PLANNING COMMITTEE REPORT

Development Management Service Planning and Development Division Environment and Regeneration Department PO Box 333 222 Upper Street

PLANNING	SUB-COMMITTEE A	
Date:	30 January 2017	NON-EXEMPT

Application number	P2016/0139/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Archaeological Priority Area Bunhill & Clerkenwell Core Strategy Key Area Clerkenwell Green Conservation Area Central Activities Zone Local Cycle Routes Employment Priority Areas (General) Bunhill & Clerkenwell Finsbury Local Plan Area Local view from Archway Road Local view from Archway Bridge Mayors Protected Vistas - Alexandra Palace viewing terrace to St Paul's Cathedral
Licensing Implications	None
Site Address	Gate House, 1 St John's Square, London, EC1M 4DH
Proposal	Erection of roof extensions at third, fifth and sixth floor levels to create 6 residential units, and provision of an uplift in B1 office floorspace including reconfiguration at fourth and fifth floor and basement levels, erection of a seven storey lift shaft to north elevation, and associated external alterations and alterations to fire escape on western elevation. Relocation of existing air conditioning units.

Case Officer	Thomas Broomhall
Applicant	Alexandria Bay Ltd.
Agent	Planning Sense Ltd - Mr Matt Bailey

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: Aerial view in northerly direction



Image 3: View towards the site from Clerkenwell Road



Image 4: View from St John's Square



Image 5: View from the site towards the rear of 45-47 Clerkenwell Road

4.0 SUMMARY

- 4.1 Planning permission is sought for the erection of roof extensions at third, fifth and sixth floor levels to create 6 residential units, and provision of an uplift in B1 office floorspace including reconfiguration at fourth and fifth floor and basement levels, erection of a seven storey lift shaft to north elevation, and associated external alterations and alterations to fire escape on western elevation. Relocation of existing air conditioning 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 impact on the character and appearance of the host building and surrounding conservation area, the standard of the new residential units and the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The design of the proposal is considered to be acceptable and would not detract from the character and appearance of the conservation area. The standard of the proposed new residential units is considered to be acceptable. The proposal would not detrimentally impact the amenity of the neighbouring properties.
- 4.5 The proposal is therefore considered to be acceptable and it is recommended that the application be approved.

5. SITE AND SURROUNDING

- 5.1 The site comprises a part five storey part six storey office building with an existing exposed framed water tank at sixth floor level. The front elevation has a mosaic panel running from first to sixth floor level and is visible from St John's Square to the east of the site. The property sits adjacent to the rear of 45-47 Clerkenwell Road to the north, 6 St John's Place to the west and 1 St John's Place and 2-5 St John's Place sit to the south of the site.
- 5.2 The surrounding buildings are of varying height, age and design. To the south east of the site is St. John's gate, a Grade I listed building and Scheduled Monument. The site is located within the Clerkenwell Green Conservation Area, the Central Activities Zone (CAZ), and Employment Priority Area (General) and within both local views from Archway Bridge and the Mayors Protected Vista from Alexandra Palace viewing terrace. The building is not statutory listed.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the erection of single storey roof extensions at fifth floor level to the rear part of the building and at sixth floor level at the front of the building to create 6 x 2 bedroom residential units; and external alterations to create 4 no. roof terraces at fourth floor level on the southern elevation and at sixth floor level to create a single roof terrace.
- 6.2 The application also proposes a single storey third floor level roof extension to create office floorspace and change of use and reconfiguration at basement, fourth and fifth floor levels to create 96.4 square metres of additional B1 (office) floorspace across the site.
- 6.3 Further external works include installation of external lift shaft from ground floor to sixth floor level, on the northern elevation, reconfiguration of the existing fire escape at second to fifth floor levels, external alterations at ground floor level to facilitate the reconfiguration, provision of new access to new residential and office accommodation, access to cycle storage and bin storage, upgrading of the external façade and extension to main entrance canopy, and relocation of existing air conditioning units.
- 6.4 During the assessment of the application, two sets of amended drawings were received. Initially to address the concerns over standard of amenity of proposed apartment F at fifth floor level. Additional Daylight and Sunlight information was submitted following a case officer visit to the site and adjacent residential properties at 45-47 Clerkenwell Road, as an addendum to the initially submitted Daylight and Sunlight Report.
- 6.5 Following a further review of the application a second set of revisions were received to address concerns over mutual overlooking between the proposed new residential units on the fourth floor and the existing residential units on the fourth floor of 45-47 Clerkenwell Road through the addition of obscurely glazed windows, which are obscurely glazed up to a height of 1.8 metres above internal floor level.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS

- 7.1 10/04/2013 Planning Permission (ref: P2012/0454/FUL) granted for *installation of replacement air conditioning units with associated screening to rear of building at second floor level (retrospective)* at Gate House, 1 St. John's Square, London EC1M 4DH.
- 7.2 06/09/2013 Planning Application (ref: P2013/2276/FUL) refused for *installation of three antennas and three dishes set on three free standing support poles, one equipment cabinet and ancillary works to roof at* 1 St. John's Square, London EC1M 5RN.

