

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department

PLANNING SUB-COMMITTEE B

Date: 27 November 2018

NON-EXEMPT

Application number	P2018/2236/S73
Application type	Removal/Variation of Condition (Section 73)
Ward	Clerkenwell Ward
Listed building	Not listed, however the site adjoins the Grade II listed Woodbridge Chapel to the north-east and Grade II listed residential terraces to the north-west.
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Employment Priority Areas (General) Bunhill & Clerkenwell Core Strategy Key Area Clerkenwell Green Conservation Area Central Activities Zone Finsbury Local Plan Area Bunhill & Clerkenwell Local view from Archway Road LV4 Local view from Archway Bridge LV5
Licensing Implications	None
Site Address	Foxama House, 17 - 18 Hayward's Place, London, EC1R 0EQ
Proposal	<p>Section 73 application for the variation of Condition 2 (drawing and document numbers) and Condition 8 (Flat roof not used as amenity space) of planning consent ref P2017/3258/FUL dated 21/03/2018 for 'Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.'</p> <p>The Section 73 variation is to install a metal and glass barrier on a section of the approved outdoor roof area to allow the south east section (front elevation) to be used as a roof terrace associated with the approved B1 office use; and replacement of glazed sliding doors at north-east elevation with fixed glazed windows and a fire scape door.</p>

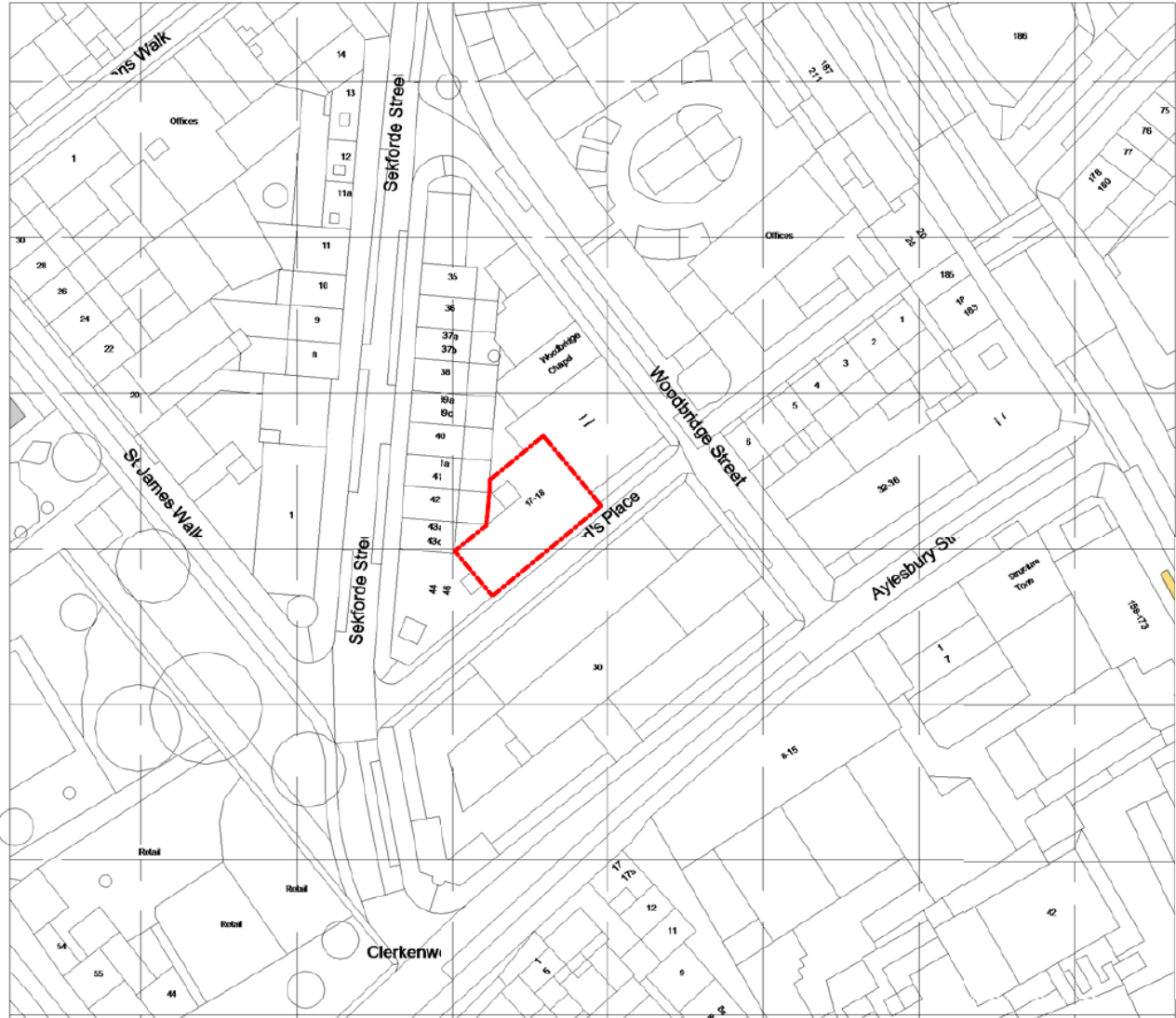
Case Officer	Nathan Stringer
Applicant	N/A
Agent	Ms Liz Shannon - Savills UK

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)**



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in a north westerly direction



Image 3: Aerial view in a south-easterly direction



Image 4: Aerial view in a southerly direction



Image 5: View towards rear of Sekforde Street properties from existing rooftop



Image 6: View of existing roof top

4. SUMMARY

- 4.1 The application site comprises a four storey over basement modern office building known as Foxama House which fronts on to Hayward's Place. The immediate street scene comprises of modern office buildings. The site adjoins an office building to the west at 44-46 Sekforde Street, and a Grade II listed Chapel (Woodbridge Chapel) to the east of the site. To the rear there are residential neighbours to the north and north west, along Sekforde Street which are Grade II statutorily Listed. The application site is situated within the Clerkenwell Green Conservation Area. The building is not locally nor statutorily listed.
- 4.2 The proposal seeks to amend Condition 2 (drawing numbers) and Condition 8 (flat roof not used as amenity space) of planning permission P2017/3258/FUL dated 21/03/2018. Planning permission was granted previously for 'Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.' This application was considered at the Planning Sub-Committee B on 27th February 2018.
- 4.3 The variation to the original permission seeks to install a metal and glass barrier on the flat roof at fourth floor level, to allow for part of the outdoor roof area (the use of which as a roof terrace was restricted by planning condition) to be used as an outdoor terrace. The proposed barrier would measure approximately 1.1 metres in height, and would be placed between the previously approved glazed balustrade at the north-eastern edge of the roof and the approved fourth floor extension. The barrier would therefore allow for the use of the front (south-east) facing section of roof area (measuring approximately 25 sqm) as an outdoor amenity space, whilst restricting the use of the north-east and north-facing sections of the roof area for essential maintenance or repair, or fire escape in case of emergency. The proposal also seeks to replace the originally approved glazed sliding doors at the north-east elevation with fixed windows and a glazed fire escape door.
- 4.4 The application does not seek to make amendments to the approved roof extension, rear staircase or air conditioning plant and enclosure. The application is referred to the Sub-Committee due to the number of neighbour objections received (8no.).
- 4.5 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest.
- 4.6 Overall, the design of the proposed fixed shut windows and glazed fire escape door, as well as the metal and glass barrier to be installed is considered acceptable. The proposed alteration to the fourth floor flat roof would not be visible from the surrounding public or private realm, and would not lead to visual clutter. The proposed alterations would not harm the character and appearance of the building and wider conservation area, nor would they cause harm to the setting of the adjacent Grade II listed buildings. The proposal therefore complies with policies DM2.1 and DM2.3 of the Development Management Policies, the Urban Design Guide 2017 and the Clerkenwell Green Conservation Area Design Guidelines.
- 4.7 The proposal is not considered to prejudice the residential amenity of neighbouring properties to the rear of the site fronting Sekforde Street or to the north-east of the site at Dover Court insofar as loss of privacy, increased overlooking, loss of light, outlook or an

increased sense of enclosure. The proposal therefore complies with policy DM2.1 of the Development Management Policies 2013.

- 4.8 The proposal is considered to be acceptable and in accordance with the Development Plan policies and is therefore recommended for approval subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The site comprises a four storey over basement modern office building known as Foxama House which fronts on to Hayward's Place. The front elevation comprises of a brick façade with aluminium Crittal windows at ground to second floor levels with painted brickwork at ground floor. The existing third floor comprises of six dormer windows on the front façade set within a lead clad sloped roof. The existing rooftop has two existing structures comprising an existing lift overrun, and a water tank adjacent to the rear elevation. To the rear is an existing metal external staircase providing a fire escape from ground floor to the third floor level.
- 5.3 The immediate street scene comprises of modern office buildings. The site adjoins an office building to the west at 44-46 Sekforde Street, a Grade II statutorily listed Chapel (Woodbridge Chapel) to the north-east of the site, and Grade II statutorily listed residential terraces fronting Sekforde Street to the north-west of the site. The application site is situated within the Clerkenwell Green Conservation Area but the building is not locally or statutorily listed.

6. PROPOSAL (in Detail)

- 6.1 The application seeks a variation of Condition 2 (drawing numbers) and Condition 8 (flat roof not used as amenity space) of planning permission ref P2017/3258/FUL dated 21/03/2018 for 'Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.'

