes facing Seven Sisters Road

Detailed Design

- 10.14 Council design guidance often encourages the creation of contemporary style buildings, especially when located in a prominent corner location. Paragraph 5.78 of the Islington Urban Design Guide states that ‘high quality contemporary designs will normally be sought that are skilfully woven into their context and that respect the rhythm, scale and proportions of the existing street frontage.’ The previous application (reference P2015/4146/FUL) proposed a more modern design approach, however, as noted in the reasons for refusal, the scale, mass, bulk and detailed design of that scheme failed to provide a contextual response to the surrounding area. Images 10 - 12 below show comparative drawings of the previously refused scheme and current application scheme. The proposed scheme has been scaled down in terms of its design whilst still maintaining a modern appearance to the building. The proposal will maintain an open frontage at the ground floor level with large modern glazed windows. The glazing on first and second floor levels was increased during this application and would be set within the zinc reveals to give the illusion of larger windows which improves the overall appearance of the building, as well as providing uniformity which was lacking in the previously refused scheme. The Design and Conservation officer also considers that the roof form of the proposal could be said to be an interpretation of the pitched and hipped villas which survive towards the south-west end of the urban block and is therefore more acceptable than previous refusal.



Image 10: Previously refused and current application schemes as viewed from the junction of Seven Sisters Road and Thane Villas



Image 11: Previously refused and current application schemes as viewed from Thane Villas



Image 12: Previously refused and current application schemes as viewed from Seven Sisters Road looking towards the junction with Thane Villas

- 10.15 Minor amendments have been made to the proposal since the application was submitted, following recommendations made by the Design and Conservation officer. These included the removal of the side dormer which incorporated the lift over-run and staircase which were considered inappropriate. It is now proposed that these features are incorporated into the body of the main building so as to be invisible from the street including long views from adjacent streets and would ensure compliance with the design considerations set out in paragraph 5.193 of the Islington Urban Design Guide.
- 10.16 It is proposed that the only outdoor amenity space will be provided at the third floor level and will take the form of cut-away terraces into the proposed roof form. The terraces will be located behind the parapets and will therefore be minimally visible from the street scene. It is also acknowledged that the surrounding properties do not benefit from projecting terraces and was therefore previously considered that balconies at the lower level would be inappropriate in this location in visual terms.

Materials

- 10.17 In terms of materials it is proposed that the majority of the building will be constructed in brick. The properties surrounding the site are predominantly built from brick and comprise a variety of red and yellow bricks. The applicants are proposing an amalgamation of these bricks, although final details will be submitted at the conditions stage. It is proposed that the roof and window reveals will be constructed of zinc, which is considered a lightweight material, to match the contemporary nature of the building. The materials proposed are considered appropriate in relation to the surrounding properties and will enhance the appearance of the building. Conditions are recommended to ensure details of the proposed materials are submitted to the Local Planning Authority prior to the commencement of works on site.
- 10.18 Although larger than the surrounding properties, it is considered that the mass, bulk, height and detailed design of the proposed building in this location is considered acceptable. It is considered that the existing building is very poor in design terms and the proposal would significantly enhance the character and appearance of this section of Seven Sisters Road and serve as a template for further high quality designed schemes in the surrounding area. The proposal would comply with policies CS8 and CS9 of the Core Strategy, policy DM2.1 of the Development Management Policies and the Islington Urban Design Guide (2017) and is therefore considered acceptable for this reason.

Quality of Proposed Residential Accommodation

- 10.19 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards. The proposed residential units would exceed the minimum required floor space as set out in the London Plan (2016) and the Development Management Policies.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Amenity Space	Minimum Required Amenity Space	Storage	Minimum Required Storage Space
1	2/3	61	61	0	6	0.95	2
2	1/2	50	50	0	5	1	1.5
3	2/4	79	70	0	7	1.12	2.5
4	1/2	50	50	7.95	5	1.2	1.5
5	2/3	64	61	10.65	6	1.12	2

- 10.20 A sunlight analysis was submitted with the application and it is considered that the proposed residential units will have a good level of outlook with access to natural light and ventilation, including full height windows in all habitable rooms. Whilst it is noted that Flat 2 (one-bedroom unit) would have a single aspect outlook, the main habitable rooms will be largely glazed and this is therefore considered acceptable. The proposed residential units fall short of the minimum storage space requirements, however, there is sufficient space within the units to provide this storage space. Therefore, a condition is proposed to ensure details of the storage space are submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the units.

- 10.21 Overall, it is concluded that the proposed development would provide acceptable living conditions to future occupiers and acceptable levels of amenity space.
- 10.22 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 5m² on upper floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre.
- 10.23 The proposed units would be located on the second and third floors however, it is only Flats 4 and 5 located on the third floor which will benefit from private outdoor amenity space and will exceed the minimum requirements. Previous proposals on this site considered the provision of front elevation balconies (projecting) however, the Design and Conservation officer considered they would not be in keeping with the character and appearance of the area. In addition, consideration is given to the otherwise good standard of amenity of these units, the constraints of the site and its dense urban location and the access to a number of areas of public open space in walking distance from the site. It would be unreasonable to refuse the application purely on this basis. Therefore, the proposal is considered to reach a balanced response with regards to the private outdoor amenity space requirements of policy DM3.5 of the Islington Development Management Policies.

Accessibility

- 10.24 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), 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 local wheelchair housing standards. The expectation is now that new residential units meet Category 2 of the National Housing Standards. A condition to secure Category 2 compliance further is proposed. However, the commercial element still needs to comply with the Inclusive Design SPD.
- 10.25 The Inclusive Design Officer also requested that provision should be made for on street parking for 1 in every 33 employees and that should be secured by way of S106 agreement. However, given the small proportional uplift in office floorspace and the sustainable location, it is not considered to be reasonable to apply this to the application.
- 10.26 The proposal is considered to generally conform to accessible standards set out within the Inclusive Design In Islington Supplementary Planning Document and conform to Policy DM2.2 (Inclusive Design) of the Development Management Policies (2013).

Neighbouring Amenity

- 10.27 The proposal would involve the demolition of the existing two-storey building and erection of a four storey building over basement with a pitched roof. The proposed building will project 4 metres in depth beyond the existing rear building line with the neighbouring property at No 144 Seven Sisters Road.

- 10.28 Part X of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.29 The property sits in a busy corner location at the junction of Seven Sisters Road and Thane Villas. The surrounding properties comprise a mix of residential and commercial uses. The application site forms part of a terrace of properties comprising Nos 140-146 Seven Sisters Road which are used for commercial purposes and are consistently two storeys in height. The proposal would potentially impact upon these properties in terms of daylight and sunlight receipt. However, it should be noted that the closest neighbouring properties at Nos 144 and 144a Seven Sisters Road do not have any windows located on the rear elevation. The closest neighbouring windows at No 142 Seven Sisters Road are located approximately 20 metres away from the edge of the application site. Given the separation distance between the nearest neighbouring windows, it is not considered that the proposal would have an adverse impact on the amenity of the occupiers of this commercial unit.
- 10.30 It is proposed that the new building at No 146 Seven Sisters Road will be of similar height (to the top of the parapet) at the building as No 146a Seven Sisters Road, to the east of the site, albeit on the opposite junction with Thane Villas. In addition, the three-storey commercial unit at No 1 Thane Villas has windows which directly overlook the application site. However, paragraph 2.14 of the reasoned justifications accompanying Development Management Policy DM2.1 states that 'overlooking across a public highway does not constitute an unacceptable loss of privacy.' A sunlight analysis has demonstrated that the proposal would not impact on this neighbouring property. Therefore, given the separation across the public highway (Thane Villas) between these two buildings, it is not considered that the proposal would have an adverse impact on the amenity of these neighbouring occupiers.
- 10.31 Located to the rear of the application site, albeit in line with No 144 Seven Sisters Road, is Nos 2-4 Thane Villas. This single storey, building (which is currently in a poor state of repair), has a pitched roof, with roof lights angled away from the application site. The proposal will be located approximately 10 metres north from this neighbouring property, at an oblique angle and given the separation distances between the two buildings, as well as the fact that these properties do not directly align, it is not considered that the proposal would have a detrimental impact on the occupiers of this unit, with regards to loss of light, overlooking and loss of privacy. Furthermore, it should be noted that Nos 2-4 Thane Villas relates to an open-planned commercial unit and the only windows that could potentially be affected are roof lights which extend the full depth of the building. Therefore, any impacts on this property are limited and not sufficient to justify refusal of the application for this reason.
- 10.32 In summary the proposal would not conflict with Policy DM2.1 of Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential and commercial amenity and is therefore acceptable in this regard.

Basements

- 10.33 The proposal would involve the construction of a basement floor which would cover the full foot print of the site. It is noted that no basement currently exists on the site. The basement is considered to conform to the guidance set out within the Basement SPD sets out the relevant guidelines for mixed use developments in paragraphs 7.1.16.

10.34 Paragraph 7.1.16 of the SPD sets out:

‘On commercial and mixed use redevelopment schemes with proposed basements, the extent of basement development should be commensurate to the site context and building design. Sites within commercial areas such as the Central Activities Zone often contain buildings built to boundary. Any basement component of the scheme should be designed to avoid adverse impacts to sensitive sites, building, trees and other structures that may be affected by the construction of the proposed development.

10.35 The proposed basement level which will provide B1(a) floor space is considered to be an appropriate addition to the proposed building. Whilst it is acknowledged that the basement will cover the full foot print of the site, given that the existing building covers a similar footprint and the existing site is covered in hardstanding, it is not considered to be an excessive form of development. The proposal is considered to comply with the guidance set out appendix B of the Basement SPD.

10.36 On the basis of the information supplied within the SMS, the proposal basement would comply with the Basement SPD (2016) and would not have a detrimental impact on the structural integrity of the existing terrace, or impact unacceptably on the hydrological table in the surrounding area.

Highways and Transportation

10.37 Policy CS 10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Therefore, as the proposed units would not be eligible to apply for car parking permits in the area, it is recommended that a condition is attached to any grant of consent preventing residents from obtaining further on street parking permits unless they have already held an Islington permit for in excess of one year. Therefore, the proposal will not give rise to increased on-street parking congestion. It is important to note that the plans originally included the provision of 1no. disabled parking space to the rear of the site. However, following discussions with officers it was realised that this was unnecessary. This has been subsequently revised to show a loading bay for deliveries and servicing vehicles to facilitate deliveries and servicing to the commercial aspects of the scheme. A further condition is suggested to secure the final submission of a Delivery Service Plan to be approved for the development by the council. Following comments received from Transport for London, a condition relating to deliveries and servicing is proposed to ensure this can be appropriately managed without impacting on highways safety.

10.38 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80m² of new floorspace and needs to be secure, covered, conveniently located and step free. One cycle parking space is also required for every bedroom within the residential development. The scheme proposes 10 cycle parking spaces for the commercial use and 8 cycle parking spaces for the residential units. The total provision of cycle parking accords with the requirements of Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.

10.39 Transport for London has made comments regarding the access arrangements for construction and commented that a Construction Management Plan including a site layout plan would need to be submitted. Therefore, it is recommended that a condition is attached requiring a Construction Management Plan which includes details to address the matters outlined above.

Sustainability, Energy Efficiency and Renewable Energy

- 10.40 The Sustainability statement notes that the development is designed to be energy efficient adopting sustainable design and construction measures and minimising greenhouse gas emissions. The proposal will achieve a BREEAM level of Very Good.
- 10.41 The proposal is considered to be compliant with Development Management policies DM7.1 and DM7.2. A condition is recommended to ensure sustainable targets are met in relation to carbon reduction and water efficiency.
- 10.42 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". A carbon offset contribution of £5,000 would be required, based on the five new-build flats, in accordance with the Environmental Design SPD. Subject to attached conditions and legal agreement the proposal offers a sustainable form of development.

Refuse Storage

- 10.43 In terms of waste management, refuse and recycling facilities have been provided at the ground floor level for the commercial and residential units, which will be located at the rear of the property, which is the location of the existing refuse and recycling facilities for the units on this parade and are therefore easily accessible for collection.

Small sites (Affordable Housing) and Carbon Off-setting Contributions

- 10.44 The development results in a net increase of 5 additional residential units and as such would require a financial contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the council's Supplementary Planning Document- 'Affordable housing-small sites' 2012. A viability assessment was submitted with the application stating that the proposal would be unable to pay any affordable housing contributions. This report was independently reviewed by Adams Integra who concluded that £115,000 could be paid towards affordable housing contributions as well as £5,000 towards carbon off-setting. The applicant has agreed to pay these contributions and it is understood that a signed and agreed Unilateral Agreement will be provided to the local planning authority, prior to issuing of a decision notice.
- 10.45 Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012).
- 10.46 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 affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal for the construction of a 4 storey building over basement to provide three floors of B1(a) commercial space on the basement, ground and first floors and two floors of residential (C3) accommodation comprising three x 2-bedroom 3 person flats and two x 1-bedroom.2 person flats and provision of cycle storage and refuse facilities is acceptable.
- 11.2 The provision of a mixed use scheme including additional B1 floor space and 5no. new residential units is considered to meet policy requirements and is acceptable. The uplift of 180sqm of B1 office floor space is supported in this location within an Employment Growth Area. The design of the proposal is considered to be of high quality and is acceptable due to its appropriate scale, mass, bulk and detailed design and is considered to relate well to the surrounding properties and would not detract from the character and appearance of the street scene. It is not considered that the proposal would have a detrimental impact on the amenity of any adjoining occupiers. Subject to the inclusion of conditions and a legal agreement, the proposal is considered acceptable.
- 11.3 A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for £115,000 towards Affordable Housing and £5,000 towards Carbon Offsetting will be provided to the local planning authority, prior to issuing of a decision notice.
- 11.4 As such, the proposed development 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 and the legal agreement.

Conclusion

- 11.5 It is recommended that planning permission be granted subject to conditions and 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 - RECOMMENDATION.

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:

- £115,000 contribution towards the provision of off-site affordable housing within the Borough
- £5,000 contribution towards carbon off-setting
- Car-free development

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

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 permitted shall be carried out in accordance with the following approved plans: Design and Access Statement Rev B by Douglas and King Architects, Site Location Plan, SEVs ex 001, SEVs ex 100, SEVs ex 101, SEVs ex 102, SEVs ex 200, SEVs ex 201, SEVs ex 300, SEVs ex 301, SEVs ex 302, SEVs pl 99 C, SEVs pl 100 E, SEVs pl 101 C, SEVs pl 102 C, SEVs pl 103 C, SEVs pl 104 C, SEVs pl 200 C, SEVs pl 201 C, SEVs pl 202 C, SEVs pl 300 C, SEVs pl 301 C, SEVs pl 302 C, SEVs pl 303 C, SEVs pl 400 C, SEVs pl 401 C, SEVs pl 402 C, SEVs pl 403 C, SEVs pl 404 C, Sustainability & Energy Statement dated February 2017 by Darren Evans, Planning

	<p>Statement dated May 2017, Structural Method Statement dated March 2017 by TZG Partnerships, BREEAM Pre-Assessment Report dated February 2017 by Darren Evans.</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>
3	Materials (Details)
	<p>CONDITION: Notwithstanding the approved drawings, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ol style="list-style-type: none"> a) Solid brickwork including sample panels and mortar course b) window treatment and details (including sections and reveals); c) roofing materials; d) door entrances e) any other materials to be used <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	Cycle Parking Provision Compliance
	<p>CONDITION: Prior to the first occupation of any of the dwellings hereby permitted at least eighteen secure bicycle storage spaces as shown on Plan SEVs_PL 100 E shall be provided within the site. These spaces shall be used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter into perpetuity.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
5	Construction Method Statement
	<p>CONDITION: No development (including demolition works) 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 in consultation with TFL. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so</p>

	<p>approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
6	Sustainable Design and Construction Statement
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 95 l/p/d. No implementation of the development shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority and maintained as such thereafter into perpetuity.</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>
7	Category 2 National Standard Homes
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 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 to 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> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>
8	Delivery and Servicing Plan
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so 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: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
9	Details of proposed windows
	<p>CONDITION: Notwithstanding the approved drawings, existing window profiles and manufacturers details of proposed windows shall be submitted and approved in writing by the LPA prior to construction.</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>

10	Sound Insulation
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8 \text{ hour}}$ and 45 dB $L_{max (fast)}$ Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq, 16 \text{ hour}}$ Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq, 16 \text{ hour}}$</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: For the protection of neighbouring residential amenity.</p>
11	Air Quality
	<p>CONDITION: Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:</p> <ul style="list-style-type: none"> - the area within the boundary of the site, which may exceed relevant national air quality objectives. - specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives. - identify areas of potential exposure. - detail how the development will reduce its impact on local air pollution.” <p>Regard shall be had to the guidance from the Association of London Government “Air quality assessment for planning applications – Technical Guidance Note”, the GLA’s Air Quality Neutral policy and EP-UK & IAQM’s “Planning For Air Quality” in the compilation of the report.</p> <p>REASON: For the protection of future occupiers of the residential units.</p>
12	Sound Insulation
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building 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: For the protection of neighbouring residential amenity.</p>

13	Plant Equipment
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: For the protection of neighbouring residential amenity.</p>
14	Construction Environmental Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
15	Storage Space
	<p>CONDITION: Details of the proposed storage space for the residential units shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so 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: To ensure a good level of amenity for future occupiers of the residential units.</p>
16	Refuse and Recycling (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. SEVs_PL 100 E shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Unilateral undertaking
	<p>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.</p>
3	Community infrastructure Levy (CIL)
	<p>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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
4	Details of Crittal Window profiles
	<p>The existing Crittal window profiles are a key element in the design of the building. The loss of these slim profiles could compromise the overall aesthetic of the building.</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 2012 and Planning Policy Guidance (PPG) seek to secure positive 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, 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 2016 - Spatial Development Strategy for Greater London

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and Design of Housing Developments
Policy 4.1 Developing London's Economy
Policy 4.2 Offices
Policy 4.3 Mixed Use Development and Offices
Policy 5.3 Sustainable Design and Construction
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture
Housing Supplementary Planning Guidance
Appendix 1 - Summary of the quality and design standards

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design
Policy CS 12 – Meeting the housing challenge

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM5.1 - New business floorspace

- Policy DM5.2- Loss of existing business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

3. Designations

Article 4 Direction – Office to Residential

Mayor Cycle Route

Development Management Policies DM5.1, DM5.2 & DM5.4 – Employment Growth Area

Seven Sisters Road – Local Shopping Area

Within 100m of TLRN Road

4. SPD/SPGS

Urban Design Guidelines

Small Sites Affordable Housing SPD

Environmental Design SPD

Inclusive Design SPD

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department



PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B4
Date:	31 October 2017	NON-EXEMPT

Application number	P2017/2409/FUL
Application type	Full Planning Application (Council's Own)
Ward	St Peter's Ward
Listed building	No
Conservation area	Duncan Terrace/Colebrooke Row Conservation Area
Development Plan Context	Duncan Terrace/Colebrooke Row Conservation Area Article 4(2) Duncan Terrace/Colebrooke Row Major Cycle Route Site within 100m of a TLRN Road Rail Safeguarding – Crossrail 2
Licensing Implications	None
Site Address	24 - 137 Elia Street, London, N1 8DF
Proposal	Retention of 38 front and rear replacement steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system to the residential properties at 24-137 Elia Street

Case Officer	Thomas Broomhall
Applicant	Mr Stephen Webber – Capital Investment Team, London Borough of Islington

1. RECOMMENDATION

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

1. Subject to the condition set out in Appendix 1;

2. SITE PLAN (site outlined in black)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in a south-westerly direction



Image 3: View of as installed front entrance door to 132-137 Elia Street



Image 4: View of Elia Street adjacent to junction with Sudeley Street



Elia street 30-35 - BEFORE



Elia street 30-35 - AFTER

Images 5 & 6: View of before (door open) and as installed works to 30-35 Elia Street



Image 7: View of rear elevation of Elia Street properties

4. SUMMARY

- 4.1 Planning permission is sought for the retention of 38 front and rear replacement steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system to the residential properties at 24-137 Elia Street. The previous doors were timber framed and poor quality and the currently proposed works have already been completed.
- 4.2 The application is brought to committee because it is a council's-own development.
- 4.3 The issues arising from the application are the impact on the character and appearance of the host buildings and the Duncan Terrace/Colebrooke Row Conservation Area, and the impact on the amenities and accessibility of the building's occupiers and surrounding residential properties and safety and security.
- 4.4 The design of the as installed communal entrance doors and associated panels and door entry system remains in keeping with, the original building and is considered to be in keeping with the character and appearance of the host building and surrounding conservation area and would have an overall neutral impact. The proposal would not detrimentally impact on the amenity or accessibility of the residential occupiers of the building or surrounding residential properties.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to condition.

5. SITE AND SURROUNDINGS

- 5.1 The site comprises 19 adjoining council owned, three storey residential blocks each with five flats at 24-137 Elia Street. 24-137 Elia Street is situated at the junction of Quick Street and Colebrooke Row. The flats are accessed via front communal entrance doors fronting on to Elia Street and also via rear entrance doors from Elia Mews to the rear of each block. To the front of each block there is a short walkway from the public highway leading to each communal entrance door which is recessed under the first floor overhang. To the rear of each block a key entry gate provides access to a recessed rear communal entrance door. The existing windows in the block are made from UPVC.
- 5.2 Image 8 below is a block plan indicating the location of each front and rear communal entrance door.
- 5.3 The site is within the Duncan Terrace/Colebrooke Row Conservation Area. The buildings are not listed. It's noted that there are a number of listed buildings adjacent to the site at Nelson Terrace, Sudeley Street, City Road and Colebrooke Row.
- 5.4 The surrounding area has a mix of commercial and residential uses.



Image 8: Block Plan indicating the location of each front and rear communal entrance door

6. PROPOSAL (in Detail)

- 6.1 Planning permission is sought for the retention of the already installed 38 replacement steel communal entrance doors to the front and rear to the residential properties at 24-137 Elia Street, each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system.
- 6.2 Islington's Council Capital Programme Delivery Team has been carrying out a major programme of door entry scheme upgrades to its housing stock. Elia Street is part of the Islington Council's programme to upgrade housing stock door entry.

Original Entrance Doors and Door Entry System

- 6.3 The Capital Programme Delivery Team state that the previous timber communal entrance doors and door entry system was in a state of general dilapidation beyond any repair. A number of the timber panels on the communal main and rear entrance doors were rotting and would not offer much resistance against unauthorised/non-residential forced entry. The door entry system and the communal entrance doors had been deteriorating over many years and that there have been repeated instances of serious lapses to the block's security, resulting in complaints from residents due to anti-social behaviour from non-residents accessing the residential blocks and resulting in increasing repair costs to Islington Council. The doors were weak in structure, with non-compliant finger trap hinges. The previous obsolete door entry system caller panels were no longer available and had thumb turn door locking which did not offer much assistance to the elderly or infirm persons in opening the doors.
- 6.4 It was not practicable to adapt the previous doors to suit the preferred "no maintenance magnetic lock", and that each door's locking mechanism was very weak and were easily forced open. Additionally, no Fireman's override switches had been installed so if access by

emergency services was required, the doors would need to be forced open, and the doors would be left in an unreparable condition.



Images 9 and 10: Views of door entry system caller panels prior to works taking place.

- 6.5 The submission states that the residents of the blocks were consulted on the proposals by Islington Council Home Ownership Unit in July 2015 prior to works taking place in 2016.

As installed Communal Entrance Doors and Door Entry System

- 6.6 The replacement communal door entry system consists of 38 steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system and associated push to exit button and fireman's switch. The steel doors, solid panels and surrounds are clad in a light brown colour. The caller panels sit within the panel adjacent to the door. The caller panels have a contrasting yellow ring that surrounds the number button to assist the partially sighted to distinguish the contrast of stainless steel of the button and that of the stainless steel panel. The applicant states that all entry door caller panels are compliant with BS 8300 requirements, inclusive of Braille user instructions, numbered, call/cancel buttons, and the block name engraved on the main entrance panel.
- 6.7 The as installed doors have magnetic locking and are opened via a proximity fob access reader system to ensure that it's not possible to force the doors open. The doors are self-closing via a LCN type 4111 door closer, and will remain shut and secured via the magnetic locking plates which are discreetly hidden.



Images: 11 and 12: View of as installed open and closed typical front entrance doors

- 6.8 Associated works undertaken to each block have included external repair and redecoration of brickwork surrounding the block's removal of the previous door entry caller panels. The materials used for the making good of the building fabric are of similar material as the existing.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 None.

ENFORCEMENT

- 7.2 None.

PRE-APPLICATION ADVICE:

- 7.3 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 325 occupants of adjoining and nearby properties at Elia Mews, City Road, Colebrooke Row, Elia Street, Nelson Terrace, Elia Mews, Oakley Crescent, Sudeley Street and Quick Street on 3 July 2017. The initial public consultation of the application expired on 27 July 2017. A total of 2 objections were received following the first period of public consultation.
- 8.2 A second period of public consultation took place on 7 September 2017 following corrected wording to correctly advertise the material of the doors and receipt of additional drawings to indicate the appearance each front entrance door and a typical rear elevation door. This consultation period ended on 5 October 2017. A further objection has been received following this second period of public consultation.

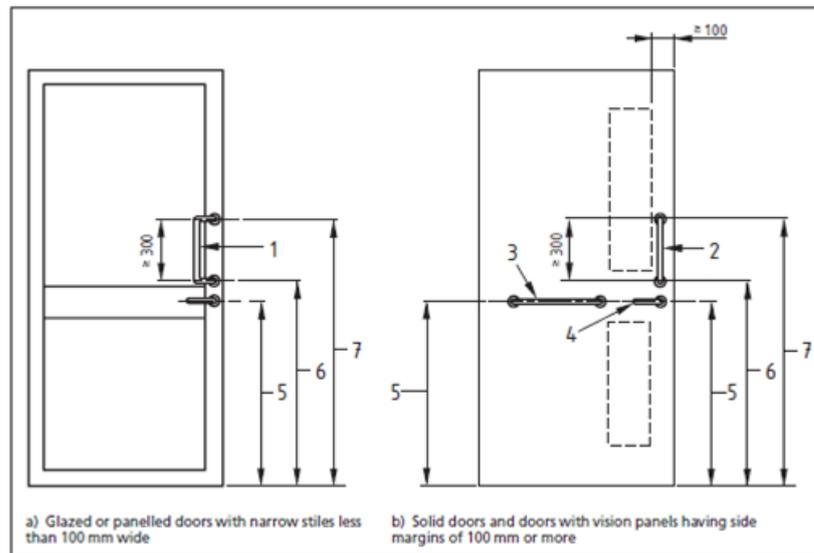
- 8.3 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 3 no. objections in total had been received from the public with regard to the application and a further response requesting clarification. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Work has already been completed (**See paragraph 10.12**);
 - Doors lack any design merits and do not maintain or enhance the character of the conservation area (**See paragraphs 10.13 to 10.14**)
 - Doors are out of keeping with the design of the building and detrimental to the character and appearance of the conservation area (**See paragraphs 10.13 to 10.14**)
 - Submitted drawing ELS-DR001 does not correspond with the doors that have actually been fitted as can be noted from the before and after images (**See paragraph 10.15**)
 - Requests amendments to reduce the number of transoms and replacement of the metal panels to the bottom of the doors and associated screens with glazing (**See paragraph 10.16**)
 - Door entry system makes a loud beeping sound every time doors are opened which is disturbing (**See paragraph 10.26**)

Internal Consultees

- 8.4 **Design and Conservation Officer:** No objection. Works are undesirable but the impact on the character and appearance of the conservation area is neutral and is not so significant as to form grounds for refusal of the application given the public benefits of the scheme.
- 8.5 **Building Control:** Awaiting application for Building Regulations approval. The installed entrance doors must not adversely affect residents or visitors of the properties with regards to means of escape, fire safety, fire brigade access and persons with disabilities. Access panel must be identifiable by elderly and disable persons.
- 8.6 **Highways:** No objection if doors do not open over a highway.
- 8.7 **Inclusive Design:** No objection received. The important factors that should be taken into account here are:
- The opening weight of the door should be no more than 30N.... this is confirmed by the applicant.
 - The clear opening width of the door should be at least 1000mm.
 - The entry system should contrast tonally with its surroundings.
 - The door entry system should be located on the latch edge of the door, either on the door face or on the adjacent wall.
 - The activation pad should be positioned within 200 mm of the door frame at a height of between 900 mm and 1 050 mm from the finished floor level.

- Entry phone systems should be sited for approach and use from a wheelchair and should contain a light emitting diode (LED) display to enable people who are deaf and hard of hearing to use them. The means of indicating that the call is acknowledged and that the lock has been released (if permitted) should be both audible and visible... this is confirmed by the applicant.
- The door furniture should be located as described in Figure 14 below.