REASON: The proposed antenna, dish and support frame on the northern and southern edges of the property, by reason of their proximity to the roof edge, their height and prominent location, would be visible in views from St John's Square and Clerkenwell Road, detracting from the simple open parapet design of the application building and the character and appearance of the Clerkenwell Green Conservation Area. The proposal is contrary to policies 7.5, 7.6 and 7.8 of the London plan 2011, policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Conservation Area guidelines for Clerkenwell Green Conservation Area Design Guidelines 2002, and the Urban Design Guidelines 2006.

7.3 31/10/2013 – Planning Application (ref: P2013/2806/FUL) refused for retention of decking installed to create roof terrace for existing office use, and retention of 2 no. bamboo screens at Second floor, Gate House, 1 St. John's Square, London EC1M 4PN.

REASON: The existing bamboo screens cause unacceptable harm to neighbouring amenity by virtue of creation of sense of enclosure and cause an unacceptable loss of daylight to the windows on the adjacent neighbouring properties at no. 45-47 Clerkenwell Road and 6 St John's Place. The proposal would therefore be contrary to policies 7.1 of the London Plan 2011, policies CS8 and CS9 of the Core Strategy 2011, and policy DM2.1 of the Development Management Policies June 2013.

REASON: The existing bamboo screens are an inappropriate addition causing unacceptable harm to the visual amenity of the private realm due to their clear visibility from the adjacent neighbouring properties and therefore harmful to the character and appearance of the surrounding Clerkenwell Green Conservation Area. The proposal would therefore be contrary to policies 7.4 of the London Plan 2011, policies CS8 and CS9 of the Core Strategy 2011, and policies DM2.1 and DM2.3 of the Development Management Policies June 2013.

7.4 19/12/2013 – Planning Permission (ref: P2013/4275/FUL) granted for *Installation of three small antennas, one equipment unit and associated steel support frame, three 300mm dish antennas and ancillary works on the roof of the existing building* at The Gate House, 1 St. John's Square, London EC1M 5RN.

ENFORCEMENT

7.6 None.

PRE-APPLICATION ADVICE:

- 7.7 August 2014 Pre-application (ref: Q2014/2200/MIN) Advice was provided in relation to Change of use from B1 (Office) to part B1 (Office) and part C3 (Residential) including provision for six (6) new dwellings, construction of side extension at third floor level towards the rear, a single storey extension at fifth floor level towards the rear, a two-storey extension to the main building fronting St John's Square, construction of a new external lift shaft on the north-east corner of the building and other associated works. The applicant was advised that:
 - 1. The infilling of the top floor, which is currently open and framed, forms an integral and important part of the original design. The proposal to infill this space would harm the appearance of the building, reduce is its elegance and would not be supported.
 - 2. External cladding is likely to change the fineness and lightweight appearance of the building and would be resisted. Consideration should be given to internal cladding so the external appearance and architectural qualities of the building remain unharmed.
 - 3. The replacement of the original windows with double glazed windows would only be considered acceptable if they were replaced on a like for like basis in terms of materials, design and frame dimensions. Consent is unlikely to be granted for replacement of the steel windows with aluminium.
 - 4. The addition of a lift shaft on the side elevation, even if fully glazed, is likely to appear overly prominent in this sensitive location, drawing ones eye away from the Grade I listed St. John's Gate.
 - 5. The addition of a roof extension on the rear element of the building would be visible in long views above the rooflines of Nos.35-43 Clerkenwell Road. In terms of good urban design practice, buildings fronting a principal road should be taller than the buildings behind. Accordingly, as the addition of a roof extension to No.1 would result in the building being taller than the buildings fronting Clerkenwell Road, this would not be looked upon favourably. In addition, a roof extension to the rear element of the building would also unbalance the original design.
- 7.8 2015 Follow-up Pre-application (ref: Q2015/2357/MIN) Advice was provided in relation to the design and appearance of the proposed extensions and external alterations. The applicant was advised that a lift shaft to the north elevation is acceptable in principle; an additional storey to the rear is acceptable in principle as long as the concerns regarding the height in the pre-application advice have been addressed. White gloss mosaic tile finish and Crittal windows to match existing are welcome. The proposed infill extension within the existing framework with details to match existing floors below or Crittal with gloss mosaic tile finish are welcome.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to 150 occupants of adjoining and nearby properties at Clerkenwell Road, St John's Place, St John's Square, Albemarle Way and Britton Street, on 28 January 2016. The initial public consultation of the application expired on 25 February 2016. A total of 16 objections were received following the first period of public consultation.
- 8.2 Following receipt of an amended proposed fifth floor plan drawing and an addendum Daylight and Sunlight Report, a second public consultation took place which ended on 17 May 2016. A total of 5 further objections were received following the second period of public consultation.
- 8.3 A further period of public consultation was required to ensure that the seven storey lift shaft had been correctly advertised and that the revised floor plans indicating the extent of the B1 uplift were correctly advertised. This ended on 16 June 2016. A total of 5 further objections were received following the third period of public consultation.
- 8.4 Following receipt of revised drawings indicating obscure glazing on the fourth floor level windows of the new residential units, a fourth period of public consultation took place which ended on 12 January 2017. At the time of writing this report 2 further objections had been received.
- 8.5 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 27 no. objections 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):
 - No consideration as to whether additional office floorspace could be used for SMEs or as affordable workspaces (See paragraph 10.10);
 - Impact of additional residential density on the neighbourhood (See paragraphs 10.11-10.14);
 - No active frontage to the building at ground floor level (See paragraphs 10.23);
 - External alterations do not comply with conservation area guidelines (See paragraphs 10.24);
 - Application gives no consideration to the conservation area and does not provide enhancements (See paragraphs 10.24);
 - Upgrading building cladding is inappropriate (See paragraphs 10.24).

- Increase in height would be harmful to the appearance of the historic St John's Square (See paragraphs 10.25);
- Impact on the residential properties at first to fourth floor level at 45-47 Clerkenwell Road due to loss of daylight and sunlight, loss of outlook and privacy, loss of view of the sky and increase in overlooking (See paragraphs 10.43);
- Loss of light/amenity to 2-5 St John's Square (See paragraphs 10.47);
- Details of the findings of the initially submitted Daylight and Sunlight Report are incomplete and therefore it's not possible to accurately consider the results and the impacts of the proposed works on 45-47 Clerkenwell Road (See paragraphs 10.36, 10.38 and 10.43);
- Increase in overlooking towards 1 St John's Place (See paragraphs 10.44);
- Loss of light to no's 1 and 4 St John's Place (See paragraphs 10.45);
- Enclosure to external fire escape staircase will lead to overshadowing and enclosure to 6 St John's Place (See paragraphs 10.46);
- Plant Equipment is harmful to 5 and 6 St John's Place (See paragraphs 10.48);
- Request for condition regarding noise disturbance from air conditioning units (See paragraphs 10.48);
- Relocation of office entrance and loading bay entrances will cause congestion and increase in noise pollution (See paragraphs 10.49);
- Request for Construction Management Plan due to disturbance to first and second floor offices within the site at 1 St John's Square (See paragraphs 10.50);
- Disturbance of water table, and damage to historic cobbles (See paragraphs 10.50);
- Disruption from and impact of, construction works on St John's Place due to noise and air pollution (See paragraphs 10.50);

Internal Consultees

- **8.6** Planning Policy: No comment.
- **8.7 Design and Conservation Officer:** No objection subject to conditions.
- **8.8 Inclusive Design**: Raised concerns over access to the apartments by lift access, with staircase shared with the office use; concerns over the feasibility of installing a stair lift into split level Flat A and the bathroom layouts in each of the proposed new flats.

- **8.9 Transport Planning Officer:** No comment.
- **8.10** Highways: No comment.
- **8.11 Sustainability:** No comment.
- **8.12 Noise Officer:** No objection subject to condition.
- **8.13** Refuse and recycling: No comment.

