

PLANNING COMMITTEE REPORT

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

PLANNING SUB- COMMITTEE B		
Date:	29 June 2015	NON-EXEMPT

Application number	P2015/0586/FUL
Application type	Full Planning Application
Ward	Bunhill Ward
Listed building	Unlisted
Conservation area	Hat and Feathers Conservation Area
Development Plan Context	<ul style="list-style-type: none"> - Building Structure to be Retained - Central Activities Zone (CAZ) - Bunhill and Clerkenwell Core Strategy Key Area - Employment Priority Area – Finsbury Local Plan Policy BC8 - Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral
Licensing Implications	None
Site Address	9 Dallington Street, London, EC1V 0BQ
Proposal	Erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) together with associated works and external alterations, provision of amenity space, landscaping and installation of eight No. condenser units with a screened enclosure at fifth floor level. Internal alterations at the ground floor level to create a new entrance courtyard and insertion of two new roof lights to the rear.

Case Officer	Emily Benedek
Applicant	Harsworth Pooled Property Unit Trust
Agent	Jessica McSweeney – Carter Jonas LLP

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 street elevation



Image 2: View from Compton Street



Image 3: Existing Front Elevation

4. SUMMARY

- 4.1 Planning permission is sought for the erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use Class B1) together with associated works and external alterations, provision of amenity space, landscaping and installation of eight No. condenser units with a screened enclosure at fifth floor level. The scheme also includes internal alterations at the ground floor level to create a new entrance courtyard and insertion of two new roof lights to the rear.
- 4.2 The proposed additional office space would provide a good level of amenity and the extension would not detract from the character and appearance of the application property or the conservation area and would not detrimentally impact upon neighbour amenity. The quality of the existing showrooms to be retained will be improved by the new internal layout.
- 4.3 This scheme follows the refusal of a planning application at this site for the erection of a fourth floor extension and a fifth floor at roof level to provide an increase in office floorspace (Use class B1a) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no.condensers within a screened enclosure at roof level. This previous application was refused by Members of the Planning B Sub-Committee on 15 July 2014 and was subsequently dismissed on appeal on 23 December 2014. The plans for the current application have been amended to address the Inspector's concerns and overcome the previous reason for refusal.

5. SITE AND SURROUNDING

- 5.1 The site is located on the north side of Dallington Street and consists of a mid-terraced property which is used for retail purposes on the ground floor and offices on the upper floors. The property is five storeys in height, with a flat roof. The rear part of the building is set at a lower level than the main part of the building fronting Dallington Street.
- 5.2 The properties surrounding the site on Dallington Street comprise a mix of styles ranging from 1970s style buildings to art deco and modern buildings. These vary in height ranging from five to six storeys. The neighbouring properties include a mix of uses including educational, retail, commercial and residential facilities. To the rear of the site the property abuts St Peters and St Pauls Primary School a four storey building and a five storey building used for commercial purposes.
- 5.3 The site is located within the Hat and Feathers Conservation Area, however the building is not listed.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal consists of erection of a fourth floor rear extension and fifth floor roof extension to provide an increase in office floor space (Use class B1) together with associated works and external alterations, provision of roof terraces and installation of 8x no. condenser units within a screened enclosure at roof level. Internal alterations at the ground floor level to create a new entrance and the insertion of two roof lights at the rear is also proposed.
- 6.2 The ground floor plan will be altered to create a new internal courtyard via the main entrance which will lead to the entrance to the ground floor showrooms and commercial premises on the upper floors above. In addition the rear section of Unit A at the ground floor level will be replaced with toilets and a plant room to enable to insertion of roof lights to the front and rear elevations of this unit. 16 cycle parking spaces and a mobility scooter charging point will be located in the front of Unit B. Units A and B will continue to be used as showrooms (use Class A1) and will be maintained as two separate units measuring 167m² and 219m² respectively.
- 6.3 Minor changes are proposed on the second and third floors including the insertion of new accessible toilet facilities, the relocation of the existing staircase and toilet facilities, the insertion of an additional lift and an additional internal staircase to be located at the front of the building. Refuse facilities for the B1 office space will be located on every floor adjacent to the lift. A small cantilevered extension on the second, third, fourth and fifth floor levels is proposed measuring 3 metres in depth, 3.5 metres in width and 17.55 metres in height. This will be located to the west of Dallington School and will be set back 0.5 metres from the building line with Dallington School.
- 6.4 The proposed partial fourth floor extension covering the rear part of the site will measure a maximum of 12.65 metres in width, 10.2 metres in depth and 17.75 metres in height. This part of the extension will provide 112m² of office space.
- 6.5 The proposed fifth floor roof extension will follow the profile of the existing building and will be set back by 5.5 metres from the front building line. The proposal will measure a maximum of 11.6 metres in width, reducing to 7.7 metres in the narrowest parts, 17.7 metres in depth and 18.3 metres in height. The extension will increase in width to the rear part of the site creating an 'L shaped' formation and will provide 169 m² of office space. The rear part of the extension will measure 17.3 metres in width, a maximum of 5.6 metres in depth and 17.95 metres in height. It will provide 48 m² of additional office space.