Figure 14 Location of door opening and closing furniture
Dimensions in millimetres



External Consultees

8.8 **London Fire and Emergency Planning Authority:** The Brigade is satisfied with the proposals subject to the requirements set out in Approved Document B are met.

8.9 **Crossrail 2:** No objection.

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 and Planning Policy Guidance (PPG) seek to secure positive 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.

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

9.3 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:

- Design and Conservation
- Accessibility
- Neighbouring Amenity
- Highways

Design and Conservation

10.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas within their area.

10.3 Under the National Planning Policy Framework (NPPF) Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 128 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.

10.4 Paragraphs 132 – 134 state that great weight should be given to an asset's conservation in a manner appropriate to its historic significance. Significance is defined in the NPPF as: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."

10.5 Paragraph 134 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.6 Policy DM2.3 of the Development Management Policies requires that alterations to existing buildings in conservation areas conserve or enhance their significance. Similarly, new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted.

10.7 The Urban Design Guide (UDG) 2017 sets out that all proposals for residential extensions and alterations should take into account bulk, height, massing, materials and proportion and how they relate to adjacent heritage assets, uses, building alignment and general treatment of setting. Materials should be of high quality, be robust, sustainable and appropriate to their context. The use of materials needs to be considered in terms of their innate qualities (including in relation to thermal performance), their relationship with the surrounding built environment, the articulation of the façade, and their durability and the appearance of durability. Care needs to be taken to ensure that the new material is sympathetic with the local vernacular.

- 10.8 The Duncan Terrace/Colebrooke Row Conservation Area Design Guide (CADG) sets out that in considering applications for extensions and refurbishment in conservation areas, the Council will normally require the use of traditional materials. For new development, materials should be sympathetic to the character of the area in terms of form, colour and texture.
- 10.9 The application is for the retention of 38 front and rear replacement steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system to the residential properties at 24-137 Elia Street. It's understood that the replacement communal entrance doors have been designed to be sympathetic to, the style and décor of the previous doors as reasonably practical including use of brown cladding.
- 10.10 The current buildings do not make a positive contribution to the character and appearance of the conservation area or the setting of the Listed Buildings which sit opposite the site. The scale of the alterations to replace the ground floor communal entrance doors and associated panels, is small scale in proportion to the host buildings. The door is heavily recessed and set back from the highway reducing its visual impact on the host buildings, the streetscene and the surrounding conservation area. Consideration is given to the nature and relationship of the small scale alterations to existing buildings. The previous timber doors and associated timber panelling and glazed panels were of limited architectural design. Its acknowledged that the use of steel doors and associated solid panels differs from the more traditional timber doors and the extent of glazing in the doors have been reduced compared to the previous doors. Its noted that the existing windows within each block are UPVC and therefore there is no loss of consistency in the use of materials within the building's façade.
- 10.11 On balance, the benefits of significantly improved security and improved accessibility for the Fire Brigade are considered to outweigh any less than substantial perceived harm to the character and appearance of the host building and surrounding conservation area.
- 10.12 An objection has been received, expressing concern that the works have already taken place. Whilst it is unfortunate that the works have taken place prior to gaining planning approval, each application is assessed on its own merits and the application is considered to accord with adopted policy and guidance in this specific case.
- 10.13 Objections have been received concerned that the doors lack any design merits and do not maintain or enhance the character of the conservation area and are out of keeping with the design of the building and detrimental to the character and appearance of the conservation area.
- 10.14 Consideration has been given to the design, appearance and use of materials of the installed doors, the position and scale of the works and the resultant impact on the character and appearance of the host buildings, the streetscene and the surrounding conservation area. The works are not considered to unacceptably harm the character and appearance of the host building nor the surrounding conservation area as to sustain the refusal of the application on this basis.
- 10.15 An objector has comments that the submitted drawing ELS-DR001 does not correspond with the doors that have actually been fitted as can be noted from the before and after images. The difference relates to the colour of the panel at the base of the front entrance doors as shown on the drawing. A revised drawing will be submitted which accurately reflects the works that have been undertaken prior to the committee meeting and would form the approved plan for the development if approved by committee members. Officers

are content that the information submitted with the application has enabled an accurate assessment of the works given the context and scale of the works.

- 10.16 An objector has requested amendments to reduce the number of transoms and replacement of the metal panels to the bottom of the doors and associated screens with glazing. As an application which seeks permission to solely retain existing works which have already been completed, the Local Planning Authority are restricted to assessing the works which have taken place and therefore it is not possible to condition amendments to the application. The council have assessed the application on its merits and the works are considered to be acceptable in accordance with policy DM2.3 of the Islington Development Management Policies.
- 10.17 In conclusion, the works which are the subject of this application are considered to be acceptable in accordance with policies DM2.1, DM2.3 of the Islington Development Management Policies and guidance contained within the NPPF, the CADG and UDG.

Accessibility

- 10.18 Policy DM2.2 requires all developments to demonstrate that they:
- i) provide for ease of and versatility in use;
 - ii) deliver safe, legible and logical environments;
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone, and
 - iv) bring together the design and management of a development from the outset and over its lifetime.
- 10.19 The proposals retain the existing level access, there are no changes in levels and the doors have adequate width. The Inclusive Design Officer has not raised any objection to the works.
- 10.20 The works are considered to generally conform to accessible standards set out within the Inclusive Design In Islington Supplementary Planning Document and conform to policies DM2.1 and DM2.2 of the Islington Development Management Policies.

Neighbouring Amenity

- 10.21 Part A(x) of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.22 The proposed replacement communal entrance doors occupy the same position as the previous communal entrance doors without any increase in building footprint and are set away from the nearest habitable windows of neighbouring residential properties to the same extent as the previous doors. It is noted that there is a reduction in the amount of light entering the communal areas of the residential blocks due to the increase in solid panels from the previous situation. However, the council's policies do not resist a loss of light to communal areas, and the impact is negligible given the position and extent of the solid panels. The reduction in the extent of glazing in the replacement doors and associated panels is not considered to unacceptably impact on levels of daylight or outlook to the residential flats and there is no increase in overlooking.

- 10.23 Therefore, the works do not impact on the amenities of the occupiers of the flats within the blocks that they are located or the amenities of neighbouring properties and are acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.

Highways and Transportation

- 10.24 Each of the replacement communal entrance doors is recessed from the public highway by a pedestrian walkway and the doors are located in the same position as the previous doors. The Council's highways officer has not raised any objection subject to the doors not opening over a highway, which they do not due to the walkway. Therefore, the proposals are acceptable in this regard.

Building Regulations

- 10.25 The Building Control officer has not raised an objection to the works subject to a retrospective application for Building Regulations Approval.

Other Matters

- 10.26 An objection has been received concerning disturbance from the door entry system making a loud beeping sound every time doors are opened. On a recent site visit there was no evidence of noise disturbance from the operation of the doors. However, the details of the objection have been passed to Islington's Council Capital Programme Delivery Team.

11. SUMMARY AND CONCLUSION

- 11.1 The application is for the retention of 38 front and rear replacement steel communal entrance doors each with associated clear laminated glass panels and Steel Zintec solid panels and new door entry system.
- 11.2 The design and appearance of the replacement doors and associated panels is considered to be acceptable and does not detract from the character and appearance of the host buildings, the streetscene or the surrounding Duncan Terrace/Colebrooke Row Conservation Area.
- 11.3 The statutory duties under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are met. The works undertaken do not harm the character and appearance of the conservation area. In addition, the works provide a number of public benefits including improvements to the security of the building's residents and improvements on the condition of the previous entrance doors.
- 11.4 The works do not detrimentally impact on the amenity or accessibility of the residential occupiers of the building or surrounding residential properties. The works which have been undertaken are an accessible and sustainable development.
- 11.5 The application 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 condition.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION

That the grant of planning permission be subject to the following condition:

Condition:

1	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>ELS-OS001; ELS-OS002; ELS-DR001; ELS-DR002; ELS-DR003 RevA; ELS-DR004; ELS-DR005; ELS-DR006; ELS-DR007; ELS-DR008; ELS-DR009; ELS-DR010; ELS-DR011; ELS-DR012; ELS-DR013; ELS-DR014; ELS-DR015; ELS-DR016; ELS-DR017; ELS-DR018; ELS-DR019; ELS-DR020; ELS-DR021; ELS-DR022; ELS-DR023 & Design and Access Statement dated June 2017.</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>

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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision 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.

1. National Guidance

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive 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, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment
Policy CS 10 – Sustainable Design

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.4 – Sustainable Design Standards

3. Designations

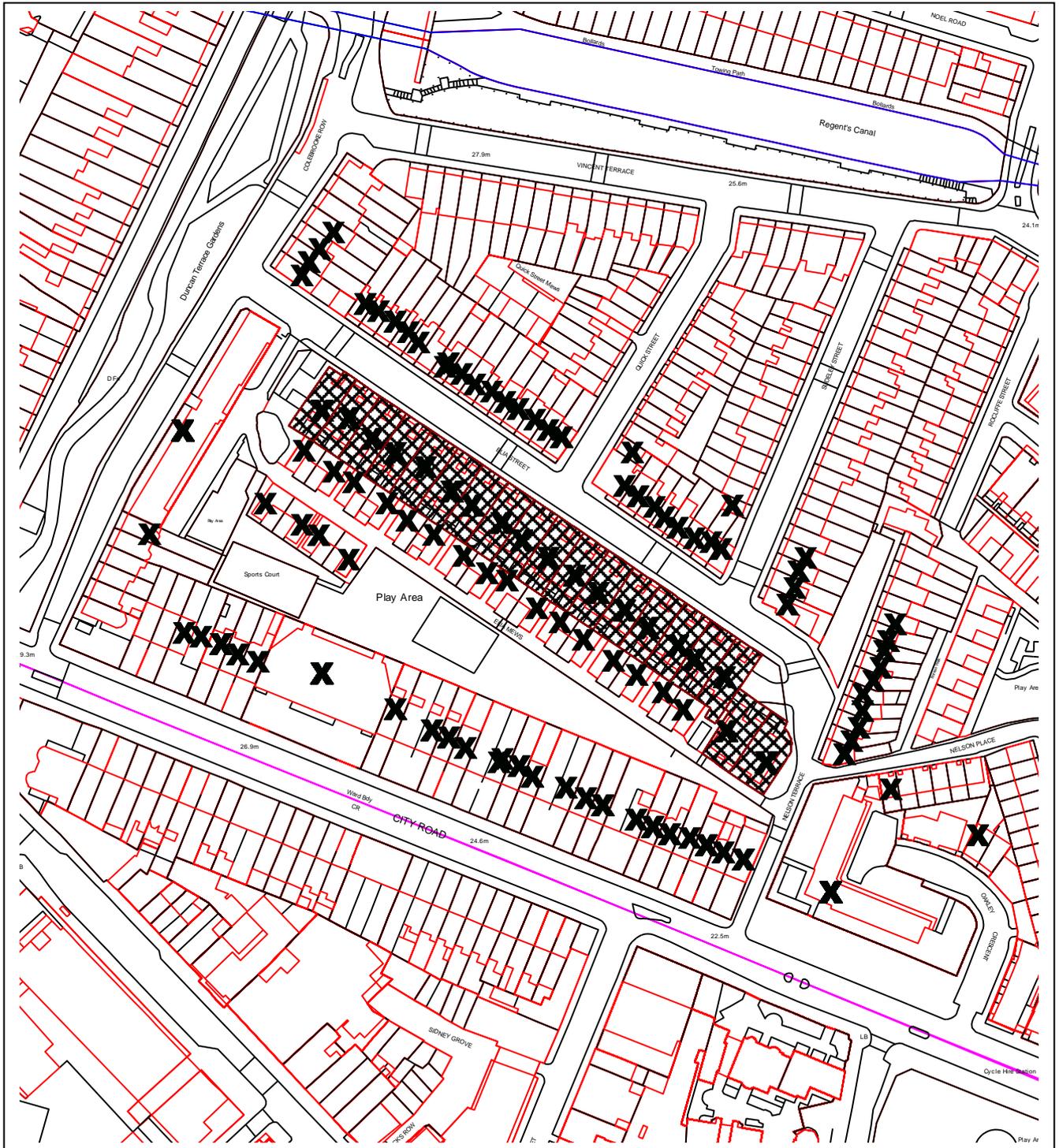
Duncan Terrace/Colebrooke Row Conservation Area

4. SPD/SPGS

Urban Design Guide 2017
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design in Islington SPD

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB COMMITTEE A		AGENDA ITEM NO: B5
Date:	31 st October 2017	NON-EXEMPT

Application number	P2017/1056/S73
Application type	Full Planning Application
Ward	Hillrise
Listed building	Not listed
Conservation area	Whitehall Park
Development Plan Context	Whitehall Park Conservation Area Article 4 (2)
Licensing Implications	None
Site Address	Land to the rear of 30-32 Dresden Road N19 3BD
Proposal	Section 73 application to vary condition 5 (Code for Sustainable Homes) and remove condition 7 (screening measures) in relation to planning permission P2013/4213/FUL dated 28/08/2014 for the erection of a two storey dwelling (at lower ground and ground floor level) to the rear of 30 - 32 Dresden Road.

Case Officer	Eoin Concannon
Applicant	Union Realty Ltd
Agent	Lipton Plant Architects

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1.
2. subject to the 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 red)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of application site



Image 2– Site Frontage from Dresden Road



Images 3 and 4: Nearest Neighbouring properties to the south



Images 5 & 6: Site of new dwelling and neighbouring properties in background

4. SUMMARY

- 4.1 Section 73 is an application for "planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted." A section 73 application is therefore often limited in its scope due to the existing permission and while it does result in a new permission its effect is to "amend" the conditions and cannot be used to extend the timeframe to implement a permission. A section 73 cannot be used where the development proposed is fundamentally different to the original permission, such as on an entirely new site area.
- 4.2 Planning permission (ref. P2013/4213/FUL) was granted by Committee on the 15th July 2014 for the erection of a two storey dwelling to rear of 30-32 Dresden Road on existing hard-standing. The two storey dwelling was approved at basement and ground floor level subject to conditions and a legal agreement to pay £10000 towards affordable housing and £1500 towards carbon offsetting. The current application seeks to remove conditions 5 and 7 of this planning permission.
- 4.3 Condition 5 of this planning permission required the scheme to comply with a Sustainable Homes rating of no less than Level 4. The Ministerial Statement (MS) on the 25th March 2015 deleted the Code for Sustainable Homes and as such, this is no longer something the Council is able to require. The Council is therefore not in a position to object to the removal of the reference to 'Code for Sustainable Homes' in Condition 5. However, the council does have specific and rigorous sustainability policies for new build developments and the council expects co2 reductions and water usage targets. Therefore, the council suggest that condition 5 is reworded to meet these demands and not simply removed whereby the new building would not meet the highest and applicable sustainability credentials.
- 4.4 A further condition is recommended in regard sustainable design and construction statement (Condition 5) which require an 'equivalent' sustainability standard to be achieved and include many of the elements previously required by Code for Sustainable Homes. The wording of this condition is as follows:

A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. 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 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.

- 4.5 This would ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.

- 4.6 Condition 7 states

Notwithstanding the plans hereby approved, prior to commencement of works, plans and details of screening measures up to a height of 1.8m above floor level to the upper level south-facing windows shall be submitted to the Council for approval.

- 4.7 The reasoning for this condition was to restrict views between the proposal and the rear window of the neighbours to the south. On inspection and having taken measurements on site, Officers can confirm that the nearest southern windows (32 Dresden Road) would be over 18 metres from the windows serving the new dwelling. All other windows on the neighbours along Dresden Road would be between 20 and 25 metres away from each other window to window distance. This is over and above the Councils normal requirements in order to protect neighbours from overlooking as set out in paragraph 2.14 of the Development Management Policies. As such, the removal of this condition would be justified in this instance. Tree planting proposed as part of condition 4 (Landscaping Scheme) of the permission would provide additional screening to these

neighbours whilst also contributing to enhancing the landscaping, conservation area and biodiversity of the site.

- 4.8 The remainder character of the scheme would be as approved under the original planning approval with the design, layout, impact on trees all considered acceptable. The proposal would also generate a contribution of £10,000 towards affordable housing and £1500 towards carbon offsetting through a deed of variation on the unilateral undertaken already signed.
- 4.9 For the above reasons the recommendation to committee is to grant consent and to remove conditions 5 and 7 and attach one additional condition in relation to carbon savings.

5. SITE AND SURROUNDINGS

- 5.1 The site is located on the northern side of Dresden Road, between Hazellville Road and Ashmount Road.
- 5.2 The property sits within a mixed row of three-storey terraces and consists of a three-storey building occupied by five flats with a hard-stand parking area at the rear, accessed via an underpass extending along the eastern property boundary and under the first floor.
- 5.3 The property is anomalous to the terraced row in which it sits, being a more contemporary development approved in 1989 and is larger than the majority of surrounding properties. The front façade features two bay windows at ground and first floor level and two dormer windows projecting from the roof slope at second floor level serving the loft.
- 5.4 The surrounding area is predominantly residential and features a mix of three to four styles of traditional terraces. Generally, the properties on Dresden Road consists mainly of two and three storey late Victorian terrace housing.
- 5.5 The property is flanked by three-storey terraces with large rear gardens directly abutting the existing hard-stand parking area at the rear of the site. Directly to the rear of the property is the Hornsey Lane Estate
- 5.6 The character is predominately residential with a leafy environment containing many large mature trees/hedging occupying the rear gardens which makes a positive contribution to Whitehall Park Conservation Area.

6. PROPOSAL (IN DETAIL)

- 6.1 The application seeks to remove two conditions (Section 73) from the planning permission P2013/4213/FUL for the erection of a two storey dwelling to the rear of 30-32 Dresden Road on existing hard-standing granted 28/08/2014.
- 6.2 The proposal would replicate the original planning approval with exception for the removal of conditions 5 (Code for sustainable homes) and 7 (screening measures).
- 6.3 **Condition 5 states**

Prior to any superstructure works commencing on the site, a design stage recognised accreditation certificate and supporting assessment confirming that the development achieves a Sustainable Homes rating of no less than 'Level 4' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved, shall achieve the agreed rating(s) and shall be maintained as such thereafter.

Reason: In the interest of addressing climate change and to secure sustainable development.

6.4 Condition 7 states

Notwithstanding the plans hereby approved, prior to commencement of works, plans and details of screening measures up to a height of 1.8m above floor level to the upper level south-facing windows shall be submitted to the Council for approval. Reason: To restrict views between the proposal and rear windows for properties to the south and protect privacy.

- 6.5 The positioning, design and size of the dwelling would be as approved under the original planning permission. The proposal would be two-storey, with the lower floor situated at basement level, so that the proposal would effectively be single-storey in height (3.5m) from existing garden level.
- 6.6 The dwelling would consist of two bedrooms, a bathroom and a storeroom at lower ground level and a kitchen, dining/living area and a WC at upper level. Access between levels would be provided via an internal staircase on the western side of the building. The dwelling would be single aspect with glazing on the southern side of the building.
- 6.7 The lower level would feature a 2.4m wide lightwell on the southern side of the dwelling. Access to the upper level would be provided by a small bridge/landing over the lightwell. Independent access to the lightwell would also be provided via a staircase within the lightwell.
- 6.8 Access to the property from the street would be provided via the existing accessway extending along the eastern boundary. A new refuse and bike store would be provided at the southern end of the existing hard-stand area.
- 6.9 The existing hard-stand area would be re-landscaped as an amenity space for the proposed dwelling and would include the retention of two TPO protected trees, planting of two new trees and other landscaping.
- 6.10 The proposed dwelling would also include a green roof. A deed of variation is also to be secured to secure both affordable housing contribution and to ensure the scheme remains a car free development.

7. RELEVANT HISTORY:

- 7.1 **P2017/1055/AOD** Approval of Details in pursuant to P2013/4213/FUL granted 28/08/2014 related to conditions 3 (Materials), 4 (landscaping scheme), 6 (Green roof details), 7 (Screening measures) **(Approved with no conditions 27/06/2017)**

This application discharged the following conditions of the approved planning permission P2013/4213/FUL.

Condition 3 (Materials) included the following materials

- Petersen D71 White Brick
- Aluminium powder coated doors and windows
- Lower ground rough cast render and painted
- Roof light aluminium powder coated

The Design Officer was satisfied with these details.

Condition 4 (Landscaping) included details of landscaping additional trees/hedging to be planted

The tree officer was consulted and raised no objections to the landscaping. The landscaping would be a mixture of turf, paving and proposes five new silver birch trees. These trees would

provide both visual relief and natural screening to the surrounding properties. The 3 trees situated along the boundary with Nos.30-32 Dresden Road were revised setting these trees off the boundary. It was considered to provide a natural green visual screen to the site and also contribute towards biodiversity in accordance with policy DM6.5 of the Development Management Policies. The condition was therefore discharged.

Condition 6 (Green roof details) included details of the green roof including the make-up of materials have been provided. These include seeded or plug plant vegetation which support local flora and fauna. This Bauder green roof system is common green roof type and is considered acceptable. The total depth of 145.20 complies with condition and the mixture of seeds and species is acceptable. The Sustainability Officer was satisfied with the detailing and the condition was therefore discharged.

Condition 7 (Screening measures) whilst the current application seeks to remove this condition, details of screening measures have already been submitted. The details included an obscure glazed solid screen in front of the lightwell which will be to a height of 1.8m above finish floor level. This screen was condition acceptable and the condition was discharged.

Condition 5 (Code of Sustainable Homes level 4) this condition is subject of the current application which seeks its removal.

Summary: All of the pre-commencement conditions of the original planning approval (P2013/4213/FUL) have been submitted and approved with exception to condition 5 which is subject of this current application.

7.2 **P2015/1314/FUL** Erection of a two storey dwelling to the rear of the site over basement. (Refusal 17/08/2017)

REASON: The proposed three storey dwelling (basement, ground and first floors) is considered to be excessively high, overly dominant, out of scale and unduly prominent when seen from both the public and private realm. The proposed development would have a material harmful visual impact on the character and appearance of the surrounding conservation area. It is therefore considered to be contrary to policy CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management policies 2013, Conservation Area Guidelines (Whitehall Park) 2002, and Islington Urban Design Guidelines 2006.

7.3 **P2013/4213/FUL** Erection of a two storey dwelling to rear of 30 - 32 Dresden Road on existing hard-standing with additional basement. **(Approve with conditions and legal agreement 28/08/2014)** – The application subject of this assessment is made to vary this planning permission.

7.4 **P2013/2296/FUL:** Erection of two new two storey dwelling to rear of existing hard standing area to rear of 30-32 Dresden Road with additional basement storey, including associated light wells, landscaping and associated works – Withdrawn by applicant 6 September 2013. **(Withdrawn 06/09/2013)**

7.5 **P120769:** Erection of two new two storey dwelling to rear of existing hard standing area to rear of 30-32 Dresden Road with additional basement storey, including associated light wells, landscaping and associated works – **Withdrawn by applicant 29 October 2012.**

7.6 **900626:** Retention of second floor rear extension – **Approved with conditions 1 August 1990.**

7.7 **890732:** Approval of car parking/landscaping details pursuant to condition 4 of planning permission dated 7.2.89 for redevelopment for flats – **Approved with no conditions 25 July 1989.**

7.8 **881551:** Redevelopment to provide 2 x 1 bedroom 2 x 2 bedroom and 1 x 3 bedroom flats – **Approved with conditions 7 February 1989.**

- 7.9 **880495:** Redevelopment to provide 1x3 bedroom 2 x 2 bedroom and 2x1 bedroom flats in 3 storey building with basement car park. (As amended by letter dated 14th July 1988) – **Approve with conditions 18 July 1988.**

Enforcement:

- 7.10 **E/2014/0190:** Unauthorised pruning of protected tree - Open pending further investigation. It is noted that these tree works have prompted several additional letters and objections.

Pre-application Advice:

- 7.11 **R110505:** Pre-application advice – advice relating to the proposed construction of a new dwelling at the rear of the site, issued 5 September 2011.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants adjoining and nearby properties at on the 23rd March 2017. A site notice and press advert were displayed. Following receipt of amended landscaping plan, a further neighbouring consultation was carried out on the 31st July 2017. The public consultation of the application therefore expired on 17th August 2017 however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report a total of 7 individual objections had been received from the public with regard to the application, including one petition from a previous application signed by 50 residents, some of whom have lodged independent objections also. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- The use of trees as screening measures is not acceptable due to the time taken to mature (**Paragraphs 10.44 to 10.50**)
- The use of trees will restrict the view from neighbours' houses surrounding the site (**Paragraph 10.44 to 10.50**)
- The screening proposal seeks to swap screening which would be less attractive to potential buyers (**merits discussed paragraphs 10.22 to 10.25**)
- The development would damage the Victorian nature of our conservation area (**Paragraph 10.29-10.38**)
- The proposal would damage the sense of openness of our back gardens. (**Paragraph 10.34**)
- Backland development are only justifiable where they replace existing buildings (**Paragraph 10.59**)
- Safety concerns to future residents due to the existing trees potentially dangerous (**Paragraph 10.58**)
- The changes are aimed to maximising profit with little regard for the amenity of surrounding residents (**Not a material planning consideration in relation to maximising or not profits. Amenity impacts assess in paragraphs 10.19 to 10.26**)

8.3 None

Internal Consultees

8.4 **Design and Conservation:** No objection subject to the original conditions being reattached.

8.5 **Tree Preservation/Landscape Officer:** No objection subject to conditions

8.6 **Legal:** The Section 73 application will be separate to the principal planning permission (if granted). The existing Section 106 Agreement only applies to the principal planning permission so by implementing the Section 73 permission the applicant be bound by a new agreement to ensure compliance. This can be secured through a deed of variation

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.

Development Plan

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

9.3 The site has the following designations under the London plan 2016, Islington Core Strategy 2011.

Islington Local Plan: Whitehall Park Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

9.4 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:

- Principle of removal/variation of conditions
- Sustainability (Condition 5)
- Impact on neighbours' amenity (Condition 7)

- Other Issues from original assessment (Land Use, Design, Quality of housing, tree and landscaping, car parking, affordable housing and biodiversity)

Principle of removal/variation of conditions

10.2 Section 73 is an application for "planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted." A section 73 application is therefore often limited in its scope due to the existing permission and while it does result in a new permission its effect is to "amend" the conditions and cannot be used to extend the timeframe to implement a permission. A section 73 cannot be used where the development proposed is fundamentally different to the original permission, such as on an entirely new site area.

10.3 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the previous paragraphs and the fact that the structure itself has commenced development.

10.4 The original consent ref: P2013/4213/FUL comprised of the erection of a two storey dwelling to the rear of 30 - 32 Dresden Road on existing hard-standing. The positioning, design and layout of the proposed dwelling would replicate this original decision. As such, the principle to remove/vary the conditions are acceptable in this instance. The applicant seeks to remove conditions 5 and 7 of this original consent.

10.5 Condition 5 states

Prior to any superstructure works commencing on the site, a design stage recognised accreditation certificate and supporting assessment confirming that the development achieves a Sustainable Homes rating of no less than 'Level 4' shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of addressing climate change and to secure sustainable development.

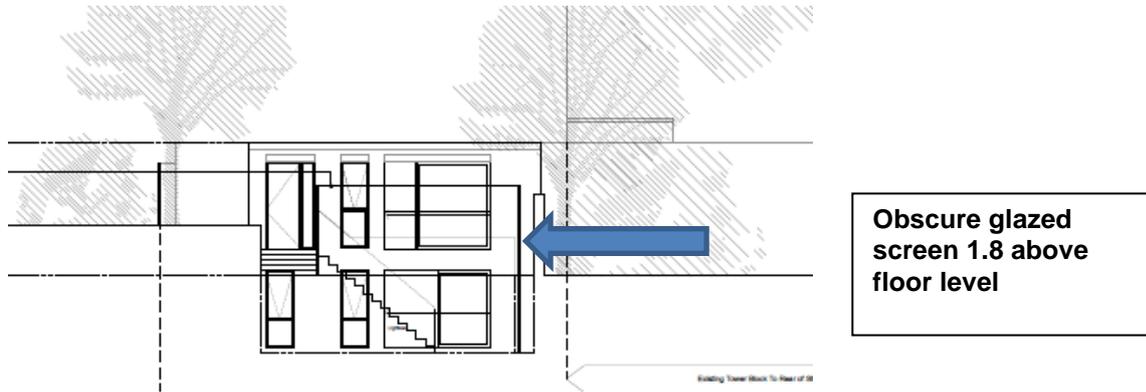
10.6 A new condition 5 has been added to secure similar sustainable development in the interest of addressing climate change. A Sustainable Design and Construction would allow the Council to ensure that the development complies with elements previously required by Code for Sustainable Homes including a reduction in carbon emissions of 19% of the 2013 level. This is discussed further in paras. 10.15-10.17.