External Consultees

8.14 None.

9. RELEVANT POLICIES

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

National Guidance

9.1 The National Planning Policy Framework 2012 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 2015, 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
 - Quality of Proposed Residential Accommodation
 - Accessibility
 - Neighbouring Amenity including sunlight/daylight
 - Highways and Transportation
 - Small Sites Affordable Housing

Land Use

- 10.2 The proposal results in the creation of 6 no. 2 bedroom residential units across fourth, fifth and sixth floor level and an overall uplift in B1 office floorspace across the site of 96.4 square metres. This is achieved through the creation of 376 square metres of office floorspace at basement level through the loss of the current car park, an increase in office floorspace at third floor level of 56.1 square metres. This increase is offset against the change of use from office to residential at fourth floor and fifth floor levels resulting in an overall uplift of 96.4 square metres.
- 10.3 The site is located within an Employment Priority Areas (General) and is located within the Central Activities Zone (CAZ) as well as the Clerkenwell Green Conservation Area.
- 10.4 Part C of Policy DM5.1 sets out that outside Employment Growth Areas, Town Centres and the Vale Royal/Brewery Road Locally Significant Industrial Site, business floorspace may be provided within mixed use developments where this would enhance the character and vitality of the local area, would not detrimentally impact on residential amenity, and would not compromise residential growth.
- 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 6 no. residential units is considered to enhance the character and vitality of the local area and enhance residential growth. The issues of the impact on residential amenity will be addressed in a later section.
- 10.6 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.
- 10.7 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 except for fourth floor. At this level, the adjoining wall of the office, sits adjacent the hall way of Flat D and as such is considered to retain adequate separation. 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.
- 10.8 Part B of Policy BC 8 of the Finsbury Local Plan sets out that development within Employment Priority Area (General) should include a proportion of non-B1 uses at ground floor. However given the existing B1 use of building, the lack of alterations to the existing use at ground floor and the nature of the access roads at St John's Place, it is not considered appropriate to require a provision of non-B1 floorspace at ground floor. The proposed alterations to the B1 floorspace are considered suitable to enable accommodation by micro and small enterprises. Therefore it would be unreasonable to refuse the application on this basis.
- 10.9 The proposed mix use development of B1 and C3 residential accords with the land use requirements of paragraph 1.5 of the Clerkenwell Green, Charterhouse Square

- and Hat and Feathers Conservation Area Design Guide (CADG) which requires the provision of proposed floorspace for uses other than unfettered Class B1.
- 10.10 An objection was received concerning a lack of consideration as to whether the additional office floorspace could be used for SMEs or as affordable workspaces. However the design and layout of the proposals does result in office accommodation which given the existing constraints of the site, enables use for SMEs or as affordable workspaces and as such is considered to be acceptable.
- 10.11 An objection was received concerning the impact of additional residential density on the neighbourhood due to the impact on parking to service the existing residential buildings. However the additional six units are an appropriate scale given the dense urban location of the site and its surroundings and does not form grounds for refusal of the application.
- 10.12 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes 6 new residential dwellings comprised of 22 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.
- 10.13 The site covers an area of approximately 0.021 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 or 200-700 hr/ha.
- 10.14 The proposed development has a residential density of 60 u/ha and 220 hr/ha. Although not maximising the intensity of the use of the land, the provision of residential development is in keeping with the local context and ensures that the proposal would not result in an overly dense development.

Design and Conservation

- 10.15 The scheme proposes the erection of single storey roof extensions at third floor level on the side elevation, at fifth floor level on the rear part of the building and a sixth floor level within the existing frame on the front part of the building. The application also proposes external alterations to facilitate the new residential units and additional B1 Office floorspace.
- 10.16 The new development section of the CADG sets out that new buildings and roof extensions to existing buildings should conform to the height of existing development in the immediate area. Normally no new building or extension will be permitted above five storeys (about 18 metres above ground level). All plant rooms and lift overruns should be located so as to be invisible from the street including long views from adjacent streets. Roof extensions visible from the street or a public open space will not be granted where this is harmful to the character and appearance of the building. The materials section of the CADG sets out that alterations and extensions to existing buildings should respect the building's materials, architectural style and proportions.