- 6.2 The conditions are as follows:

CONDITION 2: *The development hereby permitted shall be carried out in accordance with the following approved plans:*

E001; E009; E010; E011; E012; E013; E014; E030; E031; E040; E041; 009; 010; 011; 012; 013; 014 RevA; 015 RevA; 030; 031 RevA; 032 RevA; 041 RevA; Environmental Noise Survey & Plant Noise Assessment ref: 17266/001revA/ha dated 04 August 2017; Letter from Savills dated 18 August 2017; Daylight & Sunlight Report dated 7th February 2018;

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*

CONDITION 8: *The flat roof area shown on plan no. 014 hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.*

REASON: *To prevent the undue overlooking of neighbouring habitable room windows.*

- 6.3 The proposal seeks to make alterations to the fourth floor level flat roof area by installing a metal and glass barrier and, as requested by officers, alter the consented sliding doors on the north-west elevation to fixed windows and a single fire escape door. The barrier would

divide the outdoor space, to allow for part of the flat roof to be used as an outdoor terrace. The barrier would measure approximately 1.1 metres in height, and would be placed between the previously approved glazed balustrade at the edge of the roof on the eastern side of the site, and the approved fourth floor extension. The barrier would therefore allow for the use of the front (south-east) facing section of outdoor space (measuring approximately 25 sqm) as a terrace, whilst restricting the use of the north-east and north-facing sections of outdoor space for essential maintenance or repair, or fire escape in case of emergency. The below figure demonstrates the extent of the outdoor space proposed to be used as a terrace (dashed in blue), as well as the section that would be restricted for essential maintenance or repair, or fire escape in case of emergency (dashed in red).

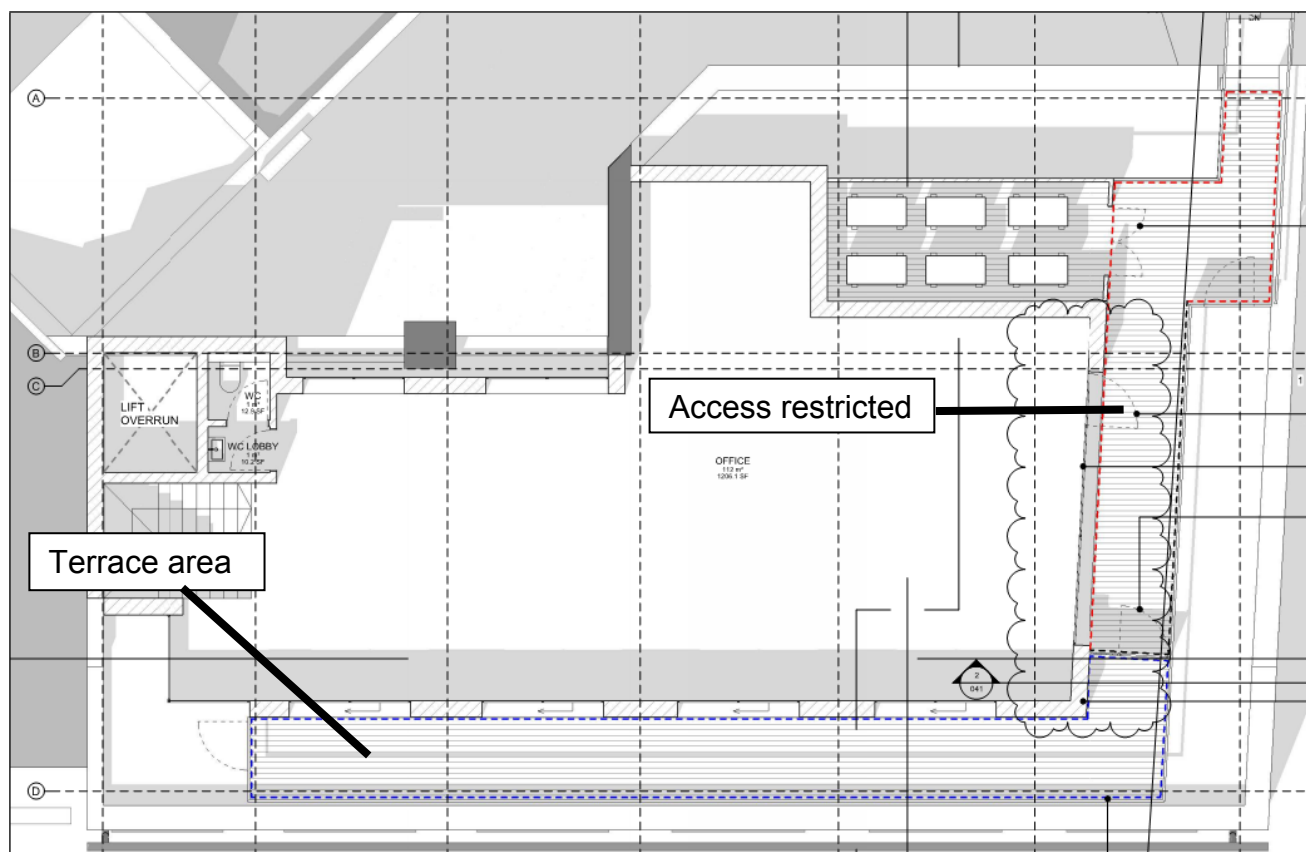


Figure 1: Section of flat roof area to be used as a terrace (dashed in blue)

- 6.4 The proposal therefore seeks to vary approved drawings numbered 014 Rev A, 015 Rev A, 032 Rev A, and 041 Rev A.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Foxama House, 17-18 Hayward's Place

- 7.1 21/03/2018 Planning Permission (Ref: P2017/3258/FUL) granted for *Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.*

- 7.2 28/02/2013 Planning Permission (Ref: P2012/0539/FUL) granted for *Replacement of rear external escape metal staircase and replacement of remaining original single glazed, steel framed rear windows with new polyester coated aluminium double glazed windows including replacement of lower ground floor window with new double doors to inaccessible small rear yard.*
- 7.3 31/05/2013 Planning Permission (Ref: P2013/0737/FUL) granted for *Extension of external escape staircase to provide maintenance access to roof.*
- 7.4 04/12/2013 Planning Permission (Ref: P2013/3285/FUL) granted for *Erection of a roof extension to create a two-bedroom flat, continuation of front elevation up to third floor level, creation of roof terrace and extension to rear staircase.*
- 7.5 07/01/2014 Planning Permission (Ref: P2013/3359/FUL) granted for *Installation of two air condenser units on north elevation.*
- 7.6 02/05/2014 Planning Application (Ref: P2014/0769/FUL) refused for *Roof extension to create a two-bedroom flat, continuation of front elevation up to third floor level, creation of roof terrace and extension to rear staircase.*

REASON: The proposed roof terrace associated with the roof extension, by reason of its prominent location and the introduction of visual clutter to the exposed flank elevation of the property, would be an incongruous feature within the locality and would detract from the character and appearance of the application building, the wider Clerkenwell Green Conservation Area and the setting of the adjacent listed building. The proposal would therefore be contrary to policies 7.4, 7.5, 7.6 and 7.8 of the London Plan 2011, policies CS8 and CS9 of the Core Strategy 2011, policy DM2.1 and DM2.3 of the Development Management Policies 2013 and the guidance in the Islington Urban Design Guide 2006 and the Clerkenwell Green Conservation Area Design Guidelines.

- 7.7 Appeal ref: APP/V5570/A/14/2222056 allowed with conditions on 07/11/2014.
- 7.8 22/08/2014 Planning Permission (Ref: P2014/2593/FUL) granted for *Installation of four air condenser units to the rear of the building at basement and ground levels and one air condenser unit to the front at new roof level.*
- 7.9 27/08/2015 Planning Permission (Ref: P2015/2679/FUL) granted for *erection of roof top extension to provide additional office accommodation (Use Class B1), continuation of front elevation up to third floor level and extension of existing escape stair.*
- 7.10 20/06/2017 Approval of Details (ref: P2017/0741/AOD) granted for *Approval of Details pursuant to condition 3 (Materials) of planning consent ref: P2015/2679/FUL dated 27 August 2015.*
- 7.11 22/09/2017 Planning Permission (Ref: P2017/2696/S73) granted for *application for variation of condition 2 of P2015/2679/FUL dated 27 August 2015 to change the detailed design of the openings on the third floor and on the approved roof extension.*
- 7.12 22/09/2017 Planning Permission (Ref: P2017/2701/FUL) granted for *Replacement of the existing openings to the basement, ground, first and second floors of the building.*
- 7.13 Approval of Details (ref: P2017/4080/AOD) granted for *Submission of details relating to condition 3 (materials) of application ref. P2017/2696/S73 dated 22 September 2017.*

The Hot House, 44-46 Sekforde Street

- 7.14 19/08/2016 Planning Permission (ref: P2016/2592/FUL) granted for *erection of a single-storey roof extension at fourth floor level to create additional office (Class B1) accommodation, together with plant enclosure and alterations to the existing elevations including creation of new entrance at ground floor on Sekforde Street and third floor infill extension fronting Hayward's Place.*

ENFORCEMENT:

7.15 None.

PRE-APPLICATION ADVICE:

7.16 None.

8. CONSULTATION:

Public Consultation

8.1 Letters were sent to occupants of adjoining and nearby properties at Sekforde Street, Woodbridge Street, Clerkenwell Green, Hayward's Place, St John Street and Aylesbury Street on 1 September 2017. A site and press notice was advertised on 11 July 2018. Re-consultation of the proposal was undertaken following the receipt of revised plans to include the replacement of the glazed sliding doors on the north-east elevation with windows and a glazed fire escape door. The period of public consultation of the application therefore expired on 5 November 2018. A total of 8no. objections were received following the period of additional public consultation.

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 8no. 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):

- Impact of the proposal on neighbouring amenity at properties on Sekforde Street and St John Street, including increased overlooking, loss of privacy, and increase in noise created by users of the terrace (See paragraph 10.15-10.22);
- Noise disturbance from air conditioning units.
 - o *Officer note: no changes to the previously approved air conditioning units have been proposed as part of the application. Therefore, it is noted that the units have previously been assessed and in accordance with Section 73 of the Town and Country Planning Act, no further consideration to these has been given in the assessment of this application. The conditions attached to the original grant of permission with regard to the air conditioning units have been re-applied to this draft recommendation.*

Revisions

8.3 The application originally proposed the installation of the barrier closer to the rear of the flat roof area, which would have allowed for the majority of the north-east facing sections of the roof space to be used for amenity purposes. The barrier would have obstructed access to the fire escape at the rear of the site. Concern was raised with regard to the obstruction of the escape, and its implication on everyday use of the terrace, noting that the barrier would likely need to be kept unlocked/ajar to provide safe access to the escape. Following the occupation of the site, this would likely not have been effective in discouraging the use of the north-east and north facing sections of the terrace for amenity purposes.