10.7 Condition 7 states

Notwithstanding the plans hereby approved, prior to commencement of works, plans and details of screening measures up to a height of 1.8m above floor level to the upper level south-facing windows shall be submitted to the Council for approval.

REASON: To restrict views between the proposal and rear windows for properties to the south and protect privacy.

10.8 The Council have already discharged these screening details of this screening measures for condition 7 as part of the previously approval of details P2017/105/AOD granted on the 27th June 2017 (as shown in drawing 1 below). The current application seeks to remove these screening measures in order to provide better outlook for occupants of the new property.



Drawing 1 shows the obscure screen already discharged as part of P2017/1055/AOD

10.9 Generally, the principle of this Section 73 is acceptable as the scheme replicates the original consent, the remainder of the assessment examines whether the removal of these is conditions is justified.

Sustainability

10.10 The Code for Sustainable Homes (CFSH) was launched in 2007 as an environmental assessment method for rating and certifying the performance of new homes. It covered the following nine categories of sustainable design.

- Energy and CO2 emissions
- Water
- Materials
- Surface water run-off
- Waste
- Pollution
- Health and Wellbeing
- Management
- Ecology

10.11 The Ministerial Statement (MS) on the 25th March 2015 withdrew the Code for Sustainable Homes as a requirement for any new dwellings. The government’s policy is that planning permissions should not be granted requiring, (or subject to conditions requiring), compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

10.12 Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.

- 10.13 Planning policies relating to technical security standards for new homes, such as door and window locks, will be unnecessary because all new homes will be subject to the new mandatory Building Regulation Approved Document on security (Part Q).
- 10.14 Appendix 7 of the Department for Communities and Local Government Policy Paper (2010-2015 updated May 2015) indicated details of legacy cases which may be subject to this code
- Those where residential developments are legally contracted to apply a code policy (e.g. affordable housing funded through the National Affordable Housing Programme 2015 to 2018, or earlier programme)
 - Where planning permission has been granted subject to a condition stipulating discharge of a code level, and developers are not appealing the condition nor seeking to have it removed or varied
- 10.15 The current application seeks to remove this condition which is no longer a requirement due to the Ministerial Statement. On the basis of change in national policy, the condition is no longer necessary and its removal is therefore considered acceptable.
- 10.16 Notwithstanding the above changes, the council have policies that run in parallel to Code for Sustainable Homes Standards. Part B of policy DM7.2 of the Development Management Policies requires minor new build residential schemes to achieve an on-site reduction in regulated CO2 emissions of at least 25% in comparison with regulated emissions from a building which complies with Building Regulations Part L 2010. This has since been updated to correlate with the new Building Regulations 2013 and seeks a 19% reduction in regulated emissions.
- 10.17 As stated in para 10.10, the Ministerial Statement allowed for existing policies on water efficiencies, the council could continue to include these requirements. Part C of policy CS10 of the Core Strategy requires development to demonstrate that it meets best practice water efficiency targets. Residential schemes will be required to achieve a water efficiency target of 110 litres/person/day or less as per the Building Regulations 2013. The council have therefore required a new condition to be attached which deals with carbon emission and water efficiency targets in line with current policies. This condition would largely address many of the sustainability concerns that have been disregarded by the WMS statement and would also comply with the existing plan policies CS10 of the Core Strategy and DM7.2 of the Development Management Policies.
- 10.18 As such, it is considered to be acceptable to not remove condition 5 but to vary the condition to remove the reference to the Code for Sustainable Homes with the condition 5 is worded below. As the development is under way the condition proposes a 3-month deadline for the submission of the details for approval here to ensure any design alterations or improvements can be planned ahead to achieve the sustainability credentials.

Amended Condition 5: A sustainable design and construction statement shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The statement shall detail how the dwelling hereby permitted achieves best practice sustainability standards with regard to water, materials, energy, ecology and adaption to climate change. The statement must demonstrate how the dwellings will achieve a 19% reduction in regulated CO2 emissions when compared with a building compliant with part L of the building regulations 2013, and not exceed water usage targets of 110 litres/person per day.

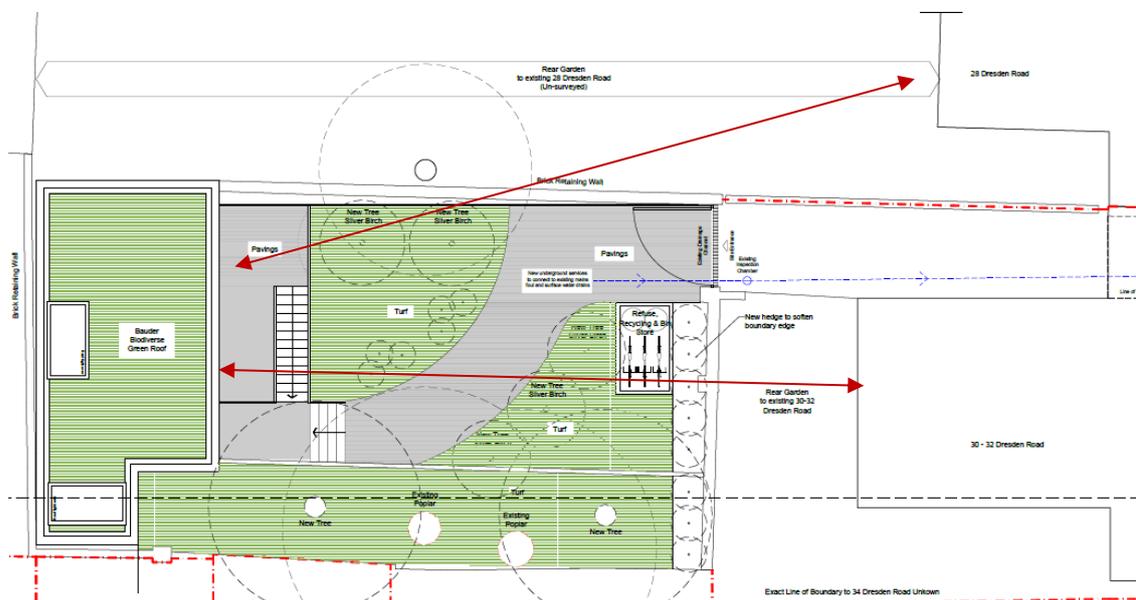
REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.

Neighbouring Amenity

- 10.19 Part X of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.20 Condition 7 of the original consent sought details of screening measures to the south facing windows to be submitted prior to commencement of the development. In the original committee report, the Officer stated that

Whilst the proposal would offer views towards rear windows of adjoining properties along Dresden Road (Nos. 28 & 34), the separation between the rear windows for these properties and the south-facing windows within the proposal would be more than 18m, which is the minimum separation distance suggested by DM2.1 of the Development Management Policies. (P2013/4213/FUL Sub-Committee B 15th July 2014)

- 10.21 Having reviewed the application and assessed the location of the new building on site, it is considered the initial condition is not reasonable nor necessary in this case. The proposed south facing windows project onto a rear garden which contain several protected trees. Para 2.14 of the Development Management Policies deals specifically with overlooking. It states that there should be a minimum distance of 18 metres between windows of habitable rooms. Drawing 2 below demonstrates that this minimum distance has been achieved. The Planning Officer has also inspected the site to take measurements of the proposed dwelling. The measurement taken on site confirmed that the windows serving the proposed new dwelling would be 18.3m away from the back wall of Nos 30-32 Dresden Road. This would be over and above the minimum distance identified in para 2.14 of the Development Management Policies to address overlooking concerns.



Drawing 2: The red arrows identifies the nearest neighbouring windows and the new front building. This distance is 18 metres and 20 metres respectively between the rear elevations of dwelling at Nos.30-32 and 28 Dresden Road



Images 7 & 8: No. 28 Dresden Road



Nos 30-32 Dresden Road

- 10.22 The distance between the ground windows on the proposed dwelling and the nearest upper level windows situated on the two storey rear return of 30-32 Dresden Road is also over 18 metres. This complies with DM2.1 of the Development Management Policies as set out in para 2.14 and as such it would not lead to any significant overlooking concerns to warrant a refusal in this instance.
- 10.23 Furthermore, the applicant has included additional measures to soften the garden and provide natural screening through landscaping. The landscaping plan has been revised with the three silver birch trees now positioned away from the southern boundary with 30-32 Dresden Road. This has been replaced with a new hedge along the boundary which would soften this southern boundary wall. The 3 silver birch trees would be planted adjacent to the edge of the access paving thereby providing further screening measures centrally within the site. Given the distance from window to window (meets minimum requirement) and the additional landscaping measures, there would be no unacceptable overlooking concerns to the neighbours at No.30-32 Dresden Road as stipulated in planning policy.
- 10.24 Similarly, the distance between the upper floor windows at No.28 Dresden Road and the proposed ground floor windows on the application site would be over 20 metres which is over and above the minimum requirement. Further measures include the 2 additional silver birch trees along the side boundary wall with No.28 Dresden Road which would further mitigate against overlooking.
- 10.25 Officers consider that the removal of condition 7 is acceptable given it meets the minimum window to window distance. The proposed planting would add additional screening measures which would both soften the overall character of the site and provide additional cover for these adjoining neighbouring properties.
- 10.26 Other concerns identified under the original amenity assessment including daylight and sunlight, sense of enclosure and noise concerns have not changed from the original assessment. In summary the overall impact of the proposals is not considered to result in an unacceptably harmful impact on the adjoining and adjacent properties in terms of loss of outlook, daylight, sunlight, or increase in sense of enclosure or overlooking. Therefore, the proposals are considered to be acceptable in accordance with policy DM2.1 of the Islington Development Management Policies.

Other Issues

- 10.27 The application is solely to remove or vary two conditions (5 and 7) attached to the original decision. The remainder of the scheme would be as per its original design and layout as approved by Planning Committee on the 15th July 2014 (ref. P2013/4213/FUL).

10.28 These include the following

- Land use
- Design, Conservation and Heritage
- Quality of housing
- Trees, landscaping & biodiversity
- Car parking
- Affordable Housing, Carbon Offsetting and Financial Viability

Land Use

10.29 Under the approved scheme, the principle of the development was considered acceptable. The erection of a new building to provide residential accommodation within the hard-stand area to the rear of the property would be acceptable subject to design. The host site was considered much larger than the majority of other properties along Dresden Road. The existing hard-stand area was considered to be of adequate size to be able to accommodate a new building at the rear without unreasonably causing harm to the character of the area or causing any unreasonable amenity impacts on adjoining properties.

Design, Conservation and Heritage

10.30 The design, position and layout has also not changed from the original decision and was also considered acceptable. The proposal would consist of the construction of a two-storey (lower ground and ground floor levels) building within the hard stand area to the rear abutting the rear and both side boundary walls.

10.31 The lower level of the building would be set within a basement so the proposal would in effect be one-storey above ground level and would not be any higher than the existing boundary wall to the north.

10.32 Point 7.13 of the Whitehall Park Conservation Area Design Guidelines (CADGs) states that '*New buildings should conform to the height, scale and proportions of the existing buildings in the immediate area*'. There is no resistance to backland development within the Development Management Policies. Whilst the proposal is one storey only above ground level, it would not be appropriate to develop a higher or larger building in this location. Indeed, Council has previously provided pre-application advice advising that any development above the height of the rear boundary wall would not be supported.

10.33 The proposal would be effectively single storey by virtue of the basement excavation and not higher than the existing rear boundary wall. It would be much lower than the majority of surrounding buildings, the majority of which are three-storey, and would be relatively discrete given its backland location. Whilst it may be visible through the existing accessway, it would not be prominent and would not cause any unreasonable harm to the streetscene. It is therefore considered that the proposal would be consistent with the design guidance in point 7.13 of the CADGs above.

10.34 It should be noted that the proposal sits within the existing boundary walls of the site and is considered to be subservient to the immediate surroundings and that the scheme is not considered to be harmful to the character or appearance of the Conservation Area.

- 10.35 It is considered that the proposal offers a contextual design which is of a sufficient quality so as to conserve the significance of the conservation area, in accordance with Policy DM2.3 (Heritage). The proposed design, whilst contemporary, is sensitive and respectful to its surrounds in terms of its height and scale, makes efficient use of the site, and provides for a sustainability benefit in the form of a green roof, which also serves to integrate the building within the green space to the rear of the terraced rows along Dresden Road and Ashmount Road.
- 10.36 Whilst the garden character does contribute to the character of the area, it is not considered that the single storey structure to the rear of this property would cause any significant harm to this open character. The hard-surfaced area is existing and does not contribute to the open green space.
- 10.37 The proposal would also retain some green space between buildings, as well as two existing poplar trees and proposes the planting of several new trees and new landscaping, which will maintain and contribute to the existing garden character in the immediately surrounding area. The proposed materials would be contemporary, including Petersen D71 white brick and aluminium powder coated doors and windows. Details of these materials have already been approved.
- 10.38 The proposal is therefore considered to be acceptable when considered against Policy DM2.1 (Design) and DM2.3 (Heritage) of the Islington Development Management Policies, the Whitehall Park Conservation Area Design Guide and the Urban Design Guide 2017.

Quality of Housing

- 10.39 The proposal would result in the creation of a new two-storey dwelling comprising two bedrooms and living spaces. The dwelling would comply with the recommended minimum floor space standards contained in Table 3.3 of the London Plan 2016 and Table 3.2 of the Islington Development Management Policies.
- 10.40 Whilst the dwelling would be single aspect, it would feature a southerly aspect therefore maximising solar access to windows. Ideally, the dwelling would feature dual aspect, however this may create opportunities for overlooking impacting privacy and the current arrangement of the dwelling has come about partly in response to advice from Council. The single aspect with a southern orientation is therefore considered acceptable in this instance.
- 10.41 Outlook would be improved by the removal of condition 7 with the 1.8 metre screen no longer required. This would also benefit the daylight and sunlight serving the lower ground bedroom windows with no obscure glazing or opaque glazing situated directly in front of the development. The original application had provided a daylight and sunlight assessment which indicates that the lower level bedrooms would receive an Average Daylight Factor (ADF) of 3.43% (Bedroom 1) and 2.76% (Bedroom 2) which is in excess of the BRE guidance for bedrooms of 1%.
- 10.42 The unit would receive adequate light and improved outlook compared to the original scheme approved. The proposal provides space for a stair lift and a space for a through-the-floor lift from the entrance level and space for turning a wheelchair is provided in the living rooms/dining room and in one bedroom in accordance with Policy DM3.5 (H).
- 10.43 The proposal would otherwise achieve consistency with Policy DM3.4 in terms of floor to ceiling heights, room sizes, approach and entrance and width of front doors to dwellings, internal doors and hallways. The existing hard-stand landscaped area would be re-landscaped to provide for an amenity space for the proposed dwelling which would be in excess of the minimum of 30m² required for new dwellings by Policy DM3.5 (Private outdoor space).

Trees, Landscaping & Biodiversity

- 10.44 The application proposes the retention of two trees protected by a Tree Preservation Order located adjacent to the western property boundary and planting of replacement trees for those removed, in response to guidance provided by Council officers on site and in pre-application advice.

- 10.45 Objections have raised concerns regarding the trees impact on the conservation area, neighbours and their use as appropriate screening measures. Initially, the landscaping plan showed proposed trees to be planted adjacent to the site boundary with 30-32 Dresden Road and along the eastern boundary with 28 Dresden Road. This has now been amended with three new silver birch proposed and to be planted along the edge of the access set in from the southern boundary. This reduces the potential impact on the adjoining residents to the south (30-32 Dresden Road) in terms of overhang and loss of light. Given they would be strategically placed away from the boundary with the amenity space of the application site, it would improve the general landscaping of the site with minimum impact on the neighbours. A further hedge has been proposed along the edge of the southern boundary.
- 10.46 As noted in paras 10.18-10.23, the proposed development is over 18 metres from the upper floor windows to the south of the site. Objections received have raised concerns about the use of trees as a method to reduce overlooking. The initial condition is considered unnecessary given it already complies with guidance in DM2.1 of the Development Management Policies. The additional trees would add a supplementary measure to both improve the landscaping of the site and reduce the visual impact of the development on the surrounding neighbours. These combined with the 18 metres separation would minimise any concerns of overlooking.
- 10.47 The impact of trees on the views of the neighbouring properties would not warrant a refusal reason. Notwithstanding this, the planting schedule has been revised away from the boundary with 30-32 Dresden Road thereby ensuring these neighbours outlook is protected. The inclusion of trees adds to the leafy appearance of the surroundings and would also contribute towards biodiversity. It would also reduce the impact of the development by adding green visual screen which would partially screen the single storey dwelling when matured.
- 10.48 Policy DM6.5 (A) requires that *'developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area, including protecting connectivity between habitats*
- 10.49 It is considered that the proposed landscape scheme, which includes the provision of a green roof, retention of two existing trees, planting of five new trees, and hedging is consistent with this policy. The provision of a green roof would also be consistent with Policy DM6.5 (D).
- 10.50 In order to ensure that the size, species and position of the replacement trees are appropriate and also to ensure an acceptable level of hard and soft landscaping is provided, a condition is recommended requiring the submission of a landscape plan as recommended by the Tree Preservation and Landscape officer.

Car parking

- 10.51 All new dwellings are required to be car-free in accordance with Development Management policy DM8.5. A condition has been attached restricting the occupiers from applying for a parking permit in accordance with the Council's Car Free Housing policy. Therefore, it is not considered that the proposal will give rise to increase on-street parking congestion. The legal agreement to be agreed would also include a requirement that the scheme approved is to be car free development in line with policy DM8/5 of the Development Management Policies.

Affordable Housing and Carbon Offsetting

- 10.52 The Council's Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) together with Core Strategy policy CS12 Part G states that development proposals below a threshold of 10 residential units (gross) will be required to provide a financial contribution towards affordable housing provision elsewhere in the borough.
- 10.53 The Council has engaged an independent surveyor (Adams Integra) to assess the viability of the proposal which has recommended that an affordable housing contribution of £10,000 can be made in respect of this proposal. The report suggests that the applicant has justified not paying the full contribution (£50,000) as the build costs are particularly high due to the problems with access to the plot and excavating the basement.

- 10.54 The report prepared by Adams Integra has been reviewed by the Council's CIL & Development Viability Team which has indicated that it is supportive of Adams Integra's recommendation.
- 10.55 A contribution of £1,500 towards carbon offsetting is also required as the proposal is a new build.
- 10.56 The applicant has agreed to the payment of these contributions, however a unilateral undertaking confirming full payment of the affordable housing small site contribution of £10,000 and the carbon offsetting contribution of £1,500 has not yet been completed and signed at the time of writing this report.
- 10.57 Therefore, any recommendation for approval should be subject to the signing of the unilateral undertaken confirming a deed of variation to the original unilateral undertaken agreed towards affordable housing and carbon offsetting contributions in order to achieve compliance with policy CS12 Part G of the Islington Core Strategy 2011 and the Islington Affordable Housing Small Sites Contributions SPD.

Other Issues

- 10.58 Objections received raised the concerns that the changes benefit the applicant to the detriment of the neighbours in the interest of profit. Officers consider the changes justified as one condition requirement has been removed through national government and the other condition could be considered unnecessary (screening) due to separation distances between windows being equal to that considered not to represent unacceptable overlooking by policy.
- 10.59 One of the representations received has raised an issue with the principle of backland development. This application relates to the removal of 2 conditions. The principle of the development has already been established under the original approval P2013/4213/FUL which the applicant is currently implementing. The principle of the backland development due to the fall back position of the applicant to complete the development as approved does not form part of this assessment. Similarly, the petition attached related to a different planning application (P2015/1314/FUL) is not a material consideration to this assessment.
- 10.60 It must also be noted that the original planning permission was required to commence before the 28th August 2017. The conditions have previously been discharged from this decision and works on the proposal had commenced prior to expiry of the planning permission. A site inspection before the expiry date of the original permission confirmed that excavation works to form the basement had commenced on site within the legitimate timeframe. The applicant is therefore entitled to seek to remove condition 7 even though the details of the opaque screen have been discharged prior to commencement of the development. This does not impact on the original development which remains a fall-back position for the applicant if the committee are minded to reject its removal as applied for within this application.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.4 of this report.
- 11.2 As such, the proposed development 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 and legal agreement/deed of variation.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms (deed of variation) for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of section 73 be subject to conditions listed below and 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:

1. An affordable housing small sites contribution of £10,000; and
2. A carbon offsetting contribution of £1,500.

List of Conditions:

1	<p>S73 Consent</p> <p>S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of [28/08/2017].</p> <p>REASON: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on [28/08/2014) [LBI ref: [P2013/4213/FUL]. Furthermore, to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5)</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan, Design and Access Statement (October 2013 – Rev C), Daylight Assessment (November 2013 – issue 1), Arboricultural Survey & Planning Integration Report (25 October 2013), Drawing Nos. 242.(1).0.001 (Rev E), 242. (1).0.003 (Rev A), 242.(1).0.004 (Rev A), 242. (1).0.005 (Rev A), 242.(1).0.006 (Rev A), 242.(1).0.007 (Rev A), 242.(1).1.016 (Rev A), 242.(1).1.017, 242.(1).1.018, 242.(1).2.015, 242.(1).2.016, 242.(1).2.017, 242.(1).2.018, 242.(1).3.013, 242.(1).3.014, 242.(1).4.001 Rev D, 242.(1).4.002, Sustainable Design & Construction Statement dated April 2017</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>
3	<p>Materials (Details)</p> <p>CONDITION: Detailed drawings at scale 1:50 or samples/details of external materials used shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>Reason: The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p>

<p>4</p>	<p>Landscaping and Trees</p> <p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) existing and proposed underground services and their relationship to both hard and soft landscaping; b) proposed replacement trees: their location, species and size; at least two new trees must be provided; c) soft plantings: including grass and turf areas, shrub and herbaceous areas; d) earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and g) any other landscaping feature(s) forming part of the scheme. <p>All landscaping including trees, in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two-year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</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 biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<p>5</p>	<p>Sustainable Design</p> <p>CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. 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 19% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2013, and not exceed water use targets of 110L/person/day.</p> <p>REASON: To ensure a sustainable standard of design interest of addressing climate change and to secure sustainable development.</p>
<p>6</p>	<p>Car Free Development</p> <p>CAR PERMITS (Compliance) All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) 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: To ensure that the development remains car free.</p>

7	<p>Green Roof</p> <p>CONDITION: Details of the biodiversity (green/brown) roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm);</p> <p>b) laid out in accordance with the plans hereby approved; and</p> <p>c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
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List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT</p> <p>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.</p>
2	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</p> <p>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.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>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.</p>

4	Car-Free Development
	INFORMATIVE: (Car-Free Development) All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that 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.
5	Pre-commencement conditions
	You are advised of the need to discharge the conditions. Condition 3, 4 and 7 have previously been discharged under application P2017/1055/AOD. Given the changes to landscaping, further details would be required to be submitted prior to the first available planting season following construction of the development to ensure full compliance.

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 and Planning Policy Guidance (PPG) seek to secure positive 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, 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 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture
Housing Supplementary Planning Guidance
Appendix 1 - Summary of the quality and design standards

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment
Policy CS 10 – Sustainable Design
Policy CS 12 – Meeting the housing challenge

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

3. Designations

Local Cycle Route
Within 50m of Tollington Park Conservation Area

4. SPD/SPGS

Urban Design Guidelines
Small Sites Affordable Housing SPD
Environmental Design SPD
Inclusive Design SPD

Appendix 1: PLANNING DECISION NOTICE to be varied



PLANNING DECISION NOTICE

Lipton Plant Architects
81 - 83 Essex Road
London
N1 2SF

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

Case Officer: Patrick Brennan
T: 020 7527 2115
E: planning@islington.gov.uk

Issue Date: 28 August 2014
Application No: P2013/4213/FUL

(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS

BOROUGH COUNCIL'S DECISION: Approve with conditions and legal agreement

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	30-32 Dresden Road, London N19 3BD		
Application Type:	Full Planning Application		
Date of Application:	01 November 2013	Application Received:	01 November 2013
Application Valid:	20 November 2013	Application Target:	15 January 2014

DEVELOPMENT:

Erection of a two storey dwelling to rear of 30 - 32 Dresden Road on existing hard-standing with additional basement.

PLAN NOS:

Site Location Plan, Design and Access Statement (October 2013 – Rev C), Daylight Assessment (November 2013 – issue 1), Arboricultural Survey & Planning Integration Report (25 October 2013), Drawing Nos. 242.(1).0.001 (Rev E), 242.(1).0.003 (Rev A), 242.(1).0.004 (Rev A), 242.(1).0.005 (Rev A), 242.(1).0.006 (Rev A), 242.(1).0.007 (Rev A), 242.(1).1.016 (Rev A), 242.(1).1.017 (Rev A), 242.(1).1.018, 242.(1).2.015, 242.(1).2.016, 242.(1).2.017, 242.(1).2.018, 242.(1).3.013, 242.(1).3.014

CONDITIONS:

- 1 3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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).

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- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan, Design and Access Statement (October 2013 ? Rev C), Daylight Assessment (November 2013 ? issue 1), Arboricultural Survey & Planning Integration Report (25 October 2013), Drawing Nos. 242.(1).0.001 (Rev E), 242.(1).0.003 (Rev A), 242.(1).0.004 (Rev A), 242.(1).0.005 (Rev A), 242.(1).0.006 (Rev A), 242.(1).0.007 (Rev A), 242.(1).1.016 (Rev A), 242.(1).1.017 (Rev A), 242.(1).1.018, 242.(1).2.015, 242.(1).2.016, 242.(1).2.017, 242.(1).2.018, 242.(1).3.013, 242.(1).3.014

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 CONDITION: Detailed drawings at scale 1:50 or samples/details of external materials used shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

REASON: In order to safeguard the special architectural or historic interest of the heritage asset.

- 4 CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:

- a) existing and proposed underground services and their relationship to both hard and soft landscaping;
- b) proposed replacement trees: their location, species and size; at least two new trees must be provided;
- c) soft plantings: including grass and turf areas, shrub and herbaceous areas;
- d) earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;
- e) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
- f) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and
- g) any other landscaping feature(s) forming part of the scheme.

All landscaping including trees in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.

CONDITION: Prior to any superstructure works commencing on the site, a design stage recognised accreditation certificate and supporting assessment confirming that the development achieves a Sustainable Homes rating of no less than ?Level 4? shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the details so approved, shall achieve the agreed rating(s) and shall be maintained as such thereafter.

REASON: In the interest of addressing climate change and to secure sustainable development.

- 6 **CONDITION:** Details of the biodiversity (green/brown) roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be:
- biodiversity based with extensive substrate base (depth 80-150mm);
 - laid out in accordance with the plans hereby approved; and
 - planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 7 **CONDITION:** Notwithstanding the plans hereby approved, prior to commencement of works, plans and details of screening measures up to a height of 1.8m above floor level to the upper level south-facing windows shall be submitted to the Council for approval.

REASON: To restrict views between the proposal and rear windows for properties to the south and protect privacy.

Your attention is drawn to any **INFORMATIVES** that may be listed below

- 1 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. The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.

The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.

- 2 **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.
- 3 **DEFINITIONS:** (Definition of 'Superstructure' and 'Practical Completion') A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

P-DEC-AP1

4 COMMUNITY INFRASTRUCTURE LEVY (the Planning Act 2008 (as amended) and C (as amended), this development is liable to Infrastructure Levy (CIL). This will be calcul Charging Schedule 2012. One of the devel CIL by submitting an Assumption of Liabilit Council will then issue a Liability Notice set

Failure to submit a valid Assumption of Liat commencement of the development may re forms can be found on the planning portal : www.planningportal.gov.uk/planning/applic

Certified that this document contains a true rec

Yours faithfully

A handwritten signature in black ink that reads "Karen Sullivan". The signature is written in a cursive style and is positioned above a horizontal line.

**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEV
AND PROPER OFFICER**

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B6
Date:	31 October 2017	NON-EXEMPT

Application number	P2017/0865/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	None
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Finsbury Local Plan Policy BC8 – Employment Growth Area (General) Finsbury Local Plan Area Within 50m of St Luke’s Conservation Area
Licensing Implications	None
Site Address	44 Pear Tree Street, London, EC1V 3SB
Proposal	Demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey including basement level mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.