- 6.6 A new screened plant enclosure is proposed on the roof of the fifth floor extension to the rear of the building which will incorporate the lift overrun and 8no. condenser units and will be set back 23.1 metres from the front building line. It is proposed that this enclosure will measure a maximum of 3 metres in depth, 11.9 metres in width and 19.2 metres in height from ground floor level.
- 6.7 A previous planning application (P2014/1604/FUL) was refused by planning Sub Committee B on 15 July 2014 and subsequently dismissed at appeal. The main differences between the current application and the previous proposal are:
- the depth of the extension in front of the lift shaft has been reduced by 1.3 metres at the fourth floor level and the extension to the rear of Dallington School has been reduced by 2 metres
 - at the fifth floor level the depth of the extension has been reduced by 3 metres in front of the proposed lift and the fifth floor extension to the rear of Dallington school has been reduced by 2.5 metres
 - the removal of extensions at the second, third and fourth floor level which brought the existing building closer to Dallington School
 - the removal of any C3 (residential) accommodation, only B1(a) accommodation is proposed for this scheme
 - the design and siting of the screened enclosure and condenser units

7. RELEVANT HISTORY:

Planning Applications:

- 7.1 **P2014/1604/FUL** - Erection of a fourth floor extension and a fifth floor at roof level to provide an increase in office floorspace (Use class B1a) along with 3 x residential flats (Use class C3) (2x2bed and 1x3 bed units) together with associated works and external alterations, provision of private amenity space, landscaping and installation of 10x no. condensers within a screened enclosure at roof level. Refused at Planning B Sub-Committee on 15/07/14.

Reason for Refusal: The proposed development, by reason of the additional height in close proximity to the site boundary, would result in a detrimental material impact on the amenity of the neighbouring Dallington School by virtue of an unacceptable loss of daylight. As such the proposal would be contrary to policy DM2.1 of the Development Management Policies June 2013 together with the guidance within the Hat and Feathers Conservation Area Guidelines.

The application was subsequently appealed (appeal reference APP/V5570/A/14/2226349) through the written representations process. The application was dismissed at appeal on 23/12/2014. In his report the Inspector concluded that *the proposed development would, by reason of its height and proximity to the boundary, unduly harm the amenity of users of Dallington School with regard to loss of daylight*. The full decision is appended to this report at Appendix 3.

- 7.2 **P031181** - Renewal of existing lean to roof to the rear of the premises, including slight adjustment of roof pitch and boundary wall height. Approved 18/07/2003
- 7.3 **961164** - Change of use of the top (third) floor (rear) from B1 offices to a live-work unit; the installation of a roof lantern within the unit. Approved 24/10/1996
- 7.4 **P00373** - Change of use of loading bay to gallery and installation of new shopfront. Approved 27/03/2000

- 7.5 **931394** - Alterations to windows and doors replacement of skylight new flat roof raising 4th floor flank wall and other alterations in connection with refurbishment for business use (B1). Approved 03/12/1993

ENFORCEMENT:

- 7.6 None

PRE-APPLICATION ADVICE:

- 7.7 Q2013/1009/MIN - Extension to existing fourth floor to provide an increase in employment floorspace together with a new fifth floor also a rooftop extension to provide four residential flats with associated amenity space. Pre-app advice also sought in respect of a proposed new entrance (07/01/2014).

Q2012/0170/MIN - Proposed extensions at 4th floor level and new 5th floor level with terrace (20/11/2012).