8.4 Concern was also raised regarding the location of glazed sliding doors onto the section of flat roof that is not included as part of the revised proposed terrace, noting that these doors could encourage the use of the restricted part of the flat roof as outdoor amenity space.

8.4 The application was therefore revised to move the barrier closer to the front of the flat roof, hereby restricting the use of the terrace to the area at the front of the building fronting Haywards Place. This would remove the obstruction to the fire exit at the rear. Further

alterations included the replacement of the glazed sliding doors at the north-east elevation with fixed shut windows and a glazed fire escape door. Following the receipt of revised plans, the application was re-consulted (as noted previously).

Internal Consultees

- 8.5 **Design and Conservation officer:** initially raised concern that the use of the flat roof area at fourth floor level as an outdoor amenity space would provide an opportunity for the placement of terrace paraphernalia visible from the public realm, and therefore would impact upon the setting of the neighbouring Grade II listed Woodbridge Chapel. Following the provision of plans demonstrating that any terrace paraphernalia would not be visible/largely not be visible from the public realm, the officer has advised that the proposal would cause no harm to the character or appearance of the host building and wider conservation area, nor to the setting of the adjacent listed buildings.

External Consultees

- 8.6 None.

9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES

- 9.1 Islington Council (Planning Sub-Committee), in determining this planning application, has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan);
- To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- To pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72(1))

- 9.2 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status

- 9.3 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the

Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees. **Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following documents.**

National Guidance

- 9.6 The National Planning Policy Framework 2018 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.
- 9.7 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

- 9.8 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)

- 9.9 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:
- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
 - Design, appearance and impacts on the Conservation Area
 - Impact on the amenity of neighbouring residents

Scope of the Consideration of the Case Under Section 73 of the T&CPA

- 10.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve

consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

- 10.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
- 10.4 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 applicant's ability to complete the originally approved development.
- 10.5 It should be noted that since the grant of the original permission, the NPPF (2018) has been adopted.

Design and Conservation

- 10.5 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. 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.
- 10.6 Under the National Planning Policy Framework (2018) Listed Buildings and Conservation Areas are considered designated heritage assets. Under paragraph 189 applicants are required to describe the significance of heritage assets affected by a proposal, including any contribution made by their setting.
- 10.7 Paragraphs 193-195 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."
- 10.8 Paragraph 196 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.
- 10.9 Policy DM2.3 of the Development Management Policies requires that alterations to existing buildings in conservation areas conserve or enhance the significance of the conservation area and any adjoining or adjacent heritage assets.
- 10.10 Whilst the NPPF has been updated since the original grant of planning permission (July 2018), it is paragraph numbering updates relating to heritage matters. The context has not been altered.
- 10.11 The proposed application seeks to make alterations to the approved fourth floor level by replacing the approved glazed sliding doors to the north-east elevation with fixed windows and a glazed fire escape door; and installing a metal and glass barrier behind the previously approved balustrade to allow for the front part of the flat roof area to be used as an outdoor terrace space.

- 10.12 The replacement glazed windows and fire escape door to the north-east elevation would retain the same opening as that previously approved, and the changes in access provided would not result in a revised fenestration appearance at this location.
- 10.13 The proposed barrier would measure approximately 1.1 metres in height, and would be placed between the previously approved glazed balustrade at the edge of the roof on the eastern side of the site, and the approved fourth floor extension (approximately 1.5 metres in width). The barrier would allow for the use of the front (south-east) facing section of outdoor space as a terrace, whilst restricting the use of the north-east and north facing sections of outdoor space for essential maintenance or repair, or fire escape in case of emergency.
- 10.14 The previously approved perimeter glazed balustrade along the north-eastern side of the flat roof measures approximately 1.1m in height, and is set back by 1.5m from the parapet of the building. The parapet measures 0.5m in height. Therefore, it is not considered that the approved glazed balustrade would be visible in public views from Haywards Place. This view is shared by the Design and Conservation Officer. Given that the proposed barrier would be set behind the approved glazed balustrade, which is also set back from the north-eastern parapet of the building by 1.5m, the proposed barrier would not be visible in public or private views towards the building. Therefore, it is considered that it would not detract from the character or appearance of the host building whilst also ensuring the preservation of the wider Conservation Area.
- 10.15 Concern was previously raised by the Design and Conservation officer regarding the impact of the proposal on the setting of the Grade II Woodbridge Chapel which adjoins the site's eastern boundary, should roof terrace paraphernalia be introduced at fourth floor level. The applicant has since provided diagrams to demonstrate that, given the setback of the terrace, the height of the building and the narrow width of Haywards Place, public views would likely not be afforded toward terrace paraphernalia, or would be very limited. Therefore, officers do not consider that the proposal would cause any harm to the setting of the adjacent Grade II listed buildings nor the wider Clerkenwell Green Conservation Area. The below diagrams demonstrate public views towards the roof terrace from Haywards Place.



Diagram 2: public views towards the roof terrace from Haywards Place.

- 10.16 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of

preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest.

- 10.17 Overall, the design of the revised fenestration at north-west elevation and the proposed metal and glass barrier to be installed is considered acceptable. The proposed alterations would not be visible from the surrounding public or private realm, would not lead to visual clutter, and as such would not harm the character and appearance of the building, the conservation area, nor would they harm the setting of the adjacent Grade II listed buildings. The proposal therefore complies with policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Urban Design Guide 2017 and the Clerkenwell Green Conservation Area Design Guidelines

Neighbouring Amenity

- 10.15 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.
- 10.16 The rear elevation of the building faces towards the rear of the residential properties on the upper floors of Sekforde Street. The rear section of the previously approved flat roof area, which was (and is to remain) to be used only for maintenance and fire escape purposes, faces towards these residential properties.
- 10.17 The proposal includes the provision of a barrier close to the eastern corner of the flat roof. The barrier would allow for the use of the front (south-east) facing section (measuring approximately 25 sqm) as an outdoor terrace, whilst restricting the use of the north-east and north-facing sections of flat roof for essential maintenance or repair, or fire escape in case of emergency. The use of the south-east facing flat roof area as a terrace accessible to workers would therefore not increase the level of overlooking toward the residential properties fronting Sekforde Street to the north and north-west of the site, and would not harm the levels of privacy experienced by residents at these dwellings. This is demonstrated in Figure 3 below.

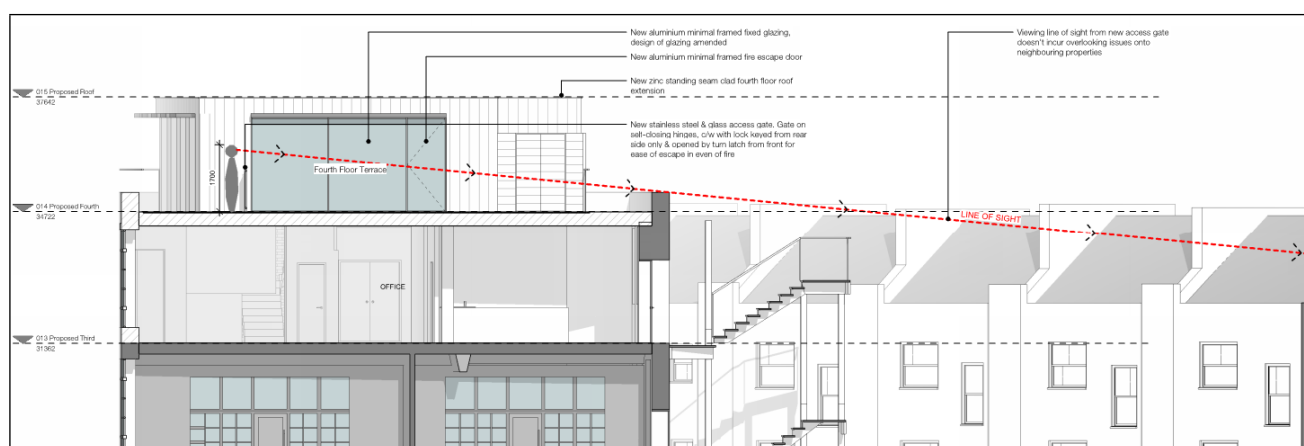


Figure 3: sightlines from the proposed front-facing roof terrace towards the rear (north) of the site.

- 10.18 Concern has also been raised by the resident of a property within the Dover Court residential development on the north-eastern side of Woodbridge Street, that the proposal would result in an unacceptable level of overlooking towards their property. Officers note that Foxama House and the properties at Dover Court are separated by the Woodbridge Chapel and

Woodbridge Street, and a total distance of at least 25 metres. Paragraph 2.14 of the Islington Development Management Policies (2013) sets out that overlooking across a public highway does not constitute an unacceptable loss of privacy. Whilst the proposed terrace would be higher than the neighbouring Woodbridge Chapel and views would be afforded towards the east and north-east, given the large separation distance between the two sites which also includes a public highway, it is not considered that the proposal would unacceptably increase overlooking towards the properties at Dover Court.

- 10.19 The south-eastern boundary of the site overlooks the commercial properties at 30 Aylesbury Street, which is located on the other side of the public highway. There is an existing level of overlooking towards 30 Aylesbury Street from the upper floors of the existing office building. The previously approved south-east facing flat roof area would be set back from the front elevation by approximately 0.7m. The use of this roof area for amenity purposes is not considered to result in an unacceptable loss of privacy or increase in overlooking towards the commercial property at 30 Aylesbury Street as to sustain the refusal of the application on this basis. Therefore, the impact of the proposal on 30 Aylesbury Street is not considered to conflict with the aims of the council's policies in this regard.
- 10.20 The revisions to the north-east fenestration, replacing the approved sliding doors with windows and a glazed fire escape door, would not increase the size of the opening or glazed surface at this elevation. Therefore, this would not result in any overlooking given its positioning.