Case Officer	Emily Benedek
Applicant	North Square Properties (UK) Ltd
Agent	Mr Kieron Hodgson – Icen Projects

1. RECOMMENDATION

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

1. subject to the conditions set out in Appendix 1.
2. subject to the 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

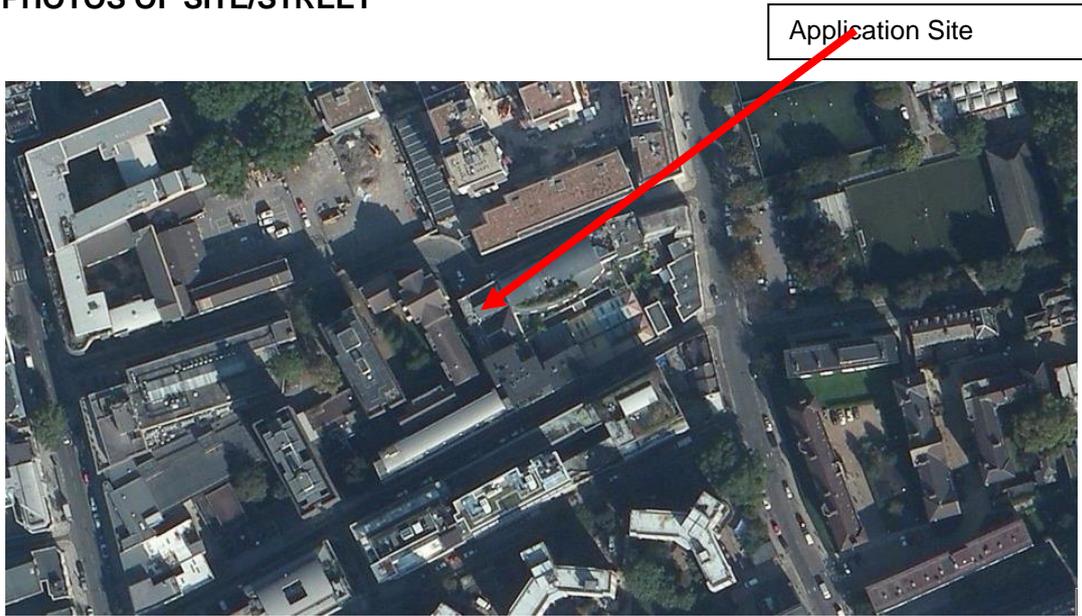


Image 1: Aerial view of the application site

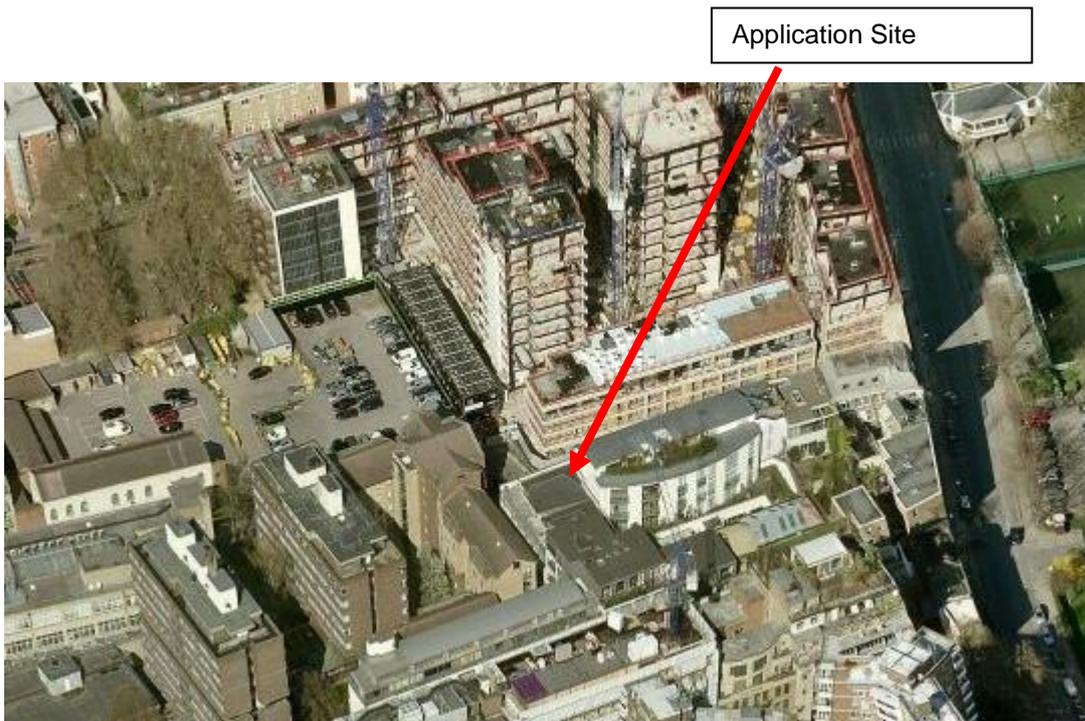


Image 2: Aerial view in north direction



Image 3: Photo of Application Site



Image 4: Photo of existing relationship with Pietra Lara Building to the east of the site



Image 5: Photo showing existing relationship with student accommodation building to the west of the site



Image 6: View of the site from the rear facing windows and the balcony of an existing flat in the Pietra Lara Building to the east of the site

4. SUMMARY

- 4.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site to include the construction of a 5 storey (including basement level) mixed use development containing 863 sqm office floorspace GIA (Class B1) (resulting in an uplift of 29sqm) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds). Provision of refuse & recycling facilities and cycle parking facilities on the ground floor and associated alterations.
- 4.2 The application is brought to committee because of the number of objections received and because of the quantum of office floorspace created.
- 4.3 The issues arising from the application are the principle of additional office floorspace and new residential dwellings, the quality of the new commercial and residential accommodation, the impact on the character and appearance of the street scene and wider locality, and the impact on the neighbouring amenity of the adjoining and surrounding residential properties.
- 4.4 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the street scene or wider locality as Pear Tree Street is characterised by contemporary architecture and the introduction of a modern building in this location is contextually appropriate. The principle of the creation of additional office floorspace within the Central Activities Zone and an Employment Growth Area is considered to be acceptable. The new residential units are considered acceptable in terms of their size and design and would provide an acceptable standard of living space for future occupiers. The proposal would not detrimentally impact on the amenity of the neighbouring properties due to the use of recessed and obscurely glazed windows and obscurely glazed fins to protect the amenities of neighbouring occupiers. The development would be car-free and would provide sufficient cycle parking spaces for the commercial and residential accommodation and would comply with transport policies and is considered to be a sustainable form of development. The applicants have agreed to pay full small sites contributions of £480,000 towards affordable housing and £8,000 towards carbon off-setting.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions and the completion of a legal agreement.

5. SITE AND SURROUNDING

- 5.1 The application site presently accommodates a two storey commercial over basement building last used as B1 (a) offices, which occupies the complete footprint of the site and provides 834sqm of floorspace. The massing and appearance of No. 44 Pear Tree Street are notable in contrast to the surrounding taller and generally more modern properties, the majority of which are used for commercial purposes at the ground floor level with residential dwellings at the upper floor levels.
- 5.2 Immediately to the west of the site is a 6 storey building comprising of student accommodation for students at City University (No. 15 Bastwick Street). This neighbouring building projects further forward than the application site and also projects to the same depth as 26 Bastwick Street, a 5 storey building comprising a mix of office (Use Class B1) and residential accommodation located directly to the south of the application site. The Pietra Lara building, is located directly to the east of the site and comprises a four storey building with a curved rear elevation which is angled towards the application site. This building also comprises of office accommodation at the ground floor level (Use

Class B1) with residential units located on the upper three floors. Located to the north of the site, on the opposite side of the road, is Dance Square, a densely populated residential development, with commercial space (Use Class B1) located at the ground floor level, comprising a series of modern buildings ranging between four and ten storeys in height. The prevailing character of the area is buildings measuring 4-6 storeys in height and providing a mix of commercial and residential floor space.

- 5.3 The application site is located on the south side of Pear Tree Street. It is approximately equidistant between Central Street (east) and Goswell Road (west) which form part of the strategic road network. The site is located within 800m of Farringdon Underground and mainline rail station. Barbican and Old Street Underground stations are approximately 700m and 800m away respectively. There are a number of bus and cycle routes serving the area. The site has a Public Transport Accessibility Level (PTAL) of 6a which indicates a very high level of accessibility to local public transport facilities. Pear Tree Street is a narrow street with an enclosed nature created by the building frontages and the kink in the street between Central Street and Goswell Road.
- 5.4 The application site is not located in a conservation area and the property is not listed, however, the site is within 50 metres of the adjacent St Luke's Conservation Area. The site is also located within the London Plan designated Central Activities Zone (CAZ), the Islington designated Bunhill & Clerkenwell Core Strategy Key Area and is also within as an Employment Priority Area (General).

6. PROPOSAL (in Detail)

- 6.1 The application proposes the demolition of the existing building which currently contains 834sqm of B1 floorspace and the redevelopment of the site to include the construction of a 5 storey including basement level, mixed use development containing 863sqm office floorspace GIA (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds).
- 6.2 The proposed five-storey building would cover the full footprint of the site at basement, ground and first floor levels. At the upper floor levels (2nd, 3rd and 4th floors) the building will be set in 2.3 metres from the boundary with the Pietra Lara building and will include obscurely glazed fins up to third floor level to prevent overlooking to these neighbouring properties (as shown highlighted in Image 7 below). The building would measure 15.9 metres in height to the top of the fourth floor level with an overall height of 18.3 metres in height including the stair overrun. In terms of design, the proposal would be a contemporary building with full height windows and projecting metal balconies on the front elevation. It is proposed that aluminium cladding will be used at the roof level whilst a mix of reconstituted stone panels and white glazed bricks will be used to clad the main 4 storey elevations. Image 8 below provides a Computer Generated Image of the proposal as viewed from Pear Tree Street. With the exception of the plant room at the fourth floor level, the building will be covered in a green roof. A glazed light well will extend down the side of the building on the first floor towards the rear of the building, to provide additional light to the office accommodation below.

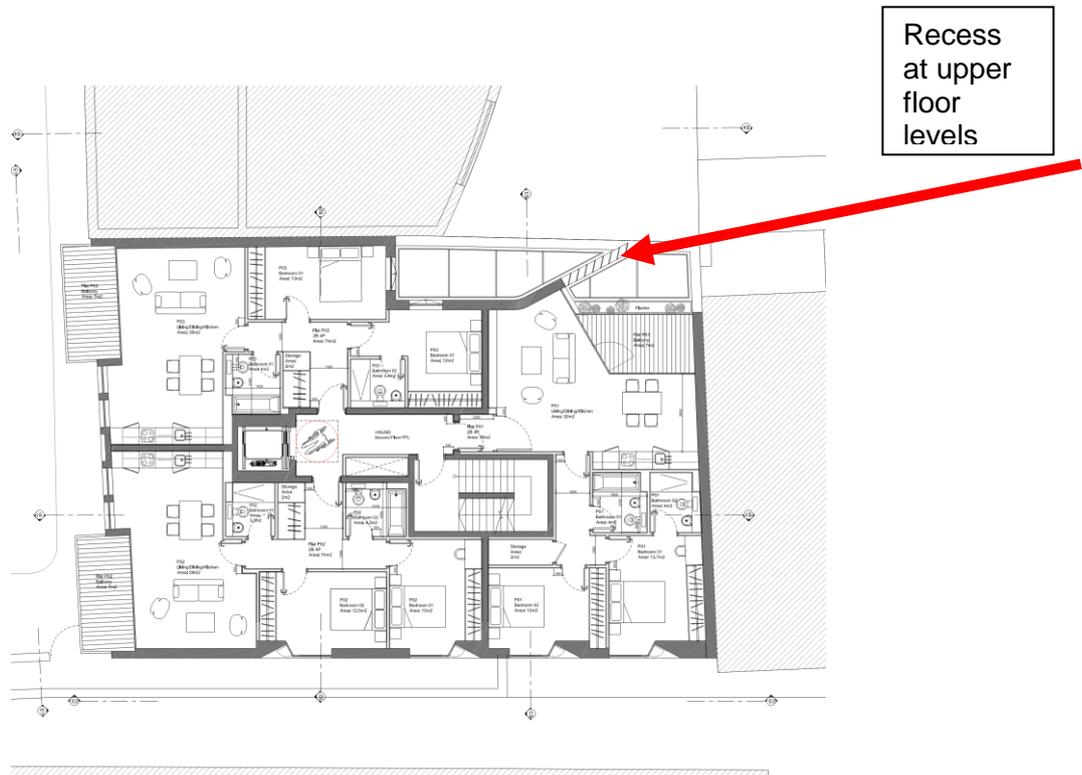


Image 7: Proposed Second Floor Plan highlighting recess at the 2nd to 4th floor levels



Image 8: Computer Generated Image (CGI) of proposed street elevation looking south along Pear Tree Street

- 6.3 With regards to office (B1a) accommodation the building will comprise of 863sqm located at the basement, ground and first floor levels and will include an uplift of 29sqm from the current provision. It should be noted that the existing use of the site is B1(a) offices.
- 6.4 The 8no. residential units will be located at the second, third and fourth floor levels and will provide 6no. 2 bedroom units and 2no. 3 bedroom units. All units will provide a good level of amenity for future occupiers. The self-contained units will be dual aspect and private outdoor amenity space in the form of roof terraces or balconies.

- 6.5 The development will provide 10no. cycle parking spaces for the office accommodation and 18no. cycle parking spaces for the residential units. In addition, combined refuse and recycling facilities will be provided for the commercial and residential uses. These facilities will be located at the ground floor level.
- 6.6 The application is recommended for approval subject to the completion of a legal agreement for small sites contributions including £480,000 towards affordable housing and £8,000 towards carbon off-setting. The Unilateral Undertaking will also include agreements to future proof a future connection of the site to the District Energy Network and ensure the development remains car-free.
- 6.7 This application was submitted following the dismissal at appeal of a previous scheme for the redevelopment of the site to provide 775sqm of B1 floor space and 8no. residential units (application reference P2014/3178/FUL – full details are provided in Section 7 below), in March 2016. The main differences between the current application and the previous scheme are:
- The majority of the rear of the proposed building has been set in by a further 1 metre from the shared boundary with the Pietra Lara Building since the previous application through setting back the balconies further within the footprint of the building. This change is reflected at the second, third and fourth floor levels and is shown on Images 15 & 16 of this report. The building is not set in at the basement, ground and first floor levels which is the same building mass as the existing building on site.
 - The location of the windows and balconies on the east elevation no longer overlook directly the rear windows of the adjoining Pietra Lara building as they no longer face directly onto the shared boundary (see Images 15 & 16 below), include glazed obscure fins, have been angled towards the rear of the building and recessed in by 1 metre (as highlighted above) and will ensure there is no direct overlooking between the two buildings to any material harmful degree within this dense urban location. These rear facing windows in the Pietra Lara building serve open plan living/dining/kitchen rooms and bedrooms.
 - The revised submission includes obscurely glazed fins on the east elevation at the second and third floor levels to ensure there is no mutual direct overlooking and minimises the loss of privacy between the application site and the Pietra Lara building. This is a new feature that has been introduced since the appeal scheme. The proposed obscurely glazed fins will commence 4 metres beyond the rear building line of the Pietra Lara building and will be angled towards this neighbouring building for a distance of 2.8 metres. The obscurely glazed fins will be located various distances ranging between 0.1 metres and 1.4 metres from the shared boundary.
 - The layout of the residential accommodation has been altered at the fourth floor level to provide improved living arrangements for future occupiers. The amendments include relocating the main living rooms which will now be located to the front of the building facing Pear Tree Street with the bedrooms located to the rear. These changes not only provide better outlook for the future occupiers of these residential units but also improve the relationship with the neighbouring properties as the bedrooms will be located to the rear. This has resulted in the removal of a balcony at fourth floor level and the reduction in the overall height of the obscurely glazed fins. The proposed bedrooms will overlook the rear courtyard and will be higher than the Pietra Lara Building and will be angled downwards into the rear courtyard and more acute and oblique angles.

- The flank wall adjacent the lowest flat of the Pietra Lara building has been reduced by 0.3 metres in height compared to the previous scheme.
- The relationship between the application site and 26 Bastwick Street has improved. The proposed balconies to the south of the site have been recessed within the building by an additional 1m and the rear wall of the building has been reduced in depth by 0.3 metres. These measures would ensure there would be minimised from the balconies of the application site to this neighbouring building.
- The overall dimensions of the proposed building are the same as the appeal scheme. The proposed building will measure 15.3 metres in depth (which will be reduced to 13 metres towards the rear of the site), 22.5 metres in depth (including the projecting balconies), 15.9 metres in height to the top of the roof and 18.3 metres in height including the stair overrun.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P2014/3178/FUL - Demolition of the existing building and the construction of a new 6 storey building comprising of 775m² B1(a) floor space on the lower ground, ground and first floor with 8no. residential units on the second, third and fourth floors.

The application (appeal reference number APP/V5570/W/15/3136609) was dismissed at appeal (07/03/2016). The Inspector considered that the proposal would be acceptable with regards to the character of the area and the impact to the living conditions of the neighbouring properties at 26 Bastwick Street and the student accommodation. However, the Inspector raised concerns with the interrelationship between the flats to the rear of the Pietra Lara building and the three proposed flats located to the rear of the appeal site with regards to overlooking and loss of privacy. It was also considered that the large balconies proposed on the east elevation, by virtue of their close distance to the neighbouring flats in the Pietra Lara building, would cause harm to their existing outlook and result in increased sense of enclosure as well as overlooking to these neighbouring occupiers.

Council's reasons for refusal at appeal:

1. REASON: The proposed development by reason of its inappropriate design, scale, massing, height and bulk is considered to form an over-dominant and visually discordant building when seen from both the public and private realm. The proposed development would fail to respond positively to its surrounding context and would form a visually harmful development to the detriment of the character and appearance of the surrounding urban environment. The proposal is therefore considered to be contrary to London Plan Policies 7.4 and 7.6 of the London Plan (2015) policies CS8 and CS9 of the Adopted Core Strategy (2011), policy DM2.1 of the Adopted Development Management Policies (2013) and Islington's Urban Design Guide (2006).

2. REASON: The proposed development by reason of its detailed design, height, bulk, massing including proposed rear windows and position of the proposed terraces on the flank elevation, is considered to have an adverse material impact on the rear windows of Pietra Lara building (No 50 Pear Tree Street) resulting in loss of outlook, increased overlooking, loss of privacy and an increased sense of enclosure to the occupiers of these neighbouring residential properties. The proposed development is therefore considered to be contrary to London Plan Policies 7.4 and 7.6, policies CS8 and CS9 of the Islington Core Strategy (2011) and policy DM2.1 of the Development Management Policies (2013).

3. REASON: The proposed residential units P01, P04 & P07 by reason of their poor internal layouts and their siting in close proximity to adjoining properties are considered to be unacceptably overlooked by adjoining properties over short distances to the detriment of prospective occupier's outlook levels and privacy levels. The main living spaces of these units and bedrooms would experience severely compromised outlook and privacy levels as a result. The proposed layouts of these units are considered to create sub-standard living environments for future occupiers of these units. The proposed development is therefore considered to be contrary to London Plan Policies 7.4 and 7.6, policies CS8 and CS9 of the Adopted Core Strategy (2011) and policies DM2.1 and DM3.4 of the Adopted Development Management Policies (2013).

A copy of the appeal decision is attached as an appendix to this report and images of the proposed front and rear elevations of the appeal scheme are shown below.



Image 9: Proposed Front Elevation of the previous scheme which was dismissed on appeal



Image 10: Proposed Rear Elevation of the previous scheme which was dismissed on appeal.

NEIGHBOURING PROPERTIES

Orchard Building, 25 Pear Tree Street

- 7.2 P2016/4087/FUL - The erection of two roof extensions and stair walkway over fifth floor level to provide three x self-contained 2 bedroom residential units together with private terraces and a green-brown roof. Resolution to grant at Planning Sub-Committee on 02/10/2017.

Laser House, 132-140 Goswell Road

- 7.3 P2017/1103/FUL - Partial demolition of rooftop structures and retention of the existing building along with the construction of a three-storey extension to the existing building and new three-storey infill building to the corner of Goswell Road and Pear Tree Street resulting in a part 3, part 4, part 5, part 6-storey building including internal reconfiguration and refurbishment of the existing facades to provide for 8,465 square metres (GIA) of office floorspace (Use Class B1(a)), 84 square metres (GIA) of flexible gallery/exhibition/office floorspace (Use Class B1/D1) on the first floor of the new three-storey infill building, and 677 square metres (GIA) of flexible retail/office floorspace (Use Class A1/B1(a)) along with associated access arrangements, cycle parking, refuse storage and ancillary works. Resolution to refuse at Planning Committee (09/10/17). The application was refused because of the detrimental impact on the neighbouring properties as the proposal would have resulted in unacceptable loss of daylight to these neighbouring occupiers.

ENFORCEMENT

- 7.4 None.

PRE-APPLICATION ADVICE:

- 7.5 07/12/2016 - Pre-application Advice (ref: Q2016/3656/MIN) provided in relation to *Demolition of existing two storey building and erection of 5 storey over basement mixed use building containing 770sqm of net internal office floorspace (Use Class B1) on the lower ground, ground and first floors and 8 no. residential units (Use Class C3) on the second, third and fourth floors.*
- 7.6 Advice was provided that the proposed design submitted in this pre-application would be very similar as that previously submitted except for the treatment to the south-eastern part of the building, which is only visible from the private realm and the changes to the design on this elevation has been made in response to the neighbouring amenity impacts of the previous scheme. The Council's Design and Conservation officer reviewed the revised scheme and does not raise any design objections to the proposal, which they considered to be a high quality building.
- 7.7 Advice was also provided that in terms of impact on neighbouring amenity, whilst the installation of louvred screens running the full height of the building was an improvement, there was concern that the screen would still allow some visibility through between the properties that would not sufficiently address the Planning Inspector's reasons for dismissing the appeal. There was also concern of the level of overlooking to Pietra Lara building as the privacy screens did not extend far enough to restrict overlooking and it was noted during the site visit that there was potential of overlooking from where the southern side of the balcony would be.
- 7.8 Further advice was provided that ADF studies would be useful and evidence to prove that a good quality environment can be created overall. Once again there may be scope to reconfigure the internal arrangement of the units to try and distribute the main living spaces of the units from focussing only towards the rear section of the building facing the most sensitive and nearby adjoining residential units.

7.9 Following the pre-application advice, the plans were amended to replace the louvred screens with obscurely glazed fins at the second and third floor levels to ensure there would be no overlooking between the two properties. Further changes to the south-east elevation and internal layout of the proposed fourth floor units were made during the course of the current application, as discussed in section 6.7 of this report.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 1113 occupants of adjoining and nearby properties at Pear Tree Street, Dance Square, Bastwick Street, Central Street and Goswell Road on 15 March 2017. A site notice was displayed outside the site and the application was advertised in the Islington Gazette on 23 March 2017. The initial public consultation of the application expired on 13 April 2017.

8.2 A second period of public consultation took place on 16 June 2017 following receipt of revised drawings amending the site layout including the relocation of the living space for unit P07 to the front of the building and the removal of the balcony to the rear of the building at fourth floor level. The treatment on the east elevation facing the Pietra Lara building was also amended as the obscurely glazed fins at the fourth floor level were removed. This consultation expired on 30 June 2017.

8.3 A third period of public consultation took place on 2 August 2017 following receipt of a revised Daylight and Sunlight Analysis which reflected the revised layout and the reduction in height of the obscurely glazed fins. This consultation ended on 16 August 2017.

8.4 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report 60 objections in total 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 in brackets):

- Density of development (10.6-10.8)
- Scale and massing (10.9-10.16)
- Overdevelopment of the site (10.8 and 10.12)
- Height of development (10.9-10.12)
- Impact on neighbouring residential amenity including loss of outlook, over dominance and increased sense of enclosure (10.19-10.38)
- Overlooking (10.19-10.28)
- Loss of privacy (10.19-10.28)
- Loss of sunlight and daylight to neighbouring properties (10.29-10.38)
- Increased traffic congestion (10.58)
- Impact on support services such as refuse collection (10.61)
- Noise and disturbance from increased population (10.50)
- Balconies project onto street (10.14)
- Building should be tiered like surrounding residential developments (10.9-10.12)
- Design inconsistent with Finsbury Plan which acknowledges importance of homogeneity (10.9-10.16)
- Poor quality of living for future occupiers of units P01, P04, P07 & P08 (10.41-10.45)
- Large glazed windows out of character with surrounding properties (10.13)
- Proposal does not meet BRE guidance (10.29-10.38)
- Proposal within 18 metres of multiple neighbours (10.20)
- Concerns about design and maintenance of louvres (8.5 and 10.13)
- Windows in neighbouring Bastwick Street apartment will be blocked (10.25-10.26)

- Boxing in of balconies to Bastwick Street apartments (10.27)
- Lowering of the louvres does not minimise its impact on neighbouring properties (10.20 and 10.35)
- Louvres change the massing of the building and it no longer contributes to the courtyard of the development block which is contrary to what the Inspector deemed acceptable (10.13)
- Proposal taller than recently constructed buildings in Pear Tree Street (10.9)
- Proposal will have a negative effect in this area of predominantly low level street scape (10.9)
- Balcony for commercial unit on first floor should have strict conditions with regards to hours of use (10.50)
- Proposed louvres would provide privacy for No 44 but not Pietra Lara (10.20)
- Noise from plant equipment (10.49)
- Plans are inaccurate and misleading (8.5)
- Amendments to plans do not mitigate impact proposal will have on neighbouring amenity (10.17-10.38)
- Student accommodation will be negatively impacted (10.23-10.24)
- Light pollution from B1 noise (10.64)

Non-planning issues:

- Noise and disturbance from construction works (8.5)
- Impact on structural works to neighbouring building (8.5)
- Lack of prior consultation from the architect (8.5)
- Construction should take place Monday – Friday only so as not to disturb neighbouring students (8.5)

8.5 The plans are submitted in good faith. Officers are satisfied that the plans provide an accurate representation of the site. Noise and disturbance from building works and structural impacts on the neighbouring properties are not material planning considerations that can be taken into account when assessing planning applications and will be considered by the Building Control Act and Party Wall Act. The standard working hours are Monday-Friday 8:00am-6:00pm and Saturdays 8:00am-1:00pm with no works allowed at any other times. Maintenance of the property is not a material planning consideration.

Internal Consultees

8.6 **Planning Policy:** No objection.

8.7 **Design and Conservation Officer:** The design officer acknowledged the planning history including advice given at the pre-application stage and the Inspector's report. No objections are raised to the principle of development including the massing and general form. However, objections are raised to the location of the plant enclosure at the top of the building. It should ideally be integrated to comply with the Islington Urban Design Guide. Suggestions have been made about the composition of the building. The Design officer raised concerns about the projecting balconies. Conditions are seeking further details relating to the projecting balconies, the materials of the building and the details of the treatment of the bin storage on the front elevation.

8.8 **Inclusive Design:** No objections following amendments subject to conditions.

8.9 **Highways:** No objection subject to a Construction Management Plan being submitted including a proposed site layout plan. A condition has been attached to this application should consent be granted.

- 8.10 **Sustainability:** No objection subject to conditions relating to BREEAM (Excellent), Green Roofs and Sustainable Urban Drainage.
- 8.11 **Noise Officer:** No objection subject to conditions.
- 8.12 **Refuse and recycling:** No comment.
- 8.13 **Energy and Energy Efficiency:** No objection subject to a clause in the Unilateral Undertaking ensuring future proofing to the District Energy Network (DEN)

External Consultees

- 8.14 **London Fire and Emergency Planning Authority:** No objection. Recommends sprinkler systems are installed.

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 and Planning Policy Guidance (PPG) seek to secure positive 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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design
- Neighbouring Amenity including sunlight/daylight
- Accessibility
- Amenity for Future Occupiers
- Basements
- Noise
- Sustainability
- Highways and Transportation
- Refuse
- Small Sites Contributions

- Other Matters

Land Use

- 10.2 The application site is situated in a mixed use area within the Central Activities Zone. The premises is currently used as offices at the ground and first floor levels. A mixed use development is proposed including the provision of office B1(a) floor space on the lower ground, ground and first floor levels and residential accommodation on the second, third and fourth floor levels.
- 10.3 The site is designated as an Employment Priority Area (General) within the Finsbury Local Plan. Policy BC8 of this document notes that no net loss of B1 floor space would be permitted through redevelopment of the site. In addition, policy CS13 of the Core Strategy encourages the provision of new business floor space within the CAZ. The use of the existing property is B1(a) and the proposal will involve an uplift of 29sqm from the current provision and therefore demonstrates compliance with these policies. The provision of B1 (a) floor space is welcomed in this location.
- 10.4 Policy 3.4 of the London Plan encourages boroughs to optimise housing output, taking into account local context and character, design principles and transport capacity. This is supported by Core Strategy policy CS12 which seeks to provide high quality, inclusive and affordable homes within the borough.
- 10.5 The proposal also includes the creation of 8 residential units at the second, third and fourth floor levels. The resultant development would provide a mix of 6no. 2 bedroom units and 2no. 3 bedroom units, which would provide an appropriate mix of housing sizes in accordance with Table 3.1 of the Development Management. The site is surrounded by high density residential units and the provision of 8no. residential units as part of a mixed use scheme is considered acceptable. In principle, subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning considerations.