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 97 adjoining and nearby properties at Dallington Street and Compton Street on 11 February 2015. A site notice and press advert were displayed on 14 May 2015. The public consultation of the application therefore expired on 4 June 2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report a total of 21 responses (including two letters of support) had been received from the public with regard to the application. The issues raised in the 19 objections can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- Loss of light and overshadowing of neighbouring properties (10.18-10.22)
- Proposal too big (10.8-10.9)
- Loss of privacy (10. 21)
- Already inadequate parking in the area this application will exacerbate proposal (10.25-10.26)
- Building works will contribute to hazardous traffic especially as the site is next to a nursery (8.3)
- Proximity of proposed balconies to neighbouring balconies (10.21)
- Overshadowing to neighbouring balconies (10.20)
- Loss of views (10.22)
- Noise and disturbance from the building works (8.3)
- Dallington Street already over-congested and proposal will result in increased traffic congestion (10.25-10.26)
- Noise and disturbance from increase in use (10.27)
- Previous planning decisions rejected this proposal so it is an abuse of the planning process, there should be a public enquiry if this appeal is granted (8.3)
- Loss of daylight, sunlight and overshadowing to Enclave Court (10.18, 10.21)
- Proposed height of development will exceed height of restrictions in Hats and Feathers Conservation Area guidance (10.7-10.9)
- Noise and disturbance from air conditioning units (10.27)
- Noise and disturbance to pupils at Dallington School (10.27)

- Proposal harms the outlook from Enclave Court (10.13, 10.22)
- Daylight/Sunlight report does not make any mention of Enclave Court (10.18, 10.22)
- Scale and massing of the scheme and its relationship with and impact on the character of the Conservation Area (10.6-10.13)
- Over-dominance in respect to Enclave Court and Dallington School (10.21)
- Daylight/sunlight report not been undertaken properly and cannot be relied on (10.19)

8.3 It must be noted that matters related to the manner and method of construction of the proposed extensions are not material planning considerations in the planning assessment of this application. These are matters that are covered by separate legislation including the Building Regulations, the Party Wall Act and the Environment Protection Act. However, a condition is proposed to ensure that construction traffic and methods would protect residential amenity. The applicant is entitled to submit new applications as long as they are materially different to previously determined schemes.

External Consultees

8.4 None

Internal Consultees

8.5 Design and Conservation Officer – no objection in principle subject to conditions regarding: details of all facing materials, detailed drawings of all proposed window and door frames and details of the landscaping for the internal courtyard

8.6 Planning Policy Officer – no in principle objection to the creation of B1 floor space.

8.7 Public Protection Division (Noise Team) – no objection subject to conditions relating to fixed plant noise limit and details of compliance with noise limit condition

8.8 Transport Officer - no objection in principle subject to conditions relating to servicing, car-free development and construction management plan

Other Consultees

8.9 None

9. RELEVANT POLICIES

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

National Guidance

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

9.2 Since March 2014 Planning Practice Guidance for England has been published online.

Development Plan

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

Designations

- 9.4 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:
- Hat and Feathers Conservation Area
 - Building Structure to be Retained
 - Central Activities Zone (CAZ)
 - Bunhill and Clerkenwell Core Strategy Key Area
 - Employment Priority Area – Finsbury Local Plan Policy BC8
 - Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

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

- Land use
- Design, Conservation and Heritage Considerations (including Archaeology)
- Accessibility
- Landscaping
- Neighbouring Amenity
- Highways and Transport
- Noise and Vibration
- Refuse collection and storage

Land-use

- 10.2 The site is within the Historic Clerkenwell area as identified in the Finsbury Local Plan policy BC7. This requires the protection and enhancement of the special character of Historic Clerkenwell through heritage-led development that reinforces its uniqueness and provides for a limited expansion in floorspace including a range of employment uses, along with an enhanced public realm. Policy CS13 encourages new business floorspace within the CAZ, while CS7 supports employment development within Bunhill and Clerkenwell which contributes to a diverse local economy and supports that of central London. The proposal will provide 329m² of B1 floorspace and is therefore considered acceptable.
- 10.3 Although it is acknowledged that the proposal will result in the loss of 12% of the existing showroom area (use class A1) to make space for the cycle storage facilities and the plant room which are considered ancillary uses to the existing facilities. This loss equates to 78m² out of a total of 615.7m² and it is considered that the proposed alterations to the ground floor layout will improve the facilities to the existing ground floor units providing more natural light to both units and accordingly is considered acceptable.

- 10.4 As such, the principle of the development is acceptable subject to the assessment of the proposal in light of all other relevant policy, the site context and any other material planning consideration. The character of the conservation area would be preserved.