- 10.17 The proposed infill roof extension within the existing framework to the front of the building at sixth floor level does not raise the existing height of the front part of the building and is acceptable in principle subject to the materials. The detailed design of the infill matches the existing floors below and comprises Crittal windows and mosaic tile finish which are acceptable.
- 10.18 The proposed additional single storey roof extension on the rear part of the building at fifth floor level is acceptable as it rises no higher than the existing fifth floor to the front of the site and is largely hidden from public views except from eclipsed, long views, and the materials used are the same as those of the original building so will not distract the eye. The white gloss mosaic tile finish and Crittal windows to match existing are welcome.
- 10.19 The proposal to introduce a lift shaft to the north elevation although not generally acceptable given the design solution replicates the blue mosaic clad element to the west side this element will preserve the existing quality of the facade. The insertion of recessed infill panes in white to match the blue tiles is welcome.
- 10.20 The replacement of the existing cladding panels with back painted glass spandrel panels is welcome as the existing panels have a very tired appearance. The extension of the entrance canopy in line with the lift shaft which is acceptable as combined the interventions create a balanced appearance which integrates well into the exiting building.
- 10.21 Landscaping to the balcony is very welcome as it will enhance the appearance and aesthetics of the building which soften the stark rectilinear lines. A more contemporary finish to the secondary escape stairs is accepted however it is recommended that this element of the scheme should be conditioned to require further details to be submitted and approved.
- 10.22 The proposed alterations to the service entrance on the SE elevation as well as other interventions at ground floor level improve the visual impact of the building at street level and are welcome. The enclosure of the emergency staircase to the rear is welcome as it is a more contemporary finish which contrasts well with the enlarged main body of the building.
- 10.23 An objection was received raising concerns that there would be no active frontage to the building at ground floor level. However given that the existing provision of B1 office accommodation at ground floor level remains unchanged, and the proposal results in a greater active frontage than existing along St John's Place, the proposal is considered to be acceptable in this regard.
- 10.24 An objection was received concerning the external alterations not complying with conservation area guidelines and not providing enhancements. However the proposed works do provide improvements to the existing external appearance of the building as outlined earlier in this section, and are considered acceptable by the Council's Design and Conservation Officer following two sets of pre-application advice prior to the submission of the application. It is recommended that a condition is attached to any grant of consent requiring details and samples of all facing

- materials to be submitted to and approved prior to works commencing. Therefore the proposed works are considered acceptable in accordance with the CADG.
- 10.25 Objections were received concerning the impact of the increase in height on the surrounding St John's Square and Conservation Area. However the proposed roof extensions will sit no higher than the existing height of the frontage of the building and remain in keeping with the scale and proportions of the building and are therefore acceptable in this regard.

Quality of Proposed Residential Accommodation

- 10.26 The proposal results in the creation of 6 no. 2 bedroom flats. 4 no. of the proposed flats (Flats A to D) are split level flats located at fourth and fifth floor level on the rear part of the building with roof terraces for each flat created on the existing flat roof at fourth floor level on the south elevation. Flat E is also a split level flat located across fifth and sixth floor levels at the front of the building with a roof terrace created on three sides. Flat F is located at fifth floor level within the existing building.
- 10.27 The principle of the dwelling mix of the proposed dwelling mix of 6 no. 2 bedroom residential units is considered to be generally acceptable in accordance with policy DM3.3

Flat Name	Floorspace (Square metres)	Accords
	menes)	
Flat A	77	Y
Flat B	87	Υ
Flat C	86	Υ
Flat D	87	Υ
Flat E	113	Υ
Flat F	71	Υ

- 10.28 The total floorspace of all the units exceeds the minimum requirements of 70 square metres for two double bedroom units. Each of the units provides a minimum of dual aspect accommodation, with a good internal layout. Bedrooms and living/kitchen areas exceed the minimum floor space standards. 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 a satisfactory living condition for future occupiers of each unit.
- 10.29 Policy DM3.5 of the Islington Development Management Policies sets out the requirements for the provision of private outdoor space in new residential developments. The policy requires a minimum of 5 square metres of private outdoor space on new upper floor units with an extra square metre for each additional occupant. In this instance two bedroom four person units are required to provide a minimum of 7 square metres of private outdoor amenity space.
- 10.30 Five of the six units (Flats A-E) provide a good standard of private outdoor space which exceed the minimum standards. Flat F fails to provide any private outdoor amenity space, however consideration is given to the otherwise good standard of

amenity of this unit and 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. Therefore on balance, it would be unreasonable to refuse the application purely on this basis. Therefore the proposal accords with the private outdoor amenity space requirements of policy DM3.5 of the Islington Development Management Policies.