Density

- 10.6 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 8 new residential dwellings comprised of 26 habitable rooms (hr). Density is expressed as habitable rooms per hectare (hr/ha) and is calculated by dividing the total number of habitable rooms by the gross site area.
- 10.7 The site covers an area of approximately 0.0334 hectares, has a public transport accessibility level (PTAL) of 6a (Excellent) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 140-290 u/ha or 650-1100 hr/ha.
- 10.8 The proposed development has a residential density of 778 hr/ha. The provision of residential development is in keeping with the local context in this urban area and ensures that the proposal is not considered to result in an overly dense development.

Design and Conservation

Bulk, Height and Massing

- 10.9 The scheme involves the demolition of the existing two storey building and the erection of a five storey building on the same footprint. Both the existing and proposed buildings include a basement level. The application site is located in between the Pietra Lara building, a four storey residential development to the east and the six storey City University student accommodation building to the west. This modern brick building forms part of a larger complex with the main frontage on Bastwick Street and the development between 6 and 11 storeys in height, providing university facilities in connection with City University. In addition, 26 Bastwick Street, a five storey building is located to the south. Given the height of the surrounding properties it is considered that there is precedent for taller buildings than the current two storey building on site and therefore the installation of a five storey property, located in-between a four storey and a six storey building is considered appropriate. Image 11 below shows the scale and massing of the proposed building in relation to the surrounding properties on Pear Tree Street and Central Street and emphasises the fact that the mass, height and bulk of the proposal are appropriate in the context of the surrounding properties.

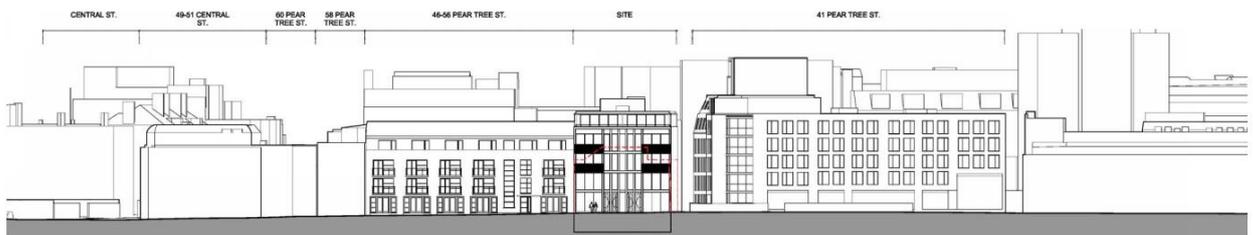


Image 11: The scale and massing of the proposed building in relation to the surrounding properties on Pear Tree Street and Central Street.

- 10.10 In reference to the previously dismissed scheme, the Inspector noted that the massing and appearance of the existing buildings on site *'are in notable contrast to the surrounding taller and generally modern, buildings.'* The proposed development is of the same size as the appeal scheme in terms of width, depth and height and therefore comparisons can be made between the two schemes with regards to the scale, mass and bulk. Given the scale of developments surrounding the site, the Planning Inspector notes that the proposal *'would appear as a complimentary and appropriate book-end to the rectangular block of development,'* namely the surrounding properties at City University, 26 Bastwick Street and the Pietra Lara building.
- 10.11 The proposed footprint of the building has been designed to respect the building lines of the surrounding properties. The proposed building will cover the full footprint of the site at basement, ground and first floor levels. This will reflect the footprint of the existing building at these levels and is therefore considered acceptable. The proposal will project the full depth of the City University building and will align with the existing rear building line for the Pietra Lara building at the second, third and fourth floor levels and will be set in by a minimum of 2.3 metres from the shared boundary. Towards the rear of the site, the buildings terrace doors will be set in by a further 1 metre in comparison to the appeal scheme. However the proposed glazed fins feature to avoid direct overlooking is a new addition to the built form proposed and this element of the proposal would create built form closer to the adjoining properties than previous reiterations particularly at 2nd and 4rd

floor levels. To the rear of the site, the building will not extend beyond the building line of 26 Bastwick Street.

- 10.12 The application site is located in a densely populated part of the borough, and is situated opposite Dance Square which contains several residential blocks ranging from four to ten storeys in height. As a result, a denser development is considered appropriate in this location. Although the building proposes extending beyond the rear building line of the Pietra Lara building, the Inspector raised no objection to this aspect of the scheme and it is not considered that the rearward projection of the upper floor levels would be harmful to the character of the area. The neighbouring property to the west of the site, providing student accommodation, in fact, extends from Pear Tree Street to Bastwick Street (its main frontage), encompassing a much greater depth to the building. It is therefore considered that the massing and siting of the proposed building is acceptable.

Detailed Design and Materials

- 10.13 The proposed building would be of contemporary design with full height glazed windows on the front elevation and reconstituted stone panels with a textured finish. The Design and Conservation officer raised no objections to the provision of large glazed windows which are considered to be in keeping with the character of the area. The proposed roof level will be constructed of light-weight aluminium cladding and the flank elevations will comprise largely of white glazed bricks. The textured finish of the stone panels on the front elevation provides some visual interest to the front elevation of the building, providing a contrast with the large modern glazed windows. In addition, fritted glazing (up to a height of 1.7 metres) will be located on the west elevation facing the City University accommodation, whilst obscurely glazed fins will be located on the east elevation up to third floor level. A condition has been recommended requiring further details of materials to ensure a high quality finish to the development.
- 10.14 It is proposed that the residential accommodation will include the provision of balconies with steel balustrades at the upper floor levels, although these will be partly recessed into the building at the second and third floor levels. It is noted that many of the properties including the flats to the north in Dance Square have front balconies and they are not considered to be uncharacteristic in this location. The style and siting of the balconies has not been amended since the appeal scheme as the Inspector did not raise any objections to this aspect of the development. The proposed balconies are acceptable with regards to their siting and design and as they will only be located at the upper floor levels will be not appear overly prominent from street view. No balconies are proposed for the commercial accommodation. In addition, balconies are proposed to the rear of the property at the second and third floor levels. The views towards the Pietra Lara building will be obscured by glazed fins as highlighted in Image 12 below.

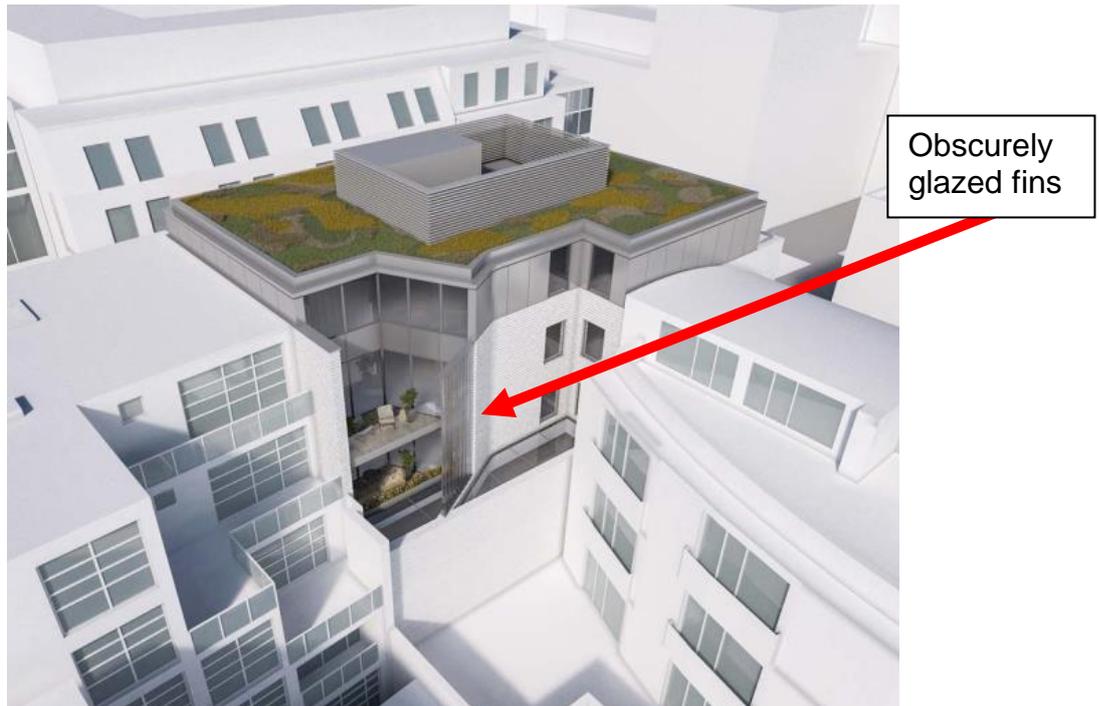


Image 12: Computer Generated Image (CGI) of the proposed development from the rear showing rear lightwells and balcony

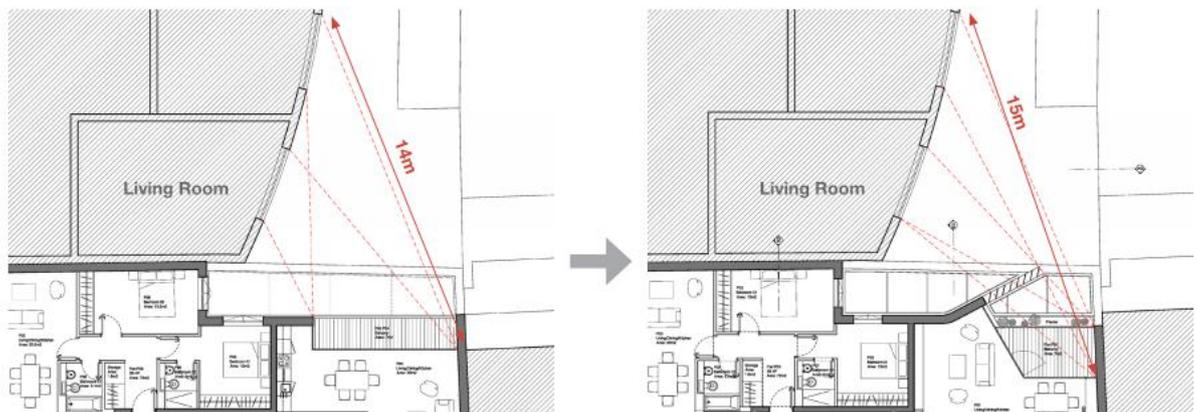
- 10.15 Concerns were raised by the Design officer regarding the location of the proposed plant equipment/stair overrun on the roof of the building. The Islington Urban Design Guide (2017) in paragraph 5.193 states that 'lift overruns that project above the roofline should be avoided. If this is not possible, they should be incorporated on the rear part of the roof, where they are not visible from the street.' The proposed stair overrun/plant equipment will be set back 4.7 metres from the front building line and would measure 2.4 metres in height above the height of the roof at fourth floor level. Given the dense nature of the area, the proposed roof top enclosure would be minimally visible. A condition is proposed to secure details of the materials are submitted to the Local Planning Authority, in order to reduce its visibility and ensure the resulting appearance is of a high standard. Furthermore, given the close proximity of the surrounding residential properties, it would be difficult to locate the plant equipment at a lower level without it having an adverse impact on the amenity of neighbouring occupiers.
- 10.16 Taking into account the design and massing of the surrounding residential properties as well as the reduced bulk and mass to the rear of the site in comparison with the previous scheme, it is considered that the proposed development is acceptable with regards to siting, massing, bulk, design and appearance and would not look out of context with the surrounding residential properties. The proposal would provide a high quality building through the use of appropriate materials which would contribute positively and would integrate with the urban grain. The height of the proposal is acceptable given the prevailing height of the neighbouring buildings and the creation of a modern building would be appropriate in this location. The proposal would comply with Development Management Policy DM2.1 as well as the Islington Urban Design Guide and Finsbury Local Plan and is therefore acceptable for this reason.

Neighbour Amenity including Daylight and Sunlight

- 10.17 Development Management Policy DM2.1 part x requires all new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, overshadowing, overlooking, privacy, sense of enclosure, outlook, direct sunlight and daylight receipt and over-dominance.
- 10.18 The application site is located in a densely populated area of the borough and is surrounded a variety of buildings. Located to the south of the site is 27 Bastwick Street, a five storey building used for commercial and residential purposes. Immediately to the west of the site is a part five, part six storey building which provides student accommodation for City University. To the east of the site is the Pietra Lara building which is 4 storeys in height whilst to the north of the site, on the opposite side of the road, is Dance Square which contains a series of residential buildings ranging from five to ten storeys in height.

Pietra Lara Building

- 10.19 The previous planning application (P2014/3178/FUL) was dismissed by the Planning Inspectorate because of its impact on neighbouring amenity, more specifically the impact on the residents of the Pietra Lara building. He raised concerns with the siting of the balconies on the east elevation, in particular Flats P01, P04 and P07 and considered that 'they would be oppressively close to similarly large glazed openings to habitable rooms at the Pietra Lara Building.' Furthermore, the Inspector raised concerns with regards to the 'proximate inter-relationship of large glazed openings and glass balustrades to the balconies means that the proposed relationship would be unacceptable in terms of the outlook and privacy of the main habitable internal spaces of both sets of residents and would be significantly harmful to their respective living conditions.' As such, development proposals would be unacceptable on this site unless they can overcome this principle concern.



Images 13 and 14: Proposed second and third floor plan of the previous appeal scheme and current proposal showing the interrelationship to the Pietra Lara building including the proposed obscurely glazed fin structure.



Image 15: Proposed east elevation as originally submitted as part of this application with obscurely glazed fins up to fourth floor level but balconies angled towards the courtyard.

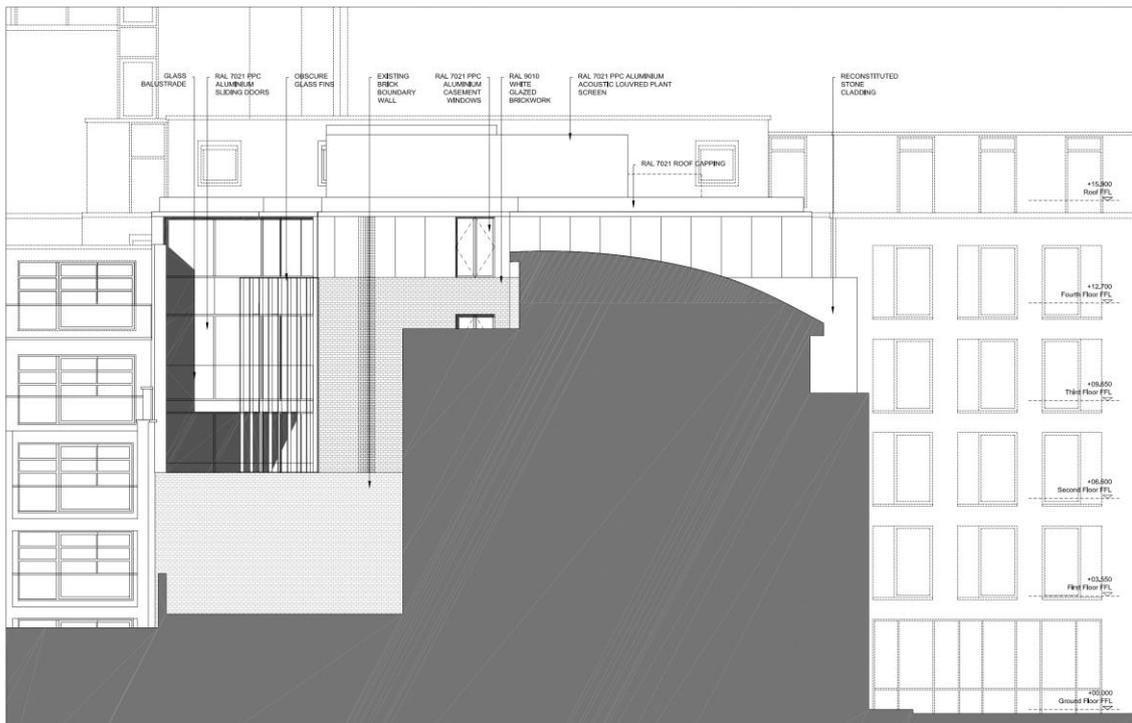


Image 16: Amended east elevation with obscurely glazed fins reduced to third floor level but increased set in of balconies and windows to ensure no overlooking between the properties.

10.20 As noted from Images 13-17 above, the applicant has sought to amend the design and layout of the proposal in order to minimise impacts on the amenity of the neighbouring residents at the Pietra Lara building, specifically Flats 7 and 10, whose living rooms faced towards the application site, in order to overcome amenity objections raised with the previous scheme. It is proposed that the new building will be set in at the second and third floor levels by 2.3 metres from the shared boundary with this neighbouring property and this recess will begin 1.7 metres before the existing rear building line of the Pietra Lara building. This is the same arrangement as the appeal scheme. To the rear of the site, the building will be set in by 1 metre in comparison to the previous proposal. In order to prevent any direct overlooking between the two buildings, it is proposed that obscurely glazed fins will project at an angle away from the new building and will be located a minimum of 4.8 metres away from the nearest window of these neighbouring flats. These obscurely glazed fins will ensure that there is no mutual overlooking between the two properties as Images 18 and 19 below demonstrate. In addition, the windows for the main living area will either be angled towards the boundary with 26 Bastwick Street or look directly onto the shared courtyard. It is also proposed that the balcony for units P01 and P04 will be recessed and given the angle and depth of the glazed fins. There may be minimal overlooking from these recessed balconies if the future occupiers are standing at the furthest point of these balconies (closest to 26 Bastwick Street), as they would have oblique views of the neighbouring windows, at an angle and would match the concerted existing dynamics around the site. This arrangement is considered to be an appropriate balance between protecting neighbouring amenity levels whilst maintaining good living standards for future occupiers. It is also important to note that the only window on the flank elevation facing the Pietra Lara building will look directly onto the flank wall of this property and is therefore not considered to result in overlooking to the neighbouring occupiers.



Image 17: Proposed internal view from third floor balcony



Image 18: View from the first floor living room of the Pietra Lara building looking west towards the application site

- 10.21 Amended plans have been received with regards to the proposed fourth floor layout in order to improve the interrelationship between the application site and the rear windows of the Pietra Lara building. It is proposed that the fourth floor level will align with the neighbouring property at the Pietra Lara building and will then be set in by a minimum of 2.3 metres from the shared boundary (in line with the second and third floors). The windows to the rear of the building will be angled away from this neighbouring property or will face directly onto the shared courtyard below. The only window looking towards the Pietra Lara building will be a bathroom window for Flat P08 which will be obscurely glazed in order to prevent any direct overlooking between the two buildings, and a condition is proposed to ensure it is permanently maintained as such.
- 10.22 With reference to the impact on the Pietra Lara building, it is considered that the applicant has undertaken improvements to minimise the concerns raised by the Inspector regarding this interrelationship. The use of obscurely glazed fins, which are angled towards the Pietra Lara building, will ensure on balance that there would be no direct overlooking as the main habitable rooms would no longer look directly onto the windows serving the main living areas of the Pietra Lara building and would be angled away from this building to create a view over the private courtyard to the rear of the site. Furthermore, the recessed nature of the balconies and the angle of the windows to the rear of the site will reduce the overlooking and loss of privacy between the two buildings. This is highlighted in Image 18 which shows a computer generated image of the site as seen from the rear facing windows of the Pietra Lara building and demonstrates the fact that the proposed windows and balconies on the east elevation on the proposed building will not be visible from the Pietra Lara building. As a result, it is therefore considered that the proposal would not have a detrimental impact on the amenity of these neighbouring occupiers. Given the importance of these obscurely glazed fins, a condition is proposed to ensure they are installed prior to the first occupation of the site and permanently maintained as such thereafter.

Student Accommodation

- 10.23 Turning to the student accommodation to the west of the site, it is proposed at the upper levels, that the windows located on this elevation will only serve bedrooms for the new residential units. In order to minimise against any overlooking between the application site and the university accommodation (located 4.05 metres away from the proposal), it is proposed that the windows will be obscurely glazed below a height of 1.7 metres and the only openable windows will be angled away from this neighbouring building.
- 10.24 In his report, the Inspector noted the close proximity between the two buildings (there is a separation distance of 4.05 metres). However, he did note that 'the openings on the east elevation of the student accommodation building have a combination of fritted glazing and mesh panelling such that there were be no corresponding loss of privacy, outlook or daylight.' As stated above, this application is similar to the appeal scheme insofar as only bedroom windows are proposed on the flank elevation with angled windows to provide an additional outlook. The windows will also be made of fritted glass up to a height of 1.7 metres to ensure there is no direct overlooking between the two properties. Whilst the close distance between the two properties is noted, given the transient nature of students as well as the inclusion of fritted glass and angled windows, it is considered that positive measures have been included within the proposal to ensure the development has minimal adverse impacts on the amenity of these neighbouring students.

26 Bastwick Street

- 10.25 The proposed plans illustrate that the building will be built directly up to the shared boundary with No 26 Bastwick Street located to the south (rear) of the application site. At present, the two buildings are joined at basement, ground and first floor levels and it is proposed that this will be extended up to fourth floor level. No windows are proposed on the rear elevation of the new building although it is acknowledged that there are some high level, secondary windows on the rear elevation of 26 Bastwick Street at fourth and fifth floor levels.
- 10.26 With regards to the proposed relationship between the two properties, it was noted following a site visit to the property that secondary windows to the bathroom, living and bedroom areas are present. Both these habitable rooms benefit from full height windows in addition to the secondary windows located to the rear of the site and, it is therefore considered that the increase in height to the rear of the application site, whilst it would cause obstruction to these secondary windows, would not have an adverse impact on the amenity of the adjoining occupiers at 26 Bastwick Street.
- 10.27 Concern was raised in the previous application with regards to the rear projection of the balconies and the close relationship with the existing balconies at No 26 Bastwick Street. It is now proposed that the rear balconies at the second and third floor levels and the building line at the fourth floor level will project no further than the flank elevation of this neighbouring property. These amendments will ensure that there would be no harmful encroachment or loss of privacy to these neighbouring occupiers, especially when viewed from the east facing balconies at 26 Bastwick Street.

Dance Square

- 10.28 It is important to acknowledge that the properties to the north of the site on Dance Square are located on the opposite side of the road and as stated in Paragraph 2.14 of the reasoned justifications accompanying Development Management Policy DM2.1 'overlooking across a public highway does not constitute an unacceptable loss of privacy.' Therefore, given the separation across the public highway between these two buildings, it is not considered that the proposal would have an adverse impact on the amenity of these neighbouring occupiers. Whilst objections have been raised regarding overlooking from the front balconies onto the neighbouring residential properties on Dance Square, it is important to note that the Dance Square apartments also include balconies on the front elevation and therefore limited weight can be applied to this objection. Furthermore, front facing balconies and windows across relatively narrow roads/squares is an inherent feature of the built form in Pear Tree Street and Dance Square.

Daylight and Sunlight

- 10.29 The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. During the course of the assessment of the application and following public consultation additional comments and information in relation to the impact on neighbouring amenity including levels of Daylight and Sunlight were received in a letter including a Waldram Diagram.

- 10.30 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:
The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight);

And

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

- 10.31 Sunlight: the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.

In cases where these requirements are breached there will still be no real noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of annual probable sunlight hours.

- 10.32 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document emphasises that advice given is not mandatory and the guide should not be seen as an instrument of planning policy. These (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. Reductions of between 20% to 30% are generally considered to be a lesser or minor infringement in dense urban areas such as this and are generally accepted as being reflective of surroundings. It is often helpful to look at the actual retained VSC levels as well as the percentage loss.
- 10.33 A Daylight and Sunlight Assessment was submitted in support of the application. An updated report has been submitted in August 2017 to show the potential impact of the development following the submission of amended plans, as the removal of obscurely glazed fins at the fourth floor level reduced the impact of the scheme on the Pietra Lara building.

Analysis of Daylight Losses for Affected Properties

- 10.34 Residential dwellings at the following properties listed have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development including the proposed developments overall massing including its rear privacy glazed fin feature:
- 10.35 46-56 Pear Tree Street (Pietra Lara Building): The report and additional letter dated 27 July 2017 sets out that all the windows on the adjacent residential properties at the Pietra Lara building would pass the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test. The Daylight Distribution (DD) also confirm that all windows in this building would pass this test and therefore the proposal would not result in any unacceptable loss of light to these neighbouring properties. It should be noted that in the original Daylight and Sunlight analysis 3 windows in this neighbouring building failed the VSC test. However, following amendments to the plans including the removal of the obscurely glazed fins at fourth floor level, as indicated in the revised Daylight and Sunlight analysis, these windows no longer fail the VSC test.
- 10.36 City University: The report concludes that 39 out of 44 windows in the City University building would experience loss of VSC and the rooms served by them would also fail the DD. However, many of these windows currently have very poor levels, especially the lower ground floor rooms, with existing VSC levels as low as 11%. This accommodation is for students during their time at university. Individual students would occupy the accommodation for less than a year and the main function would be for sleeping and studying. Furthermore, as this is student accommodation which would have a transient population and not family accommodation, it is considered that the effect on this neighbouring property is not harmful and the BRE guidance can be applied more flexibly. The impact of the development on adjoining properties in terms of demonstrable harm to daylight is not considered so material to warrant refusal on this basis.
- 10.37 26 Bastwick Street: The report confirms that two windows would be noticeably affected having regard to the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test (as set out in the table below) whilst the rooms would pass the DD. However, these windows, which would be completely blocked by the development, relate to secondary windows on the north elevation facing the application site and are not the principle windows to these rooms and are therefore given limited weight. Furthermore, these units benefit from full height windows to the main living area and bedrooms and therefore their amenity would not be compromised as a result of this development. It

should also be noted that as these windows at No. 26 Bastwick Street do not face within 90 degrees of due south, the BRE guidance states that sunlight testing is not required.

		Vertical Sky Component			No skyline (daylight distribution)			
Room / Window	Room Use	Existing VSC	Proposed VSC (%)	VSC Percentage of Former Value (%)	Whole room m ²	Previous m ²	Proposed m ²	NSL Percentage of Former Value (%)
3 rd Floor / W014	Unknown But likely LKD or Bedroom	29.67	22.94	0.77	19.70	19.70	19.34	0.98
3 rd Floor / W015	Unknown But likely LKD or Bedroom	21.49	15.81	0.74	29.82	29.44	29.04	0.99

Table 1: Windows in 26 Bastwick Street that fail the Vertical Sky Component Test (but pass the Daylight Distribution Test)

10.38 The application site is located in a densely populated area and at present there is a noticeable tightness to the site. It is considered that the proposal reasonably protects the privacy and minimises the overlooking to neighbouring occupiers, whilst achieving acceptable amenity standards for future occupiers. The proposal is therefore considered to accord with Development Management Policy DM2.1 with regards to impact on neighbouring amenity.

Accessibility

10.39 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), 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 local wheelchair housing standards. The expectation is now that new residential units meet Category 2 of the National Housing Standards. A condition (condition 8) has been attached to this effect. However, the commercial element still needs to comply with the Inclusive Design SPD.

10.40 Amendments were made to the plans, following concerns raised by the Accessibility officer to ensure the commercial and residential units are fully accessible. These changes included the provision of disabled toilets on every level of the commercial floor space and disabled shower facilities at the basement level and accessible cycle storage areas for the commercial and residential units. Subject to the inclusion of conditions, the proposal is considered to comply with Development Management Policy DM2.2 and the Inclusive Design SPD.

Amenity for Future Occupiers

- 10.41 Table 3.2 of policy DM3.4 of the Development Management document stipulates the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. Details of each unit are set out in the table below against the minimum floor space standards.