Design, Conservation and Heritage Considerations (including Archaeology)

- 10.5 The application site consists of a mid-terraced property five storey property set within a row of terraced properties of mixed design. Whilst it is appreciated that some of the properties have been modernised in recent years, there is a clear vertical delineation formed by the alignment of windows in the front elevation, such that provides a uniform appearance to the street scene.
- 10.6 The proposal would introduce a rear extension to the fourth floor and a new fifth floor. The proposed fourth floor extension, which will be located to the rear of the site, will match the fabric of the existing building using the same bricks and window layout to ensure the proposal matches the existing floors below. It is proposed that the new fifth floor level will be almost entirely glazed (with small amounts of white render) in order to minimise its impact on the street scene and the proposal has been designed to have limited views of the rooflines from the public realm and the extensions would therefore not be considered prominent.
- 10.7 The Conservation Area Design Guide (CADG) for Hat and Feathers Conservation Area states that: *roof extensions should be set back and not visible from public spaces*. It also states that buildings should be limited to 18 metres in height however, it is noted that the overall height of the proposal would be 19.2 metres.
- 10.8 In his report (appeal reference APP/V5570/A/14/2226349, paragraph 19) the Inspector stated that:

“The Council’s Conservation Area Guidelines advise that new buildings and roof extensions should conform to the height of existing development in the area. Although the scheme would add a fifth floor to the host building, I do not consider this would be out-of-place in its setting. I note the height would be set below that of the adjacent gable of St Peter’s and St Paul’s Primary School. Furthermore, the extension would be set back from the main Dallington Street frontage. Accordingly, the extension would not be contrary to the Conservation Area Guidelines which seek, amongst other matters, to ensure that roof extensions visible from the street should not be harmful to the character and appearance of the building.”

- 10.9 It is acknowledged that the proposed development will measure 19.2 metres in height overall. However, in light of the Inspector’s comments and the fact that the highest part of the proposal relates to the lift overrun which is set back from the main frontage and will therefore not be visible from Dallington Street, it is not considered that the proposal will have a detrimental impact on the character and appearance of the Conservation Area. Furthermore, revisions to the design of the scheme ensures that the roof extensions are now clean and simple barrel roof forms with glazed facades and the profile of the roof is no longer determined by plant enclosures, which are located to the rear.

- 10.10 The Council’s Urban Design Guide (UDG, paragraph 2.3.3) states that:

“the scale of a frontage can be further reduced by articulating the top floor as a recessive element and employing materials such as glass and steel with a lightweight appearance”.

- 10.11 The proposed fifth floor element will be recessed back by 5.5 metres from the front building line and given the dense nature of the street is unlikely to be visible from the Dallington Street. Furthermore, as the site is located behind St Peters and St Pauls school, the proposal will only

be afford limited views from Compton Street. The proposal also involves the introduction of brass mesh cladding to the front of the property and would be visible from Dallington Street. The mesh cladding to the front of the property is a modern approach which would add interest to the building and tie in with other modern materials in the local context.

- 10.12 As such, it is considered that the proposed extensions would be subordinate to and integrate with the application property. Whilst some views of the extensions would be afforded between the properties on Compton Street, these would be limited. Therefore, the proposed rear extensions are not considered to result in harm to the conservation area and be in accordance with adopted guidance and policies CS9 of the Core Strategy and DM2.3 of the Development Management Policies.
- 10.13 The site is located within an archaeology priority area and due to the scale of the development it is unlikely that substantial foundations/excavations would be required.

Accessibility

- 10.14 Positive steps have been taken with this proposal and reference has been made to the Council's Inclusive Design SPD with two lifts for the commercial units and powered gates to the courtyard and disabled toilets on every floor (providing 6 in total).