Accessibility

- 10.31 The Inclusive Design Officer raised concerns that the proposed units rely on lift access with the escape staircase shared with the office use, whether it would be possible to install a stair lift in flat A to link the entrance and lower floors given the layout and that the bathrooms in the proposed units do not meet the Inclusive Design Criteria. However the rooms in the new units would generally be of suitable size and Lifetime Homes compliant (although these have been superseded by National Housing Standards).
- 10.32 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.
- 10.33 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 including Sunlight and Daylight

- 10.34 The proposal would create a single storey infill roof extension at third floor on the southern elevation, a single storey roof extension to the rear part of the building at fifth floor level and an infill roof extension within the existing frame at sixth floor level in the front part of the building. The proposal also includes the provision of additional plant equipment to the rear part of the building and external alterations to each elevation.
- 10.35 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.
- 10.36 The property sits adjacent to the rear of 45-47 Clerkenwell Road which comprises residential properties at first to fourth floor level. There is an existing level of overlooking between the existing offices on the application site at fourth floor level and the rear of the residential properties on Clerkenwell Road on the first to fourth floor levels which is separated by a private accessway within the boundary of the site. There is also an existing level of overlooking towards the communal roof terrace of 45-45 Clerkenwell Road. To prevent mutual overlooking between the

proposed new residential units on the fourth floor and the existing residential units on the fourth floor of 45-47 Clerkenwell Road, the windows of the new units will include integrated obscure glazing up to a height of 1.8 metres above internal floor level. It is recommended that the obscure glazing is conditioned to be installed prior to occupation and to be retained as such, in perpetuity. As part of these amendments an additional window is proposed to be installed on the western elevation at fourth floor level to allow an aspect and additional daylight to bedroom 2 of Flat A. The new windows on the northern elevation of the fifth floor roof extension would relate to an access corridor to the new residential units and given the narrow depth of the walkway would be unlikely to be used for amenity purposes. Therefore it is not considered that there would be a significantly harmful increase in overlooking of loss of privacy in this regard as to justify refusal of the application on this basis.

- 10.37 The proposed roof extension at fifth floor level would be recessed from the north elevation of the site and given the existing relationship with 45-47 Clerkenwell Road, the additions are not considered to result in a significantly harmful impact on outlook, over dominance or sense of enclosure as to justify refusal of the application on this basis.
- 10.38 A Daylight and Sunlight Report was submitted with the application assessing the impact of the proposed works on the surrounding properties. During the course of the assessment of the application and following public consultation, an addendum to the Daylight and Sunlight Report was received. The report and addendum sets out that no windows on the adjacent residential properties around the site would fail the British Research Establishment Guidelines (BRE) Vertical Sky Component Test. The report does conclude that one window on the rear of 45-47 Clerkenwell Road fails the BRE Available Sunlight Test however this is likely to be a communal staircase to the residential properties and therefore it would be unreasonable to refuse the application on this basis. The report and addendum concludes that one window from 4th Floor of 45-47 Clerkenwell Road fails the BRE Daylight Distribution Test which may be the most eastern window of the bedroom of Flat 12 at 45-47 Clerkenwell Road. However having visited the site, there are four windows to this room and therefore the impact on daylight and sunlight would not be so significantly harmful as to justify refusal on this basis. The report and addendum also identifies that one window at flat 3, 45-47 Clerkenwell fails the BRE winter sunlight test, however whilst it is acknowledged that this is a high percentage change, in real terms it is a change of 1 hour of sunlight. However, due to the very low existing level of winter sunlight received by these windows the percentage changes (80% and 75%) are disproportionately high and would be unlikely to result in a perceptible loss of sunlight and therefore it would be unreasonable to refuse the application on this basis. The report does identify that three windows of the property at 2 St John Square to the south of the site would fail the BRE Daylight distribution Test. However windows to a commercial property are not required to comply with the BRE Test in this regard and therefore it would be unreasonable to refuse the application on this basis.
- 10.39 There are no windows on the rear elevation of the commercial properties at 39-43 Clerkenwell Road and therefore there would not be an impact on the amenities of these properties.