Noise

- 10.21 A number of objections were received concerning noise disturbance to surrounding residential properties from the use of the roof terrace for amenity purposes. Officers note that the amenity use would be restricted to the south-eastern portion of the terrace, and therefore any noise generated would not harm residential amenity at properties to the north-east, north and north-west of the site. In order to ensure that the neighbouring amenity is not adversely affected, a condition (Condition 9) has been included restricting the use of the roof terrace between the hours of 09:00 and 18:00 Monday to Friday. A further condition (Condition 8) has been included to ensure the remaining roof area is not used for any purpose other than essential maintenance or repair, or fire escape in case of emergency.
- 10.22 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.

Other Matters

- 10.23 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 Regardless of the Planning Sub-Committee's decision regarding the Section 73 application under consideration, it should be noted that extant permission has been granted for the erection of the roof extension, installation of new air conditioning plant and enclosure at fourth floor level, and associated works. The original permission, which is subject to a condition restricting the use of the fourth floor flat roof area as an outdoor terrace, is yet to expire and the decision of the Sub-Committee has no bearing upon the validity of the grant of permission.
- 11.2 In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Further, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been given to the desirability of preserving the adjacent listed buildings, their setting and any of their features of special architectural or historic interest. Overall, the design of the revised north-east fenestration at fourth floor level and the proposed metal and glass barrier to be installed is considered acceptable. The proposed alteration to the fourth floor flat roof would not be visible from the surrounding public or private realm, and would not lead to visual clutter. The proposed alterations would not harm the character and appearance of the building, nor the wider Clerkenwell Green Conservation Area, nor would it harm the setting of the adjacent Grade II listed buildings. The proposal therefore complies with policies DM2.1 and DM2.3 of the Development Management Policies 2013, the Urban Design Guide 2017 and the Clerkenwell Green Conservation Area Design Guidelines.
- 11.3 The proposal is not considered to prejudice the residential amenity of neighbouring properties to the rear of the site fronting Sekforde Street or to the north-east of the site at Dover Court insofar as loss of privacy, increased overlooking, loss of light, outlook or an increased sense of enclosure. To prevent undue noise disturbance, a condition is recommended to restrict the hours of use of the terrace area. The proposal therefore complies with policy DM2.1 of the Development Management Policies 2013.
- 11.4 As such, the proposed development is considered to accord with the policies of the London Plan 2016, Islington Core Strategy 2011, Islington Development Management Policies 2013 and the National Planning Policy Framework 2018 and as such is recommended for approval subject to appropriate conditions.
- 11.5 For reference, the Planning Sub-Committee Report for the previously approved application P2017/3258/FUL is attached at Appendix 3.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than 21/03/2021 which is the expiry date of the original planning permission ref P2017/3258/FUL.</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>E001; E009; E010; E011; E012; E013; E014; E030; E031; E040; E041; 009; 010; 011; 012; 013; 014 RevD; 015 RevB; 030; 031 RevA; 032 RevB; 040; 041 RevC; 043 RevC; SK180824; Environmental Noise Survey & Plant Noise Assessment ref: 17266/001revA/ha dated 04 August 2017; Letter from Savills dated 18 August 2017; Daylight & Sunlight Report dated 7th February 2018.</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) Brick slips (including colour, texture and method of application);b) window treatment (including sections and reveals);c) roofing materials;d) final details and materials for acoustic louvres;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	Facing Brickwork
	<p>CONDITION: All new facing brickwork shall match the original brickwork in respect of size, colour, texture, face bond and pointing. No permission is granted for the use of brick slips or weatherstruck pointing.</p> <p>Reason: To ensure that the appearance of the building is acceptable.</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. 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 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>
6	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>
7	Timer for Plant Equipment
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi condenser units to between the hours of 08:30 to 18:30 Monday to Friday only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>
8	Flat Roof Not Used as Amenity Space (Compliance)
	<p>CONDITION: The area to the north-east of the fourth floor flat roof area shown dashed in red on plan no. 014 Rev D hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or fire escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
9	Hours of Use (Terrace)
	<p>CONDITION: The roof terrace of the development hereby approved shown dashed in blue on plan no. 014 Rev D shall not be used except between the hours of 09:00 and 18:00 Monday to Friday except in the case of essential maintenance or repair, or escape in case of emergency.</p>

	REASON: To ensure that the amenity of neighbouring residential properties is not adversely affected in accordance with policies 7.6 and 7.15 of the London Plan 2016 and policy DM2.1 of Islington's Development Management Policies 2013.
10	Internal Light
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</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>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in 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	Noise
	<p>The applicant is advised that no correction for acoustic character has been included and that the plant and enclosure should be regularly checked, maintained and serviced to ensure that the sound emitted does not develop tones, impulsivity or intermittency etc and the sound levels do not rise.</p> <p>The timer hours are taken from the background sound data assessed against in the noise report. The report mentions Saturday operation but no figures for the background sound during this period are quoted within Table 1.</p>
4	Fire Brigade
	<p>The Brigade will be satisfied subject to the application meeting the requirements of Approved Document BS of the Building Regulations.</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 2018 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 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

APPENDIX 3: PLANNING SUB-COMMITTEE REPORT FOR P2017/3258/FUL

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration Department



PLANNING SUB-COMMITTEE B		
Date:	27 February 2018	NON-EXEMPT

Application number	P2017/3258/FUL
Application type	Full Planning Application
Ward	Clerkenwell Ward
Listed building	Not listed
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	Employment Priority Areas (General) Bunhill & Clerkenwell Core Strategy Key Area Clerkenwell Green Conservation Area Central Activities Zone Finsbury Local Plan Area Bunhill & Clerkenwell Local view from Archway Road LV4 Local view from Archway Bridge LV5
Licensing Implications	None
Site Address	Foxama House, 17 - 18 Hayward's Place, London, EC1R 0EQ
Proposal	Erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.

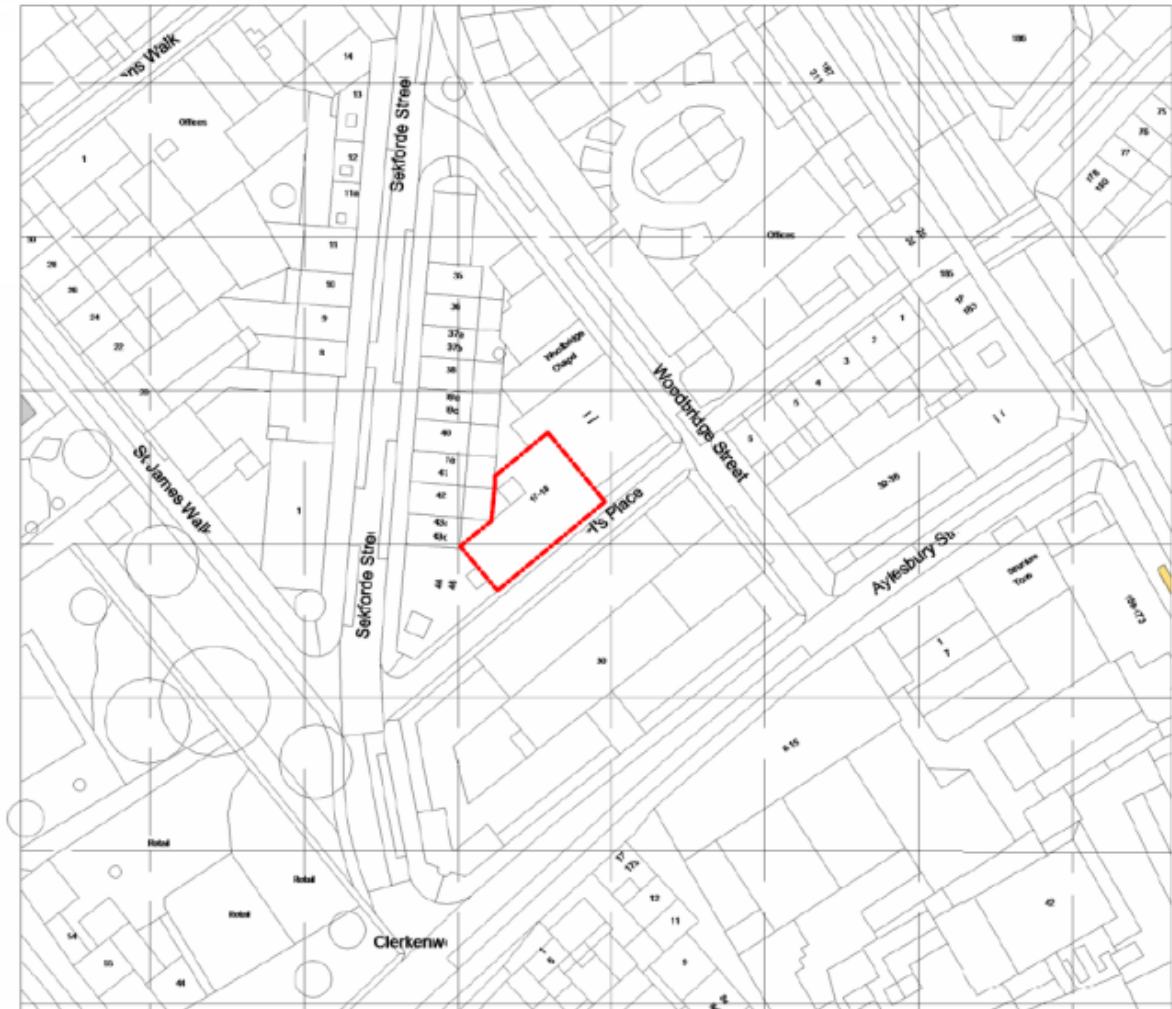
Case Officer	Thomas Broomhall
Applicant	N/A
Agent	Miss Aimee Squires - Savills UK

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)



3. PHOTOS OF SITE/STREET



Image 1: Aerial view of the application site



Image 2: Aerial view in a north westerly direction



Image 3: Aerial view in a south-easterly direction



Image 4: Aerial view in a southerly direction



Image 5: View towards rear of Sekforde Street properties from existing rooftop



Image 6: View of existing roof top

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), alterations at third floor level to remove dormer windows and infill front façade to match lower floors, extension to existing rear external staircase up to fourth floor and installation of new air conditioning plant and enclosure at fourth floor.
- 4.2 The application is brought to committee because of the number of objections received. The proposal is a resubmission of a recently granted permission (P2015/2679/FUL) with the main difference between the applications, being that the latest application includes the installation of new air conditioning plant and enclosure at fourth floor.
- 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, surrounding conservation area and setting of adjacent listed buildings, and the impact on the neighbouring amenity of the adjoining and surrounding residential and commercial properties.
- 4.4 The design of the proposals is considered to be acceptable and would not detract from the character nor appearance of the host building and surrounding conservation area nor the setting of adjacent listed buildings. The principle of the creation of an additional floor of office floorspace is considered to be acceptable.