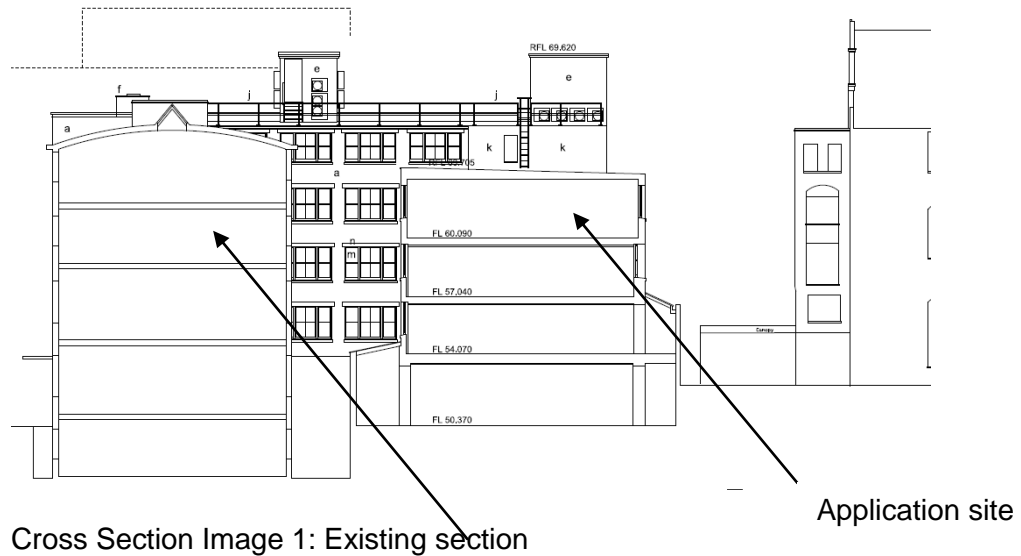
Landscaping and Trees

- 10.15 Full details of the landscaping on the ground floor level and fourth and fifth floors have not been submitted. However, the plans detail an area of hardstanding at ground floor level to create an internal courtyard. Each of the new commercial units will be provided with roof terraces featuring some soft landscaping which will allow for amenity space. Subject to a landscaping condition requiring details to be submitted to and approved by the Local Planning Authority, the proposal is considered to be acceptable
- 10.16 No trees are affected by this proposal.

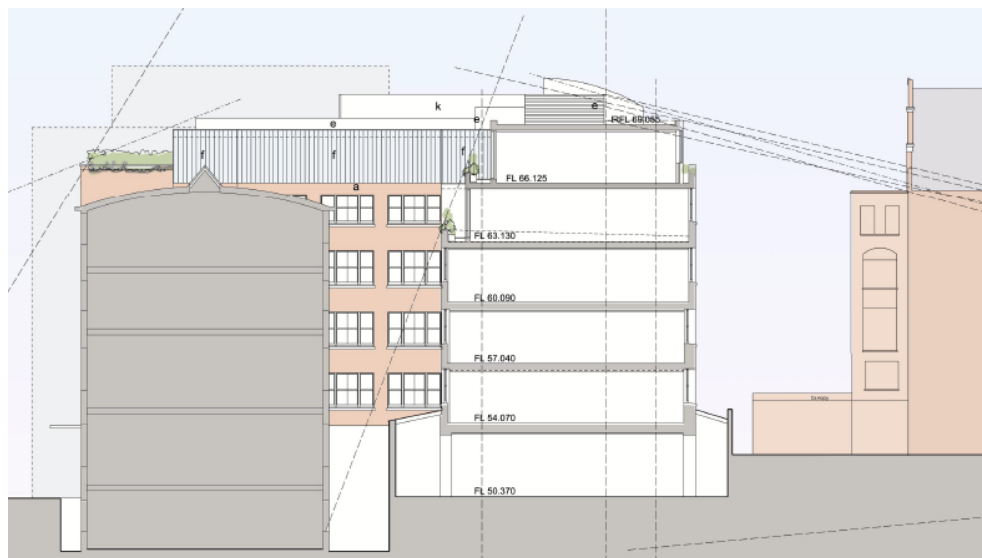
Neighbouring Amenity

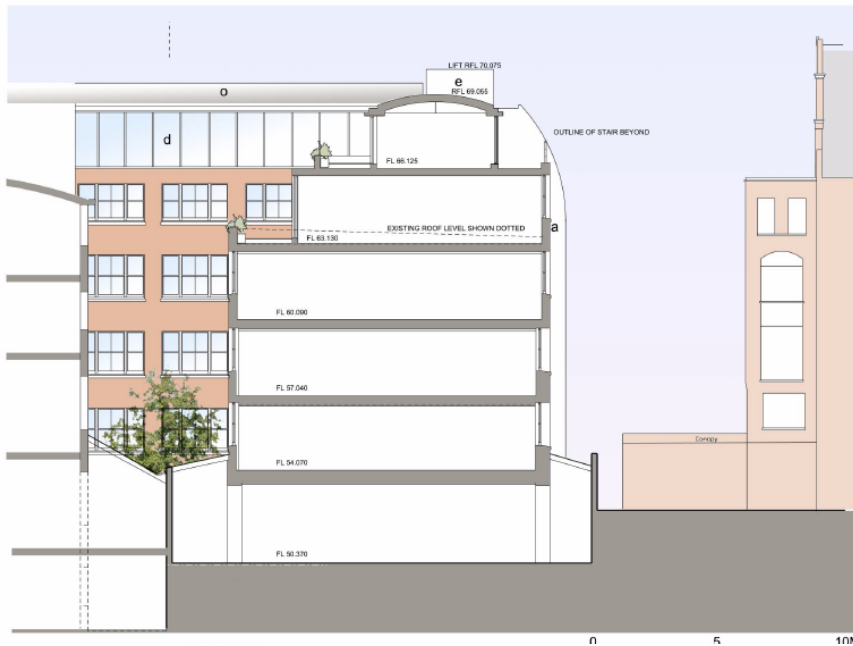
- 10.17 The proposal would introduce fourth floor extension and a fifth floor level that would include a number of windows and roof terraces.
- 10.18 It is noted that the immediate buildings due north and south east of the site are schools whilst the remaining properties which could be impacted by the site are used for residential purposes. A daylight/sunlight report attached with this application found that with regards to a daylight analysis, all the windows belonging to neighbouring properties including Dallington School and Enclave Court would pass the VSC test.
- 10.19 In the previously dismissed appeal scheme, 18 of the 35 windows surveyed failed the VSC test. In his report the Inspector noted that this "show[s] both that daylight to a significant number of windows in the rear elevation would be reduced by the development and, furthermore, that windows in that elevation already suffer from existing low VSC ratings." As all windows now pass the VSC test, this gives an indication of the scope of the changes made to the scheme since the previous refusal and the significant reduction in impact on neighbouring amenity. With this in mind, it would be difficult to substantiate a further objection on loss of daylight to surrounding residential and educational occupiers.
- 10.20 A comparison drawing between the existing, previously refused (and dismissed on appeal) and proposed sections demonstrating the relationship between the application site and