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Amenity Space	Minimum Required Garden Space	Storage	Minimum Required Storage Space
P01	2/4	78	70	7	7	2	2
P02	2/4	74	70	7	7	2	2
P03	2/4	74	70	7	7	2	2
P04	2/4	78	70	7	7	2	2
P05	2/4	74	70	7	7	2	2
P06	2/4	74	70	7	7	2	2
P07	3/5	92	86	9	8	2.5	2.5
P08	3/6	104	95	9	9	3.8	2.5

- 10.42 The proposed residential units would exceed the minimum required floor space as set out in the London Plan and the Development Management Policies. The proposed units would provide a good level of internal amenity space for future occupiers, with sufficient storage space and all units are fully accessible. All units would be dual aspect in line with Development Management Policy DM3.4. The internal layout for the fourth floor units has been revised with living space towards the front and bedrooms to the rear to ensure the development provides a good level of outlook for future occupiers. The proposed units will have an internal floor to ceiling height of 2.7 metres and will exceed the minimum height requirements set out in the London Technical Guide and Development Management Policy DM3.4 which are 2.5 metres.
- 10.43 With regard to amenity space, policy DM3.5 details that all new residential development should provide good quality, private outdoor space in accordance with the minimum required figures. This policy requires a minimum of 5m² on upper floors for a 1-2 person dwelling and for each additional occupant, an extra 1 square metre.
- 10.44 The proposed units would be located on the second, third and fourth floors and will all benefit from private outdoor amenity space in the form of balconies. As noted in the table accompanying paragraph 10.41 of this report, all units will meet or exceed the minimum outdoor amenity space required for units of their size and are therefore policy compliant.
- 10.45 An Average Daylight Factor (ADF) report with regards to the new units was submitted with the application. The report concludes that in the case of every proposed unit, rooms met or surpassed the BRE Average Daylight Factor test and the test in relation to sunlight. It is considered that all would receive sufficient daylight, sunlight and ventilation. It is noted it is a tightly constrained site with closely built form. The location of bedrooms adjacent to the university accommodation, recessed balconies to the lounges at the rear with screening (at second and third floor levels) is considered to strike an appropriate and fair balance to make efficient use of a central location for mixed use employment and residential purposes while safeguarding adjoining residents' amenity levels to an acceptable degree.

10.46 Overall, it is concluded that the proposed development would provide acceptable living conditions to future occupiers and acceptable levels of amenity space.

Basements

10.47 The proposal would involve the re-provision of a basement floor which would cover the full foot print of the existing building. No further excavation is required for the basement provision. It is noted that there is currently a basement on site which covers the same footprint as the proposal (albeit with an open plan layout). The basement would conform to the guidance set out within the Basement SPD sets out the relevant guidelines for mixed use developments in paragraphs 7.1.16.

10.48 On the basis of the information supplied within the SMS, signed by a RICS accredited structural engineers, the basement would comply with the Basement SPD (2016) and would not have a detrimental impact on the structural integrity of the existing terrace or impact on the hydrological table in the general area.

Noise

10.49 The proposal includes the installation of fixed external plant to be located on the roof. The Council's Acoustic Officer has reviewed the submitted documents has not raised an objection subject to conditions relating to the background noise level. In addition, the officer noted that as the proposal is for a mixed use development, there is a requirement for a higher standard of noise insulation to ensure the two uses are compatible. The impact of the proposals on the amenity of future occupiers of this building is acceptable subject these conditions.

10.50 Concerns have been raised by neighbouring objectors regarding noise and disturbance from the increased number of residents living on this site. The proposal seeks to provide 8no. residential units and is a lower density development than many of the surrounding properties. Given the large number of existing residential units in this location, it would be unreasonable to refuse the application on the basis that 8no. additional units would result in unacceptable levels of noise and disturbance to neighbouring occupiers. Furthermore, conditions are recommended to ensure adequate levels of sound insulation. It is also important to note that no balconies are proposed for the commercial floor space at first floor level, so they could not impact on neighbouring amenity.

10.51 In summary the proposal would not conflict with the aims of Policy DM2.1 of Islington's Development Management Policies with regards to the protection of neighbouring amenity or with Policies 7.4 and 7.6 of the London Plan in terms of potential harm to residential amenity and is therefore acceptable in this regard.

Sustainability, Energy Efficiency and Renewable Energy

10.52 The design and access statement notes that the development is designed to be energy efficient adopting sustainable design and construction measures, minimising greenhouse gas emissions. The proposal will achieve a BREEAM level of "Excellent" which will be secured by condition.

10.53 In terms of drainage and surface water run-off levels at the site, details on how the scheme is designed to ensure no net increase in surface water drainage from the site post development is achieved is to be conditioned to be in accordance with standards in DM 6.6 of the DMP.

- 10.54 The proposed green roof will be biodiversity based with an extensive substrate to a depth of 80-150cm. A condition is proposed to ensure this green roof is secured. Rainwater recycling will be incorporated and a target of 95litres/day will be set for water usage in each dwelling (by condition). Development Management Policy DM7.2 requires minor new build developments to achieve an on-site reduction in regulated CO2 emissions of 19% in compliance with Building Regulations Part L 2013. The application proposes a reduction of 42% for the residential units and 11% for the commercial units and would therefore be in compliance with this policy. This will be secured through a condition.
- 10.55 Policy DM7.3 requires minor new-build developments located within 100metres of Decentralised Energy Networks will be required to connect to that network including provision of the means to connect to that network. The application is 75m from the nearest potential pipework connection and the applicant has demonstrated that it is not economically feasible to link the proposal to the Bunhill District Energy Network. However, the Council's Energy team has recommended that the proposal needs to be future-proofed so it could be connected to the Decentralised Energy Network at a later stage and has recommended that this be included in the Heads of Term for the Unilateral Undertaking. Subject to this inclusion in the Section 106 Agreement, the Council's Energy team were supportive of this aspect of the proposal.
- 10.56 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". A carbon offset contribution of £8,000 would be required, based on the eight new-build flats, in accordance with the Environmental Design SPD. Subject to attached conditions and legal agreement the proposal offers a sustainable form of development.

Highways and Transportation

- 10.57 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200m² gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable. A Transport Assessment including a servicing plan has been submitted. In line with the existing arrangements, servicing and deliveries will continue to be undertaken via the Pear Tree Street and are acceptable subject to a condition requiring a Construction Method Statement.
- 10.58 An objection was received concerned that there would be an increase in traffic congestion. However, Core Strategy policy CS10 requires all new developments to be car-free, which means no parking provision will be allowed on site and occupiers will not have the ability to obtain parking permits. Therefore, there will be no material impact on traffic congestion as a result of the proposed works.
- 10.59 The requirements for cycle parking set out in Policy DM8.4 and Appendix 6 of the Development Management Policies applies to the creation of new office floorspace. Cycle parking is required to be provided at a rate of one space per every 80m² of new floorspace and needs to be secure, covered, conveniently located and step free. One cycle parking space is also required for every bedroom within the residential development. The scheme proposes 10 cycle parking spaces for the commercial use and 18 cycle parking spaces for the residential units. The total provision of cycle parking accords with the requirements of Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.

- 10.60 The Council's highways officer has made comments regarding the access arrangements for construction and commented that a Construction Management Plan including a site layout plan would need to be submitted. Therefore, it is recommended that a condition is attached requiring a Construction Management Plan which includes details to address the matters outlined above. As the application is for a mixed use development, including the provision of B1(a) floor space, a delivery and servicing condition is also proposed to ensure the delivery and servicing of goods can be appropriately managed in this location without having a detrimental impact on highways safety.

Refuse Storage

- 10.61 In terms of waste management, the Council's Street Environment Services have raised no objections to the proposal. Refuse and recycling facilities have been provided at the ground floor level for the commercial and residential units, which will be located at the front of the property with an access door leading directly onto the pavement to ensure they are easily accessible for collection. It is proposed that 5 1100l bins will be provided for refuse and recycling facilities which is considered appropriate for a scheme of this size. A condition is proposed to ensure the refuse and recycling facilities are provided prior to the occupation of the units.

Affordable housing and carbon offsetting contributions

- 10.62 The proposal is a minor application for eight new residential units, which is below the affordable housing threshold of ten units (policies 3.13 of the London Plan and CS12G of Islington's Core Strategy). The applicant has agreed to pay the full small sites contributions towards affordable housing of £480,000 together with £8,000 contribution towards carbon off-setting. This will be secured in a Unilateral Undertaking. As the application site is currently in B1(a) use and the proposal results in the uplift of only 29sqm of B1(a) floor space the Crossrail CIL is not required.
- 10.63 The application complies with policy CS12G of the Islington Core Strategy 2011, Development Management Policy DM7.2 and the Islington Affordable Housing Small Sites Contributions SPD.

Other Matters

- 10.64 Concerns have been raised by neighbouring occupiers regarding light pollution from the B1 use. In order to be more energy efficient many offices now provide sensor related lights to ensure lights are not left on in the building when it is not in use. Furthermore, the office accommodation is located at the basement, ground and first floor levels with limited windows on the flank elevations. As such, the proposal is not considered to result in unacceptable levels of light pollution to warrant refusal of the application.
- 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.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal is for the demolition of the existing building and the redevelopment of the site to provide a 5 storey including basement level, mixed use development containing 863sqm office floor space (Class B1) on the lower ground, ground and first floors and 8 residential units (Class C3) on the second, third and fourth floors (6 x 2 beds, 2 x 3 beds).
- 11.2 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the street scene or wider locality as Pear Tree Street is characterised by contemporary architecture and the introduction of a modern building in this location is contextually appropriate. The principle of the creation of additional office floorspace within the Central Activities Zone and an Employment Growth Area is considered to be acceptable as the proposal would result in the uplift of 29sqm from the current provision. The new residential units are considered acceptable in terms of their size and design and would provide an acceptable standard of living space for future occupiers. The proposal would not detrimentally impact on the amenity of the neighbouring properties due to the use of recessed and obscurely glazed windows and obscurely glazed fins to protect the amenities of neighbouring occupiers. The development would be car-free and would provide sufficient cycle parking spaces for the commercial and residential accommodation and would comply with transport policies. The proposal is considered to be a sustainable form of development and will incorporate green roofs. The applicants have agreed to pay full small sites contributions of £480,000 towards affordable housing and £8,000 towards carbon off-setting.
- 11.3 The proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Finsbury Local Plan, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions and the completion of a legal agreement.

Conclusion

- 11.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 – RECOMMENDATION and the completion of a legal agreement .

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:

- £480,000 contribution towards the provision of off-site affordable housing within the Borough
- £8,000 contribution towards carbon off-setting
- The provision of an updated Energy Statement including futureproofing and future connection to a District Heat Network
- The development will be car-free

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index. Further obligations necessary to address other issues may arise following consultation processes undertaken by the allocated S106 Officer.

RECOMMENDATION B

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

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
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1126-0100-AP-101 REV P01, 1126-0100-AP-102 REV P01, 1126-0100-AP-103 REV P01, 1126-0100-AP-104 REV P01, 1126-0100-AP-105 REV P01, 1126-0100-AP-106 REV P01, 1126-0100-AP-107 REV P01, 1126-0100-AP-108 REV P01, 1126-0100-AP-109 REV P01, 1126-0100-AP-110 REV P01, 1126-0100-AP-111 REV P01, 1126-0200-AP-101 REV P03, 1126-0200-AP-102 REV P02, 1126-0200-AP-103 REV P03, 1126-0200-AP-104 REV P02, 1126-0200-AP-105 REV P02, 1126-0200-AP-106 REV P02, 1126-0200-AP-107 REV P02, 1126-0300-AP-101 REV P02, 1126-0300-AP-102 REV P02, 1126-0400-AP-101 REV P02, 1126-0400-AP-102 REV P02, 1126-0400-AP-103 REV P02, 1126-0400-AP-104 REV P02, 1126 12.04 REP 015_Planning Amendments .</p> <p>Design & Access Statement Reference: 1126 12.04 REP 013_Design and Access Statement Issue: P01 dated 20.02.17, Planning Statement dated February 2017, Green Performance Plan dated 05 January 2017, Thermal Modelling Report for overheating assessment dated 04 January 2017, Area Schedule dated 20 February 2017 REV P02, Daylight and Sunlight Report reference K160908/PSD/Group 03 dated February 2017 and updated revision dated 27 July 2017, Plant Noise Assessment Acoustics Report M1408/R01a dated 9 November 2016, Structural Methodology Statement Revision A dated 15 February 2017, Site Waste Management Plan dated 15 July 2014, Transport Assessment dated November 2016, Flood Risk Assessment Version 2 dated May 2017, Fire Strategy Technical Note Dated 8 June 2017, Energy Strategy Report dated 5 January 2017, BREEAM Pre-Assessment Report dated 5 January 2017, Sustainability Statement dated 5 January 2017.</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>
3	Materials (Details)
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) aluminium cladding; c) window treatment (including sections and reveals); d) door entrances e) fritted glazing; f) stone section; g) balustrading treatment (including sections); h) obscurely glazed louvres; i) lift overrun j) Any other materials to be used. <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	Construction Method Statement
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The Statement shall also include:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
5	Plant Equipment Noise Levels
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014</p> <p>REASON: For the protection of neighbouring amenity.</p>
6	Timer for Plant Equipment
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use of the building 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: For the protection of neighbouring amenity.</p>

7	Balconies
	<p>CONDITION: The proposed balconies on the front elevation should not be stuck on. Details of the soffits, balustrades, fixings and materials should be submitted to the Local Planning Authority prior to the commencement of works. The balconies shall be constructed in accordance with the submitted details and permanently maintained as such.</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>
8	Cycle Storage and Refuse Facilities
	<p>CONDITION: The bicycle storage area(s) and refuse facilities hereby approved, shall be provided prior to the first occupation of the development hereby approved as shown on drawing no. 1126-0200-AP-102 REV P02 and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport and adequate refuse facilities are provided on site.</p>
9	Green Biodiversity Roof (Compliance)
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 1126-0200-AP-107 Rev P02 hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
10	Category 2 – National Standard
	<p>CONDITION: Notwithstanding the drawings hereby approved, all residential units shall be constructed to Category 2 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 to 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> <p>REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs.</p>

11	Sustainable Design and Construction
	<p>CONDITION: The dwellings hereby permitted shall be constructed to achieve a 19% reduction in regulated CO2 emissions, compared to compliance with the Building Regulations 2013, and a water efficiency target of 95 l/p/d. No implementation of the development shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority and maintained as such into perpetuity.</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>
12	Delivery and Servicing Plan
	<p>CONDITION: A Delivery and Servicing Plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>The development shall be constructed and operated strictly in accordance with the details so 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: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
13	Windows to be Obscurely Glazed
	<p>CONDITION: Detailed elevational plans and materials of the obscurely glazed windows and glazed fins screening along the hereby approved buildings eastern and western elevation on approved drawings 1126-0400-AP-102 Rev P02, 1126-0200-AP-104 Rev P02 & 1126-0400-AP-104 Rev P02 including the method of permanent obscuring, exact extent, location, position, finish and material shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site and shall be installed as such prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter into perpetuity.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in accordance with the requirements of the NPPF.</p>
2	Community Infrastructure Levy (CIL)
	<p>CIL Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is</p>

	<p>liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</p>
3	Section 106 Agreement
	<p>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.</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 2012 and Planning Policy Guidance (PPG) seek to secure positive 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, 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 2016 - Spatial Development Strategy for Greater London

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and Design of Housing Developments
Policy 4.1 Developing London's Economy
Policy 4.2 Offices
Policy 4.3 Mixed Use Development and Offices
Policy 5.3 Sustainable Design and Construction
Policy 5.5 Decentralised Energy Networks
Policy 5.11 Green Roofs and Development Site Environs
Policy 5.13 Sustainable Drainage
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 - Bunhill and Clerkenwell
Policy CS 8 – Enhancing Islington's character
Policy CS 9 - Protecting and enhancing Islington's built and historic environment
Policy CS 10 – Sustainable Design

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM2.3 – Heritage
- Policy DM5.1 - New business floorspace
- Policy DM5.4 - Size and affordability of workspace
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes

- Policy DM7.4 – Sustainable Design Standards
- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

D) Finsbury Local Plan (June 2013)

- Bunhill & Clerkenwell Key Area
- Mix of uses

3. Designations

Rosebery Avenue Conservation Area

4. SPD/SPGS

Urban Design Guidelines 2017
Conservation Area Design Guidelines
Environmental Design SPD
Inclusive Design SPD



Appeal Decision

Site visit made on 24 February 2016

by David Spencer BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07/03/2016

Appeal Ref: APP/V5570/W/15/3136609
44 Pear Tree Street, London EC1V 3SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nick Pollen of North Square (UK) Properties against the decision of the Council of the London Borough of Islington.
 - The application Ref P2014/3178/FUL, is dated 5 August 2014
 - The development proposed is demolition of the existing building and the construction of a new building on the site of 44 Pear Tree Street. The application proposes a total of 775m² of high quality B1 office use on lower ground, ground and first floors. Second, third and fourth floors accommodate 8 residential units.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Local Planning Authority (LPA) as part of its appeal statement submits that it would have refused planning permission for reasons relating to (1) the effect on the character and appearance of the area and (2) the living conditions of adjacent residents.
3. The appeal proposal has been through several iterations and a notable pre-application process. Having read the evidence before me it is clear that the appellant is content that the appeal proposal is determined on a set of amended plans published on 1 July 2015. I am satisfied that it is these plans that the LPA has prepared its appeal statement against. I am also assured that third parties have been consulted by the LPA on these amended plans. Accordingly, my decision is based on those plans listed on the appellant's drawing issue sheet¹.
4. The LPA's appeal statement also sets out development plan policy requirements in relation to affordable housing contributions on small sites and refers to a Carbon Dioxide offset fee in addition to the integral sustainability features proposed. The LPA has indicated that a Unilateral Undertaking (UU) in respect of a contribution towards affordable housing provision and carbon off-setting represents an appropriate mechanism. The appellant has provided a draft UU, which is not dated and I address the matter in more detail in my decision.

¹ 1126-DIS-AP-001: Planning Documentation 1 July 2015

Main Issues

5. The main issues in the appeal are as follows:

- (1) The effect of the proposal on the character and appearance of the area;
- (2) The effect of the proposed building on the living conditions of the occupiers of adjacent residential buildings, with particular reference to outlook and privacy and whether the proposed development would provide acceptable living conditions for future occupiers of flats P01, P04 and P07 with regard to privacy.

Reasons

Character and Appearance

6. The development plan comprises of the London Plan², the Islington Core Strategy 2011 (the Core Strategy) and the Islington Development Management Policies 2013 (the DMP). These documents are augmented by the Islington Urban Design Guide 2006 (IUDG). The pertinent development plan policies in relation to this main issue are London Plan Policies 7.4 and 7.6 which require buildings to provide a high quality design response including, amongst other things, having regard to the pattern and grain of existing spaces and streets in scale, proportion and mass.
7. Core Strategy Policies CS8 and CS9 require, amongst other things, for development to reflect the character of the area and be sympathetic in scale and appearance and to be complementary to the local identity. The following criteria of DMP Policy DM2.1 are also relevant: A(vii) – responding positively to existing buildings, the streetscape and the wider context; and B(ii) successfully addressing elements of the site and its surroundings including urban form (building lines, building heights, storey heights and massing). The IUDG also refers to seeking consistency in rooflines, articulation of facades and application of materials.
8. The appeal site presently accommodates a tall two storey commercial building which occupies the complete footprint of the site. The massing and appearance of No. 44 Pear Tree Street are in notable contrast to the surrounding taller and generally modern, buildings, the majority of which accommodate residential flats and apartments above ground floor level. The relatively low height of the existing building allows for some fleeting glimpses from within Pear Tree Street of the rear elevations of taller buildings on Bastwick Street to the south.
9. To the west, a 6 storey student accommodation projects beyond the frontage of No.44 and it also extends to a depth beyond the rear of the appeal site. Consequently, the appeal site, with the corresponding depth of 26 Bastwick Street forms the western end of an identifiable rectangular block of development bounded by Pear Tree Street to the north, Bastwick Street to the south and Central Street to the east.
10. There is a notable tightness to the grain of development around the appeal site, such that the proposed 5 storey redevelopment of the appeal site would have sensitive relationships to the scale of adjoining development. The principal relationships are to the Pietra Lara building to the east (4 storeys),

² The London Plan 2015. The Spatial Development Strategy for London Consolidated with Alterations Since 2011

the student accommodation block to the west (6 storeys) and 26 Bastwick Street to the south (5 storeys).

11. Whilst the appeal proposal would extend by some margin beyond the existing rear building line of the Pietra Lara building I do not consider this arrangement in itself to be visually discordant or over-dominant. I note that the appeal proposal has sought to modestly set back the upper storeys from those points closest to the rear elevation of this building and to essentially mirror the corresponding set back arrangement at the adjoining 26 Bastwick Street to the south, albeit at a slightly taller overall height. Whilst I appreciate this will bring development at height closer to the curved rear elevation of the Pietra Lara building it would not be of an inappropriate design in this private realm. Given the corresponding rearward depth and projection of 26 Bastwick Street the appeal proposal would appear as a complimentary and appropriate book-end to the rectangular block of development described above.
12. Within the private realm at the rear of these parts of Pear Tree Street and Bastwick Street, it would have an appearance of broadly similar height, scale, bulk and massing as 26 Bastwick Street and would follow a similar alignment. The proposed palette of materials would be suitably varied and I do not find the extent of proposed render on the flank elevation facing the Pietra Lara building to be particularly dominant. In my view, the proposed layout of the rearward massing and projection to correspond with 26 Bastwick Street would make an efficient and visually appropriate use of an existing built footprint at a sustainable location. Within this private area it would also provide an appropriate sense of scaled transition to the taller student accommodation to the west and other nearby tall buildings.
13. Concern has been raised that the design and layout of the rearward projection borrows the openness to the east created by the intervening rear courtyard areas within the quadrangle and fails to provide a contributory element of openness to the rear of the buildings other than the recess for the light-wells to the first floor office accommodation. However, the current footprint of No.44 does not contribute to this openness and I see no persuasive reason, in appearance terms, why the existing built footprint of the site cannot be heightened, given the surrounding context and scale of development. In my view, the proposed height, layout and appearance would appropriately integrate with the site context when viewed from the private realm.
14. The appeal proposal would front onto Pear Tree Street at a point where the dog-leg configuration on its east-west axis opens out onto a new piazza style layout at Dance Square. This open space is surrounded by modern developments of varying heights, generally greater than 5 storeys, including what appear to be some larger 9 and 10 storey buildings. However the nearest building on the south-east corner of this square, which is diagonally opposite the appeal site, is a more modest 4 storey block.
15. Within the street scene of Pear Tree Street and Dance Square the appeal proposal at 5 storeys from ground level upwards would not appear incongruous given the general scale of surrounding development. In my view, it would provide an appropriate transition of scale between its two neighbouring developments on this part of Pear Tree Street. I am also satisfied given the intervening street width that the appeal building would appropriately relate to the nearest scale of development at Dance Square.

16. Whilst it would appear modestly taller than the Pietra Lara building I do not find the height differentials in terms of overall height and corresponding individual storey heights to be significantly inconsistent or visually discordant. As such it would not be overbearing on the form and height of the Pietra Lara building and I have little design evidence before me to justify that it is important that the barrel roof profile of this building remains visible from within the street scene. The proposed fourth floor would be set back slightly from the front and side elevations such that it would largely follow similar surrounding designs and effectively integrate the overall mass of the building on its relatively narrow plot with the immediate built context. Additionally, I do not find the proposed flat roof form and set back position of roof apparatus to be visually jarring given similar treatments in the locality.
17. The LPA describe the appearance of the building as “monolithic”, “overly geometric” as well as being a “pared down design”. I note the taller front elevation over four storeys would be flush with the front elevation of the Pietra Lara building, except for the proposed front balconies. I see little harm in this arrangement given the general consistency of flush front elevations elsewhere along Pear Tree Street. There is undoubtedly a strong degree of uniformity proposed on the front façade of the building together with a general unfussiness. However, I do not consider these design attributes to be especially harmful and to some degree they would be consistent with the IUDG’s guidance on consistency. Overall, the proposed building would, in my view, appear as a coherent ‘last piece of the jigsaw’ in the redevelopment of this part of Pear Tree Street.
18. The design proposes four front balconies overlooking Pear Tree Street towards the new piazza to the north. I noted similar balconies elsewhere in the vicinity, including Dance Square such that in appearance terms they would not be inappropriate. It is disputed whether Dance Square is public or private realm. From my observations on site, if it is a private space there is little to distinguish it as such. It is open from Pear Tree Street such that the balconies on the appeal proposal would visually correspond to these other nearby front balconies. In short, I do not find the proposed front balconies or the general scale, bulk, massing and height of the building to be harmfully intrusive on the street scene of Pear Tree Street, taking into account its overall highway width and character.
19. Reference has also been made to the proximity to the St Luke’s Conservation Area to the east. There would be negligible inter-visibility of the appeal proposal to this historic area such that there would be no harm arising to the significance of this heritage asset.
20. I therefore conclude that the appeal proposal would not result in any significant harm to the character and appearance of the area. Accordingly, the objectives of those policies of the development plan set out in paragraphs 6 and 7 above would remain uncompromised. The appeal proposal would also accord with the objectives of the National Planning Policy Framework (NPPF) at paragraph 17 to secure high quality design, make effective use of previously developed land and promote mixed use developments.

Living Conditions

21. As set out above the appeal site has a sensitive relationship to a number of adjoining residential buildings which have various openings, including

balconies, in proximity to those openings and balconies for the proposed residential accommodation.

22. Turning first to the relationship with No.26 Bastwick Street. This building has a number of small openings on its southern elevation facing directly towards the appeal proposal. The status of these windows is disputed but whether they remain or not their outlook would be blocked by the proposed party wall to the appeal proposal. From my site visit to Flat 12 at No.26, I am satisfied that these small higher openings in the habitable rooms are secondary to the larger principal glazed openings in these rooms. As such the enclosure of these north facing windows would not be harmful in terms of outlook or daylight. I am also satisfied that the loss of a small obscure glazed window to the bathrooms would not be harmful and it is not uncommon for such private spaces to be completely enclosed. Additionally, given the proposed alignment of the rear projection of the appeal proposal and intervening screening at balcony level I consider that there would be no harmful encroachment or loss of privacy to the east facing balcony areas at 26 Bastwick Street.
23. In respect of the student accommodation to the west, there would be a modest degree of separation between the two buildings. I noted that the openings on the east elevation of the student accommodation have a combination of fritted glazing and meshed panelling such that there were be no corresponding loss of privacy, outlook or daylight. The internal layout of the appeal proposal on all 3 floors of the residential accommodation proposes bedrooms on the west side of the building which would have their only openings onto the intervening space between the 6 storey student accommodation block. I note the bedroom windows include angled elements which would follow the linear gap between the buildings and this would sufficiently mitigate what would otherwise be an oppressive outlook. As such I am satisfied that in residential amenity terms there would be a satisfactory relationship with the student flats to the west.
24. The appeal proposal would be positioned to the west of the Pietra Lara building with the proposed rear projection extending almost 11 metres beyond the gently curving rear elevation of this building. As a consequence, there are various rear openings, including Juliet balconies, on the Pietra Lara building which are angled on the curved rear elevation directly towards the appeal site and the offset rear elevation of 26 Bastwick Street.
25. I observed this to be the case from within both Flat 10 and Flat 7 of the Pietra Lara Building where the layout of these flats comprises an open plan living room and kitchen. These spaces benefit from a sole, large glazed opening onto a Juliet balcony on the rear elevation and angled towards the appeal site. I accept that not all parts of these openings would have a direct inter-visibility with the appeal proposal but significant parts would such that the appeal proposal would be prominent in the outlook.
26. Having considered the appellant's daylight and sunlight study, I share the view of the LPA, that the impact of the appeal proposal on light levels to these apartments at the Pietra Lara building would not be significantly harmful. There would remain in part an outlook over the open rear courtyard area and above the roof profile of the corresponding buildings on Bastwick Street. However, the appeal proposal is designed to include notable balconies on each of the residential levels at the rear part of the eastern flank elevation. These balconies would serve flats P01, P04 and P07 and would have glazed doors

separating the balcony from the main open plan living space to these flats. These would be the only openings to these living spaces. In my judgment, from the submitted plans and from what I observed on site, they would be oppressively close, to similarly large glazed openings to habitable rooms at the Pietra Lara Building.

27. Notwithstanding the angle of the openings on the Pietra Lara building, I do not find these to be sufficiently oblique. Accordingly, there would be direct inter-visibility at reasonably close quarters so as to be particularly uncomfortable, not only for existing occupants of the Pietra Lara building but also correspondingly for prospective residents of proposed flats P01, P04 and P07. The proximate inter-relationship of large glazed openings combined with the diaphanous qualities of the glazed openings and glass balustrades to the balconies means that the proposed relationship would be unacceptable in terms of the outlook and privacy of the main habitable internal spaces of both sets of residents and as such would be significantly harmful to their respective living conditions. I find this two-way harm would particularly arise from the use of the proposed balconies which provide the only meaningful external space to these flats and as such are likely to be extensively used because of their size and easterly orientation.
28. I note the appellant's submission regarding similar east facing balconies on 26 Bastwick Street which have an inter-visibility with rear openings on the Pietra Lara Building. I observed this was the case from both the balcony at Flat 12 at No.26 and from within the flats I visited at the Pietra Lara Building. However, I am not persuaded that this existing inter-visibility should set the pattern for future development at this location. Furthermore, I have few details about the pre-2005 planning history to No.26, which does not have the same proximate relationship that would arise with the appeal proposal. As such the harmful loss of outlook and privacy would be more acutely experienced with the appeal proposal.
29. I therefore conclude that the appeal proposal would harmfully effect of the living conditions of the occupiers of adjacent residential buildings, with particular reference to outlook and privacy and would fail to provide acceptable living conditions for future occupiers of flats P01, P04 and P07 with regard to privacy. The proposal would therefore fail to accord with the amenity objectives of London Plan Policies 7.4 and 7.6, Core Strategy Policies CS8 and CS9 and DMP Policies DM2.1 and DM3.4. It would also not be consistent with the objective of the NPPF to secure a good standard of amenity for all existing and future occupants of buildings.