- 4.5 The Acoustic Officer is satisfied that the proposal would not detrimentally impact on the amenity of the neighbouring properties.
- 4.6 The proposal is therefore considered to be acceptable and it is recommended that the application be approved subject to conditions.

5. SITE AND SURROUNDING

- 5.1 The site comprises a four storey over basement modern office building known as Foxama House which fronts on to Hayward's Place. The front elevation comprises of a brick façade with aluminium Crittal windows at ground to second floor levels with painted brickwork at ground floor. The existing third floor comprises of six dormer windows on the front façade set within a lead clad sloped roof. The existing rooftop has two existing structures comprising an existing lift overrun, and a water tank adjacent to the rear elevation. To the rear is an existing metal external staircase providing a fire escape from ground floor to the third floor level.
- 5.3 The immediate street scene comprises of modern office buildings. The site adjoins an office building to the west at 44-46 Sekforde Street, and a Grade II listed Chapel (Woodbridge Chapel) to the east of the site. To the rear there are residential neighbours to the north and north west, along Sekforde Street which are Grade II statutorily Listed. The application site is situated within the Clerkenwell Green Conservation Area but is not listed.

6. PROPOSAL (in Detail)

- 6.1 The application proposes the erection of a fourth floor roof extension to provide 124.8 square metres of additional office accommodation (Use Class B1) and the removal of the dormer windows at third floor and the extension of the existing bricked front facade up to third floor level with Crittal style aluminium windows installed to match the floors below. At roof level a glazed balustrade is proposed adjacent to the front elevation and adjacent to the eastern elevation, recessed from both elevations.
- 6.2 The proposed single storey roof extension would be recessed by 2.4 metres from the front façade and north east elevation and would comprise zinc cladding and aluminium framed sliding doors with timber and metal Brise Soleil over each sliding door.
- 6.3 Further works include an extension to the existing external rear fire escape staircase up to fourth floor level and the installation of 6 no. new air conditioning units at fourth floor level that would be enclosed with a 1.5-metre-high acoustic screen plant enclosure at the rear.
- 6.4 During the course of the application, the position of the proposed plant equipment has been moved away from the rear edge and now sits 2 metres back from the rear elevation and the reference to roof terrace has been removed from the proposed drawings.
- 6.5 Internally there are changes to reconfigure the existing toilets and shower facilities, installation of a replacement lift in existing lift shaft, some alterations to the access to the stair core at third floor level. The proposed works include the provision of 6 cycle parking spaces at basement level.
- 6.6 The proposals follow planning permission granted for a single storey fourth floor roof extension of identical height, scale and proportions and also alterations at third floor to remove the dormer windows and extend the front façade in 2015, ref: P2015/2679/FUL (granted in August 2015). The latest application differs from the 2015 consent through the addition of the plant equipment and associated enclosure at roof level. The works to extend the front façade at third floor level differ through a revised design of windows to a design

which more closely matches the fenestration on the floors below. Alterations to the fenestration on the lower floors on the front façade have already been approved in 2017 ref: P2017/2701/FUL.

- 6.7 The latest application also includes alterations to the design of the openings on the third and fourth floors from that consented in 2015 which have been approved under recent planning consent ref: P2017/2696/S73 on 22 September 2017. These works include new entrance doors at ground floor, installation of new windows in south west facing wall of existing rear projection, and replacement windows in rear elevation.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

Foxama House, 17-18 Hayward's Place

- 7.1 28/02/2013 Planning Permission (Ref: P2012/0539/FUL) granted for *Replacement of rear external escape metal staircase and replacement of remaining original single glazed, steel framed rear windows with new polyester coated aluminium double glazed windows including replacement of lower ground floor window with new double doors to inaccessible small rear yard.*
- 7.2 31/05/2013 Planning Permission (Ref: P2013/0737/FUL) granted for *Extension of external escape staircase to provide maintenance access to roof.*
- 7.3 04/12/2013 Planning Permission (Ref: P2013/3285/FUL) granted for *Erection of a roof extension to create a two-bedroom flat, continuation of front elevation up to third floor level, creation of roof terrace and extension to rear staircase.*
- 7.4 07/01/2014 Planning Permission (Ref: P2013/3359/FUL) granted for *Installation of two air condenser units on north elevation.*
- 7.5 02/05/2014 Planning Application (Ref: P2014/0769/FUL) refused for *Roof extension to create a two-bedroom flat, continuation of front elevation up to third floor level, creation of roof terrace and extension to rear staircase.*
- REASON: The proposed roof terrace associated with the roof extension, by reason of its prominent location and the introduction of visual clutter to the exposed flank elevation of the property, would be an incongruous feature within the locality and would detract from the character and appearance of the application building, the wider Clerkenwell Green Conservation Area and the setting of the adjacent listed building. The proposal would therefore be contrary to policies 7.4, 7.5, 7.6 and 7.8 of the London Plan 2011, policies CS8 and CS9 of the Core Strategy 2011, policy DM2.1 and DM2.3 of the Development Management Policies 2013 and the guidance in the Islington Urban Design Guide 2006 and the Clerkenwell Green Conservation Area Design Guidelines.*
- 7.6 Appeal ref: APP/V5570/A/14/2222056 allowed with conditions on 07/11/2014.
- 7.7 22/08/2014 Planning Permission (Ref: P2014/2593/FUL) granted for *Installation of four air condenser units to the rear of the building at basement and ground levels and one air condenser unit to the front at new roof level.*
- 7.8 27/08/2015 Planning Permission (Ref: P2015/2679/FUL) granted for *erection of roof top extension to provide additional office accommodation (Use Class B1), continuation of front elevation up to third floor level and extension of existing escape stair.*
- 7.9 20/06/2017 Approval of Details (ref: P2017/0741/AOD) granted for *Approval of Details pursuant to condition 3 (Materials) of planning consent ref: P2015/2679/FUL dated 27 August 2015.*

- 7.10 22/09/2017 Planning Permission (Ref: P2017/2696/S73) granted for *application for variation of condition 2 of P2015/2679/FUL dated 27 August 2015 to change the detailed design of the openings on the third floor and on the approved roof extension.*
- 7.11 22/09/2017 Planning Permission (Ref: P2017/2701/FUL) granted for *Replacement of the existing openings to the basement, ground, first and second floors of the building.*
- 7.12 Approval of Details (ref: P2017/4080/AOD) granted for Submission of details relating to condition 3 (materials) of application ref. P2017/2696/S73 dated 22 September 2017.

The Hot House, 44-46 Sekforde Street

- 7.13 19/08/2016 Planning Permission (ref: P2016/2592/FUL) granted for *erection of a single-storey roof extension at fourth floor level to create additional office (Class B1) accommodation, together with plant enclosure and alterations to the existing elevations including creation of new entrance at ground floor on Sekforde Street and third floor infill extension fronting Hayward's Place.*

ENFORCEMENT:

- 7.14 None.

PRE-APPLICATION ADVICE:

- 7.15 None.

8. CONSULTATION:

Public Consultation

- 8.1 Letters were sent to 34 occupants of adjoining and nearby properties at Sekforde Street, Woodbridge Street, Clerkenwell Green, Hayward's Place and Aylesbury Street on 1 September 2017. A site and press notice was advertised on 7 September 2017. The initial period of public consultation of the application expired on 28 September 2017. A total of 9 objections were received following the initial period of public consultation.
- 8.2 A second period of public consultation took place following the submission of a Daylight and Sunlight report. Letters were sent to 34 occupants of adjoining and nearby properties. The second period of public consultation of the application expired on 11 January 2018.
- 8.3 A third period of public consultation took place following the receipt of revised drawings indicating the moving of the plant equipment and enclosure away from the rear edge by 2 metres. Letters were sent to 34 occupants of adjoining and nearby properties. The third period of public consultation of the application expired on 13 February 2018.
- 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 13 no. 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):
- Raising the top of the building establishes a precedent (See paragraph 10.25);
 - The extension will not improve appearance of the building, is out of keeping and impacts on the conservation area (See paragraph 10.26);
 - Loss of privacy to 43 Sekforde Street (See paragraph 10.38);
 - Overlooking from additional floor, staircase and roof top towards Sekforde Street properties (See paragraph 10.39);
 - Loss of light and sunlight and overshadowing of the rear of Sekforde Street properties (See paragraph 10.54-10.64);

- Window Map is inaccurate and does not indicate all windows to rear of 36 and 37 Sekforde Street (See paragraph 10.66);
- Disturbance from external lighting left on all night (See paragraphs 10.67-10.68);
- Lights left on in the existing building overnight (See paragraphs 10.67-10.68);
- Noise disturbance from air conditioning units (See paragraph 10.70);
- Noise disturbance from use of roof terrace (See paragraph 10.70);
- Additional traffic congestion and pressure on parking spaces (See paragraph 10.74);

Internal Consultees

8.5 Design and Conservation Officer:

In response to initial scheme:

The only changes on the drawings that are not covered by the previous permission or by the two planning permissions are the addition of the air conditioning units and their enclosure and the extension of the escape stair to the rear. As such I will only comment on these elements, raising no objections to the other works.