Dallington School is set out below and demonstrates the increased distance at the fourth and fifth floor levels between the two buildings in comparison to the previously refused (and dismissed) scheme.



Dallington School





Cross Section Image 3: Proposed section

- 10.21 With regards to sunlight only 2 windows would fail the Annual Probable Sunlight Hours (APSH) test. These windows are located at St Peter's and St Paul's School, however the classrooms these windows serve are dual aspect. Whilst it is acknowledged that Dallington Street is densely populated in terms of its building layout, it is not considered that the proposal will contribute to increased loss of light and overshadowing to the existing street. It is noted that the proposed windows on the fourth and fifth floor extensions will be finished with white opalescent fretted glazing. Given the results of the daylight/sunlight report, it is therefore ascertained that the proposed development would not result in unacceptable levels of loss of light or overshadowing to the neighbouring occupiers surveyed in the report including Dallington School, Enclave Court and 32 Dallington Street to warrant refusal of the application.
- 10.22 It is acknowledged that the properties to the east of the site, most notably the residential units at Enclave Court, many of these properties have windows and terraces looking towards the site. The proposed commercial units have been designed with no windows on the flank elevation facing Enclave Court rather facing towards Dallington Street or the playground of St Peter's and St Paul's RC School. There is potential for overlooking from the north facing windows on the fourth floor extension to St Peter's and St Paul's School playground. However, it is proposed that interstitial blinds will be installed on this elevation which allows for horizontal vision but would prevent downward vision into the playground. As such it is not considered that the proposal would give rise to unduly harmful overlooking.
- 10.23 The proposed roof terraces for units K and M on the fourth and fifth floors will face Dallington Street, but does have a boundary with Enclave Court. A condition is proposed to provide a privacy screen at this location at fourth and fifth floors. With regards to Unit L, two small windows will be placed on the flank elevation facing 9A Dallington. However, these windows are located to the rear of the building beyond the existing third floor building line of this neighbouring property and will therefore not result in any direct overlooking. In addition the amenity space to this office will be at the front of the property facing Dallington Street and is therefore not considered to give rise to any overlooking or loss of privacy to the occupiers of the neighbouring residential property apart from a small stretch on the boundary which would have a privacy screen (details reserved by proposed condition). Given the orientation of the property it is not considered that the proposals will result in any loss of light to the occupiers of this neighbouring property. It is noted that the Daylight/Sunlight report confirms that all

Enclave Court properties' windows would pass the relevant BRE guidance which is adopted by the Council in this respect.

- 10.24 Whilst the proposed extensions will be visible from the neighbouring properties, and may restrict views looking north-east across the site from Enclave Court towards Compton Street, this does not mean it is unacceptable and as demonstrated above is not considered to have a detrimental impact on the amenities of neighbouring occupiers.
- 10.25 The proposed extensions whilst visible from neighbouring properties, comply with BRE light regulations, would be sufficiently far away not to be considered overbearing, and would not create a detrimental enclosure that a refusal could be sustained. In addition, the proposed balconies do not directly overlook neighbouring balconies and with the installation of privacy screens would ensure amnity space would remain private.

Highways and Transportation

- 10.26 The site has a PTAL of 6a, which is 'Excellent', with Farringdon Railway Station and Barbican Tube Stations and a number of major bus routes in close proximity to the site.
- 10.27 Sixteen cycle parking spaces are provided to the rear of the site for the occupiers of the commercial units. In addition 6 visitor cycle parking spaces are provided adjacent to the front entrance from Dallington Street and would meet the requirements of DM8.4/Appendix 6 of the Development Management Policies.
- 10.28 A condition is recommended restricting the occupiers from applying for business permit in accordance with the Councils Car Free policy.