Other Matters

Application Procedure

30. The appellant has raised concern about the consistency of the LPA's position with the appeal proposal, particularly following a broadly positive pre-application response in 2012/2013. From the evidence before me the LPA would appear to support the principle of both the proposed use and the re-development of No.44. I also note that the LPA considers that there are numerous other aspects of the scheme such as access, floorspace standards and wider sustainability which would also be acceptable.

31. However, as I have set out above the appeal site has its complexities, stemming from the particularly tight site context, which require a perceptive design solution. Notwithstanding its generally supportive starting point at the pre-application stage, I note from the chronology of correspondence between the appellant and the LPA that it is evident that there have been various concerns from the LPA about assorted design details, not least with flats P01, P04 and P07, throughout the lengthy process.
32. Whilst I have little doubt that the appellant, through both its proactive approach at the pre-application stage and the subsequent effort that has gone into various iterations of the proposals, has sought to constructively put forward what it considers to be an acceptable scheme, I do not consider that the LPA has been adversely inconsistent or has unreasonably prevented or delayed a development that would otherwise be acceptable.

Planning Obligations

33. The LPA in its appeal statement has referred to its evidential justification, development plan policy context³ and viability testing for financial contributions for off-site affordable housing provision from small sites. It has also referred to a financial contribution for carbon offsetting.
34. The Council's requirement for off-site affordable housing in this part of the Borough is for contributions of £60,000 per unit, unless a lower contribution is justified by viability evidence, on sites of nine units or fewer. From the limited evidence before me I find that the development plan context in respect of affordable housing thresholds and contributions from small sites is compliant with the NPPF⁴. Accordingly, a financial contribution for affordable housing secured through a planning obligation would meet the tests at paragraph 204 of the NPPF.
35. I have very little evidence on either the policy basis for a carbon offsetting fee or what the funds would be used for. As such I cannot be certain that such a contribution would be compliant with the CIL Regulations 2010 and the tests at paragraph 204 of the NPPF. I would therefore not be able to take such a contribution into account.
36. I note that the absence of a planning obligation is not one of the LPA's putative reasons for refusal. The appellant has submitted a planning obligation in the form of a draft Unilateral Undertaking (UU) which was prepared some time ago in the planning application process. From this evidence I have little to doubt that the appellant is prepared to contribute towards the financial contributions sought. However, a certified and executed copy of the UU is not before me and it would not be appropriate to condition approval of the appeal proposal subject to the completion of a UU⁵. I therefore find that the development would not make an appropriate contribution to off-site affordable housing in accordance with the development plan and this adds to my concerns with the appeal proposal.

³ London Plan Policy 3.13, Core Strategy Policy CS12 and Islington's Affordable Housing Small Sites Contributions SPD 2012.

⁴ NPPF paragraph 50

⁵ Planning Practice Guidance Paragraph: 010 Reference ID: 21a-010-20140306

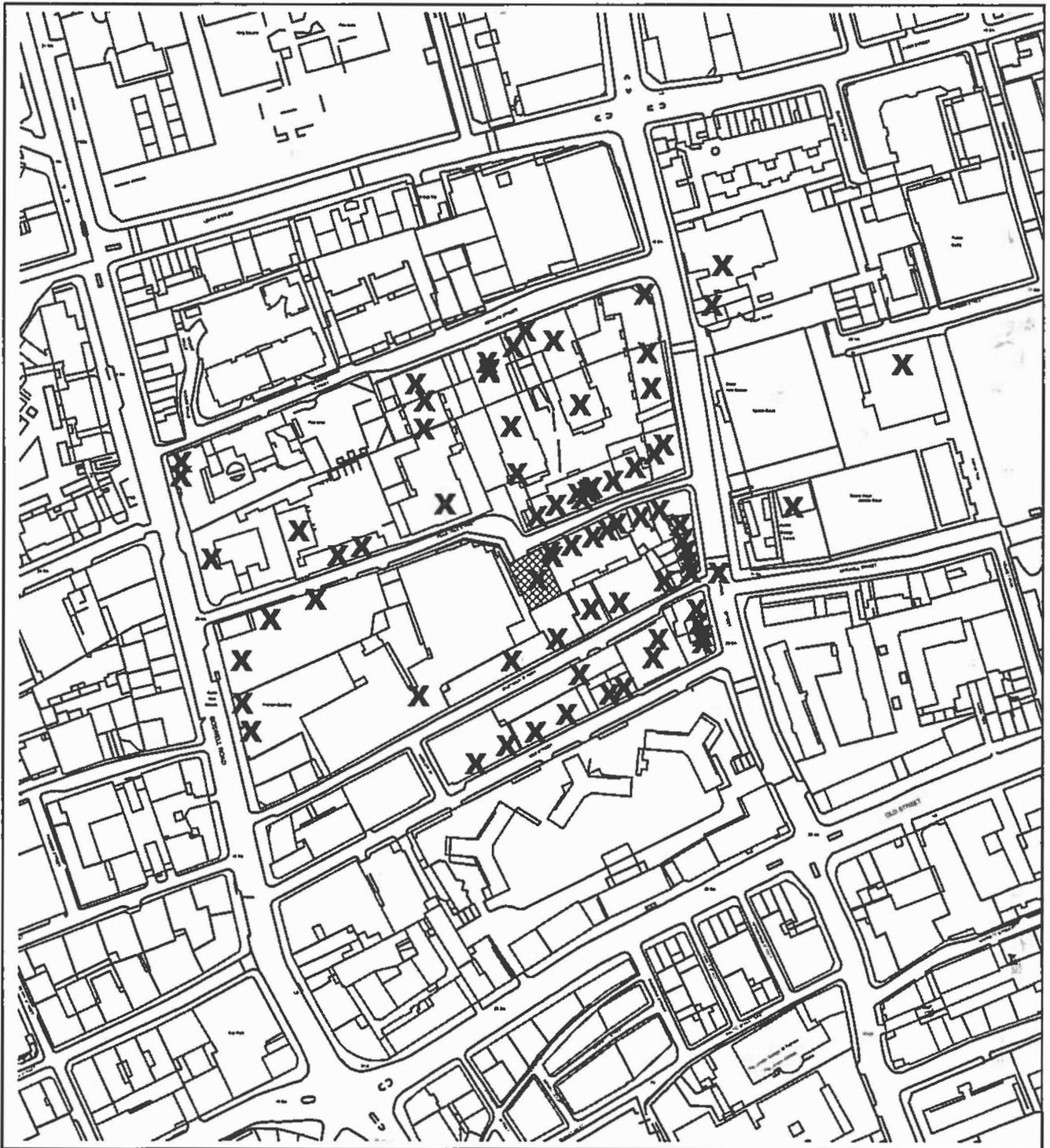
Conclusion

37. My decision recognises that in many respects the appeal scheme would be acceptable in terms of character and appearance and for the living conditions of adjoining residents at 26 Bastwick Street and the student accommodation. However, I have found that there would be an interrelated and significant harm to privacy arising from the proximate and unfettered inter-visibility between large glazed openings for the respective main living areas between those affected flats on the Pietra Lara Building and at proposed flats P01, P04 and P07, for both sets of occupiers. There would also be harm to outlook from the main living space openings at the Pietra Lara Building from the appreciable proximity of the presence of the proposed balcony spaces and the very likely sense of enclosure and restriction resulting from actual or perceived overlooking. I am also concerned that there is no completed planning obligation before me to meet the development plan requirement on financial contributions towards off-site affordable housing provision.
38. The NPPF confirms that the planning system's purpose is to contribute to the achievement of sustainable development, including economic, social and environmental gains. These must be secured jointly and simultaneously. The appeal proposal would provide an improvement to the quality of built environment, however, by not securing a positive improvement to people's quality of life through the significant harm identified, it therefore follows that the proposal would not constitute sustainable development in the round. Therefore, and for the reasons above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

INSPECTOR.

Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department

PLANNING SUB-COMMITTEE A		AGENDA ITEM NO: B7
Date:	31 October 2017	NON-EXEMPT

Application number	P2017/0209/FUL
Application type	Full Planning Application
Ward	Tollington Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Local Cycle Route Within 50m of Tollington Park Conservation Area
Licensing Implications	None
Site Address	Clyro Court, Tollington Park, London, N4 3AQ
Proposal	Erection of roof extensions to Blocks A, B and C to provide 4 self-contained flats (2 x 2 bed flats and 2 x 1 bed flats). Erection of a 4 storey infill rear extension to Blocks A and B to enlarge 4 existing studio flats to create larger 1 bedroom flats. Elevational improvements to street elevations of all blocks and the provision of refuse & recycling and cycle storage facilities and associated alterations.

Case Officer	Emily Benedek
Applicant	Mr Laurie Pearson
Agent	Mr Peter Ottery

1. RECOMMENDATION

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

1. Subject to the conditions set out in Appendix 1;
2. Subject to 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

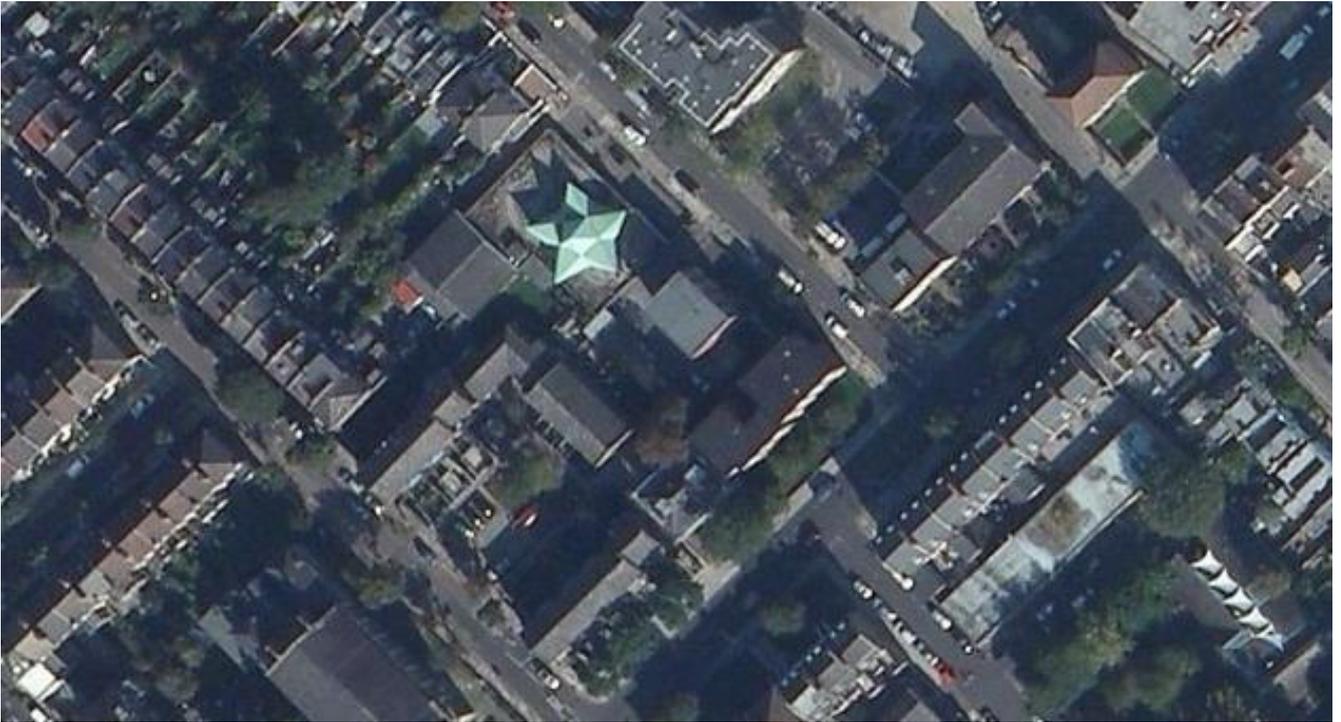


Image 1: Aerial view of the application site



Image 2: 3D Aerial view of the site



Image 3: View of the site looking south-west from Tollington Park showing Blocks A and B



Image 4: View of the site looking south from Regina Road showing Block C

Location of
Extension



Image 5: View of the rear of the site showing location of the four storey infill extension



Garage
s to be
convert

Image 6: Location of the garages to the rear of the site to be converted to reuse & recycling facilities



Image 7: Computer Generated Image (CGI) of proposed development

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a roof extension to Blocks A, B and C to provide 2 no. 2 bed flats and 2 no. 1 bed flat. Permission is also sought for the erection of a 4 storey infill rear extension to Blocks A and B in order to enlarge 4 no. existing studio flats and turn these studios into 4 no. 1 bedroom flats, including the creation of balconies on the rear elevation. Elevation improvements to the street elevations of Blocks A and B are also proposed including the replacement of several windows with full height doors on ground to third floor levels and the insertion of Juliet balconies on the first to third floor levels on the front elevation facing Tollington Park. Cycle storage facilities for the new residential units will be provided to the east of Block C and it is also proposed that 2no. existing garages will be converted into refuse and recycling facilities for all the residential units.
- 4.2 The application is brought to committee because of the number of objections received.
- 4.3 The issues arising from the application are the principle of new residential dwellings, the quality of the new and re-configured residential accommodation, the impact on the character and appearance of the street scene and wider locality, the amenity impacts on the adjoining and surrounding residential properties, the provision of sufficient refuse & recycling and cycle storage facilities and whether the proposal would comply with sustainability policies.

- 4.4 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the street scene or wider locality due to the setback of the proposed roof extensions on all elevations and the lightweight materials proposed. Furthermore, the four storey rear infill extension will be minimally visible from the street scene (Regina Road) elevation. The resultant height, scale and massing is considered acceptable given that the property is located on a corner site with generous distances between the application site and neighbouring properties and the varying building heights in the locality. Special regard has been paid to the adjoining conservation area and it is considered that the proposal would preserve its setting. The new residential units are considered acceptable in terms of their size and layout and would provide an acceptable standard of living space for future occupiers. The proposal would not detrimentally impact on the amenity of the neighbouring properties.
- 4.5 The proposal is therefore considered to be acceptable subject to conditions and the completion of a legal agreement to pay full small sites contributions towards affordable housing and carbon off-setting and it is recommended that the application be approved.

5. SITE AND SURROUNDING

- 5.1 The site is located on the north-west side of Tollington Park. Blocks A and B form two four storey blocks of residential units, with the main frontage to Tollington Park, whilst a secondary building, Block C, fronts Regina Road. The site has a rear vehicular access way which provides access to 8 no. existing garages located to the rear of the main block of flats. In total, there are currently 24 no. self-contained flats on site that are divided between the two blocks.
- 5.2 This part of Tollington Park is predominantly characterised by four storey blocks of residential dwellings dating from the 1960s/1970s, although the properties fronting Tollington Park to the north of the site comprise a mix of flat and pitched roofs. The adjoining property at No 89 Tollington Park is a two storey over basement locally listed building used for residential purposes. This neighbouring property benefits from a pitched roof which almost aligns with the third floor level of the application site. To the south of the site, on the opposite side of the road are terraces of three storey buildings with commercial units located at the ground floor level with residential accommodation above. Immediately to the north of the site is the New Court Christian Centre, a unique single storey building with a star shaped roof, which reaches the third floor level of Clyro Court at its highest point. Directly opposite the Christian Centre is a six storey block of residential dwellings constructed in a similar style to the application site.
- 5.3 The site is not located within a conservation area and the buildings are not listed. The site adjoins the Tollington Park Conservation Area as No. 89 Tollington Park as well as Nos 144 – 152 Tollington Park, on the opposite side of the road, are included within the Conservation Area boundaries.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the erection of roof extensions to Blocks A, B and C to provide 2 no. 2 bed flats and 2 no. 1 bed flat along with the construction of a 4 storey infill rear extension to enlarge 4 no. existing studio flats into 4no. 1 bedroom flats. Proposed elevational improvements to street elevations of all blocks include the replacement of 8no. windows with full height doors, the inclusion of Juliet balconies on the first to third floor levels and the provision of refuse & recycling and cycle storage facilities at ground floor level.

- 6.2 The proposed roof extensions would be of modern design and would be constructed from zinc cladding with UPVC double glazed windows. The proposed roof extension to blocks A and B would measure 2.7 metres in height and would be set back by 1.5 metres from the main building front parapet line and set in by 1.7 metres on either side. The proposed roof extension to Block C would be constructed of the same materials as Block A and B and would measure a maximum of 2.7 metres in height. The roof extension would be set in by 1.5 metres on all elevations. It should be noted that the proposed roof extensions are set down by 0.4 metres below the existing parapet wall. Therefore, only 2.3 metres of the proposed roof extensions will be visible above the existing parapet on all Blocks to A to C.
- 6.3 In addition, a four storey rear infill extension is proposed to blocks A and B measuring a maximum of 4.85 metres in depth, 4.3 metres in width and 11.3 metres in height to the top of the parapet. The infill extension will bring the central element forward to within 1.8 metres of the front building line at ground, first, second and third floors. This infill will permit the existing studio units to be enlarged to 1 bedroom 2 person flats. Small balconies, attached to these units, measuring a maximum of 1 metre in depth are proposed to the rear of the building.
- 6.4 It is proposed that 3 no. residential units will be created at the fourth floor level on top of Blocks A and B and will provide 2no. 2 bedroom/3 person units and 1no. 1 bedroom/2 person unit. An additional 1 bedroom/2 person unit will be located at the fourth floor level on top of Block C. It is proposed that Units 6 and 8 will benefit from private outdoor amenity space in the form of roof terraces located to the rear of the property.
- 6.5 It is also proposed that 8 windows on the ground, first, second and third floors fronting Tollington Park will be replaced with full height windows and new Juliet balconies will be installed on the residential units at the first to third floor levels.
- 6.6 The development will provide 8no. cycle parking spaces for the residential units with a storage facility provided at the ground floor level to the east of Block C. In addition, it is proposed that 2no. existing garages to the rear of the site will be converted to provide refuse and recycling facilities for the residential units.
- 6.7 The application is recommended for approval subject to the completion of a legal agreement for small sites contributions including £200,000 towards affordable housing and £4,000 towards carbon off-setting.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 P043185 - Conversion of existing ground floor garages to form two x 1 bed flats including alterations to external elevations and new amenity area. Approved (03/03/2005).
- 7.2 P040956 - Conversion of existing ground floor garages to form 2 x 1 bed flats. Refused (14/07/2004).

Reason for Refusal:

REASON: The proposal is unacceptable due to the poor outlook offered from the proposed flats and overlooking of habitable rooms from external communal areas. The proposal is therefore contrary to Policies H3 and H7 of the Islington Unitary Development Plan 2002 and to approved Planning Standards Guidelines (2002).

ENFORCEMENT

7.3 None

PRE-APPLICATION ADVICE:

7.4 Q2016/2430/MIN - Pre-application for the erection of a four storey infill extension to the central recessed area, with roof extension for additional floor associated with the provision of nine additional flats with associated changes to the garages. Advice provided 10/08/2016.

7.5 Concerns were raised by planning officers regarding the principle of an additional storey and the impact it would have on the Tollington Park Conservation. It was cited at the pre-application stage that the property is located within a conservation area however, it is actually sited close to its boundary. The applicant was advised against the provision of studio units and it was noted that stacking should be considered in terms of the relationship with the units below.

7.6 Advice was provided with regards to the infill extension stating that it would integrate better than the roof extension, and would not be as clearly visible from the public realm. It is noted that balconies are proposed to the rear elevation of the host building, for each unit. It is acknowledged that there are no other examples on the host building or many within the immediate surrounding area, however given their location they appear to be in keeping with the visual appearance of the host property, subject to their acceptability in amenity terms. No objections were raised to this aspect of the development.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to 156 occupants of adjoining and nearby properties at Tollington Park, Searle Place and Regina Road on 6 April 2017. The initial public consultation expired on 27 April 2017.

8.2 A second public consultation was carried out on amended description, to clarify the number of proposed units, on 3 May 2017. A site notice was displayed outside the site on 11 May 2017. The public consultation expired on 1 June 2017.

8.3 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report a total of 22 letters of objection were received in respect of this application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):

- Fire safety provision for the extra flats. There is currently no escape route and the building does not have smoke alarms (**See paragraph 10.42**).
- Most buildings in Tollington Park are four storeys in height, proposal will tower over neighbouring properties (**See paragraphs 10.10**)
- Infill extension will result in loss of light and ventilation to bathrooms (**See paragraph 10.28**)
- Service shaft could compromise the privacy and security of existing leaseholders (**See paragraph 10.28**)
- Access to external pipes would be removed (**See paragraphs 10.28**)
- Top floor flat built across service shaft, which would mean mechanical ventilations for bathrooms which could be noisy (**See paragraph 10.28**)

- Noise and disturbance from proposed use (**See paragraph 10.32**)
- Loss of bin and drying areas (See paragraphs **(10.35 and 10.41)**)
- Impact on the conservation area (**See paragraph 10.9**)
- Structural viability (**See paragraph 10.43**)
- Design of proposal is incongruous and out of character with existing building (**See paragraphs 10.8 to 10.15**)
- Loss of value to property prices (**See paragraph 10.43**)
- Loss of light in the corridor of the flat which is currently lit by bathroom window (**See paragraph 10.28**)
- Impact on foundations and drainage system (**See paragraph 10.43**)
- Scale of development will result in dominant and obtrusive structure (**See paragraphs 10.8 to 10.15**)
- Leaseholder issues (**See paragraph 10.44**)
- Management issues during the construction process (**See paragraph 10.44**)
- Inaccuracy of the plans (**See paragraph 8.4**)
- Lack of car parking spaces (**See paragraph 10.34**)
- No provision for cycle storage facilities (**See paragraph 10.34**)
- Noise and disturbance from construction works (**See paragraph 10.43**)
- Concerns over figures in the viability report (**See paragraph 10.38**)
- Access issues to garages and flats during construction works (**See paragraph 10.44**)
- Loss of sunlight (**See paragraph 10.29-10.31**)
- Relocation of bin storage will encourage dumping and fly tipping (**See paragraph 10.35**)
- Unacceptable high density/overdevelopment of the site (**See paragraphs 10.4-10.6**)
- Loss of views from neighbouring flats (**See paragraph 10.43**)
- Any loss of garden space is unacceptable (**See paragraph 10.12**)

8.4 The Council accepts plans in good faith within planning submissions. There is no substantive evidence including the officers site visit to suggest the submitted drawings for consideration are inaccurate or misleading any way in this case.

Internal Consultees

8.5 **Design and Conservation Officer:** Object to the proposal. Raised concerns about the principal of roof extensions to Blocks A, B and C stating that they are unacceptable in principle. The street is characterised by 3 and 4 storey buildings and as such the additional proposed storey is considered inappropriate. The site is on the boundary with the Tollington Park Conservation Area and the additional height is considered harmful to the setting and the character and appearance of the conservation area. The proposed alterations to the front elevation are not considered to improve the existing street elevations. Large openings above ground floor level and balconettes are not considered characteristic of the street or of the building. They may be acceptable to the rear but should be better integrated into the design of the existing building, both physically and visually.

8.6 **Inclusive Design:** The proposal will need to comply with Category 2 Housing Standards

8.7 **Building Control:** The proposal will result in the building measuring more than 11 metres in height above ground floor level. A condition is recommended to ensure details of proposed fire safety measures are submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

External Consultees

8.8 **London Fire and Emergency Planning:** No comments received.

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 and Planning Policy Guidance (PPG) seek to secure positive 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.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Land Use
- Design and Appearance
- Quality of Proposed Residential Accommodation
- Accessibility
- Neighbouring Amenity
- Highways and Transportation
- Sustainability
- Small Sites Affordable Housing
- Other Matters
- Refuse facilities

Land Use

- 10.2 The proposal results in the creation of 2 x 2 bedroom and 2 x 1 bed residential units across the new fourth floor level as well as the enlargement of 4no. existing studio units at the ground, first, second and third floor levels into 4no. 1 bedroom flats. This is achieved through extensions and alterations to the existing properties. The site is located in a residential area and does not have any specific designations as set out in the London Plan (2016) or the Local Development Framework.
- 10.3 The surrounding area is predominantly residential in character and in land use terms the enlargement of 4no. existing residential units and creation of 4 no. additional residential units is considered acceptable in principle. Policy CS12 of the Core Strategy seeks to meet the housing challenge, to provide more high quality, inclusive and affordable homes. Paragraph 3.2 of the Development Management Policies states that 'high density development is needed to accommodate the projected population growth within the

borough. The London Plan includes a sustainable residential quality and density matrix which shows appropriate densities for development.'

- 10.4 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 4 new residential dwellings comprised of 10 habitable rooms (hr) and the creation of 4 new habitable rooms to existing units.
- 10.5 The site covers an area of approximately 0.12 hectares, has a public transport accessibility level (PTAL) of 6a (Excellent) and in terms of the character of the area, this would be defined as Urban by the London Plan. The London Plan identifies such areas as appropriate for a residential density range of 45-185 u/ha.
- 10.6 The proposed development has a residential density of 83 u/ha and is therefore in keeping with the local density context.

Design and Conservation

- 10.7 The scheme proposes the erection of single storey roof extensions at fourth floor level to Blocks A, B and C and the erection of a four storey rear infill extension to the rear of Blocks A and B. In addition, Juliet balconies are proposed on the front elevation to Blocks A and B at the first, second and third floor levels.
- 10.8 The Islington Urban Design Guide (2017) states in paragraph 5.85 that, 'There is usually more scope for change in the roofline and facades within streets where there are a variety of frontages and building heights, particularly where the height of frontages is relatively low in proportion to the width of the street.' It is acknowledged that the properties fronting Tollington Park vary between three and four storeys in height, whilst the New Court Christian Centre to the rear measures two storeys in height. Both the application site and the church have unusually wide plot frontages for this dense urban location and therefore the height of the application site appears relatively low in comparison to its plot width and the surrounding properties.
- 10.9 The Design and Conservation officer raised concerns to the erection of a fourth floor and considers that the additional height would be harmful to the character and setting of the adjacent Tollington Park Conservation Area. It is noted that the property to the south of the site, No 89 Tollington Park (locally listed), as well as the properties on the opposite side of the road are located within the Tollington Park Conservation Area. However, the application site itself as well as the block of flats to the north of the site on the opposite junction of Tollington Park and Regina Road have been excluded from the conservation area, as shown in Image 8 below. Whilst the concerns raised by the Design and Conservation officer are noted, the overall scale, mass, bulk and design of the proposal is considered acceptable and would not adversely affect the adjoining Conservation Area. Although No 89 Tollington Park is a locally listed building, as shown in Image 9 below the two buildings, are of different architectural design. The proposed roof extension is located at a higher level than No 89 and is set in by 1.5 metres from the boundary. As a result, it is not considered that the proposed roof extension would have a detrimental impact on the character and appearance of the locally listed building.