Ideally the escape stair should not be extended further, but if this is a requirement in order to comply with building regulations this may outweigh the harm the extra bulk to the rear causes to the building and wider conservation area.

The proposed air conditioning units and associated screen to the rear are considered inappropriate. The approved roof extension (which matches that proposed within this application) is set back from the rear building line at this point. The addition of the proposed enclosure adds visual clutter and additional bulk to the rear elevation at this level.

In response to the revised scheme:

Whilst the plant enclosure remains undesirable, the revised scheme has reduced the visibility of the enclosure from the private realm and minimised the impact on the surrounding heritage assets.

8.6 Noise Officer: No objection following confirmation that the enclosure would not need to be any larger than shown in the drawings; based on the noise report by AAD Ref: 17266/001revA/ha, and the distances and criteria stated subject to conditions.

The application includes a new plant enclosure with 6 condensers. The assessment assumes that no corrections for the acoustic character are appropriate in this case. To mitigate the noise impact and meet the plant noise criteria, they will need to fit a bespoke acoustic enclosure. The units appear to be 1675x1080x480mm, so the enclosure would have to be a considerable size to accommodate 6 of them. The nearest residential on Sekforde Street appears to be a storey lower. To control the impact, the following conditions are advised:

"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."

"Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi condenser units to between the hours of 08:30 to 18:30 Monday to Friday only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter."

The applicant is advised that no correction for acoustic character has been included and that the plant and enclosure should be regularly checked, maintained and serviced to ensure that the sound emitted does not develop tones, impulsivity or intermittency etc and the sound levels do not rise.

The timer hours are taken from the background sound data assessed against in the noise report. The report mentions Saturday operation but no figures for the background sound during this period are quoted within Table 1.

It is understood that the condensers will only operate during the daytime period during typical office hours during the week i.e. Monday to Friday between 08:30 and 18:30."

In line with this Table 1 has no values listed for the working day for Saturday or Sunday, just Friday and Monday. Therefore, the recommended hours condition is in line with this. However, Table 2 mentions Saturday 08:30 and 13:30 hours.

External Consultees

- 8.7 **London Fire Brigade** – No objection subject to meeting the requirements of Approved Document BS of the Building Regulations.

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 Conservation
- Accessibility
- Neighbouring Amenity including sunlight/daylight
- Highways and Transportation

- Sustainability
- Refuse Facilities and Delivery and Servicing

Land Use

- 10.2 The proposed works result in an uplift of 124.8 square metres of B1 office floorspace across the building. The proposed new B1 office floorspace is within the Central Activities Zone and therefore is policy compliant due to the uplift in B1 floorspace in accordance with policy CS 13 of the Core Strategy.
- 10.3 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.
- 10.4 The uplift in B1 office floorspace sits below 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.
- 10.5 The property is within the area designated as an Employment Priority Area (General). Policy BC8 Achieving a Balanced Mix of uses of the Finsbury Local Plan seeks to prevent a net loss in business floorspace and maximise office delivery.
- 10.6 As the application does not propose works that would constitute a major application, the uplift in office floorspace does not trigger the need for a financial contribution towards affordable housing as part of a mixed use scheme or the need to provide on-site housing. Policy CS13 does require major schemes within the Central Activities Zone to provide Affordable workspace, however this is not applicable to the scale of the development proposed by this application.
- 10.7 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.

- 10.8 The internal alterations largely retain the existing layouts which already allow for cellular units on each floor to cater for SMEs, high ceilinged units all of at least 3 metres, and a singular lift core to cater for a wider range of needs. The B1 floorspace across the site has level access at each level. Improved bike storage and shower facilities would be situated at basement level, catering for commuter employers. 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.
- 10.9 As a result the provision of additional B1 floorspace is maximised 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

- 10.10 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. 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.
- 10.11 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.
- 10.13 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."
- 10.14 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.
- 10.15 Policy DM2.3 of the Development Management Policies requires that alterations to existing buildings in conservation areas conserve or enhance their significance.
- 10.16 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.
- 10.17 In considering applications for extensions and refurbishment, the CADG 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.

Proposal:

- 10.18 The proposed works amount to the demolition of the existing structures at fourth floor level and their replacement with a single storey roof extension, plant enclosure and associated glazed balustrade. Further works include the removal of third floor dormer windows and infilling and continuing the front façade from the floors below. The principle of the roof extension, glazed balustrade and alterations to the front façade at third floor level have already been established through consent P2015/2679/FUL. The plant enclosure is a further addition which has not previously been proposed on the site.

Fourth Floor (Roof) Extension:

- 10.19 The proposed fourth floor roof extension would be recessed by 2.4 metres from the front façade and 3.4 metres from the eastern elevation. The proposed increase in height, bulk, scale and massing of the proposed single storey roof extension remains subservient to the existing building and matches the established heights of the adjoining properties. The use of zinc cladding and glazed doors on the front façade ensures its read as a lightweight separate addition to the main building whilst minimising the bulk, scale and massing and as such it accords with the aims of the Council's design guidance.
- 10.20 At roof level a glazed balustrade is proposed adjacent to the front elevation and adjacent to the eastern elevation, recessed from both elevations without having a harmful visual impact on the character and appearance of the building or surrounding conservation area.
- 10.21 The works at fourth floor include plant equipment and an enclosure which closely aligns with the rear projection and due to the position infilling the space adjacent to the roof extension is read as a subservient structure to the extension.
- 10.22 Its noted that the Design and Conservation Officer has raised concerns about the visibility of the proposed acoustic plant enclosure which is the element of the scheme which differs from the approved consent. The plant enclosure has a height of 1.5 metres would be sited immediately at the rear of the fourth floor rooftop extension, now set back 2 metres from the edge of the rear elevation. Consideration is given to the commercial use of the property and the presence of a similar structure on the adjacent rooftop at 30 Aylesbury Street. The enclosure is small scale in proportion to the approved roof extension, and would not be visible from any public views including longer views.

Third Floor:

- 10.23 The alterations at third floor level have also already been consented under P2015/2679/FUL. These comprise the removal of the dormer windows at third floor and the extension of the existing bricked front facade up to third floor level with Crittal style aluminium windows installed to match the floors below. These alterations are considered sympathetic to the existing building.
- 10.24 Due to the 2.4 metre set back from the building's frontage and the narrow width of the street, the proposed roof extension would be largely hidden from public views from Sekforde Street except in longer views. From longer views, the proposal would largely blend in with the established built form. It is accepted that the proposed roof extension would be visible from the private realm including from the upper floors of neighbouring and surrounding buildings.

- 10.25 An objection was received concerned that the raising of the top of building establishes a precedent for other buildings in the area. However, consent has already been granted for the roof extension in 2015 under permission P2015/2679/FUL, and a roof extension to the same level has also been approved on the adjoining property at 44-46 Sekforde Street in 2016 ref: P2016/2592/FUL. As a result, the principle of the extension is established in the context of the immediate area, and is not higher than adjoining commercial properties. The building opposite the site on Hayward's Place rises to a storey above that proposed by the application. Furthermore, officers consider the scale, form and design of the proposed roof extension to be subservient to the existing building.
- 10.26 Another objection which has been received, expressed concern that the extension would not improve the appearance of the existing utilitarian style building which is already out of keeping with the neighbouring residential streets. The extension is heavily recessed to avoid public views and is modest in proportion to the host building. As a result, the proposals are not considered to harm the character or appearance of the host building or surrounding conservation area or setting of adjacent listed buildings.
- 10.27 Consideration has been given to the uplift in office floorspace, the position and scale of the roof extension which has already been consented, and the design, appearance and use of materials and the position of plant equipment and screening. Therefore, the proposals are considered to accord with policies DM2.1 and DM2.3 of the Islington Development Management Policies and guidance contained within the NPPF, the CADG and UDG.

Accessibility

- 10.28 The proposals result in step free access and level access to all floors, and shower room and WCs on each floor which are largely inclusive which is an improvement on the existing situation within the building.
- 10.29 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

- 10.30 The proposal would create a single storey roof extension and plant enclosure at fourth floor level adjacent to the rear elevation, an extension of the existing external escape staircase on the rear elevation from third floor up to fourth floor level, and external alterations to the building's front façade.
- 10.31 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.
- 10.32 The rear elevation of the building faces towards the rear of the residential properties on the upper floors of Sekforde Street. There is an existing level of overlooking between the existing windows on the rear elevation at first to third floors of the existing office buildings on the site, and the rear of the residential properties at Sekforde Street.

- 10.33 The proposed roof extension runs along part of the rear elevation of the site, and sits in place of the existing water tank structure and existing lift overrun, and rises to a height of 2.4 metres above the existing parapet wall.
- 10.34 It should be noted that the proposed fourth floor roof extension and plant enclosure, would sit two floors above the level of the nearest windows on the rear elevation of Sekforde Street properties. In this regard there is an established sense of enclosure to those residential properties.
- 10.35 Due to the differing angles between the existing buildings, the separation from the rear of the Sekforde Street properties varies from the closest property at 43 Sekforde Street where the buildings meet, to 36 Sekforde Street which is on the other end of the terrace.