Noise and Vibration

- 10.29 It is noted that concern has been raised regarding potential disturbance to neighbours from the proposed increase in occupancy levels at the site as well as the impact of officer workers using the terraces. Whilst the occupancy of the site would be increased, the area is of mixed character and by virtue of the nature of B1 office it should be able to co-exist alongside residential and educational buildings in this mixed use area. The Council's Noise Officer raised has recommended conditions regarding the mechanical equipment so that it is not considered that the proposal will create a noise nuisance to the occupiers of the neighbouring properties. In addition, conditions have been placed on the proposed roof terraces associated with the commercial units to ensure they are not used outside the hours of 9:00am-6:00pm Monday to Friday in order to minimise potential noise and disturbance resulting from the use on neighbouring occupiers.

Refuse

- 10.30 It is proposed that individual refuse containers will be located on every floor adjacent to the lifts for the use of the commercial properties. Refuse and recycling collection will remain as existing. This will comply with Islington's Refuse and Recycling Storage Requirements.

Other Matters

- 10.31 Concerns have also been raised regarding noise and disturbance from the building works and disruption from construction vehicles. However, this can be overcome through a Construction Management Plan condition.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The amendments to this scheme have overcome the objections raised to the previous scheme that was dismissed at appeal. The reduction in the physical built form has resulted in no loss of light/sunlight to the occupiers of the adjoining properties. In addition, the proposed extensions have been sympathetically designed and would not have a detrimental impact on the character and appearance of the property or wider locality.
- 11.2 The proposed extensions are considered to be acceptable with regards to the land use, design, neighbour amenity, archaeology, highways and transportation, noise levels, access and refuse.
- 11.3 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans: DAL.12.1000, DAL.12.3002 K, DAL.12.3003 J, DAL.12.3004, DAL.12.3005, DAL.12.4000 A, DAL.12.4001 F, DAL.12.4020 A, DAL.12.4021B E, DAL.12.4040 A, DAL.12.4041 F, DAL.12.4061 D, Design and Access Statement with Heritage Notes, Daylight and Sunlight Report, Noise Assessment, Planning Statement.</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
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses) b) render (including colour, texture and method of application); c) window/door treatment (including sections and reveals); d) roofing materials; e) balustrading treatment (including sections); f) sample of bronze feature screen g) curtain walling h) grey steel gates and screen i) any other materials to be used. j) louvred screen <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	Parking
	<p>CONDITION: All future occupiers of the commercial units hereby approved shall not be eligible to obtain an on street business parking permit except :</p>

	<p>(1) In the case of disabled persons;</p> <p>(2) In the case of an occupier who is an existing holder of a business parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.</p> <p>REASON: In the interests of sustainability and in accordance with the Council's policy of car free development.</p>
5	BREEAM and Code for Sustainable Homes
	<p>CONDITION: BREEAM AND CODE OF SUSTAINABLE HOMES (COMPLIANCE): The development shall achieve a BREEAM Office (2008) / BREEAM New Construction rating (2011)] of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.interest of addressing climate change and to secure sustainable development.</p>
6	Refuse/Recycling Provided (Compliance)
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
7	Cycle Parking Provision (Compliance)
	<p>CONDITION: The bicycle storage area(s) hereby approved, which shall be covered and secure, shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
8	Windows (Details)
	<p>CONDITION: Details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include materials, profile, reveal depth and detailing. Double glazed units with unsympathetic/inappropriate proportions and UPVC windows will not be considered acceptable.</p> <p>The development shall be carried out in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
9	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <p>a) an updated Access Statement detailing routes through the landscape and the facilities it provides;</p> <p>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</p> <p>c) existing and proposed underground services and their relationship to both hard</p>

	<p>and soft landscaping;</p> <p>d) proposed trees: their location, species and size;</p> <p>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>i) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such.</p> <p>REASON: In the interest of securing sustainable development.</p>
10	<p>Noise</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>Reason: To protect the amenities of neighbouring occupiers</p>
11	<p>Noise</p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 11. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>Reason: To protect the amenities of neighbouring occupiers</p>
12	<p>Rooftop Enclosures</p> <p>CONDITION: No development shall be carried out until details of the rooftop enclosures/screening and the lift overrun are submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved plans and permanently maintained thereafter.</p> <p>Reason: To ensure the proposal does not have a detrimental impact on the street scene.</p>
13	<p>Code of Construction:</p> <p>CONDITION: No development (including demolition works) shall take place on site</p>