- 10.40 The council's records indicate that there are residential properties to the south west of the site at 4 St John's Place. No new windows are proposed on the south western elevation. Consideration is given to the position and proximity of the proposed roof extensions to adjacent windows of residential properties at 4 St John's Place. There is not considered to be a significantly harmful impact on outlook or sense of enclosure of these properties as to justify refusal on this basis.
- 10.41 The Council's records indicate that there are residential properties to the south of the site at 1 St John's Square, however this is across a public highway and as such the Council's policies do not resist an increase in overlooking in this regard. Given the existing relationship and the position and extent of the increase in height, there is not considered to be a harmful impact on the amenities of the properties at 1 St John's Square in terms of outlook, sense of enclosure or loss of privacy, as to justify refusal of the application on this basis.
- 10.42 In summary the proposal would not conflict with 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.
- 10.43 Objections have been received concerning loss of daylight and sunlight to the rear elevations of the properties at 45-47 Clerkenwell Road and concerns have been raised over the findings of the daylight and sunlight report and the addendum. The findings of the report have been considered in paragraph 10.38 and is considered to conclude that, on balance, the scheme does not result in a significantly harmful impact on the amenities of the surrounding properties in terms of levels of daylight and sunlight as to warrant refusal of the application on this basis.
- 10.44 Objections have been received concerning the impact on 1 St John's Place due to increase in overlooking and loss of privacy from the proposed fourth floor roof terraces. However the Council's policies do not resist an increase in overlooking across a highway and given the dense urban location and existing levels of overlooking, there is not considered to be a significantly harmful impact on neighbouring amenity as to warrant refusal of the application on this basis.
- 10.45 Objections have been received concerning the impact on loss of daylight to no. 1 and to no. 4 St John's Place. The submitted Daylight and Sunlight Report indicates that there would be no conflict with the BRE Guidelines in relation to the impact on the building identified as 2-3 St John's Place which includes no. 1, and also in relation to no. 4 St John's Place. No new windows are proposed on the south western elevation. Consideration is given to the position and proximity of the proposed roof extensions to adjacent windows of residential properties at 4 St John's Place and the existing relationship. There is not considered to be a significantly harmful impact on outlook or sense of enclosure of these properties as to justify refusal on this basis.
- 10.46 Objections have been received concerning the impact of the enclosure of the fire escape staircase on 6 St John's Place to the west of the site, leading to overshadowing and increase in sense of enclosure. However the reconfiguration of

- the staircase will shift the existing structure further away from this building and given the separation distance, the additional height from the enclosure will have minimal impact on a non-residential building.
- 10.47 Objections were received concerning a loss of light and amenity to 2-5 St John's Square. Whilst it is acknowledged that three windows in this building fail the BRE guidelines, given the commercial use is not required to meet the same test, the dense urban location across a highway and the small number of failed windows, it would be unreasonable to refuse the application on this basis.
- 10.48 Objections were received concerning an increase in noise disturbance from the proposed relocation and additional plant equipment. The Council's Acoustics Officer has not raised an objection to the application subject to a condition regarding noise levels and a report to demonstrate how the equipment will achieve compliance with the noise condition.
- 10.49 Objections were raised over the relocation of the office entrance and loading bay entrances however given the existing relationship to the surrounding buildings and the dense urban location, the impact of additional footfall at basement level would be negligible. The loading bay entrance is separated from neighbouring residential properties and would be unlikely to have any noticeable impact in this regard.
- 10.50 Comments were received concerning the impact of construction works on the other commercial occupiers of the building, and on St John's Place, and on the water table and on historic cobbles, and a request for a Construction Method Statement. It is recommended that a condition is attached requiring details of a Construction Method Statement to be submitted and approved prior to commencement of works.

Highways and Transportation

- 10.51 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 a permit for in excess of one year. 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.
- 10.52 The Development Management Policies sets out that redevelopment of existing car parks, for alternative uses, will be subject to the car free policy. As such there is no objection to the loss of the current basement car park.

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

10.53 The development results in a net increase of 6 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. 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 £360,000 will be provided to the local planning authority, prior to issuing of a decision notice.
- 10.54 Therefore, the proposal complies with policy CS12G of the Islington Core Strategy (2011) and the Islington Affordable Housing Small Sites Contributions SPD (2012).
- 10.55 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 roof extensions at fifth and sixth floor level to create 6 x 2 bedroom C3 residential units, a third floor level roof extension to create office floorspace and reconfiguration at basement and fourth floor levels to provide an additional 96.4 square metres of B1 office floorspace across the site, and associated external alterations and relocation of existing air conditioning units is acceptable.
- 11.2 The impact of the proposal on the character and appearance of the host building and surrounding conservation area is considered to be acceptable. The standard of the proposed new residential units is considered to be acceptable. The impact on neighbouring amenity of the adjoining and surrounding properties is considered to be acceptable.
- 11.3 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 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.