Image 7 – Proposed Rear Elevation of approved scheme ref: P2015/2679/FUL



Image 8 – Proposed rear elevation of latest proposal

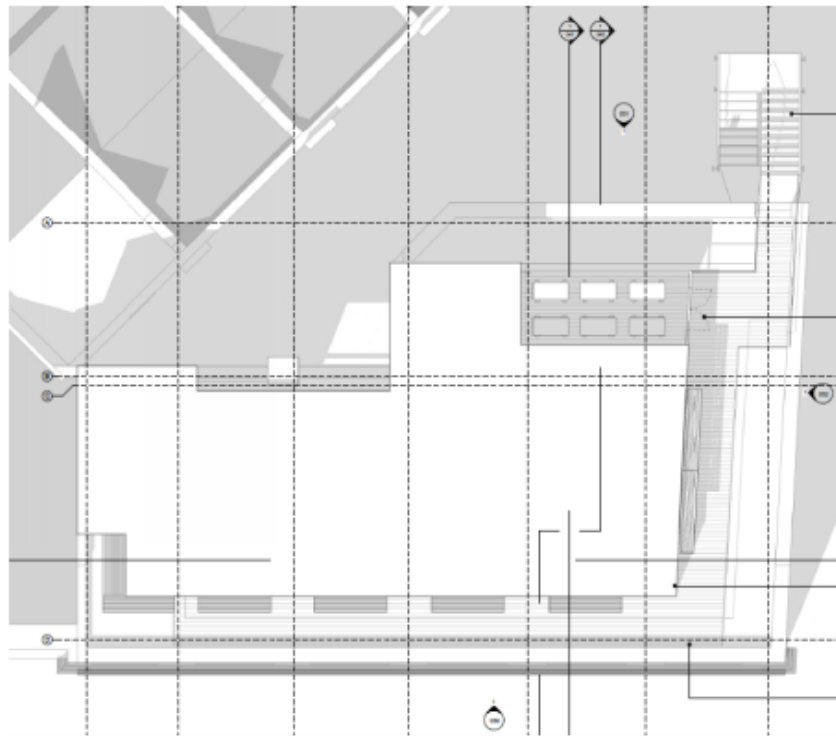


Image 9: Proposed roof plan indicating position of plant equipment and enclosure

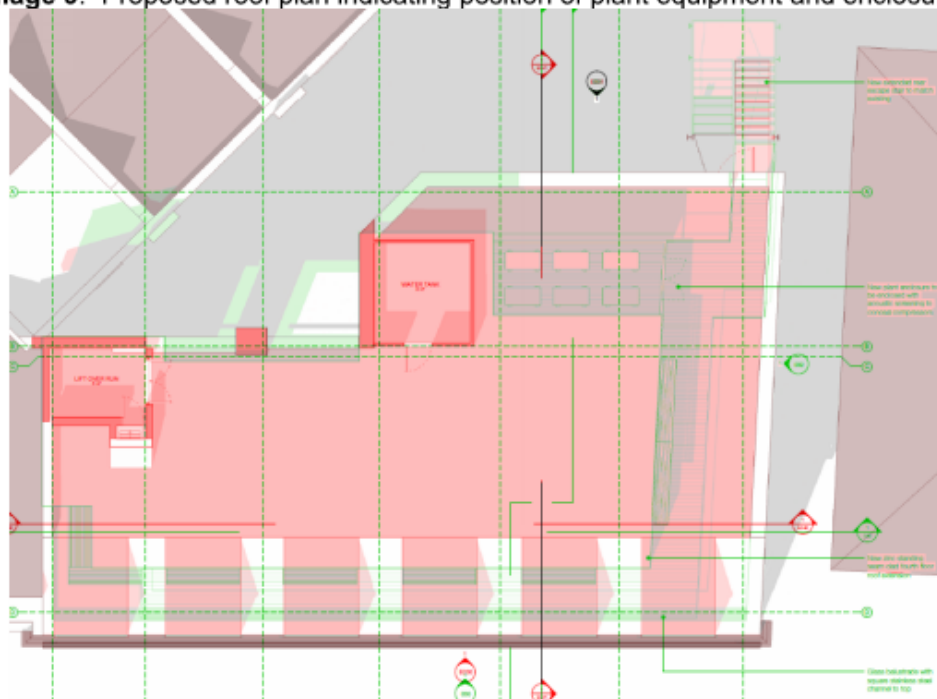


Image 10: Overlay showing the extent of the existing structures on the roof top and the extent of the proposed roof extension, plant enclosure and extension to staircase.

- 10.36 Consideration has been given to the increase in height, scale, bulk and massing of the proposed works, the existing relationship between the buildings, the existing levels of overlooking between the buildings, the oblique angles of view and separation distance from the nearest windows of the residential properties at 43 to 36 Sekforde Street which are located two floors below the level of the proposed extension and plant enclosure, and the nature of the surroundings.
- 10.37 The proposed increase in height, scale, bulk and massing and footprint at fourth floor level is considered to be relatively minor in relation to the existing situation on site, and based on the above analysis, would not result in an unacceptably overbearing impact, loss of outlook or unacceptable increase in sense of enclosure or increase in overlooking to the rear elevations of the residential properties at 43 to 36 Sekforde Street. The proposed works are not considered to result in a material loss of amenity to the adjacent residential properties in terms of increase in overlooking, enclosure, dominance or loss of outlook and is therefore acceptable in accordance with policy DM2.1.
- 10.38 An objection was received concerning a loss of privacy to 43 Sekforde Street. However, the proposed roof extension would sit two floors above the nearest habitable windows of the adjacent residential properties including 43 Sekforde Street resulting in an oblique angle of view, and given the existing levels of overlooking on the lower floors, in the event there was not roof terrace, there would not be a significant increase in overlooking. It is recommended that a condition is attached preventing the use of the flat roof as a roof terrace. This matches the condition attached to permission P2015/2679/FUL.
- 10.39 An objection was received concerning overlooking from the additional floor, staircase and roof top towards Sekforde Street properties. There is an existing level of overlooking from the existing external staircase, and existing windows on the rear elevation. The proposed extension to the external fire escape staircase is small scale in relation to the existing staircase. Given the existing levels of overlooking, the extension of the external staircase is not considered to be a significant increase in overlooking as to sustain the refusal of the application on this basis. It must also be noted that this staircase would serve as a fire escape only, and would not be used as a secondary access point.



Image 11 – View of rear of site from the rear of Sekforde Street

- 10.40 The south eastern boundary of the site overlooks the commercial properties at 30 Aylesbury Street. Paragraph 2.14 of the Islington Development Management Policies sets out that overlooking across a public highway does not constitute an unacceptable loss of privacy. There is an existing level of overlooking towards 30 Aylesbury Street from the upper floors of the existing office building. The proposed roof extension and resultant additional windows would be set back from the front elevation, are not considered to result in an unacceptable loss of privacy or increase in overlooking towards the commercial property at 30 Aylesbury Street as to sustain the refusal of the application on this basis.
- 10.41 Due to the position, design and materials of the extension, the proposals would not result in a material increase in overlooking, loss of outlook or enclosure towards the commercial properties nor unacceptable loss of privacy and are acceptable in this regard. Therefore, the impact of the proposals on 30 Aylesbury Street is not considered to conflict with the aims of the council's policies in this regard.
- 10.42 Due to the narrowness of the road, site constraints generally and the closeness of adjoining residential and commercial units it is considered that a condition is required to ensure that both the proposed front and rear flat roof terrace areas are not given planning permission for use except for maintenance purposes.

- 10.43 Daylight and Sunlight: The application has been submitted with a sunlight and daylight assessment. An additional table has been submitted which includes the existing levels of daylight and sunlight, and the results of the impact of the consented scheme and the revised proposed scheme. 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 and an updated window map.
- 10.44 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.45 BRE Guidelines paragraph 1.1 states: *"People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by".* Paragraph 1.6 states: *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*
- 10.46 Daylight: the BRE Guidelines stipulate that... "the diffuse daylighting of the existing building may be adversely affected if either:
- the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."* (No Sky Line / Daylight Distribution).
- 10.47 At paragraph 2.2.7 of the BRE Guidelines it states: *"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area of lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time."*
- 10.48 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value is almost 40% for a completely unobstructed vertical wall.
- 10.49 At paragraph 2.2.8 the BRE Guidelines state: *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas*

beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside".

10.50 Paragraph 2.2.11 states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.*" The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

10.51 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *"in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might be close to 40 degrees. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout"*

10.52 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.

10.53 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE Guidelines provide numerical guidelines, the document though 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.

Analysis of Daylight Losses for Affected Properties

10.54 Residential dwellings at 36 to 43 Sekforde Street and 6 Hayward's Place, have been considered for the purposes of daylight and sunlight impacts as a result of the proposed development. It should be noted that the Council has assessed the impacts compared to the existing situation and not based on the consented scheme. This covers all the residential properties adjacent to the rear of the site.

10.55 36 to 43 Sekforde Street and 6 Hayward's Place: The daylight and sunlight report sets out that all windows on the adjacent residential properties at 36 to 43 Sekforde Street and 6 Hayward's Place would pass the British Research Establishment Guidelines (BRE) Vertical Sky Component (VSC) Test.

- 10.56 The daylight and sunlight report also includes the results of the No-Sky Line Contour (NSL) test which describes the daylight distribution within rooms and the tables indicate that just one room would lose 26%, Room R2, (third floor) of 43 Sekforde Street. Whilst this doesn't strictly comply, given that the guidance sets out that a 20% loss is acceptable, and this is a 26% loss, given the site's context and urban location, this is not so sufficient as to form grounds for refusal. It is noted that the roof extension has already been granted permission and the plant equipment and its screening forms the new aspect of this proposal.
- 10.57 Therefore, the impact of the proposals on the levels of daylight to the affected windows passes the BRE Guidance and is therefore acceptable.

Analysis of Sunlight Losses for Affected Properties

- 10.58 36 to 43 Sekforde Street and 6 Hayward's Place: Its understood that where access has not been possible to ascertain the use of rooms behind windows, it has been assumed by the daylight consultant that the use is a living room. Consideration has been given to the table of results for existing, consented and proposed impact on Annual Probable Sunlight Hours and Annual Winter Probable Sunlight Hours.
- 10.59 Table 1 shows only those windows which indicate some level of deficiency against the BRE Guidelines for levels of Annual Probable Sunlight Hours (APSH) or Annual Winter Probable Sunlight Hours (WSPH). Only these 11 windows out of a total of 68 windows tested, show some level of deficiency with regards to levels of sunlight, with no failures of daylight at all, against the BRE Guidelines.