	<p>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>
14	<p>Privacy Screens</p> <p>CONDITION: Details shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out, of privacy screens at a height of 1.7 metres from finished floor level to be erected at the eastern boundary of the terraces to Units K and M at fourth and fifth floor and Enclave Court.</p> <p>The privacy screens shall be fully implemented prior to first occupation of the flat.</p> <p>REASON: In order to protect neighbouring amenity.</p>
15	<p>Hours of Operations (Compliance)</p> <p>CONDITION: The roof terraces hereby approved shall not operate outside the hours of: 9:00am to 6:00pm Monday to Friday.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

List of Informatives:

1	<p>Positive Statement</p> <p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF.</p>
---	---

	The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Highways
	<ul style="list-style-type: none"> - Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. <p>All agreements relating to the above need to be in place prior to works commencing.</p> <ul style="list-style-type: none"> - Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing. - Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk. -Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk

Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

- Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

- Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

- Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

- Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

- Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

- Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

- All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting.

NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer.

Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

- Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

- Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

- Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

- Regarding entrance levels, developers must take into account minimum kerb height of 100mm is required for the public highway. 15mm kerb height is required for crossover

entrances.

- Overhang licenses are required for projections over the public highway. No projection should be below 2.4m in height in accordance with Section 178, Highways Act 1980.

- Compliance with Section 179, Highways Act 1980. "Control of construction of cellars etc under street".

- Compliance with Section 177 Highways Act 1980. "Restriction on construction of buildings over highways".

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

Since March 2014 Planning Practice Guidance for England has been published online.

2. Development Plan

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

A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.3 Growth areas and co-ordination corridors

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

Policy 2.17 Strategic industrial locations

Policy 2.18 Green infrastructure: the network of open and green spaces

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.20 Aggregates

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

3 London's people

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.2 Improving health and addressing health inequalities

4 London's economy

- Policy 4.1 Developing London's economy
- Policy 4.2 Offices
- Policy 4.3 Mixed use development and offices

- Policy 6.13 Parking
- Policy 6.14 Freight
- Policy 6.15 Strategic rail freight interchanges

7 London's living places and spaces

- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework
- Policy 7.15 Reducing noise and enhancing soundscapes use
- Policy 7.28 Restoration of the Blue Ribbon Network
- Policy 7.29 The River Thames
- Policy 7.30 London's canals and other rivers and waterspaces

8 Implementation, monitoring and review

- Policy 8.1 Implementation
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy
- Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

retain / delete as necessary

Spatial Strategy

- Policy CS7 (Bunhill and Clerkenwell)
- Policy CS8 (Enhancing Islington's Character)

Strategic Policies

- Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
- Policy CS10 (Sustainable Design)

Policy CS13 (Employment Spaces)

Infrastructure and Implementation

- Policy CS18 (Delivery and Infrastructure)
- Policy CS19 (Health Impact Assessments)
- Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

add or delete as necessary

Employment

Design and Heritage

- DM2.1** Design
- DM2.2** Inclusive Design
- DM2.3** Heritage
- DM2.4** Protected views

Frontages

- DM4.6** Local shopping Areas
- DM4.7** Dispersed shops
- DM4.8** Shopfronts
- DM4.9** Markets and specialist shopping areas
- DM4.10** Public houses
- DM4.11** Hotels and visitor accommodation
- DM4.12** Social and strategic infrastructure and cultural facilities

DM5.1 New business floorspace

Transport

- DM8.1** Movement hierarchy
- DM8.2** Managing transport impacts
- DM8.3** Public transport
- DM8.4** Walking and cycling
- DM8.5** Vehicle parking
- DM8.6** Delivery and servicing for new developments

Infrastructure

- DM9.1** Infrastructure
- DM9.2** Planning obligations
- DM9.3** Implementation

D) Finsbury Local Plan June 2013

add or delete as necessary

- BC8** Achieving a balanced mix of uses
- BC9** Tall Buildings and contextual considerations for building heights
- BC10** Implementation

5. Designations

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

- Building Structure to be Retained
- Hats and Feathers Conservation Area
- Central Activities Zone (CAZ)
- Bunhill and Clerkenwell Core Strategy Key Area
- Employment Priority Area – Finsbury Local Plan Policy BC8
- Mayors Protected Vista – Alexandra Palace viewing deck to St Pauls Cathedral

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design

London Plan

- Accessible London: Achieving and Inclusive Environment

- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

- Sustainable Design & Construction
- Planning for Equality and Diversity in London