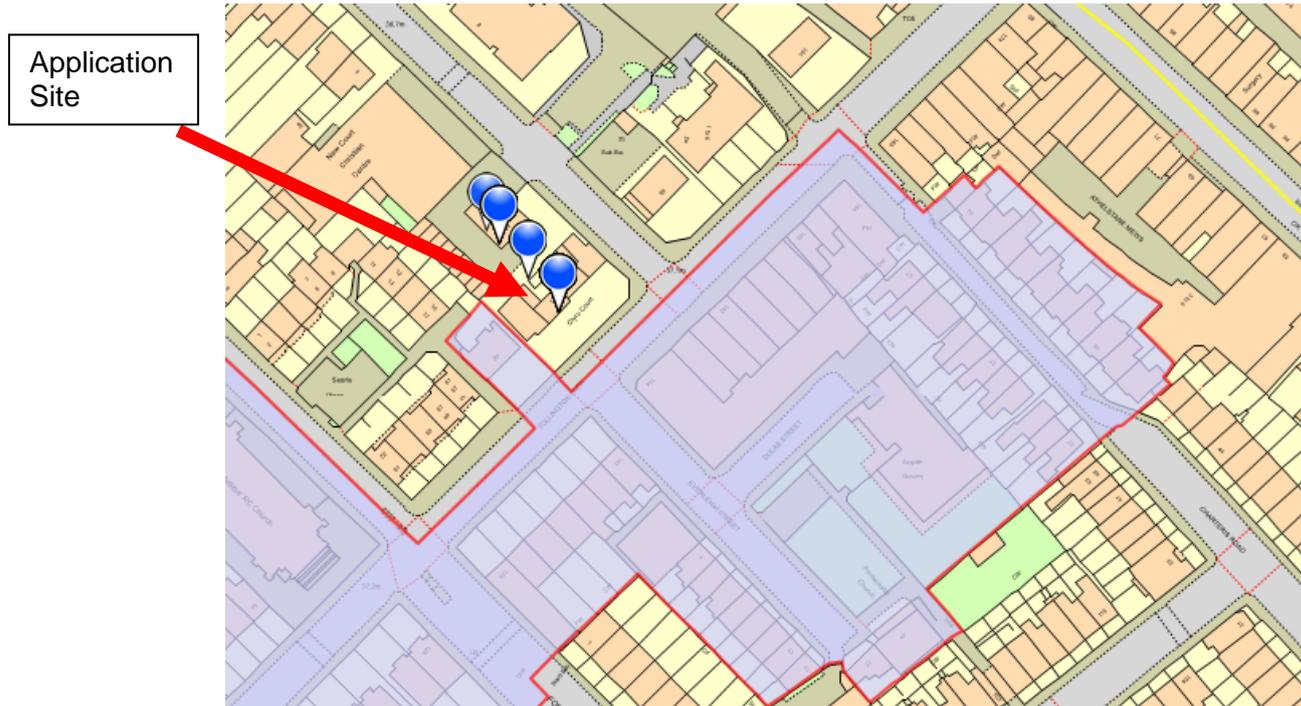


Image 8: The boundary of the Tollington Park Conservation Area in relation to the application site

- 10.10 The application site is located in a corner location at the junction of Tollington Park and Regina Road. There is normally more scope for larger buildings at corner locations as they provide a junction to the existing roads and therefore the erection of an additional, recessed storey is acceptable in this location, subject to appropriate design. The proposed roof extensions have purposefully been designed from different materials to the existing building to provide a light-weight counterpoint to the existing building. As identified in Image 9, it is proposed that these extensions will be constructed from zinc cladding to ensure the roof will not appear overly dominant additions to the existing buildings nor the surrounding built form along Tollington Park and Regina Road.
- 10.11 Furthermore, the roof extensions will be recessed in by a minimum of 1.5 metres from the front and 1.7 metres from the side building facades to provide a subordinate appearance to the roof extensions as compared to the existing buildings. Whilst the existing building is not considered to be of significant architectural merit, the proposals are considered to improve the appearance of the building. It is therefore considered that the addition of a fourth floor roof extension could be comfortably accommodated on this site and would not have a detrimental impact on the character and appearance of the building or wider locality. The proposed additional floor to blocks A,B & C are considered to relate well to the existing built form and create an attractive recessed top to the buildings which in conjunction with the other proposed elevation changes would enhance the character and appearance of the host property while improving views of the adjacent Conservation area from within the site itself.



Image 9: Proposed Tollington Park Street Elevation

- 10.11 With reference to Block C fronting Regina Road, it is important to note that this is a standalone building on a wide plot frontage. As Image 10 below highlights, the site is located adjacent to the New Court Christian Centre, which also benefits from a wide plot frontage and there is a separation distance of 5.5 metres at the ground floor level, which is unique for this part of Islington. The Christian Centre has an unusual star shaped roof which provides openness between the two buildings as it does not have a continuous second floor level. Furthermore, the highest point of this neighbouring building is approximately 1 metre below the existing eaves height of Block C with a separation distance of 15 metres between the two properties at the upper floor levels. Given the above, it is considered that the addition of a roof extension to Block C would not have a harmful impact on the character and appearance of the street scene, when viewed from Regina Road and would mirror the height of both Blocks A and B to create a visual symmetry in overall appearance and scale which is considered to be important in visual terms.



Image 10: Proposed Regina Road Street Elevation

- 10.12 The proposed four storey infill rear extension will not project beyond the existing rear building line and would not result in the loss of any usable garden space. It would continue to be set back from the front building line maintaining a subservient design. The extension is acceptable in principle subject to the materials matching the existing building. New balconies will be inserted on the rear elevation which will face onto the communal area however, as these balconies will be recessed by 0.85 metres from the rear building line of Block A will be minimally visible from the street scene.
- 10.13 The replacement of 8 windows on the front elevation and introduction of Juliet balconies are considered to be welcomed additions to the building and would not have a detrimental impact on the character and appearance of the area. The full length doors would be partially obscured by the proposed balconies and are considered to be appropriate to the overall appearance of the building. A brick built cycle storage area measuring a maximum of 2.8 metres in height will be constructed to the east of Block C. This cycle store will be largely obscured by the existing hedges and will therefore be minimally visible from Regina Road. It is also proposed that the existing doors for two garages to the rear of the site which will be converted into refuse stores will be replaced with timber screens and doors. The use of these materials is considered appropriate and in keeping with the surrounding area.

- 10.14 The provision of 2 existing garages for refuse and recycling facilities is welcomed as is the provision of a single storey storage facility adjacent to Block C. These features will help mitigate the increased storage, bike facilities and waste management demands the proposed new units will create in this case.
- 10.15 Given the above, it is considered that the proposed roof additions, infill extension and fenestration changes are acceptable in design terms and would not have a detrimental impact on the character and appearance of the buildings, wider locality or the Tollington Park Conservation Area. The proposed development is considered to comply with Development Management Policy DM2.1 and the Islington Urban Design Guide (2017) with regards to design.

Housing Mix

- 10.16 Policy 3.8 of the London Plan states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings, taking account of housing requirements identified at regional, sub-regional and local levels.
- 10.17 Islington Core Strategy policy CS12 (Meeting the housing challenge) requires the provision of a range of unit sizes within individual schemes in order to meet the needs within the borough. The mix of dwellings should respond to the identified need as highlighted by the Islington Housing Needs Survey 2008 and illustrated in table 3.1 of the Development Management Policies document.
- 10.18 The scheme proposes, 2 x 2 bed units, 2x 1 bedroom units as well as the enlargement of 4 x studio units to into 1 x bedroom self-contained flats. This mix, when assessed against table 3.1 of the Development Management Policies Document, underprovides on 2 bedroom units and overprovides on smaller 1 bedroom units. However, some flexibility in the mix is required here, given the constraints of the existing building and the requirement to provide good internal and external amenity for future occupiers. It is considered that the proposal maximises the roofspace with an appropriate mix of units and family units would not be possible in this location due to the lack of required amenity space. Furthermore, the Council does not support the provision of studio units so the enlargement of the existing units are welcomed. The scheme does provide 2 family sized units (as defined in the London Housing Design Guide) and, on the balance of all material planning considerations, the mix is considered appropriate in this context.

Standard of accommodation

- 10.19 Islington Development Management Policy DM3.4 (Housing standards) provides detailed guidance and criteria for assessing the standard of proposed residential units. The table below sets out the required and proposed floor space and amenity space standards:

Unit	No. Bedrooms/ Expected Occupancy	Floor Space	Minimum Required Floor Space	Amenity Space	Minimum Required Garden Space	Storage	Minimum Required Storage Space
01	1 bed/2 person	50	50	0	5	1.05	1.5
02	1 bed/2 person	50	50	4.4	5	1.05	1.5
03	1 bed/2 person	50	50	4.4	5	1.05	1.5
04	1 bed/2 person	50	50	4.4	5	1.05	1.5
05	2 bed/3 person	66	61	0	6	2	2
06	1 bed/2 person	50	50	5	5	1.08	1.5
07	2 bed/3 person	61	61	0	6	1.6	2
08	1 bed/2 person	51	50	10	5	2.25	1.5

- 10.20 It should be noted that whilst the majority of units would not have access to private outdoor amenity space they do benefit from communal garden areas. Policy DM3.5 of the Islington Development Management Policies sets out the requirements for the provision of private outdoor space in new residential developments.
- 10.21 Flats 6 and 8 have access to private outside space in the form of balconies and terraces in compliance with the above standards. Whilst flats 2, 3 and 4 would have 0.6sqm less than the minimum, these are existing studio units that are being increased to 1 bedroom flats, are currently single aspect dwellings and do not have access to private outdoor amenity space at present. On this basis, the shortfall of amenity space is acceptable as the proposal is improving existing sub-standard flats. The occupiers of flats 1, 5 and 7 would not have access to private outdoor space. The flats in question are either one bedroom or two bedroom units and communal outdoor space is provided. Taking into account the constraints of the existing building and the requirement to minimise the impact of the development on the character and appearance of the area, it is considered that the correct balance between making best use of the site, future residential amenity and minimising the impact of the proposal on the immediate locality, has been reached. Therefore, the proposal is considered acceptable.
- 10.22 All of the units would be dual aspect and propose a good standard of living for future occupiers. The total floorspace of all the units comply with the minimum floor space standards set out in the London Plan. Bedrooms and living/kitchen areas exceed the minimum floor space standards and the residential units would have an internal floor height of 2.5 metres in accordance with the London Plan. Overall, given the constraints of the site, the general layout, room sizes and internal floor space (including private amenity space) would meet the recommended guidance set in policy DM3.4 of the Development Management Policies and would provide satisfactory living conditions for future occupiers of each unit.

Accessibility

- 10.23 The Inclusive Design Officer raised concerns that the proposed units would not be able to comply with Category 2 Standards for New Homes. However, it should be noted that the proposal does not relate to the construction of a new development, rather the extension of an existing building, which does not benefit from an existing lift.
- 10.24 Given the site's constraints, the proposal is considered to generally conform to accessible standards set out within the Inclusive Design In Islington Supplementary Planning Document and conform to Policy DM2.2 (Inclusive Design) of the Development Management Policies (2013).

Neighbouring Amenity

- 10.25 The proposal would create a four storey front infill extension at ground, first, second and third floor levels and the addition of a new roof extension to Blocks A, B and C to provide a fourth floor level (5th storey).
- 10.26 Part X of Policy DM2.1 requires new development to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.

Overlooking/Loss of Privacy

- 10.27 The property sits on a large corner plot adjacent to number 89 Tollington Park. The application site is currently one storey higher than this neighbouring property, albeit the flat roof minimises this appearance. There is an existing level of overlooking between the existing flats on the application site at third floor level and the rear of garden of the neighbouring residential property on Tollington Park as well as a degree of overlooking from the third floor flats at Block C onto the rear gardens of 11-17 Searle Place. In order to minimise any additional impact of the increased height, no windows will be placed on the flank elevation facing No 89 Tollington Park and the nearest neighbouring window will be located 5 metres away from the shared boundary. With regards to the relationship with Searle Place, the proposed unit will be located 14 metres away from the shared boundary and there is a distance of 18 metres between facing habitable room windows (albeit with a height difference). With regards to overlooking between the existing flats it is noted that the only windows on the flank elevation of Block C which face Blocks A and B are obscurely glazed and will therefore prevent any overlooking between the two blocks. Furthermore, no windows are proposed on either flank elevation of the new unit on Block C. Therefore, it is not considered that there would be a significantly harmful increase in overlooking or loss of privacy in this regard so as to justify refusal of the application on this basis.
- 10.28 It is acknowledged that in order to accommodate the four storey rear infill extension to the studio units, the proposal will involve the enclosure of the existing bathroom windows for the existing flats in Block A. It is proposed that a new service access/lightwell will be created to provide some light as well as access to the external pipes in order to facilitate maintenance. Access arrangements to this service area will need to be restricted to maintenance purposes only to ensure there are no security concerns or loss of privacy for the occupiers of the existing units. Concerns have been raised that the proposal will result in loss of light and privacy to neighbours from this new arrangement, however it is noted that these windows are obscurely glazed with a fanlight opening and have therefore been designed to retain privacy. Furthermore, as they serve bathroom windows they are considered to be secondary windows and non-habitable, therefore limited weight and therefore protection can be given in terms of any loss of light. This also applies to any

potential loss of light to an internal corridor which is considered secondary and non-habitable and would not justify refusal of the application for this reason. It is proposed that existing ventilation arrangements for the bathrooms will be maintained and therefore no mechanical ventilation systems are required.

Daylight/Sunlight

- 10.29 Objections have also been received regarding loss of sunlight. The BRE guidance states that any windows which do not face within 90 degrees due south do not warrant assessment for sunlight losses. It is therefore important to note that the neighbouring properties in the New Court Christian Centre and 95 Tollington Park do not face 90 degrees south and therefore a daylight/sunlight analysis was not required for these properties. Furthermore, there are no flank windows serving the four storey residential apartment block at No 95 Tollington Park to the north-east of the site and the New Court Christian Centre is a part single, part two storey building with obscurely glazed windows at the upper floor level. It should also be noted that there is a significant separation distance between the application site Block C and the rear elevations of neighbouring properties in Searle Place measuring 18 metres approx, which faces west of the application site and therefore the impact on these properties is considered to be very limited with no further sunlight/daylight testing required.
- 10.30 With regards to the relationship with No 144 Tollington Park located to the south of the site, it should be noted that this is located on the opposite side of the road to the application site and Tollington Park is a wide road with a separation distance of 23 metres between the two properties. The BRE guidance states that if the mid-point of the main window on the lowest part of the building is less than 25 degrees for the whole of the development, it is unlikely that have a substantial effect on the diffuse sunlight enjoyed by the existing building. An analysis of the relationship between 144 Tollington Park and the application site shows that this angle is less than 25 degrees and as such, the proposal will not impact on the sunlight to this neighbouring property.
- 10.31 Looking at the internal relationship between the existing occupiers of Blocks A, B and C it is important to note the existing interrelationship between facing habitable room windows. The main habitable room windows on the rear elevation of Blocks A and B, face the flank elevation of Block C. The only window on the flank elevation of Block C is a bathroom window, which is considered a secondary window and is obscurely glazed. In addition, the main habitable room windows to the rear of Block C look directly onto the existing garages to the rear of the site and are not oriented towards Blocks A and B. This relationship will be replicated with the new fourth floor flats. It is therefore considered that the proposed new residential units will not impact on the existing occupiers with regards to daylight/sunlight.
- 10.32 Concerns have also been raised with regards to noise and disturbance from the proposed use. The proposed units have been designed to stack room types with living space on top of living space and bedrooms on top of bedrooms. A further condition (condition 9), has been proposed to ensure details of sound insulation are submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. This will ensure the proposed units do not have an adverse impact on the living conditions of existing occupiers. A Construction Method Statement (Condition 6) would also be required to be submitted by condition in order to deal with noise, parking and storage of materials during the construction phase to reduce the impact on neighbours.

Outlook and enclosure

- 10.33 The proposed units at roof level would have full and large views out towards the Tollington Park and Regina Road to the front and the wider existing blocks, green spaces and surrounding built form around the site. The level of outlook and enclosure levels to the new units are considered to be acceptable. The overall setback, scale and separation distances between the existing blocks and the existing window arrangements on both blocks are considered to be acceptable and ensures that existing residents would not be materially overlooked, suffer any material loss of privacy or enclosure levels to what can be reasonably be expected and what currently exists on this flatted residential development.

Highways and Transportation/Refuse and Recycling

- 10.34 Policy CS 10 requires all new developments to be car-free, which means no parking provision will be provided on site and future occupiers will not have the ability to obtain parking permits. Therefore, to ensure the proposed units would not be eligible to apply for car parking permits in the area, it is recommended that a condition is attached to any grant of consent, as well as secured within the Unilateral Undertaking, preventing residents from obtaining further on street parking permits unless they have already held a permit for in excess of one year. Therefore, the proposal will not result in increased on-street parking congestion. Cycle parking spaces have been provided in accordance with the number of bed spaces which accords with Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Councils transport policies.
- 10.35 It is proposed that two of the existing garages will be converted to provide the refuse and recycling facilities for the new residential units. The refuse and recycling facilities provided will comply with Council policies and will be secure, sheltered and the appropriate amount. Access will be provided through new doors and sufficient refuse facilities will be provided in these two garages to service the existing flats. Given the provision of facilities for refuse and recycling it is not considered that the proposal would lead to increased fly-tipping or dumping of rubbish outside the flats. The proposed refuse and recycling facilities will be secured by condition to ensure its provision prior to the occupation of the residential units. It is also noted that there is no policy objection to the loss of garages.

Sustainability

- 10.36 Policy DM7.2 requires minor developments to achieve best practice energy efficiency standards, in terms of design and specification. A condition is recommended to ensure sustainable targets are met in relation to carbon reduction and water efficiency.
- 10.37 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". A carbon offset contribution of £4,000 would be required, based on the four new-build flats, in accordance with the Environmental Design SPD. Subject to attached conditions and legal agreement the proposal offers a sustainable form of development.

Small sites (Affordable Housing) and Carbon Off-setting Contributions

- 10.38 The development results in a net increase of 4 additional units and as such would require a contribution towards affordable housing in the Borough, in line with policy CS12 of the Core Strategy and the council's Supplementary Planning Document- 'Affordable housing-small sites' 2012. It should be noted that a viability assessment was submitted with the application. This assessment was reviewed by Adams Integra who concluded that the full small sites contributions could be paid. The applicant has agreed to pay these full contributions. A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for payment of the full contribution to off-site Affordable Housing of £200,000 and £4,000 towards carbon off-setting will be provided to the local planning authority, prior to issuing of a decision notice.
- 10.39 Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012).
- 10.40 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.

Other Matters

- 10.41 Several neighbours have raised objection to the loss of the drying area. The applicant has agreed to relocate the drying area adjacent to the proposed cycle storage shelter in order to ensure this important amenity is maintained for existing residents. This re-provision has been amended to revised plans to further secure this feature. It is considered that the proposed extensions have been appropriately sited to minimise the impact on neighbouring amenity.
- 10.42 Concerns have been raised regarding fire safety arrangements for occupiers of the existing building and proposed flats. The Council's Building Control department were consulted as part of this application and stated that as the proposal will result in the building measuring more than 11 metres in height above ground floor level, a condition should be proposed to ensure a scheme of fire safety measures, including proposed escape routes and smoke alarms in public areas, are submitted to, and approved in writing by, the Local Planning Authority prior the commencement of works. This will ensure the proposal will prioritise the safety of existing and future occupiers and achieve full compliance with existing regulations.
- 10.43 It should be noted that matters relating to loss of property values, structural viability, noise and disturbance from construction works and loss of views from neighbouring flats are not material planning considerations that can be taken into account when assessing an application. Given the location of the proposed extensions, it is not considered that the proposal would result in loss of outlook to any neighbouring occupiers. Structural matters, including impacts on foundations and drainage systems will be considered by Building Control officers should consent be granted for the application.

- 10.44 The Council does not get involved in leaseholder and management issues. A Construction Method Statement condition has been recommended to ensure the site can be safely managed during the construction process.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The proposal for roof extensions to Blocks A, B and C to provide 2no 2 bed flats and 2no 1 bed flat, the erection of a 4 storey infill rear extension to enlarge 4no. existing studio flats into 4no. 1 bedroom flats, proposed elevational improvements to street elevations of all blocks and the provision of refuse & recycling and cycle storage facilities is acceptable.
- 11.2 The additional, set back storey to Blocks A, B and C would be noticeable in visual and streetscape terms. The proposed roof additions are set back from the buildings parapet and this is considered to reduce the overall visual impact of the proposal. Overall, the proposed extensions and alterations to the building are considered to be appropriate in townscape terms and accord with Policy DM2.1 of Islington's Development Management Policies, Policy CS9 of Islington's Core Strategy 2011 as well as guidance in the Council's Urban Design Guide 2017 (SPD). Collectively these seek to ensure that development respects and responds positively to existing buildings, the streetscape and the wider context.
- 11.3 The proposal would not cause an unacceptable increase in enclosure levels, loss of outlook nor have a detrimental impact upon the amenity of any neighbouring occupiers. Subject to condition there would be no adverse impact on adjoining occupiers living conditions in terms of noise.
- 11.4 The application site is located in a very high PTAL area with several well developed transport modes in the vicinity of the site. There is no need for off street parking nor is there any need for on street permits to be issued in this case unless the future occupiers are disabled or already have an Islington permit. Therefore, the development will remain car free and will be conditioned to ensure this.
- 11.5 A draft Unilateral Agreement has been provided and it is understood that a signed and agreed Unilateral Agreement for the full contribution to Affordable Housing and Carbon Offsetting, as well as ensuring the new residential units will be car-free, will be provided to the local planning authority, prior to issuing of a decision notice.
- 11.6 As such, the proposed development 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 approval subject to appropriate conditions and legal agreement.

Conclusion

- 11.7 It is recommended that planning permission be granted subject to conditions and 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 - RECOMMENDATION.

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:

- £200,000 contribution towards the provision of off-site affordable housing within the Borough
- £4,000 contribution towards carbon off-setting
- Car-free development for the 4no. new residential units

All payments are due on practical completion of the development and are to be index-linked from the date of committee. Index linking is calculated in accordance with the Retail Price Index.

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 permitted shall be carried out in accordance with the following approved plans: Site Location Plan, SE1314_01, SE1314_02, SE1314_03, SE1314_04, SE1314_05 Rev A, SE1314_06 Rev A, SE1314_07 Rev A, SE1314_08 Rev A, SE1314_09 Rev A, SE1314_10 Rev A, SE1314_11 Rev A & Design and Access Statement dated February 2017 by SeeSaw-Studios. 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.
3	Materials (Details)
	<p>CONDITION: Notwithstanding the approved drawings, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Any brickwork b) window treatment (including sections and reveals); c) roofing materials – zinc material; d) balustrading e) any other materials to be used <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	Car Permits (Compliance)
	<p>CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:</p> <ul style="list-style-type: none"> i) In the case of disabled persons; ii) 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: To ensure that the development remains car free.</p>
5	Cycle Parking Provision Compliance
	<p>CONDITION: Prior to the first occupation of any of the dwellings hereby permitted at least six secure bicycle storage spaces shall be provided within the site as shown on Drawing No. SE1314_04. These spaces shall be sheltered and secure and used solely for the benefit of the occupants of the development and their visitors and for no other purpose and shall be permanently retained as such thereafter into perpetuity.</p> <p>Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.</p>
6	Construction Method Statement
	<p>CONDITION: No development (including demolition works) 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and

	<p>construction works</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
7	Refuse and Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. SE1314_04 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
8	Details of proposed windows
	<p>CONDITION: Notwithstanding the approved drawings, existing window profiles and manufacturers details of proposed windows shall be submitted and approved in writing by the LPA prior to implementation and shall be maintained as such thereafter into perpetuity.</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>
9	Sound Insulation
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between residential floors of the building 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: For the protection of neighbouring residential amenity.</p>
10	Fire Safety
	<p>CONDITION: Prior to the commencement of works, full details of proposed fire safety measures for the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the hereby approved development and shall be maintained as such thereafter into perpetuity.</p> <p>The fire safety 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: For the safety and protection of existing and future occupiers.</p>

11	Sustainable Design and Construction
	<p>CONDITION: The dwellings hereby permitted shall be constructed in accordance with the hereby approved No occupation of the dwellings shall take place until details of how these measures have been achieved have been submitted to and approved in writing by the local planning authority.</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>

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>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
2	Unilateral undertaking
	<p>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.</p>
3	Community infrastructure Levy (CIL)
	<p>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 London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and 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 payable on commencement of the development.</p> <p>Further information and all CIL forms are available on the Planning Portal at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Islington Council website at www.islington.gov.uk/cilinfo. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.</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 2012 and Planning Policy Guidance (PPG) seek to secure positive 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, 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 2016 - Spatial Development Strategy for Greater London

Policy 3.3 Increasing Housing Supply
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and Design of Housing Developments
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 7.2 An Inclusive Environment
Policy 7.4 Local Character
Policy 7.6 Architecture

Policy 7.4 Local Character
Policy 7.6 Architecture
Housing Supplementary Planning Guidance
Appendix 1 - Summary of the quality and design standards

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 8 – Enhancing Islington’s character
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment
Policy CS 10 – Sustainable Design
Policy CS 12 – Meeting the housing challenge

C) Development Management Policies June 2013

- Policy DM2.1 – Design
- Policy DM2.2 – Inclusive Design
- Policy DM3.1 - Mix of housing sizes
- Policy DM3.3 - Residential conversions and extensions
- Policy DM3.4 – Housing Standards
- Policy DM3.5 – Private outdoor space
- Policy DM7.1 - Sustainable design and construction
- Policy DM7.2 - Energy efficiency and carbon reduction in minor schemes
- Policy DM7.4 – Sustainable Design Standards

- Policy DM8.4 - Walking and cycling
- Policy DM8.5 - Vehicle parking

3. Designations

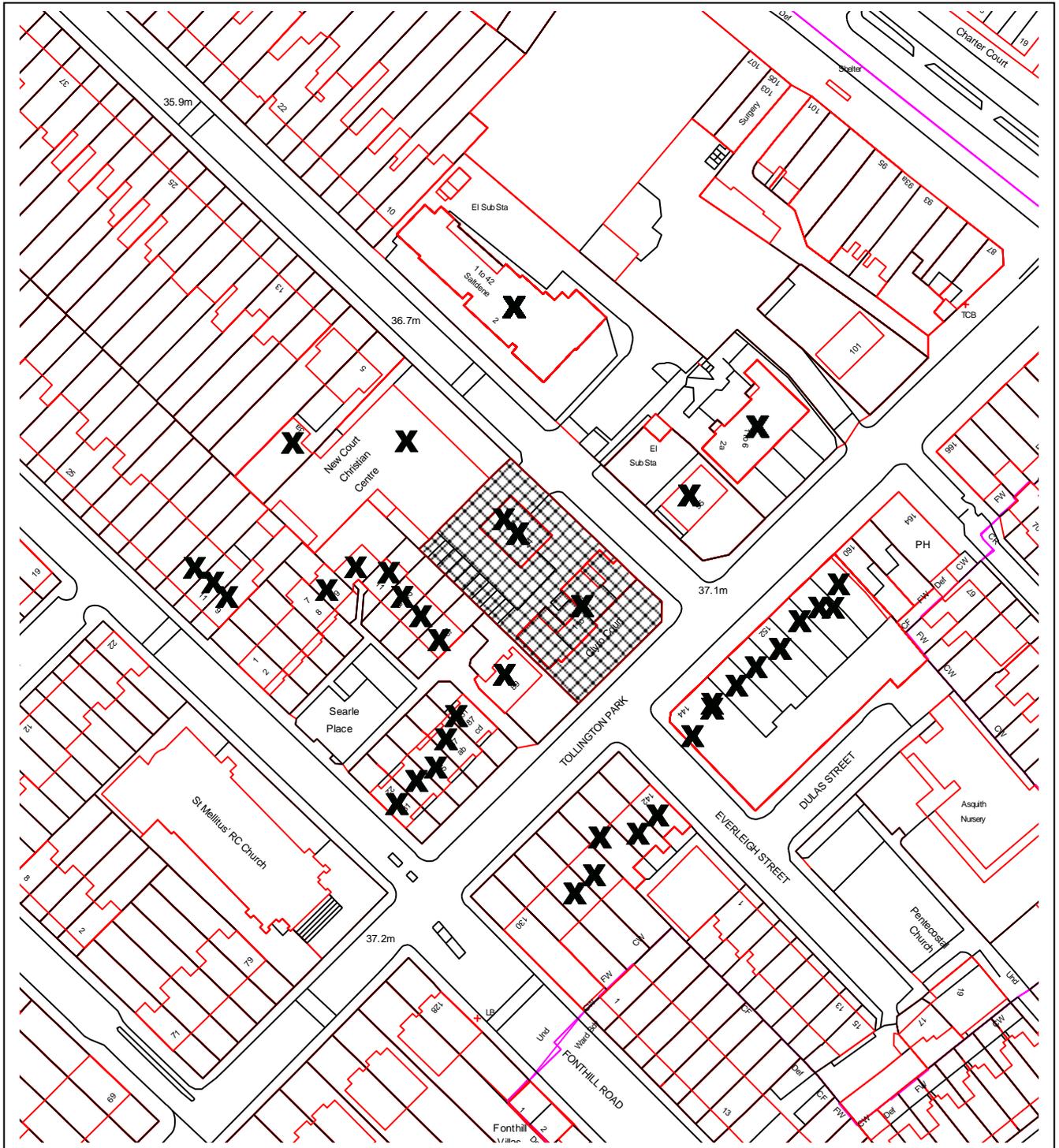
Local Cycle Route
Within 50m of Tollington Park Conservation Area

4. SPD/SPGS

Urban Design Guidelines
Small Sites Affordable Housing SPD
Environmental Design SPD
Inclusive Design SPD

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Islington SE GIS Print Template



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