Table 1 – Windows which show deficiencies of the BRE Guidance relating to sunlight

Address	Room / Window	Room Use	Annual APSH			Winter WPSH		
			Existing	Proposed (Target >25)	% loss (Target <20)	Existing	Proposed (Target >5)	% loss (Target <20)
38 Sekforde Street	First Floor, Room R2, Window W02	Unknown	31	30	3%	2	1	50%
39 Sekforde Street	First Floor, Room R1, Window W01	Unknown	20	19	5%	1	0	100%
	Second Floor, Room R1, Window W01	Unknown	37	35	5%	3	2	33%
40 Sekforde Street	First Floor, Room R1, Window W01	Unknown	9	6	33%	0	0	0
	Second Floor, Room R1, Window W01	Unknown	13	12	8%	1	0	100%
41 Sekforde Street	First Floor, Room R1, Window W01	Unknown	5	3	40%	0	0	0
	Second Floor, Room R1, Window W01	Unknown	11	8	28%	0	0	0
	Third Floor, Room R2, Window W02	Unknown	20	16	20%	3	1	66%
42 Sekforde Street	Second Floor, Room R1, Window W01	Unknown	2	1	50%	0	0	0
	Third Floor, Room R1, Window W01	Unknown	9	5	45%	0	0	0
	Third Floor, Room R2, Window W02	Unknown	17	12	29%	0	0	0

10.60 As can be seen in the table window W01 at the second floor of 42 Sekforde Street shows a loss of 50 percent of Annual APSH which fails the BRE test. However as this is a loss of 1 hour over a twelve-month period, in real terms the impact is minor and not so harmful as to sustain the refusal of the application on this basis.

10.61 Five windows of the residential properties on Sekforde Street show failures of the BRE Annual APSH test with respect of the actual number of hours of sunlight lost. These windows are at 40 Sekforde Street window W01 on the first floor; at 41 Sekforde Street window W01 on the first floor and W01 on the second floor, and at 42 Sekforde Street windows W01 and W02 on the third floor. The overall losses are no more than five hours over a twelve-month period, and the dense central and urban location this is not considered to form grounds for the refusal of the application on this basis.

- 10.62 Five identified windows of the residential properties on Sekforde Street see a loss of the existing WPSH which fails the BRE criteria including two windows with a 100% loss, one window with a 66% loss and one with a 50% loss. These are windows W02 on the first floor of 38 Sekforde Street; window W01 on the first floor and W01 on the second floor of 39 Sekforde Street; window W01 on second floor of 40 Sekforde Street and window W02 on the third floor of 41 Sekforde Street. However, given that the existing values of these windows are so low, in real terms the losses are no more than 1 or 2 hours and can appear as a disproportionate percentage loss overall.
- 10.63 Also it should be noted that two of the five windows exceed the APSH requirements and three windows have minimal loss of sunlight.
- 10.64 Overall, only 11 windows out of 68 windows tested, show some level of deficiency with regards to levels of sunlight, with no failures of daylight, against the BRE Guidelines relating to VSC and only one loss of 26% in relation to Daylight Distribution. When considered, the losses of sunlight are small scale, and not so significant as to refuse the application on this basis given the site's context and dense central and urban location.
- 10.65 As a result, all other tested windows would be in accordance with the BRE Guidelines for sunlight. Therefore, the impact on the proposals on the levels of daylight and sunlight of the neighbouring residential properties is considered to be generally acceptable.
- 10.66 An objection was received concerned that the window map with the Daylight and Sunlight report is inaccurate and does not indicate all windows to rear of 36 and 37 Sekforde Street. An update window map was received which includes all the windows on the properties at 43 Sekforde Street to 36 Sekforde Street and is considered to be sufficient to accurately assess the impact on levels of daylight and sunlight to the adjacent residential properties.

Light Pollution

- 10.67 An objection has been received regarding disturbance to the rear of the Sekforde Street residential properties from the use of external lighting on the rear elevation of 17-18 Hayward's Place following previous disturbance. No external lighting has been proposed as part of the submission. The objector also raised concerns relating to an increase in light pollution from the proposed roof extension.
- 10.68 The applicant has been requested to use a Building Management System to trigger all lights to automatic switch off at a certain time in order to minimise disturbance to neighbouring residential properties during night time hours. This is recommended to be secured by condition.

Noise

- 10.69 The submission includes a noise assessment in relation to the proposed plant equipment which has been reviewed by the Council's Acoustic Officer who has not raised an objection, subject to conditions restricting noise levels and a timer restricting hours of operation of the plant. The impact of the proposals on the amenity of neighbouring occupiers is acceptable subject to these conditions.
- 10.70 An objection was received concerning noise disturbance from the use of the proposed roof terrace. It is recommended that a condition is attached preventing the flat roof from being used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency. This matches the condition attached to the grant of consent on the site in 2015 ref: P2015/2679/FUL.

- 10.71 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.

Highways and Transportation

- 10.72 Policy DM8.6 sets out that provision for delivery and servicing should be provided off-street, particularly for commercial developments over 200 square metres of gross floor area, in order to ensure proposed delivery and servicing arrangements are acceptable.
- 10.73 Whilst no Transport Assessment and Delivery and Servicing Plan has been submitted, in line with the existing arrangements, servicing and deliveries will continue to be undertaken via Hayward's Place. The uplift in floorspace is proportionally small both in real terms and in relation to the host building and is unlikely to materially impact on the existing arrangement. This acceptable subject to a condition requiring a Construction Method Statement to control the construction works phase.
- 10.74 Objections have been received concerned that there would be an increase in traffic congestion. 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. Blue badge holders will have access to existing spaces in this regard. Therefore, there will be minimal impact on traffic congestion as a result of the proposed works.
- 10.75 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.
- 10.76 There are currently no cycle parking facilities within the building. The scheme proposes 6 cycle parking spaces which exceeds the requirement of 2 spaces for the additional 124.8 square metres to be created. It is noted that the application has not made adequate provision for the entire building of 1015 square metres (GIA) of B1 floorspace which would necessitate 13 cycle parking spaces to meet the 1 cycle space per 80 square metres requirement by policy DM8.4. However, given the constraints of the site and the limited works to the existing layout on the lower floors, in this instance, it would be unreasonable to make this requirement.
- 10.77 In summary the provision of cycle parking is considered to reasonably accord with the requirements of Development Management Policy DM8.4 (Walking and cycling). As such, the scheme complies with the Council's transport policies.

Other Matters

- 10.78 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 erection of a fourth floor roof extension to provide additional office accommodation (Use Class B1), continuation of front elevation up to third floor level, extension of existing escape stair and new air conditioning plant at fourth floor level.
- 11.2 The provision of an additional 124.8 square metres of B1 floorspace and its design 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.
- 11.3 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 adjacent listed buildings.
- 11.4 Whilst the proposal would impact on the amenity of the neighbouring properties, having regard to the central urban location of the site and the minimal increase to the bulk, height and massing of the existing building, the harm is considered to be acceptable. The impact of the proposal in terms of overlooking is acceptable due to the existing levels of overlooking, the set back of the roof extension and prevention of the use of the flat roof area at fourth floor level. The impact in terms of a sense of enclosure and noise and light pollution is considered to be acceptable subject to conditions. It is recommended that conditions are attached to minimise the impact of any noise disturbance to an acceptable level.
- 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 the grant of planning permission be subject to the following conditions:

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>E001; E009; E010; E011; E012; E013; E014; E030; E031; E040; E041; 009; 010; 011; 012; 013; 014 RevA; 015 RevA; 030; 031 RevA; 032 RevA; 041 RevA; Environmental Noise Survey & Plant Noise Assessment ref: 17266/001revA/ha dated 04 August 2017; Letter from Savills dated 18 August 2017; Daylight & Sunlight Report dated 7th February 2018;</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) Brick slips (including colour, texture and method of application);b) window treatment (including sections and reveals);c) roofing materials;d) final details and materials for acoustic louvres;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	Facing Brickwork
	<p>Condition: All new facing brickwork shall match the original brickwork in respect of size, colour, texture, face bond and pointing. No permission is granted for the use of brick slips or weatherstruck pointing.</p> <p>Reason: To ensure that the appearance of the building is acceptable.</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. 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 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>
6	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>
7	Timer for Plant Equipment
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the Mitsubishi condenser units to between the hours of 08:30 to 18:30 Monday to Friday only. The condenser units shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: For the protection of neighbouring amenity.</p>
8	FLAT ROOF NOT USED AS AMENITY SPACE (COMPLIANCE):
	<p>CONDITION: The flat roof area shown on plan no. 014 hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>

9	Internal Light
	<p>CONDITION: Details of measures to adequately mitigate light pollution affecting neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site and subsequently implemented prior to first occupation of the development hereby permitted. These measures might include:</p> <ul style="list-style-type: none"> - Automated roller blinds; - Lighting strategies that reduce the output of luminaires closer to the façades; - Light fittings controlled through the use of sensors. <p>The approved mitigation measures shall be implemented strictly in accordance with the approved details and shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent residential dwellings.</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>Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.</p> <p>The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision in 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	Noise
	<p>The applicant is advised that no correction for acoustic character has been included and that the plant and enclosure should be regularly checked, maintained and serviced to ensure that the sound emitted does not develop tones, impulsivity or intermittency etc and the sound levels do not rise.</p> <p>The timer hours are taken from the background sound data assessed against in the noise report. The report mentions Saturday operation but no figures for the background sound during this period are quoted within Table 1.</p>
4	Fire Brigade
	The Brigade will be satisfied subject to the application meeting the requirements of Approved Document BS of the Building Regulations.

APPENDIX 2: RELEVANT POLICIES

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

1. National Guidance

The National Planning Policy Framework 2012 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 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