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:

- £360,000 contribution towards the provision of off-site affordable housing within the Borough

All payments are due on practical completion of the development and are to be indexlinked 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:
	445-PA.01, 445-PA.02, 445-PA.03, 445-PA.04, 445-PA.05, 445-PA.06, 445-PA.07, 445-PA.08, 445-PA.09, 445-PA.10, 445-PA.11, 445-PA.12, 445-PA.13, 445-PA.14, 445-PA.15, 445-PA.16, 445-PA.17, 445-PA.18, 445-PA.19 RevA,

445-PA.20 RevA, 445-PA.21, 445-PA.22 RevB, 445-PA.23 RevB, 445-PA.24 RevA, 445-PA.25, 445-PA.26 RevA, 445-PA.27, 445-PA.28 RevA, 445-PA.29 RevA, 445-PA.30 RevB, 445-PA.31, 445-PA.32, 445-PA.33 – Proposed South East Office Entrance, 445-PA.34, 445-PA.35, 445-PA.33 – Existing North West Main Entrance, 445-PA.37, 445-PA.38, 445-PA.39, 445-PA.40, 445-PA.41, 445-PA.42, 445-PA.43, 445-PA.44, 445-PA.45, 445-PA.46, Daylight & Sunlight Report Dated 30th September 2015, Daylight & Sunlight Report Addendum Dated 5th April 2016, Planning Heritage Design and Access Statement Dated October 2015, Noise and Vibration Assessment Report Ref: 14271-002 Dated October 2015, Sustainability and Energy Statement ref: 5365 dated 21/10/2015, Area Schedule – Commercial (B1 Office) dated 18/05/16

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)

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:

- a) Mosaic work: how this will be affixed. Which tiles will be used
- b) render (including colour, texture and method of application);
- c) window treatment (including sections and reveals);
- d) roofing materials;
- e) balustrading treatment (including sections);
- f) spandrel panels including fixings
- g) any other materials to be used

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 securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

4 Car Permits (Compliance)

CONDITION: All future occupiers of the additional residential units, hereby approved shall not be eligible to obtain an on street residents parking permit except:

- 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.

Reason: To ensure that the development remains car free.

5 Cycle Parking Provision Compliance

CONDITION: Prior to the first occupation of any of the dwellings hereby permitted at least sixteen secure bicycle storage spaces 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.

Reason: To ensure adequate cycle parking is available and easily accessible on site and promote sustainable modes of transport.

6 Construction Method Statement

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:

- 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

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.

REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.

7 Sustainable Design and Construction Statement

CONDITION: A Sustainable Design and Construction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the dwellings will achieve a 25% reduction in Regulated CO2 emissions when compared with a building compliant with Part L of the Building Regulations 2010, and not exceed water use targets of 95L/person/day.

REASON: To ensure a sustainable standard of design

8 Lifetime Homes

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).

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.

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with LPP 3.8

9 Details of the design of secondary staircase enclosure

CONDITION: Notwithstanding the approved drawings, details of the design of secondary staircase enclosure shall be submitted and approved in writing by the LPA prior to construction.

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.

10 Details of proposed windows

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.

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.

11 Noise Levels of Plant Equipment

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."

REASON: For the protection of neighbouring residential amenity.

12 Report for noise levels of Plant Equipment

CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained

	thereafter.
	REASON: For the protection of neighbouring residential amenity.
13	Obscure Glazing
	CONDITION: Prior to occupation of the new residential units hereby approved, the windows on the fourth floor of Flat A and Flat B on the northern elevation shall be obscurely glazed and fixed shut. The windows shall be obscurely glazed to a height of 1.8 metres above internal floor level, as shown on drawing 445-PA.30 RevB and shall be retained as such, in perpetuity.
	REASON: For the protection of neighbouring residential amenity.

List of Informatives:

1	Positive Statement
	To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.
	A pre-application advice service is also offered and encouraged. 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 accordance with the requirements of the NPPF.
2	Unilateral undertaking
	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	Community infrastructure Levy (CIL)
	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.
	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

	http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/.	
4	Details of Crittal Window profiles	
	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. Where the windows are to be replaced the profiles should replicate the originals or be overhauled.	

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan polices 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 2015, 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 2015 - 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 DM2.3 Heritage
- 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

D) Finsbury Local Plan June 2013

- Policy BC 8 - Achieving a balanced mix of uses

3. Designations

Clerkenwell Green Conservation Area Employment Priority Areas (General)

4. SPD/SPGS

Urban Design Guidelines Conservation Area Design Guidelines Small Sites Affordable Housing SPD Environmental Design SPD Inclusive Design SPD Finsbury Local Plan